

STEWARD MUNICIPAL CODE
Village of STEWARD,

ILLINOIS Codified

through

Ord. No. 09112012, adopted September 11,2012.

Codification

STEWARD MUNICIPAL CODE
**VILLAGE OF
STEWARD, ILLINOIS**

Published by Order of the President and Board of Trustees

OFFICIALS of
the VILLAGE
OF
STEWARD, ILLINOIS
AT THE TIME OF THIS CODIFICATION

Hugh McKiski
President

Les Bonnell
Tom Brown
Kristen Pavlak
Les Kinne
Mark Jensen
Kim Lancaste
Board of Trustees

Matt Hayes
Village Treasurer

Chrissy Smardo
Village Clerk

PREFACE

This Code constitutes a codification of the general and permanent ordinances of the Village of Steward, Illinois.

Source materials used in the preparation of the Code were the ordinances adopted by the president and Board of Trustees. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of any ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catch lined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes.

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CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

- Sec. 1-1. Designation and citation of Code.
- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Acceptance of Code in courts and tribunals of state.
- Sec. 1-4. Catch lines of sections, subsections and other headings.
- Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.
- Sec. 1-6. Effect of repeal of ordinances.
- Sec. 1-7. Jurisdiction.
- Sec. 1-8. Severability of parts of Code.

Sec.1-9. Unauthorized alteration or tampering with Code.
Sec.1-10. General penalty for violation of Code; continuing violations; judicial enforcement of Code upon conviction.
Sec. 1-11. Responsibility for acts.
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Sec. 1-13. Acts punishable under different sections.
Sec. 1-14. References and notes.
Sec. 1-15. Supplementation of Code.
Sec. 1-16. Ordinances not affected by adoption of Code.

Sec. 1-1. Designation and citation of Code.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as the "Steward Municipal Code," and may be so cited.

State Law References: Revision and codification of ordinances, 65 ILCS 5/1-2-3 et seq.

Sec.1-2. Definitions and rules of construction.

- (a) In the construction of this Code, and of all ordinances, the rules of construction and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the Village Board. The rules of construction and definitions set out in this section shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

Board and Village Board. The terms "Board" and "Village Board" shall mean the Board of Trustees of the Village of Steward, Illinois.

Code and this Code. The terms "Code" and "this Code" shall mean the Steward Municipal Code, including any additions or amendments to such Code by ordinances adopted subsequent to the last ordinance included in the Code prior to its adoption. Reference to a section of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

Computation of time. The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this state, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a holiday or a Saturday or Sunday, then such succeeding day shall also be excluded.

State Law References: Similar provisions, 5 ILCS 70/1.11.

Corporate limits and Village limits. The terms "corporate limits" and "Village limits" shall mean the legal boundaries of the Village of Steward.

County and the county. The terms "county" and "the county" shall mean Lee County in the State of Illinois.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other Village officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate,

delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

Gender. A word importing the masculine gender may be applied to females.

State Law References: Similar provisions, 5 ILCS 70/1.04.

ILCS. The abbreviation "ILCS" shall mean the Illinois Compiled Statutes, as now or hereafter amended.

In the Village and within the Village. The terms "in the Village" and "within the Village" mean and include all territory over which the Village now has or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.

Joint authority. Terms purporting to give a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of such officers or persons.

State Law References: Similar provisions, 5 ILCS 70/1.09.

Misdemeanor. The term "misdemeanor" shall mean any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.

State Law References: Similar provisions, 720 ILCS 5/2-11.

Month. The term "month" shall mean a calendar month.

State Law References: Similar provisions, 5 ILCS 70/1.10

Non-technical and technical words. Terms and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Nuisance. The term "nuisance" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the Village; 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.

Number. Terms importing the singular number may extend and be applied to several persons or things, and terms importing the plural may include the singular.

State Law References: Similar provisions, 5 ILCS 70/1.03.

Oath. The term "oath" shall be deemed to include an affirmation, and the term "sworn" shall be construed to include the word "affirmed."

State Law References: Similar provisions, 5 ILCS 70/1.12.

Occupant and tenant. The terms "occupant" and "tenant," applied to a building or land, mean any person who holds a written or an oral lease of or who actually occupies the whole or a part of such building or land, either alone or with others.

Offense. The term "offense" shall mean any act forbidden by any provision of this

Code or the omission of any act required by the provisions of this Code.

Officers, departments, etc. Officers, departments, Boards, commissions, committees and employees referred to in this Code shall mean officers, departments, Boards, commissions, committees and employees of the Village, unless the context clearly indicates otherwise.

Operator. The term "operator" shall mean the person who is in charge of any operation, business or profession.

Or, and. The term "or" may be read "and," and the term "and" may be read "or," if the sense requires it.

Owner. The term "owner," when applied to a building or land shall include any part owner, joint owner, tenant in common, tenant by the entirety, tenant in partnership, or joint tenant of the whole or a part of such building or land.

Person. The term "person," as well as all words referring to or importing persons, may extend and be applied to bodies political and corporate as well as individuals.
State Law References: Similar provisions, 5 ILCS 7011.05.

Personal property. The term "personal property" means and includes every species of property, except real property as defined by this section.

Preceding and following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" shall include real and personal property.

Public tree resources means any and all trees, deciduous or coniferous, and any and all perennial shrubs that grow on public land within the jurisdiction of the Village of Steward.

Real property. The term "real property" shall include lands, tenements and hereditaments and shall embrace all chattels

Shall, may. The term "shall" is mandatory; the term "may" is permissive.

Sidewalk. The term "sidewalk" means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.

Signature and subscription. The terms "signature" and "subscription" include a mark when the person cannot write.

State. The terms "state" and "the state" shall mean the State of Illinois.

Street. The term "street" shall mean the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right for purposes of vehicular traffic.

Tenant. The term "tenant" 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.

Tense. Terms in the present tense include the future.

State Law References: Similar provisions, 5 ILCS 70/1.02.

Tree Advisory Committee means the group of individuals appointed by the Board of Trustees to assess, monitor and make recommendations to the Board regarding the status of trees on public lands.

Tree maintenance means trimming of dead branches or branches that interfere with the infrastructure of the Village, the provision of adequate watering, insect infestation control and any other duties necessary to keep trees healthy and to keep citizens safe.

Village. The term "Village" shall mean the Village of Steward, Illinois.

Village president and *president.* The terms "Village president" and "president" shall mean the president of the Village. The president of the Village may also be referred to as "Village President" or "president" of the Village.

State Law References: Authority to provide president may also be referred to as Village President, 65 ILCS 5/1-1-2.1.

Written and *in writing.* The terms "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 if he is unable to write, by his proper mark.

Year. The term "year" means a calendar year, unless otherwise expressed.

- (b) All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Village Board may be fully carried out.
- (c) In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Sec.1-3.Acceptance of Code in courts and tribunals of state.

This Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this state as the ordinances of the Village of general and permanent effect, except the excluded ordinances referred to in section 1-16.

Sec.1-4. Catch lines of sections, subsections and other headings.

The catch lines of the several sections and subsections, and the headings of chapters, articles, divisions and subdivisions are intended as mere catchwords to indicate the contents of the section, subsection, chapter, article, division or subdivision, and shall not be deemed or taken to be titles of such sections, subsections, chapters, articles, divisions or subdivisions, nor as any part of the section, subsection, chapter, article, division or subdivision, nor, unless expressly so provided, shall they be so deemed when any of such sections, subsections, chapters, articles, divisions or subdivisions, including the catch lines or other headings, are amended or reenacted.

Sec.1-5. Amendments to Code; effect of new ordinances; amendatory language.

- (a) All ordinances passed subsequent to the adoption of this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. In the case of repealed chapters, sections or subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the Code by the omission thereof from reprinted pages affected thereby. The subsequent ordinances as numbered and printed or as omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the Village Board.
- (b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "Section _____ of the Steward Municipal Code is hereby amended to read as follows:"The new provisions shall then be set out in full.
- (c) If a new section not then existing in the Code is to be added, the following language shall be used: "The Steward Municipal Code is hereby amended by adding a section (or article or chapter) to be numbered _____, which section (or article or chapter) reads as follows:" The provisions shall then be set out in full.
- (d) All sections, articles, chapters or provisions of this Code desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.
- (e) Two official copies of this Code shall be maintained so that all amendments thereto and all general ordinances thereafter passed may be posted and inserted in their proper places within the Code. One of the copies shall be maintained by the Village clerk and the other by the Village attorney. In case of any doubt as to whether a new ordinance is a general ordinance, the Village clerk shall be guided by the advice of the Village attorney.

Sec. 1-6. Effect of repeal of ordinances.

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it shall be therein so expressly provided.

Sec. 1-7. Jurisdiction.

Unless otherwise provided in this Code, this Code applies to acts performed within the corporate limits of the Village. 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 Village to regulate such particular acts outside the corporate limits.

Sec. 1-8. Severability of parts of Code.

Should any section, paragraph, sentence, clause, phrase or word of this Code be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs or sections of this Code, since the same would have been enacted by the Village Board without the incorporation in this Code of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph or section.

Sec. 1-9. Unauthorized alteration or tampering with Code.

It shall be unlawful for any person in the Village to change or amend, by additions or deletions, any part or portions of this 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 Village to be misrepresented thereby.

Sec. 1-10. General penalty for violation of Code; continuing violations; judicial enforcement of Code upon conviction.

Whenever in this Code or in any ordinance of the Village any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any such provision of this Code or any ordinance shall be a misdemeanor and punishable by a fine not exceeding \$750.00. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

State Law References: Authority to provide that ordinance violations constitute misdemeanors and to provide for penalties, 65 ILCS 511-2-1, 5/1-2-1.1.

Sec. 1-11. Responsibility for acts.

Every person concerned in the commission of an act prohibited by this Code, whether he directly commits the act, or prosecutes, counsels, aids or abets in its commission, may be prosecuted and on conviction is punishable as if he had directly committed such act.

Sec. 1-12. Officers, employees not liable to fine for failure to perform duties.

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

Sec. 1-13. Acts punishable under different sections.

In all cases where the same offense is made punishable or is created by different clauses or sections of this 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.

Sec. 1-14. References and notes.

Cross references, state law references, editor's notes and history notes are by way of explanation only and shall not be deemed a part of the text of any section.

Sec. 1-15. Supplementation of Code.

- (a) By contract or by Village personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the Village Board. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the Village Board during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate units, such as chapters, articles, divisions, subdivisions or sections.
- (2) Provide appropriate catch lines, headings and titles for sections and other units of the Code printed in the supplement, and make changes in such catch lines, headings and titles.
- (3) Assign appropriate numbers to sections and other units to be inserted in the Code and, where necessary to accommodate new material, change existing section or other unit numbers.
- (4) Change the terms "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections to " (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code).
- (5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections or the alphabetical arrangement of new chapters inserted into the Code. In no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-16. Ordinances not affected by adoption of Code.

The repeal provided for in the ordinance adopting this Code shall not affect any of the following:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such Code. If any penalty, forfeiture or punishment is mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the Village, or authorizing the issuance of any bonds of the Village or any evidence of the Village's indebtedness, or any contract or obligation assumed by the Village.
- (3) Any right or franchise granted by any ordinance of the Village.
- (4) Any ordinance establishing, dedicating, accepting the dedication of, naming, grading, improving, altering, locating, opening, paving, widening, vacating, etc., any street, alley, sidewalk, public way, public park or public grounds in the Village.
- (5) Any appropriation ordinance.

- (6) Any ordinance levying or imposing taxes or special assessments, or authorizing tax fund transfers, not inconsistent with this Code.
- (7) Any ordinance rezoning specific property or any amendment thereto.
- (8) Any ordinance establishing or prescribing grades in the Village.
- (9) Any ordinance providing for local improvements and assessing taxes therefore.
- (10) Any ordinance dedicating or accepting any plat or subdivision in the Village.
- (11) Any ordinance establishing the boundaries of any wards in the Village, or extending or contracting the boundaries of the Village.
- (12) Any ordinance respecting the conveyance or acceptance of real property or easements in real property.
- (13) Any ordinance prescribing the number, classification or compensation of any Village officers or employees, not inconsistent herewith.
- (14) Any ordinance declaring certain property to be a public nuisance and authorizing procedures for the demolition of the same.
- (15) Any ordinance adopted by reference by any provision of this Code or any amendments to such ordinances.
- (16) Any ordinance establishing fire lanes on private property.
- (17) Any temporary or special ordinance not in conflict with the provisions of this Code.
- (18) Any administrative ordinances not in conflict or inconsistent with this Code.

The provisions of this Code, so far as they are the same in substance as those of heretofore existing ordinances, are continuations of such ordinances and not new enactments.

Chapter 2

ADMINISTRATION*

*
Cross References: Any ordinance or resolution promising or guaranteeing the payment of money for the Village, or authorizing the issuance of any bonds of the Village or any evidence of the Village's indebtedness, or any contract or obligation assumed by the Village saved from repeal, § 1-16(a)(2); any administrative ordinances not in conflict or inconsistent with this Code saved from repeal, § 1-16(a)(18); human relations, Ch. 30; law enforcement, Ch. 34; police committee, § 34-34; administration of subdivision regulations, § 54-41 et seq.; taxation, Ch. 58; utilities, Ch. 66; administration and enforcement of zoning regulations, § 70-41 et seq.; planning commission, § 70-71 et seq.; zoning Board of appeals, § 70-161 et seq.

Article I. In General

Sec. 2-1. Compensation of elected officials.
Sees. 2-2--2-30. Reserved.

Article II. Legislative Body

Sec. 2-31. President and Trustees.
Sec. 2-32. Meetings.
Sec. 2-33. Time of taking office.
Sees. 2-34--2-70. Reserved.

Article III. Officers and Employees

Division 1. Generally

Sees. 2-71--2-90. Reserved.

Division 2. Gift Ban Act

Sec. 2-91. Adoption of act.
Sec. 2-92. Ethics officer.

Sec. 2-93. State legislative ethics commission; complaints.
Sec. 2-94. Future amendments to State Gift Ban Act.
Sec. 2-95. Future declaration of unconstitutionality of State Gift Ban Act.

ARTICLE I.

IN GENERAL

Sec. 2-1. Compensation of elected officials.

- (a) The compensation of the president shall be \$3,000.00 per year, as modified from time to time by the Village Trustees.
- (b) The compensation of the clerk shall be \$90.00 per month.
- (c) The compensation of the trustee shall be \$45.00 per month.
- (d) The rate of compensation set forth in subsections (a) of this section shall take affect for each of such officers following election at the consolidated election to be held in April2007.

Sees. 2-2--2-30. Reserved.

ARTICLE II.

LEGISLATIVE BODY

Sec. 2-31. President and Trustees.

The legislative and governing body of the Village shall consist of the president of the Village and six Trustees, who shall possess the qualifications for office, be elected by the legal voters of the Village, take the oath of office and perform the duties provided by the state statutes.

Sec. 2-32. Meetings.

Regular meetings of the president and Board of Trustees shall be held on the second Monday of each month at 7:00p.m. at the Village hall.

Sec. 2-33. Time of taking office.

Elected officers shall take office at the first Board of Trustees' meeting in May.

Sees. 2-34--2-70. Reserved.

ARTICLE III

OFFICERS AND EMPLOYEES*

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- Cross References: Any ordinance prescribing the number, classification or compensation of any Village officers or employees, not inconsistent herewith saved from repeal, § 1-16(a)(13); zoning administrator, § 70-41.

The treasurer shall be compensated at the rate of \$90 per month.

DIVISION 1.

GENERALLY

Sees. 2-71--2-90. Reserved.

DIVISION 2.

GIFT BAN ACT

Sec. 2-91. Adoption of act.

- (a) The State Gift Ban Act (5 ILCS 425/1) is hereby adopted as required by section 83 of the act, 5 ILCS 425/83.
- (b) The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the act is prohibited by any elected or appointed official or any employee of the Village.

Sec. 2-92. Ethics officer.

The ethics officer's duties shall be as provided in 5 ILCS 425/35.

Sec. 2-93. State legislative ethics commission; complaints.

All complaints for violations of the act and this division shall be filed with the state legislative ethics commission, created by 5 ILCS 425/45(a)(6).

Sec. 2-94. Future amendments to State Gift Ban Act.

Any amendment to the State Gift Ban Act, 5 ILCS 425/1 et seq., that becomes effective after the passage of the ordinance from which this division is derived shall be incorporated into this division by reference and shall be applicable to the solicitation and

acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this division by reference without formal action by the corporate authorities of the Village.

Sec. 2-95. Future declaration of unconstitutionality of State Gift Ban Act.

- (a) If the state supreme court declares the State Gift Ban Act, 5 ILCS 425/1 et seq., unconstitutional in its entirety, then this division shall be repealed as of the date that the supreme court's decision becomes final and not subject to any further appeals or re-hearings. This division shall be deemed repealed without further action by the corporate authorities of the Village if the act is found unconstitutional by the state supreme court.
- (b) If the state supreme court declares part of the State Gift Ban Act, 5 ILCS 425/1 et seq., 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 division, shall remain in full force and effect; however, that part of this division relating to the part of the act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the Village.

Chapters 3--5

RESERVED

Chapter 6

ALCOHOLIC BEVERAGES*

* Cross References: Businesses, Ch. 22.

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ARTICLE I.

IN GENERAL

Sec. 6-1. Definitions.

All words and phrases used in this chapter and not otherwise defined in this section, which are defined in the Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq., as amended, shall have the meaning accorded to such words and phrases in such act. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol means 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.

State Law References: Similar provisions, 235 ILCS 511-3.01.

Alcoholic liquor means alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated there under, nor to any liquid or solid containing 0.5 percent or less of alcohol by volume.

State Law References: Similar provisions, 235 ILCS 5/1-3.05.

Beer means 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.

State Law References: Similar provision\, 235 ILCS 5/1-3.04.

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

State Law References: Similar provisions, 235 ILCS 5/1-3.24.

Convenience store means any retail establishment, serving to the general public, merchandise of any type including, but not limited to, food, gasoline and supplies, which under this chapter is also authorized to sell beer containing not more than four percent alcohol by weight or wine as defined in this section, provided that no alcoholic liquor shall be consumed upon the premises.

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

State Law Referen ces: Similar provisions, 235 ILCS 5/1-3.25.

Liquor Control Act means the state Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq.

LocaL commissioner means the local liquor control commissioner as defined by the Liquor Control Act, 235 ILCS 5/1-1 et seq.

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

State Law References: Similar provisions, 235 ILCS 5/1-3.23.

Retailer means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.

State Law References: Similar provisions, 235 ILCS 5/1-3.17.

Sale means any transfer, exchange or barter in any manner or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. The term "sale" includes any transfer of alcoholic liquor from a foreign importer's license to an importing distributor's license even if both licenses are held by the same person.

State Law References: Similar provisions, 235 ILCS 5/1-3.05.

Sell at retail and *sale at retail* mean sales for use or consumption and not for resale in any form.

State Law References: Similar provisions, 235 ILCS 5/1-3.18.

Spirits means 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.

State Law References: Similar provisions, 235 ILCS 5/1-3.02.

State commission means the state liquor control commission.

To sell means to keep or expose for sale and to keep with intent to sell.

State Law References: Similar provisions, 235 ILCS 5/1-3.22.

Wine means 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.

State Law References: Similar provisions, 235 ILCS 5/1-3.03.

Cross References: Definitions generally, § 1-2.

Sec. 6-2. Village president declared liquor commissioner; duties.

- (a) The Village president shall be the local liquor commissioner of the Village. The liquor commissioner is authorized to receive and review applications, examine any applicants for a local liquor license or renewal of the license and issue such license.

(b) The liquor control commissioner shall also have the following powers, functions and duties with respect to licenses, other than licenses to manufacturers, importing distributors, distributors, foreign importers, nonresident dealers, non-beverage users, brokers, railroads, airplanes and boats:

- (1) To grant and/or suspend for not more than 30 days or revoke for cause all local licenses issued to persons for premises jurisdiction;
- (2) To enter or to authorize any law enforcing officer to enter, at any time upon any premises licensed under this chapter, to determine whether any of the provisions of this section or any rules or regulations adopted by him or by the state liquor control commission have been or are being violated; and at such time, to examine the premises of the licensee in connection therewith;
- (3) To notify the secretary of state where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this state under a certificate of authority issued under that act has violated this section by selling or offering for sale at retail alcoholic liquors without a retailer's license;
- (4) To receive complaint from any citizen within his jurisdiction that any of the provisions of this section or any rules or regulations adopted pursuant hereto have been or are being violated, and to act upon such complaints in the manner provided in this chapter;
- (5) To receive local license fees and pay the same forthwith to the Village;
- (6) To levy fines in accordance with 235 ILCS 5/7-5.

Sec. 6-3. Liquor commissioner's compensation.

The Village Board of Trustees shall determine the compensation of the liquor commissioner.

Sec. 6-4. Dram shop insurance required.

Dram shop liability insurance as required in the application process for a license under this chapter shall be kept current at all times. Upon request of the liquor commissioner, the license holder shall provide proof of such insurance.

Sec. 6-5. Regulations.

All licensees and distributors of alcoholic liquor in the Village are subject to such regulations as the local liquor control commissioner may impose.

Sec. 6-6. Limitations on entertainment and obscenity.

- (a) Entertainment, including personal appearances of amateur or professional entertainers, and/or the showing of commercially produced motion pictures, shall be prohibited on all premises dealing in alcoholic beverages.
- (b) No licensee, his agent or employee shall allow or permit any person to perform acts of or acts which simulate:
 - (1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
 - (2) Touching, caressing or fondling of the breast, buttocks, anus or genitals;
 - (3) Displaying of the pubic hair, anus, vulva or genitals;
 - (4) Displaying of the breast so as to expose the nipple of the female breast;
 - (5) The displaying of films or pictures depicting acts, and/or a live performance of which is prohibited by subsection (b)(1), (b)(2), (b)(3) or (b)(4) of this section.
- (c) No licensee, his agent or employee shall allow or permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.

Sec. 6-7. Solicitation of drinks.

No person shall frequent or loiter in any tavern, cabaret or nightclub of any kind for the purpose of soliciting other persons to purchase drinks. No proprietor or operator of any such establishment shall allow the presence in such establishment of any person who violates the provisions of this section.

Sec. 6-8. Consumption in public places; exception.

It shall be unlawful for any person to consume any beer, wine, whiskey or other intoxicating liquor upon the public streets, sidewalks, alleys, swimming pools, public parking lots or private parking lots whose owners have entered into a contract with the Village granting the Village the right to regulate traffic thereon, parks, except as provided in this section, or other public areas.

Cross References: Streets, sidewalks and other public places, Ch. 50.

Sec 6-9 Penalty for violation of chapter

Any person violating any provision of this chapter for which no penalty is otherwise provided shall be subject to punishment as provided in section 1-10 of this Code. Each day any violation of any provision or ordinance shall continue shall constitute a separate offense.

Sees. 6-10--6-40. Reserved.

ARTICLE II.

LICENSES

Sec. 6-41. Required.

It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquors without being issued one of the classes of licenses as set out in this article, or in violation of the terms of such license.

Sec. 6-42. Applications; contents.

- (a) Applications for such licenses shall be made to the local commissioner, or the Village clerk operating in the commissioner's behalf, in writing, signed by the applicant if an individual, or by a duly authorized agent thereof if a club or corporation, verified by oath or affidavit, and further contain the information and statements required by 235 ILCS 5/7-1.
- (b) Every application submitted under this article shall be accompanied by evidence of dram shop liability insurance in the form of a certificate of insurance issued by an insurance company licensed to do business in the state. The certificate shall insure the applicant, as well as the premises, for not less than the maximum liability amount as provided by law; and, in any event, such insurance shall not be for less than \$1,000,000.00 per occurrence and \$500,000.00 per person.
- (c) All managers and assistant managers for all types of licensed businesses must file applications pursuant to this section as if they were applicants for individual licenses, must meet all pertinent licensing requirements of this article and must be approved by the local commissioner. The application, approval and qualification requirements for managers and assistant managers shall be conditions attached to the license of the business employing them, and any violations of those requirements can result in license penalties for the employing business, including suspension, revocation or fines.
- (d) The local commissioner may, in the exercise of his discretion, require any applicant for a new Village liquor license, or any applicant for a renewal of a Village liquor license, to be fingerprinted, whether the applicant is an individual or a partnership. Should the applicant be a corporation, the local commissioner may, within his discretion, require the following to be fingerprinted:

- (1) The officers, manager or director of the corporation; or
- (2) Any stockholder owning in the aggregate more than five percent of the capital stock of the corporation.

All such fingerprinting shall be done by the police department. Fingerprints shall be submitted to the appropriate state and federal agencies for processing as available. The cost of fingerprinting shall be paid by the applicant.

- (e) The local commissioner shall issue a written acceptance or rejection of an application within 60 days of its receipt by the commissioner or clerk in his behalf; or shall notify an applicant of the reasons for further time being necessary to complete the investigation or processing, or shall schedule a hearing on such application as allowed by 235 ILCS 517-9.

State Law References: Similar provisions, 235 ILCS 5/7-1.

Sec. 6-43. Persons ineligible.

- (a) The fact that an applicant has been convicted of or has been placed on supervision for a drug or alcohol-related offense or suspension of a liquor license in any other jurisdiction shall be considered in the review of an application for any license or renewal thereof, and may be the basis for the denial of the license or renewal of any license under this article. For the purposes of this article, the term "alcohol-related offense" includes driving while under the influence of intoxicating liquor, and any offenses involving the possession, transfer or consumption of alcohol.
- (b) Except as otherwise provided in subsection (c) of this section, no liquor license shall be issued to:
 - (1) An individual person who is not of good character and reputation in the community in which such person resides.
 - (2) An individual person who is not a legal resident of the United States.
 - (3) An individual person who has been convicted of a felony under federal or state law, unless the liquor control commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the liquor control commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
 - (4) An individual person who has been convicted of being the keeper or is keeping a house of ill fame.
 - (5) An individual person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

- (6) An individual person whose license under this article or under the liquor control act has been revoked for cause.
- (7) An individual person who, at the time of application for renewal of any license issued under this article, would not be eligible for such license upon a first application.
- (8) A co-partnership, if any general partnership thereof or any limited partnership thereof, owning more than five percent of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license under this article for any reason other than residence.
- (9) A corporation, if any officer, manager, assistant manager or director thereof, or any stockholder owning in the aggregate more than five percent of the stock of such corporation would not be eligible to receive a license under this article for any reason other than citizenship and residence.
- (10) A corporation, unless it is incorporated in this state, or unless it is a foreign corporation which is qualified under the Business Corporation Act to transact business in this state.
- (11) A person whose place of business is conducted by a manager or assistant manager or agent, unless such manager or assistant manager or agent possesses the same qualifications required by the licensee, and is a resident or becomes a resident of the Village within one year of issuance of a Village liquor license.
- (12) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited a bond to appear in court to answer charges for any such violation.
- (13) A person who does not own the premises for which a license is sought or does not have a lease thereon for the full period for which the license is issued.
- (14) Any law enforcing public official, including members of the local liquor control commission, the president of the Village Board of Trustees, any member of the Village Board of Trustees; and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory of the Village, if the issuance of such license is approved by the state liquor control commission and except that a license may be granted in the Village to any member of the Village Board of Trustees in relation to premises that are located within the Village if:

- a. The sale of alcoholic liquor pursuant to the license is incidental to the selling of food;
 - b. The issuance of the license is approved by the state commission;
 - c. The issuance of the license is in accordance with all applicable ordinances of the Village; and
 - d. The official granted a license does not vote on alcoholic liquor issues pending before the Board.
- (15) Any person not eligible for a state retail liquor dealer's license.
- (16) Any applicant who fails to obtain a state liquor license.
- (17) A person who is not a beneficial owner of the business to be operated by the licensee.
- (18) A person who has been convicted of a gambling offense as prescribed by 720 ILCS 5/28-1 (a)(3)--(a)(11) and 720 ILCS 5/28-3, or as prescribed by a statute replacing any of such statutory provisions.
- (19) Federal gaming device or wagering stamps.
- a. A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.
 - b. A co-partnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.
 - c. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than five percent of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.
 - d. Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.
- (c) A criminal conviction of a corporation is not grounds for the denial, suspension or revocation of a license applied for or held by the corporation **if** the criminal

conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor; the offense that led to the conviction did not result in any financial gain to the corporation; and the corporation has terminated its relationship with each director, officer, employee or controlling shareholder whose actions directly contributed to the conviction of the corporation. The commission shall determine if all provisions of this subsection (c) have been met before any action on the corporation's license is initiated.

State Law References: Restrictions on state licenses, 235 ILCS 5/6-2.

Sec. 6-44. Classifications.

The liquor licenses issued by the Village under this article shall be divided into the classes set forth in this section:

- (1) *Class A license (restaurant license).* Class A licenses shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises. Without exception, the gross receipts for such premises must reflect 25 percent food-related sales.
- (2) *Class B license (package goods sales license).*
 - a. Class B licenses shall authorize the retail sale of alcoholic liquor, but not for consumption on the premises where sold. Consumption for vendor-sponsored sampling shall be authorized, but limited to one ounce servings.
 - b. If a class B licensee is engaged in the retail sale of merchandise other than intoxicating liquors, such licensee shall enclose the area of the premises used for storing or displaying intoxicating liquors in such a manner that the enclosed area may be locked when necessary.
- (3) *Class C License (club license).* Class C licenses shall authorize the retail sale on the premises specified, to members and guests only, of alcoholic liquor for consumption on the premises as well as other retail sales of such liquor in clubs as defined in this chapter only.
- (4) *Class D license (event license).* Class O licenses shall be issued to applicants for the purpose of selling beer only at retail for consumption on the premises for such number of days during the year that may be authorized by the liquor commissioner of the Village in connection with picnics, homecomings, fundraising events and other similar celebrations. Applicants for class O licenses shall be limited to persons holding a class A, B or C license, or bona fide, not-for-profit corporations organized under the laws of the state, or to unincorporated religious, veterans or social organizations organized for charitable purposes.

- (5) *Class E license (convenience store license).* Class E licenses shall authorize the retail sale on the premises specified as a convenience food store of beer containing not more than four percent of alcohol by weight, and for wine, provided that no liquor shall be consumed on the premises and provided that the premises shall have no entrance from or into any other business premises.

Sec. 6-45. Restrictions on number issued,

The number of licenses issued for sale of alcoholic liquors by the Village shall be limited as set forth in this section:

- (1) There shall not be issued more than two class A restaurant licenses in the Village.
- (2) There shall not be issued more than one class B package goods sales license in the Village.
- (3) There shall not be issued more than one class C club license in the Village.
- (4) There shall not be issued more than two class E convenience store licenses in the Village.

Sec. 6-46. Fee amounts.

Every person engaged in the retail sale of alcoholic liquor in the Village shall pay an initial license fee of \$2,500.00; and then, thereafter, an annual license fee as set forth in this section:

- (1) For a class A license, the fee shall be \$1000.00, payable in advance.
- (2) For a class B license, the fee shall be \$1000.00, payable in advance.
- (3) For a class C license, the fee shall be \$1000.00, payable in advance.
- (4) For a class D license, the fee shall be \$200.00 per day, payable in advance, with no initial license fee required.
- (5) For a class E license, the fee shall be \$1,000.00, payable in advance.

Sec. 6-47. Proration of fee.

The annual license fee to be paid pursuant to this article shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

Sec. 6-48. Term.

Each license issued pursuant to this article shall terminate on April 30 next following the date of issuance.

Sec. 6-49. Fee disposition; return upon denial.

- (a) All fees for licenses required by this article shall be paid to the liquor commissioner at the time application is made and shall be forthwith turned over to the Village clerk. Two hundred fifty dollars of the fee shall be considered a nonrefundable application fee.
- (b) If the license applied for is denied, except for the nonrefundable \$250.00, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the Village Board of Trustees by proper action.

Sec. 6-50. List; notice of issuance; revocation.

- (a) The liquor commissioner shall keep or cause to be kept a complete record of all such licenses issued by him, and he shall furnish the clerk, treasurer and chief of police each with a copy thereof.
- (b) Upon the issuance of any new licenses, or the revocation of any old license, the liquor commissioner shall give written notice of such action to each of the officers designated in this section within 48 hours of such action.

Sec. 6-51. Transfer.

A license issued pursuant to this chapter shall be purely a personal privilege, good for not to exceed one year after issuance, unless sooner revoked as provided in this article, 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 cease upon the death of the licensee and shall not descend by the laws of estate or interstate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such licensee.

State Law References: Similar provisions, 235 ILCS 5/6-1.

Sec. 6-52. Renewal.

Any licensee under this chapter may renew his license at its expiration, provided that he is then qualified to receive a license and the premises for which such renewal

license is sought are suitable for the purpose. However, the renewal privilege provided for in this section shall not be construed as a vested right which shall in any case prevent the liquor commissioner or Village Board of Trustees from decreasing the number of licenses to be issued within their jurisdiction.

Sec. 6-53. 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 permission to make such change issued by the liquor commissioner of the Village. 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 laws of this state and the ordinances of the Village.

Sec. 6-54. Revocation.

The liquor commissioner may revoke any retail liquor dealer's license for any violation of any provision of this chapter or for any violation of any state law pertaining to the sale of alcoholic liquor.

Secs. 6-55--6-90. Reserved.

ARTICLE III.

UNDERAGE PURCHASE, POSSESSION AND CONSUMPTION

Sec. 6-91. Consumption of alcohol by minor.

It shall be unlawful for any person under the age of 21 years to consume any alcoholic liquor, unless permitted by state or federal law.

Sec. 6-92. Misrepresentation by minor of age.

- (a) It shall be unlawful for any person under the age of 21 years, for the purpose of buying, accepting or receiving alcoholic liquors, to represent that such person is 21 years of age or over.
- (b) Any person who falsely represents that he is 21 years of age for the purpose of buying, accepting or receiving alcoholic liquors shall be deemed guilty of a misdemeanor.

Sec. 6-93. Purchase and possession by minors.

It shall be unlawful for any person under the age of 21 years to purchase or obtain any alcoholic liquor in any tavern or other place in the Village where alcoholic liquors are sold.

Sec.6-94.Possession by person under 21years of age.

It shall be unlawful for any person who has not attained the age of 21years to be in possession or control of any alcoholic liquors.

Sec.6-95.Property rights for liquor.

There shall be no property rights of any kind whatsoever in any alcoholic liquor in the possession or control of the person who has not attained the age of 21years, and any such alcoholic liquors found in the possession and control of such person shall be seized and shall be ordered disposed of by the police upon the order of the proper judicial authority.

Sec.6-96.Parents or guardians permitting violations

It shall be unlawful for any person or guardian to permit any child under the age of 21 years of which he may be a parent or guardian to violate any provision of sections 6-7 and 6-8 or 6-92-6-95

Secs.6-97-6-130 Reserved.

ARTICLE IV. OPERATION OF LICENSED PREMISES

Sec.6-131Hours of Sale

- (a) It shall be unlawful to sell or offer for sale at retail or for consumption on the premises any alcoholic liquor in the Village during any hours not prescribed by the Village Trustees and specified by Article IV Section 6-131(d)
- (b) If the holder of a liquor license shall request that such an extension be granted, he shall complete such application for such extension as may be required by the liquor commissioner at least 48 hours prior to the commencement of the requested period of extension of hours of sale. The liquor commissioner shall thereupon approve if he finds that the applicant is in compliance with all other laws and ordinances and the public safety and welfare will not be endangered by extending the permitted hour of sale. If the liquor commissioner approved the application, then, in that event, all holders of liquor licenses in the village may maintain the extended hours as set forth in the application.
- (c) Upon the liquor commissioner's approval or disapproval of such application, a copy of the application, bearing the liquor commissioner's endorsement as to approval or disapproval, shall thereupon be transmitted immediately to the police by the Village

clerk. The Village clerk shall maintain records of such applications for extensions and of the liquor commissioner's disposition of each application.

- (d) Hours of operation are as follows: Establishments may be open on Sundays starting at 12 p.m. and may be open until closing time of 1 a.m. the following morning. Hours of operation for Monday through Saturday are 11 a.m. to 1 a.m. the following morning.

Sec.G-132. Admissions of public during off hours.

It shall be unlawful to keep open for business or to admit the public to any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited by this chapter. In the case of restaurants, hotels, and convenience stores, such establishments may be kept open during such hours, but no alcoholic liquor shall be sold or consumed by the public during such hours.

Sec.G-133. Consumption on the premises.

It shall be unlawful for anyone not having a license providing for consumption on the premises where sold, to sell or offer for sale any alcoholic liquor for consumption on the premises where sold, or to permit the same to be consumed on the premises where sold.

Sec.G-134. Supplying to certain persons.

- (a) It shall be unlawful to sell, give or deliver alcoholic liquors to any person under the age of 21 years.
- (b) No license nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of 21 years or to any intoxicated person.
- (c) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.

Sec.G-135. Warning to minors to be posted

In every tavern or other place in the Village 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 Village clerk and shall read as follows:

"WARNING TO PERSONS UNDER 21 YEARS OF AGE"

You are subject to a fine of up to \$500.00 under ordinance of the Village of Steward if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

Sec.6-136. Prohibited acts by minors; exceptions.

- (a) It shall be unlawful for any minor to draw, pour or mix any alcoholic liquor in any licensed retail premises. It shall be unlawful for any holder of a liquor dealer's license or his agent or employee to suffer or permit any person under the age of 18 years 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. The provisions of this subsection shall not apply to any person who is under the age of 18 years who is accompanied by his parents or guardians or to any licensed premises which derives its principal business from the sale or services of commodities other than alcoholic liquor.
- (b) In addition to all other fines and penalties, the liquor commissioner may revoke any retailer's liquor license for any violation of this section.

Sec. 6-137. Identification.

- (a) For the purpose of preventing the violation of sections 6-134--6-136, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he is over the age of 21 years.
- (b) Adequate written evidence of age and identity of the person is a document issued by a federal, state, county or municipal government, or subdivision or agent thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the armed forces.
- (c) Any person who sells, gives or furnishes to any person under the age of 21 years any false or fraudulent written, printed or photo static evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any person, is guilty of a misdemeanor.
- (d) Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photo static evidence of age and identity which is false, fraudulent or not actually his own for the purpose of ordering, purchasing or attempting to procure the service of any alcoholic beverage, or who has in his possession any false or fraudulent written, printed or photo static evidence of age and identity, is guilty of a misdemeanor.

Sec. 6-138. Proof of compliance by licensee.

Proof that the defendant-licensee, or employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this section is competent evidence and may be considered in any criminal prosecution therefore or to any proceedings for the suspension or revocation of any license based thereon.

Sec. 6-139. Drunkenness; gambling.

No retail liquor dealer shall by himself) server or clerk allow drunkenness or permit any person to drink to excess, or suffer or permit any species of gambling in his premises or in any part thereof or in any place adjacent thereto under his control.

Chapters 7- 9

RESERVED

Chapter 10

AMUSEMENTS AND ENTERTAINMENTS*

* Cross References: Businesses, Ch. 22.

Article I. In General

Sees. 10-1–10-30. Reserved.

Article II. Amusements

Division 1. Generally

Sec. 10-31. License required.
Sec. 10-32. Notification of property use.
Sec. 10-33. Inspection of premises.
Sec. 10-34. License fees.
Sec. 10-35. Amusement halls.
Sec. 10-36. Skating rinks.
Sec. 10-37. Order of premises.
Sec. 10-38. Loading about entrances.
Sees. 10-39--10-60. Reserved.

Division 2. Amusement Devices

Sec. 10-61. Definitions.
Sec. 10-62. License required.
Sec. 10-63. Application for license.
Sec. 10-64. Enforcement and inspection.
Sec. 10-65. Police department check.
Sec. 10-66. Village clerk to grant or deny license.
Sec. 10-67. Display of license.
Sec. 10-68. Gambling.
Sec. 10-69. Penalty.
Sec. 10-70. Curfew.
Sec. 10-71. Hours of operation.

ARTICLE I.

IN GENERAL

Sees. 10-1–10-30. Reserved.

ARTICLE II.
AMUSEMENTS
DIVISION I.
GENERALLY

Sec. 10-31. License required.

No person or organization of any kind shall, for gain, conduct or manage any theater, circus, menagerie, moving picture show, skating rink, show or other exhibition, contest or amusement for which an admission fee is charged, or give any dramatics, concert or other musical entertainment within the Village, for which an admission fee is charged, without a license therefore.

Sec. 10-32. Notification of property use.

- (a) In order to provide for the general health, safety and comfort of the community, general or special units of local government which plan to use or allow to be used any properties owned or leased by such units of government in a manner regulated by this article shall notify the Village 30 days in advance of such special events, exhibitions and amusements.
- (b) Notification shall be made as part of applications for licenses or permits which otherwise are required under this article. The public works, police, fire and other departments of or within the Village shall be informed of such events and activities in order to determine such impact on the public services which the Village provides.
- (c) If no licenses or permits are required, there shall still be notification of any event made to the Village clerk or comptroller.

Sec. 10-33. Inspection of premises.

No license under this article shall be issued for the giving of any such entertainment in any building, room or premises, nor shall any license be issued for any building to be used as an amusement hall or for a skating rink until a certificate of inspection and approval thereof has been issued by the chief of the fire department.

Sec. 10 34.

Fees for licenses issued are as follows: for circus, carnivals, menageries, caravans, sideshows and concert shows, minstrels and musical entertainments, and all other exhibitions, performances and entertainments, not enumerated in this section, given under a covering canvas, or as any outdoor exhibition or performance as follows and subject to approval:

- (1) *Pool tables.* The first pool table shall be \$25.00 per year, and additional tables shall be \$15.00 each per year. The maximum number of tables shall be ten.
- (2) *Video games.* Video games shall be \$25.00 each per year, and the maximum number of games shall be ten units.
- (3) *Jukeboxes.* Jukeboxes shall be \$25.00 each per year.

Sec. 10-35. Amusement halls.

The owner, lessee, or manager of any hall or moving picture theater shall take out a license for such hall or moving picture theater, and persons providing entertainment in such hall or moving picture, during the term of such license, shall be exempt from the payment of license fees, provided that the fee shall be paid in full in advance, and no license shall be granted for a period of less than a year except in the case of an application for a license fee shall be the same as if the license had been granted from the first of the year, nor shall there be any refund for any portion of the license not used by the licensee.

Sec. 10-36. Skating rinks.

No person or organization shall operate a skating rink, hall or place where ice or roller skates are used, for the purpose of practice, amusements or entertainments, without a license therefore.

Sec. 10-37. Order of premises.

It shall be the duty of every owner, operator, lessee or keeper of every licensed theater, skating rink, hall or other building, to keep and preserve good order in and about the premises and to that end shall keep such order.

Sec. 10-38. Loafing about entrances.

No person shall stand in the lobby or other entrance to any licensed theater, skating rink, hall or other public building, or on the sidewalks adjacent to and within 50 feet of such entrance after a request to move on made by the owner, operator, lessee, keeper or any public officer.

Sees. 10-39-10 60 Reserved

DIVISION 2.

AMUSEMENT DEVICES

Sec. 10 61. Definitions

Amusement device : means any machine, apparatus, contrivance, appliance or device which may be operated or played involving in its use either skill or chance, including, but not limited to pool table, billiards, bumper pool, tape machine, card machine, pinball machine, bowling game machine, shuffleboard machine, marble game machine, dart game, electronic video game, or any other similar mechanical or electronic game machine or device

Persons means any corporation, association, partnership, club, society or individual.

Place of public resort means any premises wherein any service or merchandise is offered for sale to the public or where tables or implements of any kind for playing any game of amusement are kept for use by the general public or by members and guests of any club.

Proprietor means the person in whose place of business any such amusement device is placed for the use, amusement, patronage or recreation of the general public or members and guests of any club.

Cross References: Definitions generally, § 1-2.

Sec. 10-62. License required.

It shall be unlawful for any person to operate within the village any amusement device, either for gain or not in any place of public resort, without a license therefore.

Sec. 10-63. Application for license.

Application for licenses for any amusement device shall be made by the proprietor in whose place of business any such amusement device is placed for the use, amusement, patronage, or recreation of by the general public or members and guests of a club and shall be signed by the applicant, if an individual; by a partner in the case of a partnership; or by an officer in the case of a corporation, club, association, or society, verified by an oath of affidavit; and shall contain the following information:

- (1) The name, address, age, date and place of birth of the applicant, if an individual; the names, addresses, ages, and dates and places of birth of all general or limited partners, if a partnership; the names, addresses, ages, dates and places of birth of all officers and directors of the corporation, club, association, society, if a corporation, club, association or society.
- (2) Prior convictions of the applicant for any violations of gaming laws of the state or any other state, or of any federal gaming laws.

- (3) Place where machine or device is to be displayed or operated and the business conducted at that place.
- (4) Description of the machine to be covered by the license, mechanical features, and name of manufacturer.
- (5) Whether such machine is owned by the applicant, and if not, the name and address of its owner.

Sec. 10-64. Enforcement and inspection.

(a) All applications shall be referred to the comptroller with a floor plan showing the following:

- (1) Square footage;
- (2) Exiting (door locations);
- (3) Seating arrangement;
- (4) Amusement device locations;
- (5) Aisle widths;
- (6) Emergency and exit lighting;
- (7) Bathroom locations; and
- (8) Schematic of electrical system, inclusive of the floor plan.

Any changes of the listed floor plan items shall be immediately reported to the comptroller in order to amend such license.

(b) In the case of new applicants, an application shall be submitted to the comptroller for a signed permit. If electrical work is to be completed:

- (1) An application shall be made for an electrical permit;
- (2) A schematic of the electrical system, inclusive of the floor plan, shall be submitted; and
- (3) The following shall be repaired or installed:

a. An approved locking device for the rear exit (crash bar);

b. A dry-type fire extinguisher;

and all necessary permits from the village clerk or comptroller shall have been received.

Sec. 10-65. Police department check.

The police department shall investigate the location wherein it is proposed to operate such amusement devices, and determine and verify the information given by the applicant. Yearly inspection of the premises to verify the appropriate number of licensed amusement devices will be the duty of the police department.

**AN ORDINANCE AMENDING CHAPTER 10 AMUSEMENTS AND
ENTERTAINMENTS ARTICLE II AMUSEMENTS SECTION 10-68**

ORDINANCE NO.: 070813A

THE VILLAGE OF STEWARD

COUNTY OF LEE

STATE OF ILLINOIS

DATED THIS 8th DAY OF JULY, 2013

ORDINANCE NUMBER 070813A

AN ORDINANCE AMENDING CHAPTER 10 AMUSEMENTS AND ENTERTAINMENTS, ARTICLE II, AMUSEMENTS, SECTION 10-68

WHEREAS, the Village of Steward, Illinois, has previously enacted Amusements and Entertainments, Article II, Amusements, Section 10-68 Gambling, which provides that it shall be unlawful for any licensee to permit any gambling device whatsoever or mechanism determined to be a gambling device; and

WHEREAS, said the Village of Steward, Illinois, has authority under Section 65 of the Illinois Video Gaming Act (231 ILCS 40/1, et. seq) hereinafter referred to as the "Act" to impose an annual fee not in excess of \$25.00 for the operation of an individual video gaming terminal by terminal operator within the Village's corporate limits; and

WHEREAS, Section 5 of the Act defines a "video gaming terminal" as any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, authorized by the [Illinois Gaming Board] utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash; provided, however, such term does not include a machine that directly dispenses coins, cash, or tokens, for amusement purposes only; and

WHEREAS, Section 5 of the Act defines a "terminal operator" as an individual, partnership, or corporation that is licensed under the Act and that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed fraternal establishments, licensed veterans establishments, or licensed truck stop establishments; and

WHEREAS, the Act, as a whole, legalizes the use of video gaming terminals in such establishments throughout the State of Illinois, and

WHEREAS, the Village Board of Trustees of the Village of Steward, Illinois finds that it is in the best interest of the Village of Steward to impose an annual fee of Twenty Five and No/100 Dollars (\$25.00) for the operation of an individual video gaming terminal by a terminal operator within the Village's corporate limits and to enact certain other limits upon the placement of video gaming terminals within the Village;

NOW THEREFORE, BE IT ORDAINED, by the Village Board of Trustees of the Village of Steward as follows:

Section 1. That the Village of Steward Board of Trustees of the Village of Steward finds that the recitals set forth above are true and correct.

Section 2. That the Village of Steward Board of Trustees of the Village of Steward, Illinois, finds that it is in the best interest of the Village of Steward to modify its prior Ordinance Chapter 10, Article II, Amusements, Section 10-68.

Section 3. That the Village of Steward Board of Trustees of the Village of Steward, Illinois, hereby authorizes the use of video gaming terminals as hereinafter defined and authorized by Section 5 of the Act.

Section 4. That the following regarding VIDEO GAMING TERMINALS is hereby adopted as:

I. Definitions. (a) the phrases "video gaming terminal" and "licensed establishment" shall have the meanings set forth in the Illinois Gaming Act (230 ILCS 40/1 et. seq.).

(b) "Licensee" shall mean and include all of the establishments defined in paragraph (a) hereof

2. Imposition of Annual Fee. Commencing upon adoption of this ordinance, an annual fee of Twenty-Five and No/100 (\$25.00), is hereby imposed upon each video gaming terminal operated by a licensed establishment within the Village of Steward in accordance with the provisions of the Illinois Gaming Act, 230 ILCS 40/1 et. Seq. (the "Act"). The fee paid for each video gaming terminal shall be for the fiscal year May 1 through April 30, and the fee paid during a fiscal year shall apply until the end of the fiscal year in which paid. Any continuing operation of a video gaming terminal shall require the payment of a new annual fee on or before May 1 of each year for the ensuing fiscal year.

3. Application for Permit. Every licensee shall make application to the Village Clerk's office for a permit, and shall pay the annual fee for each video gaming terminal operated. The application shall designate the name of the licensee, the location of the licensed establishment operating the video gaming terminal, the number of video gaming terminals operated at that location, and shall include a copy of the license issued by the State of Illinois for the operation of the video gaming terminal. No permit shall be issued to any person whose video gaming terminal is not licensed by the State of Illinois for the location for which the permit is sought.

4. Limitations upon Placement. No video gaming terminal permit shall be issued to, and no video gaming terminal shall be placed or operated within, a location that does not also have issued to it a license of the sale of alcoholic beverages at retail by the district for consumption on the premises. Notwithstanding any greater limit which may from time to time be established by the Illinois legislature, no more than five (5) video gaming terminals shall be allowed, nor permits be issued therefore, under this ordinance for each licensee at any one location.

5. Play by Minors Prohibited; Penalties. No person under the age of twenty-one (21) years shall be permitted to use or play a video gaming terminal, and any licensee who shall suffer or permit a person under the age of twenty-one (21) years to use or play a video gaming terminal shall be subject to fine or have his or

her license issued under this Chapter suspended or revoked.

6. Penalty for Violation. Any person, firm or corporation violating the provisions of this ordinance by operation of a video gaming terminal without having obtained the permit and paid the annual fee therefore, or by operating a video gaming terminal in violation of any provision of this ordinance, shall be guilty of a petty offense, and shall be fined an amount not to exceed \$750.00 for each such offense, and the license or licenses shall be subject to suspension or revocation. Each day that a video gaming terminal is operated in violation of this ordinance shall constitute a separate offense.

7. Inspection of Records. Each licensee shall permit the inspection of the book and records of the licensee pertaining to and reflection operation of each video gaming terminal of the licensee at the request of any law enforcement officer of the city or the State of Illinois at all reasonable times.

Section 5. All prior ordinances in conflict herewith are hereby repealed.

Section 6. If any section, paragraph, sentence, clause or other portion of this ordinance is held or deemed to be unenforceable or invalid, then such holding or finding of unenforceable or invalidity shall not affect the validity or the remaining provision of this ordinance.

Section 7. This ordinance shall be effective upon its adoption, passage, and publication of pamphlet form.

Passed this 17 DAY OF JULY, 2013

Ayes


1

Nays

____ Absent

____ Abstain

Approved:


JAMES BRATKO, Village President

Attested to:

Sec. 10-66. Village clerk to grant or deny license.

The application shall be referred to the village clerk who shall grant or deny the license pursuant to this division. The license shall be issued by the village clerk.

Sec. 10-67. Display of license.

The license provided for in this division shall be posted prominently and conspicuously at the location of the amusement device in the premises where the device is to be operated or to be maintained to be operated.

Sec. 10-68. Gambling.

It shall be unlawful for any person owning, possessing or operating any amusement device, whether any of such devices are electronic or otherwise, to permit such device or any scheme whatever to dispense any form of payoff, prize, reward, except free games dispensed by the devices, and nothing in this division shall in any way be construed to authorize a license or permit any gambling device whatsoever or any mechanism which had been judicially determined to be a gambling device, or in any way contrary to the laws of the state.

Sec. 10-69. Penalty.

(a) Any person as defined in this division violating any of the provisions of this division shall be subject to punishment as provided in section 1-10 up to the tenth day of the violation, at which time if the violation shall remain, the business will be closed and the license shall be revoked until the violation is corrected and/or stopped and all fines are paid.

(b) Nothing contained in this section shall preclude the village from instituting any action, either legal or equitable, against any person for violating any provision of this division.

Sec. 10-70. Curfew.

(a) The premises can be open on Sundays if desired.

(b) No person of school age shall be allowed on the premises during normal school hours without a parent or guardian, with the exception of lunch hours between 11:00 a.m. and 1:00 p.m.

(c) Persons under the age of 16 years may not be on the premises of an establishment with licensed amusement devices after 9:00p.m. Sunday through Thursday or after 10:00p.m. on Fridays and Saturdays. Persons aged 16 years or over but not over 18 years of age may not be on the premises of an establishment with licensed amusement devices after 10:00p.m. Sunday through Thursday or after 11:00 p.m. on Fridays and Saturdays.

Sec. 10-71. Hours of operation.

The hours of operation for an amusement device establishment shall be Sunday through Thursday, 7:00 a.m.--11:30 p.m.; Friday through Saturday, 7:00 a.m.--12:00 a.m. (midnight). Such hours are subject to yearly review.
(Ord. No. 97-8, § 9(1), 6-11-1997)

RESERVED

Chapters 11--13

ANIMALS

Chapter 14

- Sec. 14-1. Definitions. Sec. 14-2. Cruelty.
- Sec. 14-3. Running at large
- Sec. 14-4. Keeping animals which disturb the peace.
- Sec. 14-5. Dangerous animal; killing.
- Sec. 14-6. Keeping certain animals.
- Sec. 14-7. Animal matter.
- Sec. 14-8. Diseased animals.
- Sec. 14-9. Inoculation against rabies.
- Sec. 14-10. Dogs and cats.
- Sec. 14-11. Impoundment; redemption fees.
- Sec. 14-12. Penalties for violation of chapter.

Sec. 14-L Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous animal means a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, bear, hyena, wolf or coyote, raccoon, or any poisonous or life-threatening reptile and any individual animal which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

Vicious animal means:

- (1) Any individual animal that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.
- (2) Any individual animal with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
- (3) Any individual animal that has as a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.
- (4) Any individual animal which attacks a human being or domestic animal without provocation.
- (5) Any individual animal which has been found to be a dangerous animal upon three separate occasions. No animal shall be deemed vicious if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties. Vicious animals shall not be classified in a manner that is specific as to breed. If an animal is found to be a vicious animal, the dog shall be subject to enclosure.

Cross References: Definitions generally, § 1-2.

Sec. 14-2. Cruelty.

No person shall cruelly treat, beat, torment, overload, overwork, abandon or otherwise abuse any animal. No owner of an animal shall fail to provide such animal with sufficient and wholesome food and water, proper shelter, and protection from the weather, veterinary care when necessary to prevent suffering, and humane care and treatment.

State Law References: Authority to prevent cruelty to animals, 65 ILCS 5/11-5-6.

Sec. 14-3. Running at large.

It is unlawful to permit any animals, i.e. horses, sheep, goats, swine, cattle, poultry or any wild or domestic animal to run at large in the Village. Any such animal running at large in any public place in the Village shall be impounded in the manner provided by this chapter.

State Law References: Authority to prevent animals running at large, 65 ILCS 5111-20-9.

Sec. 14-4. Keeping animals which disturb the peace.

It is unlawful to harbor or keep any animals or birds which disturb the peace by loud noises at any time of the day or night.

Sec. 14-5. Dangerous animal; killing.

The members of the police department or any other persons in the Village are authorized to kill any dangerous or vicious animal of any kind when it is necessary for the protection of any person or property.

Sec. 14-6. Keeping certain animals.

It is unlawful to keep any horses, ponies, sheep, goats, swine, cattle, fowl, pigeons, or any animal which is dangerous to mankind within the Village.

Sec. 14-7. Animal matter.

It shall be unlawful for any person having animal matter which is in the process of decay so as to be offensive or dangerous to the public health, to permit such animal matter to remain for more than 12 hours. All fecal waste from animals and fowl including, but not limited to, dogs, cats, rabbits, and pigeons must be removed daily. It shall be unlawful to:

- (1) Negligently conduct any business or use any premises as to create such an offensive smell as may taint the air and render it unwholesome or disagreeable to the neighborhood;
- (2) Cause or suffer the carcass of any animal or vegetable matters such as slop, silt, suds, filth, garbage, or offal or noisome substance of any land to be collected, deposited or to remain in any place in the Village;

- (3) Throw or deposit, or cause to be thrown or deposited, any offal or any offensive matter, or carcass of any animal in any water, pond, spring, or well, or on land within the Village;
- (4) Deposit any dead animal or other filthy offensive or noisome substance upon any lot, street, alley, highway, part of other place;
- (5) Corrupt or render unwholesome or impure the water of any drinking hydrant, spring, stream, pond or lake, to the injury of others;
- (6) Keep, or suffer to be kept, in a foul, offensive, noisome or filthy condition any pigeon or rabbit coop, or any other animal or bird pen, budding, yard, trailer, ground or premises.

Sec. 14-8. Diseased animals.(a) No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or

beast may be affected; nor shall such diseased animal be shipped or removed from the supervision of the police or of the animal control officer.

- (b) It is made the duty of the animal control officer to secure such disposition of any diseased animal and such treatment of affected premises as is necessary to prevent the communication and spread of the contagion or infection, except in cases where the state veterinarian is empowered to act.

Sec. 14-9. Inoculation against rabies.

Every owner of a dog four months of age shall be inoculated against rabies by a licensed veterinarian at such intervals as may be established pursuant to the state Animal Control Act, 510 ILCS 5/1 et seq. The tag shall be affixed to the dog's collar.

Sec. 14-10. Dogs and cats.

- (a) *Running at large not permitted; rabies vaccination required.* The owner or keeper of any dog or cat shall not permit such animal to go beyond the premises of the owner or keeper and at all times shall ensure that such animal is under the control of its owner or keeper. The owner or keeper of a cat must have the animal vaccinated for rabies at six months of age.
- (b) *Prohibited acts.* No dog or cat shall be permitted to commit any of the following acts on any premises or property, private or public: bite or charge any person, destroy private property, scatter refuse, chase vehicles, deposit fecal matter on any property not of its owner, or commit any nuisance defined by this chapter or other Village ordinance.
- (c) *Owner's responsibility.* Any person allowing any dog or cat to trespass and defecate upon any public or private property within the Village, not owned, leased or otherwise controlled by such person, shall immediately clean upon any such fecal matter

deposited upon such property and shall properly dispose of it.

- (d) *Nuisance.* It is declared a public nuisance and it is unlawful for any person to own or keep any dog within the Village which barks or howls or any dog or cat which whines or otherwise behaves in such a manner as to disturb the peace and quiet and safety of persons in the neighborhood.
- (e) *Authority to destroy dangerous animals.* It shall be unlawful to permit any dangerous or vicious dog or cat to run at large within the Village. The members of the police department and the animal control officer, as designated by the Village Board, are authorized to kill any dangerous dog or cat when it is necessary for the protection of any person or property.
- (f) *Impounding.* Any police officer or other officer designated by the Village is authorized to impound any dog or cat found within the Village which is in violation of the provisions of this chapter. Any unlicensed dog or cat which appears to be suffering from rabies or affected by hydrophobia, mange or other infectious disease shall not be released, but shall be destroyed forthwith.

Sec. 14-11. Impoundment; redemption fees.

Any person seeking to redeem any impounded animal shall pay a fee of \$75.00 and an additional fee for veterinarian fees due for the Boarding of such dog or cat. If at the end of three days the dog or cat has not been redeemed, the dog or cat will be forwarded to county animal control.

Sec. 14-12. Penalties for violation of chapter.

Failure to perform any act required, or the performance of any act prohibited by this chapter, is designated an ordinance violation. Any person found to have committed a Village ordinance violation shall be subject to punishment as provided in section 1-10.

Chapters 15--17

RESERVED

Chapter 18

BUILDINGS AND BUILDING REGULATIONS*

* Cross References: Any ordinance declaring certain property to be a public nuisance and authorizing procedures for the demolition of same saved from repeal, § 1-16(a)(14); fire prevention and protection, Ch. 26; solid waste, Ch. 46; streets, sidewalks and other public places, Ch. 50; subdivisions, Ch. 54; utilities, Ch. 66; zoning, Ch. 70; nonconforming lots, structures and uses, § 70-721 et seq.

Article I. In General

Sec. 18-1. Existing apartment buildings.
Sees. 18-2--18-30. Reserved.

Sec. 18-31. Adopted.

Sees. 18-32--18-60. Reserved.

Article II. Building Code

Article III. Property Maintenance Code

Sec. 18-61. Adoption.

Sec. 18-62. Additions, insertions and changes.

Sec. 18-63. Citations.

Sec. 18-64. Penalty for violation of article.

Sees. 18-65--18-100. Reserved.

Article IV. Moving Buildings

Sec. 18-101. Permit required.

Sec. 18-102. Permit; applicant requirements.

Sec. 18-103. Bond.
Sec. 18-104. Overhead wires.
Sec. 18-105. Lights.
Sec. 18-106. Penalty for violation of article.

ARTICLE I. IN GENERAL

Sec. 18-1. Existing apartment buildings.

Chapter 19, existing apartment buildings, of the 2006 edition of the Life Safety Code is hereby adopted in its entirety.

Secs. 18-2--18-30. Reserved.

ARTICLE II. BUILDING CODE

Sec. 18-31. Adopted.

The following building codes and standards shall be the building code for the Village:

- (1) BOCA National Building Code, 2005 Edition;
 - (2) International One and Two Family Dwelling Code, 2005 Edition;
 - (3) BOCA National Mechanical Code, 2005 Edition;
 - (4) National Electrical Code, 2005 Edition;
 - (5) Illinois State Plumbing Code, 2005 Edition.
- Secs. 18-32--18-60. Reserved.

ARTICLE III. PROPERTY MAINTENANCE CODE

Sec. 18-61. Adoption.

A certain document, three copies of which are on file in the office of the Village clerk, being marked and designated as the International Property Maintenance Code, 1998 Edition, as published by the Building Officials and Code Administrators International, Inc., is adopted as the property maintenance code of the Village for the control of buildings and structures as provided in this article. Each and all of the regulations, provisions, penalties, conditions and terms of such code are hereby referred

to, adopted, and made a part of this article, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 18-62.

Sec. 18-62. Additions, insertions and changes.

The International Property Maintenance Code, 2005 Edition, is amended and revised in the following respects:

Section 101.1 (page 1, second line). Insert: Village of Steward, County of Lee, State of Illinois.

Section 303.15 (page 10, first and second lines). Insert: May 1 to October 30

Section 602.3 (page 17, fifth line). Insert: September 1 to May 30

Section 602.4 (page 17, third line). Insert: September 1 to May 30

Sec. 18-63. Citations.

- (a) *Generally.* The International Property Maintenance Code officer, or designees, are hereby authorized to establish and enforce a system of citations for specified violations of codes and ordinances of the Village. The use of citations shall be solely at the discretion of the Village Board of Trustees, or designee, and shall not preclude the use of other enforcement methods.
- (b) *Applicability.* The citations system of this section shall apply to all properties within the Village and enforcement of specific ordinance provisions enumerated in this section.
- (c) *Enforcement and responsibility.* Citations may be issued by the enforcement of specific ordinance provisions enumerated in this section.
 - (1) Citations may be issued by the International Property Maintenance Code officer, or designees.
 - (2) Owners or tenants are subject to citations based upon apparent culpability. Managers and agents are subject to citations as the owner's representative.
 - (3) Citations as provided in this section shall be personally served upon the person responsible for the violations, his agent, or representative. If the owner, occupant, contractor or other person responsible for the violation cannot be located, the citation may be served by posting a copy at the property, structure or vehicle where the violation has occurred and sending a copy by certified mail, return receipt requested, to the last known

address of such person.

(d) *Citation and settlement in lieu of prosecution for certain offenses.*

- (1) Whenever the International Property Maintenance Code officer, or designees, observes a violation as specified in this section, or has probable cause to believe that such a violation has occurred and that a particular person is responsible, such officer may, in lieu of the filing of a complaint in court, issue to the alleged violator one of the following citations:

- a. *Warning ticket.* This type of citation shall advise the alleged violator that the same has violated a specified provision of the ordinances of the Village, and shall prescribe an appropriate time period to remedy the violation. In addition, the warning ticket shall advise the alleged violator that the failure to remedy the specified violation within the prescribed time period will result in the issuance of a failure-to-comply ticket.
- b. *Failure-to-comply ticket.* This type of citation shall advise the alleged violator to make payment in the amount specified for the applicable offense. The failure-to-comply ticket shall also, where applicable, advise the alleged violator to abate the specified violation within seven days or the Village will cause the observed violation to be abated. The cost of such summary abatement shall be a lien on the real property where the violation was abated or removed.

- (2) Any person served with a failure-to-comply ticket may settle and compromise the violation claim by ceasing and/or abating such violation and paying to the Village the applicable amount as shown within seven days.

(e) *Appearance in court.* Upon receipt of a failure-to-comply ticket, the alleged violator may petition for a court hearing by signing and returning the ticket to the Village International Property Maintenance Code officer or designees within seven days of the specified violation date. A summons to appear will be mailed to the alleged violator specifying the time and place of the court hearing.

(f) *Enumerated violations and fines.*

- (1) Citations may be issued for violations of the following:

- a. Unlawful operations in public right-of-way: \$50.00.
- b. Encroachment of tree limbs/shrubs over public right-of-way: \$25.00.

- c. Improper stormwater drainage: \$50.00.
- d. No street numbers on buildings: \$25.00.
- e. Open garbage, rubbish, discarded debris: \$50.00.
- f. Weeds: \$50.00.
- g. Violations of International Property Maintenance Code/1998 Edition: \$50.00.
- h. Deposit of rubbish in unapproved containers: \$50.00.
- i. Inoperable smoke detector: \$50.00.
- J. Parking in fire lane: \$50.00.
- k. Failure to clear snow/ice: \$25.00.

- (2) Citations issued for violations of those sections of this article as specified in subsection (f)(1) of this section, in the amount of \$50.00 or less, may be settled by payment of the sum of the corresponding amount enumerated therein, if paid within seven calendar days of the service of the citation. Ticket recipients may pay a reduced fine of \$10.00 if the reduced payment is received by the Village comptroller within 72 hours of the specified violation date, and the violation cited has been either abated, removed and/or ceases to exist. Citations issued for violations in excess of \$50.00 may be settled by payment in full of the corresponding amount as prescribed in this section.
- (3) Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any provisions of this article or the rules and regulations authorized by this article, shall be deemed to have committed a misdemeanor and shall, upon conviction, be fined not less than the corresponding amounts enumerated in this section. These penalties are not deemed as being exclusive of any other remedy or penalty. Each day a violation of this article shall continue after seven days shall constitute a separate offense. An additional penalty as prescribed by the corresponding amounts enumerated in this section will be charged for each day that the violation continues after the seven-day compliance period.
- (4) If, after the settlement and compromise of a particular violation described in subsection (f)(1) of this section a person repeats the offense a second time, the penalty will be \$50.00. Third and additional violations will result

in a penalty of \$100.00.

- (5) The Village may also bring suit for injunctive relief in the circuit court against any person violating any provision listed in subsection (f)(I) of this section, and by such suit, may seek a court order enjoining violation of, in requiring compliance with, any provision in this section.

Sec. 18-64. Penalty for violation of article.

- (a) *Generally.* Every person who shall violate any provision of the property maintenance code shall be guilty of a misdemeanor and, upon conviction, shall be subject to punishment as provided in section 1-10. Each day that a violation continues after due notice has been served in accordance with the terms and provisions of the property maintenance code, adopted in section 18-63, shall be deemed a separate offense.
- (b) *Property maintenance re-inspection.* It is hereby made the duty of the International Property Maintenance Code officer, or designees, to serve a notice in writing upon the owner, agent, occupant, or person, firm or corporation in possession, charge or control of any lot, building or premises in or upon which any violation of the International Property Maintenance Code, 1998 Edition adopted in section 18-63, may be found, requiring them to install, repair, replace or remove the same within a time specified in such a manner as prescribed therein. It shall not be necessary in any case to specify in what manner the violation shall be resolved. If the person so notified shall refuse or neglect to comply with such order within the time and manner specified, the International Property Maintenance Code officer, or designees, shall send a bill for any and all additional re-inspection required to obtain compliance in accordance with the following fee schedule:

Property maintenance re-inspection fee schedule:

Initial re-inspection \$ 0.00

Second re-inspection 25.00

Third re-inspection 50.00

Any additional re-inspection (each) 100.00

Any violation observed or recorded upon re-inspection shall be in and of itself separate from such notice, and shall constitute a new violation.

Sees. 18-65--18-100. Reserved.

ARTICLE IV.

MOVING BUILDINGS*

* Cross References: Streets, sidewalks and other public places, Ch. 50.

Sec.18-101. Permit required.

Moving a structure, in whole or in part, which is greater than eight feet in width and/or greater than 13 feet six inches in height, utilizing public streets within the corporate limits of the Village shall require a moving permit for each structure moved with the exception of moving a garage or other accessory building upon which it is located to an adjacent lot under the same ownership.

Sec.18-102. Permit; applicant requirements.

Before starting any activities regulated by this article, an applicant shall comply with the requirements set forth in chapter 70, pertaining to zoning, BOCA and CABO building codes, and by state statutes and the regulations of any department of the state. Furthermore, all persons having a special use permit to move the structure shall, in each instance, be treated as a new construction and follow all such applicable regulations. Before moving or removing any building a permit must be obtained to do so from the Village Board of Trustees with payment to the Village clerk of a fee of \$200.00. In order to obtain a moving permit, the applicant must follow the procedures established by the Village Board of Trustees. Such permit, if granted, shall state specifically all conditions, prescribing the route to be taken, and limiting the time for moving or removal, and such other requirements as in the judgment of the Village Board of Trustees shall be necessary.

Sec.18-103. Bond.

The holder of a moving permit shall give a bond in an amount to be determined in each instance by the Village Board of Trustees, conditioned for the observance of the ordinances of the Village. The permit holder shall pay any and all damages which occur, without limitation, to any tree, pavement, street, sidewalk or other property belonging to the Village, or to any telegraph, telephone or electric pole or wire, or to trees or to the property of others, whether such damage was inflicted by the permit holder or his agents or employees. The permit holder shall save, indemnify, and reimburse the Village against all liabilities, judgments, costs, and expenses which may accrue against the Village as a consequence of the granting of any permit and shall, in all things, comply with the conditions of such permit. The minimum amount of the bond shall be \$100,000.00, issued by a lawful corporate surety and approved by the Village Board of Trustees.

Sec.18-104. Overhead wires.

Whenever the moving of any buildings by any moving permit holder necessitates the removal of any overhead wires, the person owning or controlling the overhead wires

shall be required to remove them temporarily to permit the passage of such building. Such permit holder shall give at least seven days' notice for that purpose to the owner or person controlling such wires, and shall pay the expenses necessarily incurred by such owner or person in control in the removal and replacing of such wires.

Sec. 18-105. Lights.

Every night when such building remains on a street or alley, the moving permit holder shall cause to be placed at each corner of such building a red light, and shall also, on or before 5:00p.m. of each day, notify the police department of the location of such building on such street or alley at the time of stopping work on each day. No owner of any building or the contractor or permit holder shall suffer the same to be or remain in or on any of the streets or alleys or upon any of the public grounds of the Village for any longer time than may be specified in such permit and shall pay to the Village clerk the sum of \$500.00 per day for each additional day the building occupies any street, alley or public grounds.

Sec. 18-106. Penalty for violation of article.

Any person, firm, corporation, or permit holder violating any of the provisions of this article shall be subject to punishment as provided in section 1-10.

Chapters 19--21

RESERVED

Chapter 22

BUSINESSES*

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- Cross References: Alcoholic beverages, Ch. 6; amusements and entertainments, Ch. 10; peddlers and solicitors, Ch. 42; taxation, Ch. 58; utilities, Ch. 66; home occupations, § 70-463.
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Article I. In General

Sees. 22-1--22-30. Reserved.

Article II. Massage Establishments

Division 1. Generally

Sec. 22-31. Definitions.
Sec. 22-32. Facilities necessary.
Sec. 22-33. Operation requirements.
Sec. 22-34. Advertising.
Sec. 22-35. Outcall registration.
Sec. 22-36. Outcall service.
Sec. 22-37. Inspections.

Sec. 22-38. Employment of person under the age of 18 years.
Sec. 22-39. Identification card.
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Division 2. Establishment

Sec. 22-61. Required.
Sec. 22-62. Application.
Sec. 22-63. Application information.
Sec. 22-64. Issuance.
Sec. 22-65. Revocation or suspension.
Sec. 22-66. Transfer.
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Division 3. Masseur or Maseuse Permit

Sec. 22-91. Required.
Sec. 22-92. Application form.
Sec. 22-93. Issuance.
Sec. 22-94. Revocation or suspension.

ARTICLE I.

IN GENERAL

Sees. 22-1--22-30. Reserved.

ARTICLE II. MASSAGE

ESTABLISHMENTS DIVISION

1.

GENERALLY

Sec. 22-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accredited school means any institution of learning wherein the minimum qualifications for graduation include instruction in method, profession or work of massage, which school requires a minimum of 48 hours of instruction for graduation; and which school has been accredited by the state Board of education.

Employee means any and all persons other than the masseurs or masseuses, who render any service to the permittee, who receive compensation directly from the permittee, and who have no physical contact with customers and clients.

Health officer means the health officer of the Village or authorized representative.

Until otherwise appointed or designated by the Village Board, the health officer shall be the county health officer. Any cost for the services of such health officer shall be paid by the applicant, and shall be in addition to the other fees and costs specified in this article.

Massage means any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice.

Massage establishment means any establishment having a fixed place of business where any person, firm, association or corporation engages in, or carries on, or permits to be engaged or carried on, any of the activities mentioned in this section.

Masseur and *masseuse* mean any person who, for any consideration whatsoever, engages in the practice of massage.

Outcall massage service means any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment.

Permittee means the operator of a massage establishment.

Sexual or genital area means the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

Cross References: Definitions generally, § 1-2.

Sec. 22-32. Facilities necessary.

- (a) No massage establishment shall be issued a permit, nor be operated, established, or maintained in the city, unless an inspection by the health officer reveals that the establishment complies with each of the following minimum requirements:
- (1) Construction of a room used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the building code of the city.
 - (2) All massage tables, bathtubs, shower stalls, steam or bath area and floors shall have surfaces which may be readily disinfected.
 - (3) Adequate bathing, dressing, and locker facilities shall be provided for the patrons to be served at any given time. If male and female patrons are to be served simultaneously, separate bathing, dressing, locker, toilet and massage room facilities shall be provided.

- (4) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.
 - (5) Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels, and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.
 - (6) Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each 20 or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated there.
 - (7) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with soap and a dispenser and the sanitary towels.
 - (8) The premises shall be equipped with a service sink for custodial services.
- (b) The health officer shall certify that the proposed massage establishment complies with all the requirements of this section and shall send such certification to the Village President.

Sec. 22-33. Operation requirements.

- (a) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- (b) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.
- (c) All employees, including masseurs or masseuses, shall be clean and wear clean, nontransparent outer garments, covering the sexual and genital area, whose use is restricted to the massage establishment. A separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.
- (d) All massage establishments shall be provided with clean, laundered sheets and towels

in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

- (e) The sexual or genital area of patrons must be covered by towels, cloths, or undergarments when in the presence of an employee, masseur, or masseuse.
- (f) It shall be unlawful for any person, in a massage establishment, knowingly, to place his hand on, to touch with any part of his body, to fondle in any matter, or to massage, a sexual or genital area of any other person.
- (g) No masseur or masseuse, employee or operator shall perform, offer, or agree to perform an act which would require the touching of the patron's genital area.
- (h) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.
- (i) Oils, creams, lotions, or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.
- U) Eating in the massage work areas shall not be permitted. Animals, except for guide, hearing or support dogs accompanying a blind, hearing impaired or physically handicapped person, shall not be permitted in the massage work areas.
- (k) No masseur or masseuse shall administer a massage to a patron exhibiting any skin fungus, skin infection, skin inflammation or skin eruption, unless a physician duly licensed by the state certifies in writing that such persons may be safely massaged prescribing the conditions thereof.
- (l) Each masseur or masseuse shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage to each person.
- (m) No massage establishment shall be kept open for any purpose between the hours of 11:00 p.m. and 8:00 a.m.

Sec. 22-34. Advertising.

No massage establishment granted a permit under provisions of this article shall place, publish, or distribute, or cause to be placed, published, or distributed, any advertising matter that depicts any portion of the human body that would unreasonably suggest to prospective patrons that with respect to massage any services are available, other than those services described in section 22-31, or that employees, masseurs, or masseuses are dressed in any manner other than prescribed in section 22-33(c), nor shall

any massage establishment indicate in the text of such advertising that with respect to massage any services are available other than those services described in section 22-31.

Sec. 22-35. Outcall registration.

Any masseur or masseuse who provides any of the services listed in section 22-31 at any hotel or motel must first register his or her name and permit number with the owner, manager, or person in charge of the hotel or motel.

Sec. 22-36. Outcall service.

No outcall massage service may be operated other than by a licensed massage establishment. All massages performed by an outcall massage service must be performed in the manner prescribed in section 22-33 and 22-34.

Sec. 22-37. Inspections.

The police department and the health officer shall, from time to time and at least twice a year, make an inspection of each massage establishment granted a permit under the provisions of this article for the purposes of determining that the provisions of this article are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be a violation of this article for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

Sec. 22-38. Employment of person under the age of 18 years.

It shall be unlawful for any owner, proprietor, manager, or other person in charge of any massage establishment to employ any person who is not at least 18 years of age.

Sec. 22-39. Identification card.

The Village President or designee shall provide each masseur or masseuse granted a permit with an identification card which shall contain a photograph of the masseur or masseuse and the full name and permit number assigned to the masseur or masseuse, which must be worn on the front of the outermost garment at all times during the hours of operation of any establishment granted a permit pursuant to the article.

Sees. 22-40--22-60. Reserved.

DIVISION 2.

ESTABLISHMENT PERMIT

Sec. 22-61. Required.

It shall be unlawful for any person to engage in, conduct, or carry on, or to permit to be engaged in, conducted or carried on, in or on any premises in the Village the operation of massage establishment without first having obtained a permit from the Village President after approval of the health officer.

Sec. 22-62. **Application.**

- (a) Every applicant for a permit to maintain, operate, or conduct a massage establishment shall file an application in duplicate under oath with the Village President on a form provided by the Village President and shall pay a nonrefundable, renewable yearly filing fee of \$1,000.00 to the Village clerk who shall issue a receipt which shall be attached to the application filed with the Village President.
- (b) The Village President shall, within five days, refer copies of such application to the Ogle/Lee Fire District, the health officer, the zoning administrator and building inspector. These departments and officers shall, within 30 days, inspect the premises proposed to be operated as a massage establishment, and make written recommendations to the Village President concerning compliance with the codes that they administer. The police department shall conduct a background investigation concerning the applicant and all persons referred to and shall report to the Village President within 30 days.
- (c) Within ten days of receipt of the recommendations and investigations of the departments enumerated in subsection (b) of this section, the Village President shall notify the applicant that his application is granted, denied, or held for further investigation. The period of such additional investigation shall not exceed an additional 30 days unless otherwise agreed to by the applicant or unless the delay is caused by the applicant. At the conclusion of such additional investigation, the Village President shall advise the applicant in writing whether the application is granted or denied.
- (d) Whenever an application is denied or held for further investigation, the Village President shall advise the applicant in writing of the reasons for such action.
- (e) The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application or his refusal or failure to appear at any reasonable time and place for examination under oath regarding the application or his refusal to submit to or cooperate with any inspection required by this article shall constitute an admission by the applicant that he is ineligible for such permit and shall be grounds for denial thereof by the Village President.
- (f) The filing of a permit application under this article shall constitute authorization for the Village President and police department to investigate the criminal records, traffic

records, and massage establishment operating history of the applicant and any partner or limited partner of a partnership applicant and any officer, or director of a corporate applicant, and any stockholder holding more than ten percent of the stock of a corporate applicant. Consent to such an investigation may be withdrawn by an individual by withdrawing their involvement with the massage establishment or by withdrawal of the application itself. No such withdrawal of authorization shall be effective until written notice thereof is received by the Village President.

Sec. 22-63. Application information.

- (a) The application for a permit to operate a massage establishment shall set forth the exact nature of the massages to be administered, and the proposed place of business and facilities thereof.
- (b) In addition, any applicant for a permit, including any partner or limited partner of a partnership applicant, and any officer or director of a corporation applicant and any stockholder holding more than ten percent of the stock of a corporate applicant, shall furnish the following information:
 - (1) The name and address of each such individual.
 - (2) Written proof that the individual is at least 18 years of age.
 - (3) All residential addresses of each such individual for the past three years and any other names by which any such persons have been known.
 - (4) The height, weight, color of eyes, and color of hair of each such person.
 - (5) The business, occupation, or employment of each such person for the three years immediately preceding the date of the application.
 - (6) The massage or similar business license history of the applicant and of any person required to be named above, a statement as to whether such person, in previously being involved with the operation of a massage establishment in this or another municipality or state under a license or permit, has had such license or permit revoked or suspended, the reasons therefore, and the business activity or occupation subsequent to such action of suspension or revocation.
 - (7) The nature of, case numbers of and the jurisdiction of any court proceedings, regardless of outcome or status, instituted by an entity or person against any person required to be disclosed in this section arising out of operation of or involvement with a massage business or establishment including, without limitation, suits in equity to abate a nuisance.
 - (8) All criminal or city ordinance violation convictions, forfeitures of bond, and pleadings of nolo contendere on all charges, except minor traffic violations involving any of the persons specified in this section.

- (9) If the applicant is a corporation, or a partner of a partnership is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation, and the Village President shall be provided with the date and state of incorporation; and, if incorporated in a state other than Illinois, the date on which such foreign corporation became authorized to do business in the state.

Sec. 22-64. Issuance.

- (a) On receipt of the recommendations of the departments referred to and the certification of the health officer that the establishment is in compliance with all of the requirements of section 22-32, the Village President shall issue a permit to maintain, operate, or conduct a massage establishment, unless he finds that:
 - (1) The operation, as proposed by the applicant, if permitted, would not have complied with all applicable laws including, but not limited to, the building, health, planning, housing, zoning and fire codes of the Village and state.
 - (2) The applicant or any other person who will be directly or indirectly engaged in the management and operation of the massage establishment has been convicted of:
 - a. An offense involving sexual misconduct with children; or
 - b. Prostitution, soliciting for a prostitute, pandering, keeping a place of prostitution, pimping, or other offense opposed to decency and morality.
 - (3) The applicant or any other person who will be directly or indirectly engaged in the management and operation of the massage establishment has had a massage establishment license or permit or masseur or masseuse license or permit revoked by any jurisdiction.
 - (4) The application contains a false statement or fails to supply required information.
 - (5) The required filing fee has not been paid.
- (b) The Village President, in his discretion, may issue a permit to any person convicted of any of the crimes in subsections (a)(2)a of this section, if he finds that such conviction occurred at least four years prior to the date of application, the applicant has had no subsequent convictions and the applicant has shown evidence of rehabilitation sufficient to warrant the public trust. The Village President, in his discretion, may issue a permit to any person otherwise disqualified by virtue of subsection (a)(3) of

this section if he finds that such revocation occurred at least four years prior to the date of the application, the individual involved has had no subsequent revocations, and has shown evidence of rehabilitation sufficient to warrant the public trust. The Village President, in his discretion, may issue a permit to any person disqualified by subsection (a)(4) of this section if he finds that the false statements or omitted information occurred unintentionally, that the applicant has since corrected the error, and that the applicant is not otherwise disqualified.

- (c) Every massage establishment permit issued pursuant to this article shall terminate on May 1 of each calendar year, unless sooner suspended or revoked. The fee required for the issuance of the initial permit since the preceding May 1 shall be reduced in proportion to the full calendar months that have expired.

Sec. 22-65. Revocation or suspension.

- (a) The Village President may revoke or suspend an establishment permit issued under this article for good cause. Good cause includes, but is not limited to, the following:
 - (1) Violations of this article by the permittee or any of his agents or employees;
 - (2) Violations of state or federal law by the permittee or any of his agents or employees in the conduct of the massage business or maintenance of the premises;
 - (3) False statements or omissions contained in the permit application;
 - (4) Management, conduct, or maintenance of the massage business without regard to public health, health of patrons or customers, or without due regard to proper sanitation or hygiene;
 - (5) Conduct which would constitute grounds for denial of permit application on the part of the applicant including, but not limited to, revocation of a similar license by another jurisdiction; or
 - (6) Failure to cooperate with lawful inspection of investigation procedures.
- (b) Before suspending or revoking an establishment permit, the Village President shall send the permittee written notice of the charges and opportunity for a public hearing before the Village President, at which time the permittee may appear and present relevant evidence. The notice may be sent by first class mail, delivered in person to the permittee or to any person in actual charge of the establishment or by posting a written notice conspicuously on the premises. Unless the Village President and permittee otherwise agree, the hearing shall be held not less than ten days after the mailing of the notice, the posting of the notice, or personal delivery of the notice, as the case may be; provided, however, that the Village President, in his discretion may

postpone or continue the hearing.

- (c) Nothing in this section shall prevent the Village, the Village President, the police department, or any other public official from summarily abating a nuisance or from proceeding directly to court for equitable or other relief.

Sec. 22-66. Transfer.

No permit for the operation of a massage establishment issued pursuant to the provisions of this article shall be transferable except with the written consent of the Village President and approval of the health officer; provided, however, that on the death or incapacity of the permittees, the massage establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit.

Sees. 22-67--22-90. Reserved.

DIVISION 3.

MASSEUR OR MASSEUSE PERMIT

Sec. 22-91. Required.

Any person, including a person who holds a massage establishment permit, who engages in the practice of massage, shall file an application for masseur or masseuse permit with the Village President or designee on a form provided by the Village President or designee and shall pay a nonrefundable filing fee of \$150.00 for an original application and a \$100.00 fee for a renewal application, to the Village clerk, who shall issue a receipt which shall be attached to the application filed with the Village President or his designee. It shall be unlawful for any person to engage in the practice of massage unless such person possesses a current and valid masseur or masseuse permit issued by the Village President or designee.

Sec. 22-92. Application form.

The application for a masseur or masseuse permit shall contain the following:

- (1) The name and residence address.
- (2) The social security number and driver's license number, if any.
- (3) The applicant's weight, height, color of hair and eyes.
- (4) Written evidence that the applicant is at least 18 years of age.
- (5) The business, occupation, or employment of the applicant for three years preceding the date of the application.

- (6) Whether the applicant has ever been convicted of, pleaded nolo contendere to, or suffered a forfeiture on a bond charge of committing any crime except minor traffic violations. If the answer is in the affirmative, a statement must be made giving the place and court in which such conviction, plea or forfeiture was had, the specific charge under which the conviction, plea or forfeiture was obtained and the sentence imposed as a result thereof.
- (7) The Village President, or designee, shall have right to take fingerprints and a photograph of the applicant and the right to confirm the information submitted.
- (8) All persons who desire to perform the services of masseur or masseuse at a massage establishment shall first undergo a physical examination for contagious and communicable diseases, which shall include a recognized blood test for syphilis and acquired immune deficiency syndrome, a culture for gonorrhea, a test which will demonstrate freedom from tuberculosis (such examinations, tests and cultures shall be made and interpreted by a licensed physician acceptable to the health officer, and such other laboratory tests shall be made in a laboratory acceptable to the health officer, as may be necessitated by such examination), and shall furnish to the health officer a certificate based upon the applicant's physical examination issued within 30 days of such examination, signed by a physician duly licensed by the state and stating that the person examined is either free from any contagious or communicable diseases or incapable of communicating any of such diseases to others. Such persons shall undergo the physical examination referred to in this subsection (8) and submit to the health officer the certificate required in this section prior to commencement of their employment and at least once every six months thereafter.
- (9) All persons applying for a masseur or masseuse permit must have successfully completed the required 48 hours of instruction from an accredited school, as evidenced by providing **in** the application a certificate of diploma from such school.

Sec. 22-93. Issuance.

- (a) The Village President or designee shall issue a masseur or masseuse permit within 21 days following application, unless he finds that the applicant for a masseur or masseuse permit:
 - (1) Has had a masseur or masseuse permit or license revoked by any jurisdiction;
 - (2) Made a false statement or omission of required information in the permit application;

- (3) Failed to pay the required fee; or
 - (4) Does not possess the minimum education requirements as described in section 22-92(9).
- (b) The Village President or designee, in his discretion, may issue a permit to any person otherwise disqualified by subsection (a)(1) of this section if he finds that such revocation occurred at least four years prior to the date of the application, that the applicant has had no subsequent revocations, and that the applicant has shown evidence of rehabilitation sufficient to warrant the public trust. The Village President or designee, in his discretion, may issue a permit to a person otherwise disqualified by subsection (b)(1) of this section if he finds that the false statement or omission was unintentional and the applicant is otherwise qualified.
- (c) Every masseur or masseuse permit issued pursuant to this article shall terminate on May 1 of each calendar year, unless sooner suspended or revoked. The fee required for issuance of the initial permit shall be reduced in proportion to the full calendar months that have expired since the previous April 30.

Sec. 22-94. Revocation or suspension.

- (a) A masseur or masseuse permit issued by the Village President or designee shall be revoked or suspended where it appears that the masseur or masseuse has committed any conduct or omission which would be cause for denial of a permit on an original application, has committed an act in violation of this article, or has committed an act in violation of state and federal law while engaged in the practice of massage or with regard to the maintenance of the massage establishment premises.
- (b) The Village President or designee, in revoking or suspending a masseur or masseuse permit, shall send the permit holder a written notice specifying the grounds therefore. Notice may be sent by first class mail to the permit holder's last known address or to the address of the massage establishment which employs the permit holder or by personal delivery to the permit holder. The notice shall state in writing the charges against the permit holder and shall notify the permit holder of the opportunity for a public hearing before the Village President or designee at which time the permit holder may present relevant evidence. The hearing shall be held not less than ten days from the mailing of the notice or the giving of personal notice, as the case may be; provided, however, that the Village President or designee, in his discretion, may postpone or continue the hearing for good cause.
- (c) Nothing in this section shall prohibit the city, Village President, the police department or any other public official from summarily abating a nuisance or from proceeding directly to court for equitable or other relief.

Chapters 23--25

RESERVED

Chapter 26

FIRE PREVENTION AND PROTECTION*

* Cross References: Any ordinance establishing fire lanes on private property saved from repeal, § 1-16(a)(16); buildings and building regulations, ch. 18.

Article I. In General

Sees. 26-1--26-30. Reserved.

Article II. Burning

Sec. 26-31. Prohibited acts.

Sec. 26-32. Permitted items.

Sec. 26-33. Liability for damages and repairs.

Sec. 26-34. Penalty for violation of article.

ARTICLE I.

IN GENERAL

Sees. 26-1--26-30. Reserved.

ARTICLE II.

BURNING

Sec. 26-31. Prohibited acts.

Reserved.

Sec. 26-32. Permitted items.

The only items that may be lawfully burned within the times permitted shall be the following: leaves, branches, garden debris, and untreated lumber. All burning must be supervised and conducted in a controlled manner.

Sec. 26-33. Liability for damages and repairs.

It shall be unlawful for any person to burn on any municipal property, including culverts and other Village parkways. Any person burning on any municipal streets, over culverts, or otherwise in the public right-of-way will be held responsible for any and all damages and the repair thereof.

Sec. 26-34. Penalty for violation of article.

Persons violating the provisions of this article shall be allowed one written warning. Any person found in violation of this article for a second, subsequent time shall, upon conviction, be subject to punishment as provided in section 1-10.

Chapters 27--29

RESERVED

Chapter 30

HUMAN RELATIONS*

* Cross References: Administration, Ch. 2.

Article I. In General

Sec. 30-1. Village's intent to uphold equal employment opportunity laws.
Sec. 30-2. Sexual harassment.
Sec. 30-3. Ensuring nondiscriminatory employment practices.
Sec. 30-4. Contract policy.
Sec. 30-5. Outreach, selection and service.
Sec. 30-6. Hiring of minorities.
Sec. 30-7. Accommodation of developmentally disabled/handicapped employees.
Sec. 30-8. Employee adherence to Village policy.
Secs. 30-9--30-40. Reserved.

Article II. Discriminatory Housing Practice

Sec. 30-41. Declaration of policy.
Sec. 30-42. Definitions.
Sec. 30-43 Civil Rights
violations: real estate transactions
Sec. 30-44 Handicap
Sec. 30-45 Blockbusting
Sec. 30-46 Refusal to sell or rent
because a person has a guide,
hearing, or support dog
Sec. 30-47 Restrictive Covenants
Sec. 30-48 Penalty for violation of
article

ARTICLE I.

IN GENERAL

Sec. 30-1. Village's intent to uphold equal employment opportunity laws.

The Village hereby declares to uphold all laws related to equal employment opportunity including, but not limited to, the following:

- (1) Title VI of the Civil Rights Act of 1964, which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.
- (2) Title VII of the Civil Rights Act of 1964, which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.
- (3) Title IX of the Education Amendments of 1972, which prohibits discrimination in federally assisted education programs.
- (4) The Equal Pay Act of 1963, which covers all employees who are covered by the Fair Labor Standards Act. The act forbids pay differentials on the basis of sex.
- (5) The Age Discrimination Act of 1967, which prohibits discrimination because of age against anyone between the ages of 40 and 65.
- (6) Federal Executive Order 11246, which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.
- (7) Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 CFR 32, which prohibits any discrimination based on handicap.
- (8) Section 167 of JTPA and the U.S. DOL Regulations at 29 CFR 31 and 32, which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, or national origin, under any program or activity receiving federal financial assistance from the Department of Labor.
- (9) Chapter 68, article I, section 17-19 of the state constitution, which prohibits discrimination based on race, color, creed, national ancestry, handicap, and sex in the hiring and promotion practices of any employer.

- (10) Article 2 of the Illinois Human Rights Act (775 ILCS 5/2-10 et seq.).
- (11) Americans with Disabilities Act (42 USC 12101 et seq.) and the regulations thereunder (28 CFR 35.130) (ADA) which prohibits discrimination against persons with disabilities in the provision of any aid benefit or service.

Sec. 30-2. Sexual harassment.

- (a) *Generally.* The Village shall uphold all laws related to sexual harassment.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Sexual harassment means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (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.

State Law References: Similar provisions, 775 ILCS 5/2-10 (E).

- (c) *Gender; status.* Sexual harassment may involve individuals of the same or different gender. Sexual harassment is most frequently associated with those situations in which a power differential exists between persons involved; however, it also may occur between individuals of the same status.
- (d) *Enumeration of prohibited conduct.* Examples of conduct which may, if continued or repeated, constitute sexual harassment are as follows:
 - (1) Unnecessary touching, patting, hugging, or brushing against a person's body;
 - (2) Staring, ogling, leering, whistling;
 - (3) Sexually explicit statements, comments, questions, jokes, or anecdotes;
 - (4) Graphic comments about a person's clothing or body;
 - (5) Sexually suggestive objects or pictures in the work place;

- (6) Harassing use of the electronic mail or telephone communication system;
- (7) Other physical or verbal conduct of a sexual nature.

Such conduct, whether intended or not, constitutes sexual harassment and is illegal under both state and federal law. Violations of this policy will not be permitted.

(e) *Procedure for the resolution of complaints.*

- (1) The Village encourages anyone who feels that he or she has been a victim of sexual harassment to report such incidents to the Village president or Village Board member. Complainants are urged to report sexual harassment incidents as soon as possible, since a delay in reporting may make it difficult to gather appropriate information and documentation. It is not necessary for sexual harassment to be directed at the person making the complaint. The following steps may also be taken: document or record each incident (what was said or done, the date, the time and the place). Documentation can be strengthened by written records such as letters, notes, memos and telephone messages.
 - (2) Complaints will be kept in confidence to the extent practicable and appropriate under the circumstances.
 - (3) The Village president, with the approval of the Board, shall appoint a committee of at least three people, one of which shall be the attorney for the Village. The role of the committee will be to hear and consider testimony and other relevant reliable evidence, to make findings of fact, to determine whether the Village's policy on sexual harassment has been violated, and if so, to recommend appropriate relief and disciplinary action. A copy of the written decision shall be promptly furnished to the employee making the complaint.
 - (4) The employee will be able to have a representative present at any discussion between the employee and the Village Board or committee.
- (f) *Written complaints; alternate avenues.* The employee making the complaint may elect to file a written complaint with the state department of human rights or the state human rights commission. The alternative complaint avenues are available if the employee would prefer to use them instead of the internal procedures.
- (1) State department of human rights: 312-814-6245.
 - (2) State human rights commission: 217-785-4350.
- (g) *Protection from retaliation.* The employee is protected by the Illinois Human Rights Act (775 ILCS 5/6-101, 1994 State Bar Edition) from retaliation because he or she has opposed that which he or she reasonably and in good faith believes to be unlawful sexual harassment in employment or because he or she has made a charge, filed a complaint, testified, assisted, or participated in an investigation under such act.

Sec. 30-3. Ensuring nondiscriminatory employment practices.

The Village will ensure nondiscriminatory employment practices in recruitment, recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.

Sec. 30-4. Contract policy.

The Village will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on sex, color, race, religion, age, developmentally disabled/handicap, national origin, political affiliation or belief.

Sec. 30-5. Outreach, selection and service.

The Village ensures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.

Sec. 30-6. Hiring of minorities.

Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the Village as well as surrounding areas.

Sec. 30-7. Accommodation of developmentally disabled/handicapped employees.

The Village will provide accommodations to the best of its ability for developmentally disabled/handicapped employees contingent on budget and structural limitations.

Sec. 30-8. Employee adherence to Village policy.

All Village employees are expected to adhere to the policy described in this article and to work actively for its implementation both internally and in carrying out Village program activities.

Sees. 30-9--30-40. Reserved.

ARTICLE II.

DISCRIMINATORY HOUSING PRACTICES

Sec. 30-41. Declaration of policy.

- (a) In furthering the policy of the state as expressed in its constitution and other laws; in order that the safety and general welfare, peace and health of all the inhabitants of the Village may be ensured, it is hereby declared the policy of the Village, to ensure equal opportunity to all residents, regardless of race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, military status or unfavorable discharge from military service, or familial status to live in decent, sanitary, healthful, standard living quarters.
- (b) It is the policy of the Village that no owner, lessee, sublessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the

Village, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of such person or discriminate against any person because of race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, military status or unfavorable discharge from military service, or familial status in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

- (c) Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

Sec. 30-42. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Decent, sanitary, healthful standard living quarters means housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

Discriminate and *discrimination* mean any difference expressed in any way toward a person in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, military status or unfavorable discharge from military service, or familial status of such person.

Financial institution means any bank, credit union, insurance company, mortgage banking company or savings and loan association which operates or has a place of business in this state.

Housing accommodation means any improved or unimproved real property, or part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home or residence of one or more individuals.

Owner means any person who holds legal or equitable title to, or owns any beneficial interest in any real property or who holds legal or equitable title to shares of, or holds any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

Real estate broker means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates, or attempts to negotiate, any of these activities, or who holds himself out as engaged in these.

Real property means buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

Cross References: Definitions generally, § 1-2.

Sec. 30-43. Civil rights violations; real estate transactions.

It is a civil rights violation for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman, because of race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, military status or unfavorable discharge from military service, or familial status, to:

- (1) *Transaction.* Refuse to engage in a real estate transaction with a person or to discriminate in making available such a transaction;
- (2) *Terms.* Alter the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
- (3) *Offer.* Refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- (4) *Negotiation.* Refuse to negotiate for a real estate transaction with a person;
- (5) *Representations.* Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;
- (6) *Publication of intent.* Print, circulate, post, mail, publish or cause to be so published a written or oral statement, advertisement or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which expresses any limitation founded upon, or indicates, directly or indirectly, an intent to engage in discrimination based on race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, military status or unfavorable discharge from military service;
- (7) *Listings.* Offer, solicit, accept, use or retain a listing of real property with knowledge that discrimination based on race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, military status or unfavorable discharge from military service or discrimination on the basis of familial status in a real estate transaction is intended.

State Law References: Similar provisions, 775 ILCS 5/3-102.

Sec. 30-44. Handicap.

- (a) It is a civil rights violation to refuse to sell or rent or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of that buyer or renter, a handicap of a person residing or intending to reside in that dwelling after it is sold, rented or made available or a handicap of any person associated with the buyer or renter.

(b) It is a civil rights violation to alter the terms, conditions or privileges of sale or rental of a dwelling or the provision of services or facilities in connection with such dwelling because of a person's handicap or a handicap of any person residing or intending to reside in that dwelling after it is sold, rented or made available, or a handicap of any person associated with that person.

(c) It is a civil rights violation:

- (1) To refuse to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before modifications, reasonable wear and tear excepted. The landlord may not increase for handicapped persons any customarily required security deposit. However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained.
- (2) To refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.
- (3) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, to fail to design and construct those dwellings in such a manner that:
 - a. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons.
 - b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs.
 - c. All premises within such dwellings contain the following features of adaptive design:
 1. An accessible route into and through the dwelling;
 2. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

3. Reinforcements in bathroom walls to allow later installation of grab bars; and
4. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(d) Compliance with the appropriate standards of the Illinois Accessibility Code for Adaptable Dwelling Units (71 Ill. Admin. Code 400.350(e)1-6) suffices to satisfy the requirements of subsection (c)(3)c of this section.

State Law References: Similar provisions, 775 ILCS 5/3-102.1.

Sec. 30-45. Blockbusting.

It is a civil rights violation for any person to:

- (1) *Solicitation.* Solicit for sale, lease, listing or purchase any residential real estate within this state, on the grounds of loss of value due to the present or prospective entry into the vicinity of the property involved of any person of any particular race, color, religion, national origin, ancestry, age, sex, marital status, familial status or handicap.
- (2) *Statements.* Distribute or cause to be distributed, written material or statements designed to induce any owner of residential real estate in this state to sell or lease his property because of any present or prospective changes in the race, color, religion, national origin, ancestry, age, sex, marital status, familial status or handicap of residents in the vicinity of the property involved.
- (3) *Creating alarm.* Intentionally create alarm, among residents of any community, by transmitting communications in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any owner of residential real estate in this state to sell or lease his property because of any present or prospective entry into the vicinity of the property involved of any person of any particular race, color, religion, national origin, ancestry, age, sex, marital status, familial status or handicap.

State Law References: Similar provisions, 775 ILCS 5/3-103.

Sec. 30-46. Refusal to sell or rent because a person has a guide, hearing or support dog.

It is a civil rights violation for the owner or agent of any housing accommodation to:

- (1) Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny property to any blind, hearing impaired or physically handicapped person because he has a guide, hearing or support dog; or
- (2) Discriminate against any blind, hearing impaired or physically handicapped person in the terms, conditions, or privileges of sale or rental property, or in the provision of services or facilities in connection therewith, because he has a guide, hearing or support dog; or
- (3) Require, because a blind, hearing impaired or physically handicapped person has a guide, hearing or support dog, an extra charge in a lease, rental agreement, or contract of purchase or sale, other than for actual damage done to the premises by the dog.

Sec. 30-47. Restrictive covenants.

- (a) *Agreements.* Every provision in an oral agreement or a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy or lease thereof on the basis of race, color, religion, or national origin is void.
- (b) *Limitations.* Every condition, restriction or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, color, religion, or national origin is void. This section shall not apply to a limitation of use on the basis of religion of real property held by a religious institution or organization or by a religious or charitable organization operated, supervised, or controlled by a religious institution or organization, and used for religious or charitable purposes.
- (c) *Civil rights violations.* It is a civil rights violation to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.

State Law References: Similar provisions, 775 ILCS 5/3-105.

Sec. 30-48. Penalty for violation of article.

Any person convicted of violating any of the provisions of this article shall be subject to punishment as provided in section 1-10.

Chapters 31--37

RESERVED

Chapter 38

OFFENSES AND MISCELLANEOUS PROVISIONS*

* Cross References: Law enforcement, Ch. 34; traffic and vehicles, Ch. 62.

Article I. In General

Sees. 38-1--38-30. Reserved.

Article II. Weapons

Sec. 38-31. Discharge restricted; penalty.

ARTICLE I.

IN GENERAL

Sees. 38-1--38-30. Reserved.

ARTICLE II.

WEAPONS

Sec. 38-31. Discharge restricted; penalty.

- (a) It shall be unlawful for any persons to fire or discharge any cannon, gun or pistol, including the so-called BB or air rifle or paintball gun within the corporate limits of the Village without the written permission of the Village Board secured beforehand, except in the necessary and legal defense of person or property.
- (b) Whoever violates any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to punishment as provided in section 1-10 for each and every offense.

Chapters 39--41

RESERVED

Chapter 42

PEDDLERS AND SOLICITORS*

* Cross References: Businesses, ch. 22; streets, sidewalks and other public places, Ch. 50.

Article I. In General

Sees. 42-1--42-30. Reserved.

Article II. Peddlers and Itinerant Merchants

Sec. 42-31. Definitions.

Sec. 42-32. License.

Sec. 42-33 Penalty for
violation of article

ARTICLE I.

IN GENERAL

Sees. 42-1--42-30. Reserved.

ARTICLE II.

PEDDLERS AND ITINERANT MERCHANTS Sec. 42-31.

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Peddlers means all persons selling or offering for sale, barter or exchange, any goods, wares, or merchandise, while traveling from place to place in and about the Village.

Transient or itinerant merchants and vendors of merchandise mean all persons selling or offering for sale, barter or exchange any goods, wares or merchandise at auction or private sale, as owners or agents, at a fixed point or place, temporarily, and not intending to establish a permanent or regular business in such Village, and all persons selling or offering for sale, barter or exchange, any goods, wares or merchandise from any freight car in the Village.

Cross References: Definitions generally, § 1-2.

Sec. 42-32. License.

Required. No such peddler or itinerant merchant or vendor shall carry on such business without first obtaining a license therefore, which shall be issued by the Village President upon proper application, and countersigned by the Village clerk, upon the payment of the fees therefore listed in subsection (b) of this section.

(b) *Fees.* Fees for licenses under the provisions of this article shall be \$25.00 for a one-year license, to be paid to the Village clerk for the use of the Village.

Sec. 42-33. Penalty for violation of article.

Any person violating any provisions of this article shall be subject to punishment as provided for in section 1-10 of this Code for each offense.

Chapters 43--49

RESERVED

Chapter 50

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

* Cross References: Any ordinance establishing, dedicating, accepting the dedication of, naming, grading, improving, altering, locating, opening, paving, widening, vacating, etc., any street, alley, sidewalk, public way, public park or public grounds in the Village saved from repeal, § 1-16(a)(4); any ordinance establishing or prescribing grades in the Village saved from repeal, § 1-16(a)(R); any ordinance providing for local improvements and assessing taxes saved from repeal, § 1-16(a)(9); consumption of alcoholic beverages in public places; exception, § 6-8; buildings and building regulations, ch. 18; moving buildings, § 18-101 et seq.; peddlers and solicitors, ch. 42; subdivisions, ch. 54; required improvements for streets and rights-of-way, § 54-125; required improvements for sidewalks, § 54-129; required improvements for street and regulatory signs, § 54-132; traffic and vehicles, ch. 62; restricting parking on certain streets, § 62-48; operation of snowmobiles on streets and alleys, § 62-122; utilities, ch. 66; zoning, ch. 70.

Article I. In General

Sec. 50-1. Acceptance of streets, alleys and easements previously dedicated to Village; policies as to development of unimproved streets and alleys.

Sees. 50-2--50-30. Reserved.

Article II. Improvement Specifications

Division I. Generally

Sec. 50-31. General conditions.

Sec. 50-32. Drive approaches for nonresidential areas and uses.

Sec. 50-33. Regulatory signs.

Sec. 50-34. Guardrail.

Sec. 50-35. Required Village submissions, inspections, and certifications.

Sees. 50-36--50-60. Reserved.

Division 2. Streets

Sec. 50-61. Generally.

Sec. 50-62. Design.

Sec. 50-63. Minor and local residential.

Sec. 50-64. Collector residential and local, collector and manor ORI.
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ARTICLE I.

IN GENERAL

Sec. 50-1. Acceptance of streets, alleys and easements previously dedicated to Village; policies as to development of unimproved streets and alleys.

- (a) All such streets, alleys and/or easements, dedicated or granted, to the Village by any plat heretofore recorded, or otherwise, are hereby accepted as dedicated or granted.
- (b) In regard to streets or alleys platted but unimproved, any party desirous of improving and developing any such street or alley shall do so at his own expense.
- (c) Prior to any such party undertaking the improvement or development of any street:
 - (1) All such parties agree to pay all expenses incurred in the improvement and development of any street including, but not by way of limitation, all engineering expenses and legal fees, as well as the costs of the actual materials necessary to improve such streets.
 - (2) Once such street is developed in accordance with the Village "Specifications for Improvements," that the Village shall agree to maintain such street as thereafter improved.
- (d) (1) The following procedure shall apply with regard to improvement of any alleys platted, but unimproved (for purposes of this subsection the term

"unimproved alley" shall connote an alley located within the Village which has been dedicated and accepted as such an alley but which is not improved through paving or graveling of the surface for roadway purposes: Any party or parties desirous of improving an unimproved alley shall submit a request for review by the Village Board seeking permission to improve the alley. The Village Board may receive comment from the Village zoning administrator or other Village employee or officer prior to granting approval of such request. As a prerequisite to granting approval, the party or parties making the request shall agree, in writing, to pay all expenses incurred in the improvement and development of any alley, including but not by way of limitation, all engineering expenses and legal fees, as well as the costs of the actual materials necessary to improve such alley. Further, the following terms must be complied with:

- a. The base must be eight inches of compacted limestone rock-fill minimum.
- b. The width of the improved alley shall be no less than 12 feet.
- c. (Minimum) ten-inch culvert must be installed unless an existing storm sewer is available.
- d. The length of the alley shall not extend beyond the property line of the property owners adjacent to the alley to be developed.
- e. Two sets of plans shall be submitted to the Village Board of Trustees and approved prior to any development.

Once the alley in question is developed in accordance with subsections (d) (1) a--e of this section, the Village shall agree to maintain such alley as thereafter improved. Any such alley shall at all times remain the property of the Village.

- (2) No structures, barricades, objects, obstacles or items which impede reasonable access for purposes of ingress and egress through an alley shall be maintained, and any such items are subject to removal at the expense of the offending party in addition to the fines set forth within subsection (d) of this section.
- (3) Any person causing any damage to any unimproved alley or public property lying within the alley shall pay for any and all costs associated with damage to the alley, as well as any Village water and/or sewer lines buried beneath the alley.
- (4) Alleys shall be used solely for the purpose of giving access to the rear of lots or buildings within the block and shall not be used for general traffic circulation

- (e) Any such street or alley so developed and improved, as provided in this section, shall remain at all times the property of the Village.
- (f) Any undeveloped street or alley shall continue to not be driven on. It is the express policy of the Village that any person causing any damage to any unimproved street or alley shall pay for any and all costs associated with the damage to the street or alley, as well as any Village water and/or sewer lines buried beneath the undeveloped street or alley.
- (g) No structures shall be built in a public alley, and anyone desirous of using an undeveloped public alley for planting trees, gardening, etc., shall do so at their own risk.
- (h) Persons violating the provisions of this section and found in violation of this section shall be subject to punishment as provided in section 1-10 of this Code.

Sees. 50-2--50-30. Reserved.

ARTICLE II. IMPROVEMENT

SPECIFICATIONS*

* Editors Note: Exhibits referred to in this article are not set out in this article, but are on file in the Village offices.

DIVISION 1.

GENERALLY

Sec. 50-31. General conditions.

- (a) All work performed under the specifications of this article shall be done by qualified contractors and subcontractors familiar with the type of work to be accomplished. Prior to the awarding of any contract for work to be done under the specifications of this article, the developer shall furnish to the Village, for approval, the names and addresses of all contractors and subcontractors he proposes to use.
- (b) All improvements constructed within the Village shall be done in accordance with the Village of Steward Standard Specifications for Improvements, the state Standard Specifications for Road and Bridge Construction, latest edition, and the current Standard Specifications for Water And Sewer Main Construction In Illinois, and all amendments thereto. These documents shall be considered as included within the Village of Steward Standard Specifications For Improvements, and in the case of a

conflict of requirements, the most stringent shall apply.

- (c) The Village, through its engineer, may under special conditions, grant variances within the intent of the specifications of this article. Any changes in the approved plans must have prior approval in writing by the Village engineer. The Village will, upon notice of improper material or material installation practices, issue a written document to the developer, or his contractor, stating that the failure to stop and correct such deficiencies will result in the Village's refusal to accept such improvements.
- (d) The specifications of this article shall become a part of each and every project approved by the Village.
- (e) Contractors that have been unfaithful in previous Village contracts will not be allowed to work within the public right-of-way.

Sec. 50-32. Drive approaches for nonresidential areas and uses.

- (a) All drive approaches shall be constructed as a minimum to one of the following standards:
 - (1) Six inches of class X Portland cement concrete, non-reinforced with a continuous six-inch bituminous fiber expansion joint at the sidewalk and at the back of the curb. The surface shall be scored into a five-foot grid and shall be cured and protected as per the requirements for sidewalks. This pavement shall be placed on a compacted stone or gravel base to a depth of four inches minimum.
 - (2) Six inches after compaction bituminous aggregate mixture base course with a 1 1/2-inch minimum bituminous concrete surface course, class I, and shall be placed on compacted stone or gravel base to a depth of four inches minimum.
 - (3) Eight inches minimum after compaction (CA-6) crushed stone base course, crushed gravel base course with 2 1/2 inches minimum bituminous concrete surface course, class I.
- (b) All drive approaches shall be constructed with a roll near the curb line to make a neat transition to the curb opening and shall have a minimum street radius of five feet. All drive approaches shall be constructed to a maximum grade within the right-of-way of six percent. In no case shall the algebraic difference of the drive grade and the street grade exceed eight percent.

Sec. 50-33. Regulatory signs.

- (a) Regulatory signs will be required by the sub-divider for subdivision construction where indicated by the Village Board and shown on the final plat and the construction

plans. All such signs shall conform to the state Manual on Uniform Traffic Control Devices For Streets and Highways, latest edition, including the erection thereof.

- (b) Stop signs shall be 30 inches by 30 inches on all streets. Yield signs shall be 30 inches by 30 inches. Speed limit signs (R2-1) shall be 24 inches by 30 inches. Warning signs and no parking signs shall be 30 inches by 30 inches.
- (c) All posts and hardware shall be two pound rib back posts with high strength bolts and nuts.
- (d) All sign faces shall be 3M Company, or approved equal, using reflective high intensity paper.
- (e) Stop signs will be required where collector streets meet major streets. Other locations may be required where warranted by traffic considerations.

Sec. 50-34. Guardrail.

Steel plate beam guardrail shall be provided when an embankment is six feet high, or higher, having a side slope steeper than six to one, and when, in the judgment of the Village engineer, it is necessary to provide protection against roadside obstacles or a non-traversable roadside hazard. Buried end sections will also be required at both ends of any and all guardrail installations.

Sec. 50-35. Required Village submissions, inspections, and certifications.

The following Village engineering submissions, inspections, and certifications are required by the Village prior to proceeding further and prior to any Village approvals:

- (1) *Submission of engineering plans and engineer's estimate.* Included with these plans shall be:
 - a. State EPA permit application for water improvements.
 - b. State EPA permit application for sanitary improvements.
 - c. Final plat.
 - d. Certified engineer's estimate of probable cost for improvements.
 - e. Pavement design.
 - f. Storm sewer calculations.
 - g. Storm water detention/retention calculations.
 - h. Drainage overlay.

1. Approved public right-of-way name and designation form.
 - J. Drain tile investigation report.
 - k. Erosion and sedimentation control permit application.
 - l. Mailbox location plan.
 - m. Streetlight electrical calculations, if required.
- (2) *Submission prior to engineering plan approval.* The following shall be submitted prior to engineering plan approval: 120 percent securities on file with the Village clerk.
 - (3) *Engineering plans approved prior to any construction.* Engineering plans shall be approved prior to any construction.
 - (4) *Submission prior to utilization of utilities.* The following shall be submitted prior to utilization of utilities:
 - a. Pressure test, chlorination report, and bacteria test report for water mains on file.
 - b. Sanitary sewer TV inspection deflection test and air test reports on file, if a sanitary sewer is available.
 - (5) *Submission prior to final inspection.* Prior to final inspection the following shall be submitted:
 - a. The payment of surface variation penalties.
 - b. All monuments and markers in place. (See Exhibit "H").
 - c. Mylar record drawings on file with the engineer's certified statement.
 - d. A certified benchmark circuit on fire hydrants.
 - (6) *Submission prior to final acceptance.* Prior to final acceptance the following shall be submitted:
 - a. All "punch list" items corrected.
 - b. A one-year maintenance security on file.

- c. A final acceptance letter sent to the Village president and Village Board.
- (7) *Certifications.* Certifications shall be submitted as follows:
- a. Prior to placing any curb and gutter, the developer's engineer shall execute the certification as shown in Exhibit "J" and present it to the Village engineer, or his duly authorized representative. A curb and gutter shall be constructed prior to any base material placement.
 - b. Prior to placing any base material, the developer's engineer shall execute the certification as shown in Exhibit "K" and present it to the Village engineer, or his duly authorized representative.
 - c. Prior to placing any bituminous binder or bituminous aggregate mixture, the developer's engineer shall execute the certification as shown in Exhibit "L" and present it to the Village engineer, or his duly authorized representative.
 - d. Prior to placing any bituminous surface course, the developer's engineer shall execute the certification as shown in Exhibit "M" and present it to the Village engineer, or his duly authorized representative.
 - e. Prior to the Village acceptance of the public improvements, the developer's engineer shall execute the certification as shown in Exhibit "N" and present it to the Village engineer, or his duly authorized representative.

All items included within the certifications as described in this section must be signed by the developer's engineer and the certification document signed and sealed by a state registered professional engineer representing substantial compliance as indicated by the resident's signature and then represented to the Village engineer, or his duly authorized representative. Misrepresentation on this document will result in charges by the Village to the state department of professional regulation. Prior to starting any phase of the work, the Village engineer shall be notified at least 48 hours prior to construction to facilitate Village inspections. No such inspections will be made without the appropriate certifications as detailed in this section.

Sees. 50-36--50-60. Reserved.

DIVISION 2.

STREETS

Sec. 50-61. Generally.

- (a) All street pavements shall be constructed in accordance with the design criteria for the various classes as established in the Design Manual and Highway Standards of the state department of transportation, latest editions. Construction materials and methods used shall meet the requirements of the Standard Specifications For Road and Bridge Construction, latest edition, unless noted in this section.
- (b) Streets shall not be constructed on a sub-grade having an Illinois Bearing Ration (I.B.R.) of less than 3.0. If the soils engineer's report indicates that the support value of the sub-grade has a minimum I.B.R. value less than 3.5, or a silt content equal to, or greater than, ten percent, then an approved pavement fabric shall be used such as Trevira (S1115) or approved equal.
- (c) In no case shall base material be placed on a wet sub-grade. The removal of all unsuitable material in the sub-grade must be replaced with compacted clay of proper moisture content to a minimum of 95 percent modified laboratory density in accordance with AASHTO T99 (Method A or C). The soil support I.B.R. value selected for use by the designer shall represent a minimum value for the soil to be used. An adequate number of soil borings shall be obtained to determine the subdivision's soil characteristics for street and utility construction purposes.
- (d) When the soil report indicates a sub-base area below the water table or having poor drainage characteristics, the pavement design must provide additional sub-base drainage which will allow the new sub-grade to be drained into the storm sewer or roadside ditch system with proper screening.
- (e) On all streets where new pavements meet existing bituminous concrete or Portland cement concrete pavements, a butt joint with a transitional length of not less than ten feet will be required. The sub-grade shall be graded parallel to the final surface grade and, as such, shall drain to the curb line and to the inlets and catch basins. Positive drainage must be accomplished on the compacted sub-grade or the placement of base material will not be allowed. Certification by the project engineer, verifying proper sub-grade drainage, will be required prior to any additional roadwork.
- (f) The base material shall not be placed prior to approval of the sub-grade by the Village engineer or his duly authorized representative. The base and sub-grade shall be "proof rolled" by the contractor as described in this section.
- (g) The bituminous surface course may be installed the same year as the binder course or may be held up for a period of one year at the option of the Village engineer,

depending on sub-grade conditions. If the surface course is held up for one year, in the spring or summer of the year following the completion of the binder course and before the construction of the surface course, the pavement shall be "proof rolled" by the contractor, at his cost, to the satisfaction of the Village engineer.

- (h) A loaded truck provided by the developer shall be driven over the area to be tested at a speed pattern and number of cycles to be determined by the Village engineer. The test truck shall be the common tractor trailer type with no more than five axles with a total of 18 wheels loaded to a net weight of no less than 22 tons.
- (i) Any unstable or damaged sub-base, base course, or binder course shall be removed and replaced to the satisfaction of the Village engineer at no cost to the Village.
- U) After the binder course has been "proof rolled" and repaired where required, and prior to placing the bituminous surface course, the binder course shall be surface tested by the developer's project engineer at no cost to the Village in accordance with article 406.21 of the State of Illinois Standard Specifications for Road and Bridge Construction, current issue. Any variations in the binder course, including patches and header joints, exceeding one-fourth of an inch shall be corrected by the removal and replacement of any substandard areas or the construction of corrective leveling binder at the directions of the Village engineer. The Village engineer shall be notified no less than 48 hours before the surface testing and shall receive written test results and specific construction engineering recommendations before the surface course can be constructed. Prior to the final acceptance, the surface course shall be surface tested as outlined in this section and corrected as directed by the Village engineer.
- (k) After any binder course surface variations have been corrected to the satisfaction of the Village engineer and immediately prior to placing bituminous surface course, the pavement shall be thoroughly cleaned, flushed, and primed with bituminous materials (SS-1) at a rate not to exceed 0.10 of a gallon per square yard. When bituminous materials (SS-1) are applied under traffic conditions, sanding at the approximate rate of four pounds per square yard will be required.
- (l) The bituminous base course, leveling binder, binder course, and surface course mixtures shall be laid on a base which is dry and only when weather conditions are suitable. The bituminous base course, leveling binder, and binder courses shall be placed only when the temperature in the shade is at least 45 degrees Fahrenheit, when the temperature in the shade for the previous 24 hours is at least 32 degrees Fahrenheit, and when the forecast is for rising temperatures.
- (m) The surface course shall be placed only when the temperature in the shade is at least 50 degrees Fahrenheit, when the temperature in the shade for the previous 24 hours is at least 40 degrees Fahrenheit, and when the forecast is for rising temperatures.
- (n) All paving shall be done with paving machines utilizing electronic grade control and

a string line shoe on wheels of a minimum length of 15 feet.

- (o) All bituminous mixtures shall be delivered and handled so that the bituminous mixture immediately behind the paver screen is at or above 270 degrees Fahrenheit. All asphalt delivered to the project shall be covered when the temperature is at or below 70 degrees Fahrenheit.

Sec. 50-62. Design.

All street pavements shall be designed in accordance with the following:

- (1) *Procedure.* The thickness of the pavements shall be determined in accordance with the procedure as specified by the state department of transportation indicating the soil support values, (Illinois Bearing Ratio) and the projected traffic factors. The thickness of the pavement shall be determined in accordance with the current state department of transportation Manual For Structural Design of Portland Cement Concrete Pavement and the Manual of Instructions for the Structural Design of Bituminous Pavements. Design standards shall be not less than for class III roads and based on a 20-year pavement design.
- (2) *Minimum design criteria.* Minimum design standards shall be as outlined in exhibits.

Sec. 50-63. Minor and local residential.

- (a) All roadways within this group shall be constructed with a mountable concrete curb and gutter as detailed in Exhibit "B". The compacted curb sub-grade shall be shaped parallel to the curb flow line and positively drained to the inlets and catch basins.
- (b) Pavement cross slope shall be 3/16 of an inch per foot from the center of the road to the edge of the pavement.

Sec. 50-64. Collector residential and local, collector and manor ORI.

- (a) All roadways within this group shall have concrete curb and gutter Type B-6. I2 modified as detailed in Exhibit "8". The compacted curb sub-grade shall be shaped parallel to the curb flow line with positive drainage to the inlets and catch basins.
- (b) Pavement cross slopes shall be not less than 3/16 of an inch per foot nor more than one-fourth of an inch per foot from the center of the road to the edge of the pavement. Any surface variations in the final surface course which warrant penalties per section 406.20 of the state department of transportation standard specifications shall be paid to the Village per the following rate per each surface variation:
 - (1) Greater than one-eighth of an inch but less than one-fourth of an inch:

\$100.00.

- (2) One-fourth of an inch but less than one-half of an inch: \$200.00
- (3) One-half of an inch and greater: remove and replace a large number of bumps; however, this will require the complete removal and replacement of the surface course.

Sec. 50-65. Street cuts.

All street cuts must be approved by the Village maintenance supervisor and shall be restored to the requirements of Exhibit "E".

Sec. 50-66. Parkway landscaping.

All parkways within the dedicated street right-of-way shall be graded, with the topsoil placed to a thickness of four inches and seeded, class 1 minimum, or sodded in an approved manner. The minimum gradient of all parkways toward the curb shall be two percent, and the maximum shall be eight percent.

Sec. 50-67. Temporary turnarounds.

Temporary turnarounds, when required by the Village, shall be constructed with the following specifications:

- (1) The configuration of this temporary paving shall be a "T" configuration at the end of such a street which is paved from the inside of the sidewalk to the far inside of the sidewalk 15 feet wide with two five-foot radii to the street. The curb and gutter shall not be constructed through the temporary turnaround.
- (2) The temporary turnaround shall be paved with eight inches of compacted crush limestone base and two inches of bituminous concrete surface course.
- (3) The developer extending the street in the future shall remove the excess paving and base, construct the additional curbing so that the curb and gutter is continuous and uninterrupted from one development to another development, and shall landscape the parkway where disrupted by such asphalt and base removal.

Sec. 50-68. Trees.

Pursuant to authority granted in this ordinance, there is hereby established a Community Forestation Program with authoritative power.

- (a) The purpose of this program is to establish effective community management of public tree resources and to encourage awareness and appreciation of trees by residents through establishing an annual Arbor Day celebration. Other purposes include:
- (b) Increases citizen safety through early identification of diseased or overmature trees;
- (c) Maintenance of existing trees;
- (d) The appropriate selection and planting of new trees;
- (e) The planting of healthy and properly pruned trees along all streets in accordance with the size, species and locations specified in the Arboricultural Specifications Manual adopted by the Village Board.
- (f) To accomplish these purposes:
 - 1. A Tree Advisory Board will be appointed by the Village Board of Trustees
 - 2. This Advisory Board will oversee the execution of this ordinance and report to the Village Board of Trustees
 - 3. A record of the Committee's activities will be maintained as part of the Village Board meeting minutes. The Village Board will oversee and authorize all committee activities.
- A. Policy
 - 1. All work on public trees shall comply with the Community Forestation Program Ordinance of the Village of Steward and this Arboricultural Specification Manual.
 - 2. The Arboricultural Specifications Manual shall be adhered to at all times, but it may be amended at any time that experience, new research, or laws indicate that improved methods or circumstances make it advisable, and only then with the advice and assistance of the Village of Steward Tree Advisory Committee, all as provided for in the above said Ordinance.
 - 3. The policy of the Village of Steward and the Tree Advisory Committee shall be to cooperate at all times with the public, property owners, other municipal departments, and with appropriate not-for-profit organizations.
- B. Species, Cultivars, or Varieties

1. *Tree Growing Guide for West Central/Illinois* by Central Illinois Community Tree Council and Table I contain lists of tree species or their varieties acceptable and approved for planting on Village property.
2. Unacceptable tree species or their varieties contained in the following Table II shall not be planted on Village-owned property, except in special locations where because of characteristics of adaptability or landscape effect they can be used to public advantage.
3. Other tree species or their varieties not listed in the foregoing Table I may be planted on Village-owned property, but only desirable trees of good appearance, beauty, and adaptability that are generally free from injurious insects, diseases or other limitations may be planted.
 - t. Where certain planting sites have been assigned a particular species or variety, only the designated species or variety shall be planted on such sites, unless the plan is revised by the Tree Advisory Committee.
 11. The Tree Advisory Committee shall review, at least once every two years, the species, cultivars and varieties listed on Table I to determine whether any should be removed or whether certain new species, cultivars or varieties of proven adaptability and value should be added, and the Tree Advisory Committee shall similarly review the trees listed in Table II to determine whether any should be removed or whether certain new species, cultivars or varieties should be added thereto.

C. Planting Stock Requirements

1. Size

Unless otherwise specified by the Tree Advisory Committee all medium to large deciduous trees and their cultivars or varieties shall conform to American Association of Nurserymen Standards, shall be free of branches to a point not more nor less than sixty (60) percent of their height, be at least 1 1/4 to 1 1/2 inches in diameter at the point six (6) inches above the ground level, and be at least six (6) to ten (10) feet in height when planted.

All small deciduous trees and their cultivars or varieties shall be at least five (5) feet in height and have at least six (6) branches on the upper half of the trunk.

2. Grade

Unless otherwise allowed for specific reasons, all trees shall have comparatively straight trunks, well developed leaders and tops, and the roots shall not only be characteristic of the species, cultivar or variety, but also shall exhibit evidence of proper nursery pruning practices. They shall have acceptable balance between top and root. At the time of planting, all trees must be free of mechanical

injuries, and other objectionable features that tend to affect the future form and beauty of the plant.

3. Location and Spacing

Based on a 40-year cycle, no tree which will attain a trunk diameter greater than fifteen (15) inches shall be planted in a treelawn less than five (5) feet in width, or where overhead lines or building setback presents a special problem, the selection of planting site and species shall be determined by the Tree Advisory Committee. Where there is a treelawn less than five (5) feet in width, it is recommended that legal steps be taken to obtain easement rights to plant beyond the sidewalk on private property.

Trees shall be planted at least fifteen (15) feet from driveways, alleys, and at street intersections.

No tree shall be planted closer than ten (10) feet to a utility pole to allow room for line maintenance.

Spacing of trees shall be determined by the Tree Advisory Committee in accordance with local conditions; the species, cultivars or varieties used, and their mature height, spread and form. Generally, all large trees, at maturity, shall be spaced forty (40) to sixty (60) feet, center-to-center; all medium sized trees shall be spaced a minimum of thirty-five (35) feet, center-to-center, and all small trees shall be spaced a minimum of twenty-five (25) feet, center-to-center.

All planting on unpaved streets without curbs or sidewalks must have approval of the Tree Advisory Committee, who shall determine the location of the tree, so that it will not be injured or destroyed when the street is curbed and paved, or when sidewalks are constructed.

4. Methods of Planting and Support

Most small, deciduous trees and shrubs may be moved bare-rooted unless otherwise indicated. Roots of bare-rooted trees and shrubs must be protected against drying out.

All coniferous trees shall be moved balled and burlaped. Balled roots should be prevented from drying out at the surface of the ball and they should be protected against freezing.

Pits for the planting of bare-rooted plants shall be at least twelve (12) inches larger in diameter than the diameter of the root system in order to accommodate the roots without crowding. For balled trees, the pits should be a minimum of twelve (12) inches larger than the diameter of the ball of soil to allow proper backfill.

Plants shall be planted no deeper than previously grown, with due allowance for

settling.

In poorly drained soil, artificial drainage shall be provided the root system of any species intolerant of wet sites, or a species tolerant of wet sites shall be used.

Top soil, compost, peat moss, or an acceptable soil mixture shall be placed about the roots of bare-root stock, or in the backfill around balled stock. When the planting is completed, the entire root area shall be thoroughly saturated with water and burlap wrappings shall be cut.

Although pruning should be done to develop a balance with the root system, excessive pruning at the time of transplanting should be avoided.

Tree trunks shall be suitably wrapped and guyed, or supported in an upright position, according to accepted arboricultural practices. The guys or supports shall be installed so that they will neither girdle or cause serious injury to the tree nor endanger public safety.

D. Early Maintenance

1. General

Newly planted trees, shrubs and other plants require special maintenance for one or two growing seasons following planting. All maintenance practices shall follow approved arboricultural standards.

2. Watering

Ample soil moisture shall be maintained following planting. A thorough watering once in five (5) to ten (10) days, depending on soil type and drainage provisions, is usually adequate during the growing season. A soil auger can be used to check the adequacy of moisture in the soil ball and/or backfill.

3. Fertilization

Adequate quantities of the essential nutrient elements should be available after new root growth starts. However, provision of good drainage and adequate moisture of the backfill, or the soil ball on balled plants, is more important than fertilization immediately following planting.

4. Insect and Disease Control

Frequent and thorough inspections shall be made to determine when measures for the control of insects and diseases shall be taken. Plants are in a weakened condition following transplanting and they are more susceptible to insects, especially borers, and diseases than are vigorously growing trees. Where it is necessary to spray, insecticides or fungicides shall be used that are labeled for the purposes intended.

5. Pruning

Pruning newly planted trees shall consist of removing the dead, broken or injured branches; the suppression of rank, uneven growth that affects form. Water sprouts shall be removed when they reach the diameter of a pencil.

Pruning shall be practiced as often thereafter as needed to assure sturdy crotch development.

Tree crowns should be elevated as growth characteristics and location dictates. Newly planted trees need not have lower branches removed until they are well established.

E. General Maintenance

1. Pruning and Removal

No topping or dehorning of trees shall be permitted, except by written permission of the Tree Advisory Committee. Proper cabling and bracing shall be substituted for this practice wherever possible.

All large, established trees shall be pruned to the following height to allow free passage of pedestrians and vehicular traffic: At least seven (7) feet over sidewalks and a minimum clearance of fourteen (14) feet over all streets.

It shall be the policy of the Tree Advisory Committee to cooperate with the municipal or county lighting engineer, and vice versa, in the placement and selection of lighting standards and the development of a system of tree pruning that will give effective street illumination.

All cuts shall be made with a saw or pruner and only at the nodes or crotches. No stubs shall be left. No spurs or climbing irons shall be used in the trees, except when trees are to be removed.

All dead branches shall be removed; branches that cross or rub should be pruned to eliminate the problem.

All wounds over three (3) inches in diameter shall be treated with a suitable tree-wound dressing.

To prevent the spread of infectious diseases, all pruning tools must be disinfected before being used on a new tree.

Whenever streets are to be blocked off to public service, all police and fire departments shall be notified of the location and length of time the street will be blocked. Notifications shall be given these departments upon the removal of such barriers or if such barriers are to remain longer than originally expected.

The stumps of all removed trees shall be cut to at least six (6) inches below the ground level, the soil cavity shall be filled with soil and the area leveled.

2. Spraying

Suitable precautions shall be taken to protect and warn the public that spraying is being done.

Spraying shall be done only for the control of specific diseases or insects, with the proper materials in the necessary strength, and applied at the proper time, to obtain the desired control. All spraying practices shall conform to federal and state regulations.

Dormant oil sprays shall not be applied to Sugar Maple, Japanese Maple, Beech, Flowering Dogwood, Hickory, Walnut, and most crabapple trees. Dormant oil sprays shall be applied only when the air temperature is at least 40 degrees for a period of twenty-four (24) hours after spraying.

3. Fertilization

Fertilization of public trees shall follow the recommendations of the Natural History Survey or other accepted arboricultural standards.

Methods of application of fertilizers shall be specified by the Tree Advisory Committee.

4. Cavities

Extensive cavity work should be performed on trees only if they are of sufficiently high value to justify the cost. All cavity work shall conform to the National Arborist Association or other acceptable arboricultural standards.

5. Utility Installations (Underground)

All installations of underground utilities upon the public right-of-way are subject to approval by the Village. Any and all installations that impact on public trees due to underground conflicts (roots) are specifically subject to the review and approval of the Tree Advisory Committee before the project starts.

Trenching and Tunneling—Medium to Large trees: When the dripline of trees becomes extensive or overlapping, the only reasonable means of utility installation on the public right-of-way is a combination of trenching and tunneling. This applies particularly to trees in excess of five (5) inches in diameter. All trees in excess of five (5) inches in diameter where there is insufficient space to bypass the dripline by trenching must be tunneled. In no case shall the tunnel be less than two feet in depth. When the tunneling procedure is required, the distance of the tunnel from the face of the tree is determined by the diameter of the tree 12 feet from the ground line. Unless specified otherwise by the Tree Advisory Committee, all dimensions apply as illustrated in Figure 4 with the accompanying table.

Since the cutting of larger roots is unavoidable in a trenching operation, all roots over two (2) inches in diameter must be cut cleanly and painted with an

appropriate tree wound dressing. All trenches should not stay open longer than necessary and must be properly barricaded.

G. Container Planting

1. Installation Requirement

No container may be placed in a manner which violates traffic visibility, nor may any container be placed on public property where such would constitute a visibility hazard.

The planting medium shall be of sufficient volume to support and sustain plant materials, and the design and construction details shall be approved by the Tree Advisory Committee.

2. Maintenance of Containers

Containers, plants and their maintenance become the responsibility of the abutting property owner.

All costs arising from the establishment, maintenance, or removal of plants or plant containers are to be borne by the abutting property owner.

Containers, plants and their contents must be maintained in the conditions specified by original design at all times. Any planter not reserving its designed aesthetical function shall be replanted or removed.

3. Notice to Replant or Remove

Any container and/or plant material not maintained to quality and designed standard, as required by the Tree Advisory Committee, is hereby declared a nuisance. Anyone failing to abate such a nuisance after notice is given shall be guilty of a misdemeanor and the Tree Advisory Committee may remove such a nuisance.

H. Amendments

The Tree Advisory Committee shall have the authority to modify, amend, or extend with the advice and assistance of the Department of Natural Resources, the Arboricultural Specifications and Standards of Practice at any time that experience indicates improved methods or whenever circumstances make it advisable.

Sec. 50-69. Signs.

- (a) All street names must be approved by the 911 agency in whose jurisdiction the Village is located. An approval form must be returned as part of the documents submitted for final engineering approval. An approval form is attached as Exhibit "R".

- (b) At each street intersection there shall be installed one or more street signs showing the names of the streets as indicated on the preliminary and final plats and on the construction plans.
- (c) All local road intersections shall have one street sign on the northerly and easterly comer. Collector and major streets shall have two street signs, one on the northerly and easterly comer and one on the southerly and westerly comer of the intersection. At a "T" intersection, only one sign shall be required, which shall be placed on the terminating street side of the intersection on the northerly or easterly comer thereof.
- (d) All street signs shall conform to the following specifications:
 - (1) The extruded aluminum blanks shall be nine inches by 30 inches for collector and major streets and shall be six inches by 24 inches for minor and local streets. Longer signs may be necessary subject to review by the Village.
 - (2) The sign faces shall be 3M Company, or approved equal, using reflective high intensity paper utilizing white letters on a green background.
 - (3) Street name signs shall be mounted on their own poles, utilizing stainless steel hardware.
 - (4) All street signs shall conform to the state Manual On Uniform Traffic Control Devices For Streets and Highways, latest edition, including erection thereof. All signs shall have white letters on green background of the size as indicated in subsection (d)(1) of this section.
 - (5) The street signs shall be in place prior to the issuance of any occupancy permits. Temporary street signs constructed of wood with neat lettering may be installed with seven-foot clearance prior to the issuance of any building permit but must be removed immediately after the placement of the permanent street sign.
 - (6) All letters shall be in block style with five-inch upper case first letters only, with the remaining letters of a word four-inch upper case for a nine-inch sign blank and four-inch upper case first letters only and the remaining letters of the word three-inch upper case for a six-inch sign blank.

Cross References: Signs, § 70-651 et seq.

Sec. 50-70. Lighting.

- (a) *Generally.* All plans for street lighting shall be designed by a state registered professional engineer. The subdivider and/or his project engineer shall be held responsible for coordinating all phases of the work and correcting any deficiencies to the satisfaction of the Village engineer. The Village engineer must be notified at least 48 hours before any construction is begun. The plans shall include a time schedule or other schedule, setting forth when the streetlights will be installed by the subdivider,

and such schedule shall be subject to approval by the Village engineer. However, in all cases, the streetlights shall be installed and operable prior to the issuance of any occupancy permits.

(b) *Installation.* The installation of street lighting shall be in accordance with the following:

- (1) *Spacing.* Maximum spacing shall not exceed 300 feet between luminaries for minor and local streets. Collector streets shall be spaced as outlined in subsection (b)(15) of this section.
- (2) *Location.* There shall be at least one streetlight on each intersection, curve, and cul-de-sac and at other points as may be required in the public interest in unusual or special conditions. They shall be located on the property lines and on the opposite side of the street from the water main, wherever possible, and shall be set three feet from the back of the curb to the face of the pole.
- (3) *Light distribution.* Luminaries of the type II distribution as approved by the Illuminating Engineering Society (for brevity referred to as "IES") shall be used except at intersections where type III or type IV IES distribution shall be used. The Village engineer may designate that IES Type V distribution luminaries be used in the public interest under unusual or special conditions.
- (4) *Control.* Each light shall be controlled by a photoelectric control mounted on top of the luminaire.
- (5) *Line drop.* Voltage drop shall be no greater than three percent from the power supply to the last unit with no wire size smaller than No. 10 Type RHH or RHW Underground Service Cable (USE).
- (6) *Power supply location.* Power supply shall be furnished by the nearest Commonwealth Edison pedestal.
- (7) *Poor supply connection.* Connections to the power supply shall be made by Commonwealth Edison Company.
- (8) *Conduit.* All driveways, streets, and sidewalk crossovers shall have 1 1/2-inch galvanized rigid steel conduit used as raceways for underground cable. Heavy duty PVC or A85 conduit will be allowed if it is encased in a three-inch minimum concrete collar.
- (9) *Underground cable.* All underground cable shall be buried at least 30 inches below the normal finished grade.

- (10) *Splices.* All cable on the underground cable section shall be continuous, and no splicing shall be made underground. All necessary splices shall be made above the ground level.
- (11) *Underground cable location.* Underground cable shall be installed in a trench not more than two feet from the back edge of the curb, except that in no case shall the underground cable be installed under a sidewalk.
- (12) *Grounding.* The grounding of the streetlight fixture and arm shall be in accordance with the locally adopted electrical code.
- (13) *Fusing.* All underground feeders shall be fused at or below their rated capacity. Each standard shall contain inline fuse holders with the proper fusing in a series, with each underground conductor to protect the luminaire located on that pole.
- (14) *Streetlight standard and bracket.* The lighting pole for minor, local, and collector streets shall be as specified in the Schedule of Materials and included as Exhibit "T". The luminaire shall be mounted 19 feet, nine inches above the street, shall have a four-foot arm and shall be buried a minimum of five feet below grade and backfilled with crushed CA-6 limestone watered and compacted around the butt of the pole. The bracket is to be furnished with the pole.
- (15) *Major streets.* The lighting pole for major streets will be fabricated from weathering steel with a minimum yield strength of 50 kSI, 60 kSI. It shall have the weathering characteristic of ASTM - A588 or A606. The lighting standard shall be Millerbernd Model 11A964390-H8150, as manufactured by Millerbernd Manufacturing Company, Winsted, Minnesota, or approved equal. The pole and luminaire arm will have only one longitudinal seam weld. The pole and luminaire arm will be one piece, and absolutely no multi-sectional welded or slip fit design poles will be allowed. After fabrication, the complete pole and luminaire arms will be sandblasted to a near white finish. The installing contractor will be careful to clean the pole of all dirt and oil prior to and after erection of the pole to ensure uniform weathering. All connecting hardware will be stainless steel. The pole will be designed to hold the luminaire arms as indicated on the plans in accordance with the latest edition of the Standard Specifications for Structural Supports For Highway Signs, Luminaries And Traffic Signals, as written by the American Association of State Highway and Transportation officials. The design wind velocity will be 80 mph, with a 1.3 gust-factor. The light standard shall be designed to hold two luminaries weighing 64 pounds each and with a projected area of 2.3 square feet, each with a design wind velocity of 80 mph, and a gust velocity of 104 mph. The pole design shall meet the latest edition of specifications for luminaire standards as published by AASHTO

(American Association of State, Highway And Transportation Officials). A complete set of calculations shall be submitted along with catalog cuts and drawings of the pole and luminaire. The pole shaft shall be fabricated from steel conforming to ASTM-A588 or A606. The base plate shall be fabricated from steel conforming to ASTM-A588. There will be a four-inch by eight-inch reinforced handhold one foot up from the base of the pole. Pole sections shall be 11GA. At the top of the pole a six-inch long two-inch diameter schedule 40 pipe will be welded to the shaft. A schedule 40 vertical slipfitter will attach to the top of the pole to mount the luminaries as detailed in the standard drawing. The luminaries shall be installed eight feet from the pole. The base plate will be 13 inches square, one-inch thick with a five-inch diameter hole. The base plate will have four 1 1/4-inch holes spaced 8 7/8 inches apart to attach to the anchor bolt foundation. All pipe shall be Yaloy, or approved equal, weathering steel pipe. Each pole shall be connected to the ground by means of a copper wire of the no. 10 size and shall be welded to the inside wall of the pole and connected to a five-eighths-inch diameter, eight-foot long copper clad steel ground rod. The upper end of the ground rod shall be at least one foot below the finished grade. The foundations shall be concrete foundations, Type E, 24 inches as specified in the Standard Specifications For Traffic Control Items Current Edition, as adopted by the state department of transportation. The luminaire shall be a baked-on Bronze, Acrylic Enamel American Electric No. 53-57062-6S with a high pressure sodium lamp 240 operation, or approved equal. A computer printout will be required to establish spacing, wattage and mounting height for lighting on collector and major streets. The standards for lighting levels shall be those recommended by the I.E.S. Minimums and Maximums.

- (16) *Wire.* Underground cable from the power supply to the pole base shall be rated USE Type RR, no. 10 minimum, but shall be validated by an approved electrical analysis. Wire (pole and bracket): Wire installed from the hand hole in the base of the pole to the photo cell and luminaire shall be no. 12 Type RHW.
- (17) *Guarantee.* Streetlight standards, luminaries, ballast, lamps and cables shall be guaranteed by the manufacturer or distributor for its proper use from one year from the date of acceptance.

Sees. 50-71--50-90. Reserved.

DIVISION 3.

SIDEWALKS

Subdivision 1.

In General

Sec. 50-91. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Contraction joints means a vertical spacing of at least one-half inch in depth placed across the sidewalk from edge to edge, perpendicular to the centerline thereof.

Crosswalk means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

Expansion joint means a joint one-half inch in thickness and consisting of suitable bituminous material that will not become soft in hot weather nor hard and brittle in cold weather.

Maintenance means minor repair of cracks and small broken places in sidewalks.

Owner means a person who is the holder of the beneficial interest and/or holder of the legal title of real estate.

Repair means replacement of a sidewalk to promote public safety, health, convenience, comfort, prosperity and general welfare. The term "repair" is not intended to include sidewalk maintenance.

Sidewalk and *public sidewalk* mean that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

Cross References: Definitions generally, § 1-2.

Sec. 50-92. General provisions.

- (a) *Village property committee.* All public sidewalks and crosswalks shall be under the supervision of the Village property committee. They shall have supervision over all work thereon, issuing of sidewalk permits on new construction or replacement, shall be charged with the enforcement of this division or any amended ordinance and shall enforce such ordinance. A Village inspector shall be appointed to see that the construction specifications and other provisions of this division are carried out and to supervise all sidewalk construction. It shall be the property owner's and/or occupant of any premises responsibility to keep the sidewalk abutting their property free from snow and other obstructions.
- (b) *Permits.* It shall be unlawful to construct or replace a public sidewalk without having first secured a permit therefore; however, such a permit is not necessary for sidewalk maintenance.
- (c) *Duty of Village officers and employees to report defects.* It shall be the duty of every Village officer or employee becoming cognizant of any defect in any sidewalk, or any obstruction thereof to report the same to the sidewalk committee.
- (d) *Disturbance of protective barricades or Lights.* It shall be unlawful to disturb or interfere with any barricade or lights lawfully placed to protect or mark any new construction or excavation or opening in any sidewalk.
- (e) *Unlawful to obstruct sidewalk.* It shall be unlawful for any person to cause, create or maintain any obstruction of any sidewalk, except as may be specifically authorized by ordinance or by the Village property committee.

Sec. 50-93. Reserved.

Sec. 50-94. Sidewalk inspector.

A Village inspector is to be appointed for one year by the president of the Board of Trustees with the advice and consent of the Board of Trustees.

Sec. 50-95. Permits for public sidewalks.

- (a) *Application; fee; issuance.* Applications for permits shall be made to the Planning Commission and shall state the location of the intended construction or replacement, the extent thereof and the person or firm who is doing the actual construction. Upon determination by the Planning Commission that the plans for the sidewalk conform with this division or the specifications hereafter required by the Village property committee or Board of Trustees. The Village President shall issue a permit for the construction, repair or replacement of the sidewalk in accordance with the application. The fee will be according to the Permit Fee Schedule for the Village of Steward.
- (b) *inspector to receive portion of fee.* The Village inspector shall be paid according to an

agreement reached with the Village of Steward Board of Trustees.

- (c) *Permit conditions.* No construction shall begin until after a permit as provided in subsection (a) of this section is received, and such permit must be displayed in front of the premises where the sidewalk construction, replacement or repair is taking place during the period of such construction, replacement or repair. A permit shall be valid until the completion of such sidewalk construction, replacement or repair or for a period of one year after the date of issue, whichever shall occur first.

Sec. 50-96. Repairs.

- (a) *Required.* All public sidewalks shall be inspected by the Village inspector for construction or repair.

Sec. 50-97. Reserved

Sees. 50-98--50-105. Reserved.

Subdivision II.

Existing Sidewalks

Sec. 50-106. Construction regulations.

Standards for repair or replacement of sidewalks existing prior to August 21, 2006, are as follows:

- (1) *Sub-grade, grade and slope.* The sub-grade for a sidewalk shall be prepared by such filling of sand or excavating, as the case may be, as shall be necessary to bring the same to a true, firm and uniform surface four inches (six inches in driveway) below and parallel with the surface of such sidewalk when finished as provided in this subdivision. The sidewalk grade should match the existing ground profile. Sidewalks should, in general, slope one-quarter inch per foot toward the roadway. Greater slopes may be required at driveways and the inspector should be notified.
- (2) *Width; contraction joints; expansion joints; finished surface.* Sidewalks shall be four feet wide. Contraction joints shall be a minimum of one-half inch deep and approximately four-foot centers. A one-half-inch preformed expansion joint shall be placed where pouring against existing concrete curb or driveways, or every 60 consecutive feet. The finished surface shall be troweled and a broom finish applied to the satisfaction of the inspector.
- (3) *Concrete specifications.* The concrete shall be class-X (6-bag mix) with the applicable provisions of section 600 of the Standard Specifications for

Road and Bridge Construction of the state department of transportation.

- (4) *Bituminous driveways.* Bituminous driveways shall be sawed in a straight line and may be used as the sidewalk form if the grade is satisfactory and with the approval of the inspector prior to pouring.
- (5) *Barricades.* The property owner shall maintain suitable barricades to prevent injury of any person by reason of the work, Such barricades shall be protected by suitable lights at night time.
- (6) *Seeding and sod.* The property owner is responsible for the final seeding or sod operations and is responsible for cleanup operations, including removal of forming material, excess excavation and other debris.
- (7) *Location to roadway and right-of-way.* Sidewalks shall be constructed parallel with the existing roadway and shall be located in the public right-of-way eight inches from the property line of the adjoining property.

Sees. 50-107--50-110. Reserved.

Subdivision III.

New Sidewalks

Sec. 50-111. Applicability.

This subdivision applies to the construction of new sidewalks in the Village after August 14, 2006.

Sec. 50-112. Base.

The base of new public sidewalks shall be three inches of compacted crushed stone on a dry natural or compacted sub-grade. In no case shall the base be placed on a sub-grade of topsoil or other unsuitable material.

Sec. 50-113. Dimensions.

A new public sidewalk shall be five feet wide and shall be placed one foot from the right-of-way boundary on public property. The sidewalk shall be a minimum of five inches in thickness. A four-foot width is permitted on minor streets, and in areas where a four-foot width is currently permitted.

Sec. 50-114. Concrete generally.

The concrete used for new sidewalks shall be class "SI" concrete and shall be cured as specified in the Standard Specifications For Road And Bridge Construction,

latest edition. Membrane curing with W.R. Meadows CS 309, or approved equal, with a white fugitive dye will be required as per type II membrane curing.

Sec. 50-115. Surface finish.

The surface finish of new sidewalks shall be a light broom finish.

Sec. 50-116. Contraction joints.

The sidewalk shall be constructed with contraction joints at five-foot intervals and shall be saw cut to a minimum depth of one inch full width within 24 hours of concrete placement, or tooled at the time of placement to the same depth.

Sec. 50-117. Mix specifications.

A minimum six-bag mix with a five percent to seven percent air entrainment shall be used on all new public work within the Village. Concrete delivery tickets from the concrete supplier with this information and the location and date of the pour shall be submitted to the Village prior to any Village approvals of such work. A copy of the dated billing for the curing compound and protective coating shall also be required prior to approval.

Sec. 50-118. Access ramps.

Handicapped access ramps shall be provided at all intersections in accordance with the latest state department of transportation standards.

Sees. 50-119, 50-120. Reserved.

DIVISION 4.

STORM AND SANITARY SEWERS*

* Cross References: Utilities, Ch. 66.

Sec. 50-121. Storm sewers and storm water detention/retention.

- (a) Storm sewers of sufficient capacity shall be constructed through the entire subdivision to carry off water from all inlets and catch basins and shall be connected to an adequate outfall. Intercepting storm water inlet or catch basin structures shall be provided at flow intervals not in excess of 300 feet as measured along the gutter line. The minimum size storm sewer shall be 12 inches in diameter. Backyard drains, when approved, shall be 12 inches R.C.P. minimum. All storm water runoff which flows overland into or out of a storm sewer system must enter or exit through a flared end section or a poured in place headwall. Grates may be required by the Village.

- (b) The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers shall be constructed of non-reinforced or reinforced concrete pipe conforming to the American Society For Testing Materials, Designations C-76, wall thickness B. Existing groundwater drain tiles shall be connected to storm sewers or shall be restored to operating condition at the direction of the Village engineer. Joints for concrete storm sewer shall be of the bituminous mastic type.
- (c) Storm sewer capacities shall be determined with the use of the rational formula. The intensity factor used shall be a return frequency or not less than five years. The rainfall intensities to be used for design shall be from Bulletin No. 70, as published by the state water survey. The runoff coefficient (C factor) shall be determined by the character of the land to be drained when fully developed and shall conform to accepted standard engineering practices. Street grades and lot and block drainage shall be established so as to permit positive drainage to the storm sewer system. Parking lots shall be drained internally and directed to the storm sewer system where practical.
- (d) Control of storm water runoff shall be in accordance with an ordinance entitled, "An Ordinance to Control Storm water Runoff," included as a convenience as hereto, but which may be amended from time to time. All wet retention areas may require approved aeration, and all wet-dry retention areas will require low flow pipe provisions. An approved method of embankment protections shall be required. All slopes shall be graded to four to one or flatter unless otherwise approved by the Village engineer.
- (e) The rational formula modified as per Exhibit "P" shall be used to determine design storage. The storm sewer system will be designed to carry the runoff from all contributing areas, external as well as internal.
- (f) A copy of the design computations, gradient profile, contour map, contributing areas and the plan for storm sewer system, including storm water retention, shall be submitted for approval by the Village engineer, and must be submitted by a registered professional engineer and sealed accordingly.

Sec. 50-122. Sanitary sewers.

- (a) *Testing.* All public sanitary sewers shall be air tested and tested for deflection by the developer, at his expense, under the supervision of the Village engineer, or his authorized representative. One copy of the report shall be forwarded to the Village clerk and one copy shall be forwarded to the Village engineer. All testing will be done in conformance with the Standard Specifications For Water And Sewer Main Construction In Illinois, current edition. All sanitary sewers, eight inches in diameter and larger, shall also be inspected by closed circuit television by the Village at the developer's expense, prior to final acceptance.

- (b) *Service location.* The location of the ends of all sanitary sewer service locations shall be tied to each property corner with the location being included in the record drawings.

Sec. 50-123. Special conditions.

- (a) *Sump pump lines.* Separate sump discharge lines shall be installed by the developer to serve all lots within the subdivision. These lines, consisting of PVC pipe (four-inch minimum) shall be installed in an easement, three feet into the property along each side of the street and be connected to the proposed drainage structures. A plugged wye shall be provided for each lot and an inspection structure shall be installed on the upstream end of all lines.
- (b) *Inlet and/or catch basin castings.* Inlet and/or catch basin frames and grates shall be as outlined in the Schedule of Materials and included as Exhibit "T". Where a continuous grade is carried across an inlet or catch basin, the open vaned cover shall be used, Neenah No. R-3286-8-V, or approved equal.
- (c) *Manhole castings.* All manhole castings shall be Neenah No. R-1015 frame and Type B cover, or approved equal. All Type B covers shall be the concealed pickhole type. All Type B covers used for sanitary sewers shall have a machined surface and a watertight rubber gasket seal. All manhole frames shall be set with Butyl rope joint sealant. All sanitary sewer manholes shall be provided with approved cast in place rubber boots (flexible manhole sleeve) having a nominal wall thickness of 3/16 of an inch with a ribbed concrete configuration and with stainless steel binding straps properly sized and installed for all conduits of 12 inches diameter, or less, entering or exiting the manhole. All sanitary sewer manholes shall be completely sealed with Butyl rope joint sealant, including all component parts, bottoms, barrels, adjusting rings, and castings.
- (d) *Manholes, catch basins and inlets.* All manholes, catch basins and inlets shall be reinforced pre-cast concrete and shall be sealed with Butyl rope joint sealant, not mortar. Manholes for sanitary sewers shall be spaced at a maximum interval of 400 feet. Manholes for storm sewers shall be spaced as follows as a maximum:

Pipe Size	Maximum Spacing
12 inches through 24 inches	350 feet
27 inches through 36 inches	400 feet
42 inches through 54 inches	500 feet
60 inches or larger	1,000 feet

All storm water must pass through a catch basin prior to entering the storm sewer mainline. All other storm water collecting structures shall be type A inlets. All catch basins and inlets shall be constructed with weep holes. All catch basins and inlets will

be backfilled with one-half of an inch to three-eighths of an inch open graded fractured aggregate to allow for sub-grade seepage. If sub-grade conditions are excessively wet, excessively sensitive to moisture or special conditions, a capped perforated pipe may be required. Catch basins shall empty into a manhole except that a catch basin may tie directly into the storm sewer trunkline utilizing a concrete collar (six-inch minimum) if the following conditions are met:

- (1) The storm sewer trunkline is 36 inches in diameter or greater.
- (2) The storm sewer conduit from the catch basin to the trunkline is 40 feet, or less, in length and enters the trunkline in the top one-third of the storm sewer trunkline.

Jogs in sewer lines to pick up structures will not be allowed.

- (e) *Final adjustment.* All final adjustments of castings will be accomplished by the use of concrete adjusting rings set in Butyl rope joint sealant; mortar joints will not be allowed. The height of the adjusting rings shall not exceed eight inches. All main line valve boxes, buffalo boxes, and manholes shall be marked at the time of construction with a four-inch by four-inch hardwood post neatly installed vertically with a minimum three-foot bury and a minimum of four feet exposed. The top one foot of the post shall be painted blue for water and green for storm and sanitary sewers.
- (f) *Taps.* All connections to the sewer mains shall be made by the contractor under the supervision of the Village after payment of the applicable connection fees.

Sees. 50-124--50-140. Reserved.

DIVISION 5.

GRANULAR BACKFILL

Sec. 50-141. Generally.

- (a) All trenches caused by the construction of sewers, water mains, water service pipes and the excavation around catch basins, manholes, inlets and other appurtenances which occur within the limits of existing or proposed pavements, sidewalks, and curb and gutters, or where the edge of the trench shall be within two feet of such improvements shall be backfilled with compacted granular backfill.
- (b) Granular backfill shall consist of CA-6 crushed stone, CA-6 crushed gravel, or open graded CA-7 stone for catch basins and inlets, or other approved materials, and shall be compacted in place to 95 percent of the maximum density at the optimum moisture, as determined by the Modified Standard Proctor Test.

Sees. 50-142--50-160. Reserved.

DIVISION 6.
WATER SUPPLY*

* Cross References: Utilities, Ch. 66.

Sec. 50-161. Generally.

- (a) All work and material shall be in accordance with Village ordinances and with current Standard Specifications For Water And Sewer Main Construction in Illinois, latest edition, and as chronologically reissued. In case of conflict, the more stringent of the requirements shall apply.
- (b) The Village desires commodity standardization for all applicable items with economic use of function including standardization of application, simplification of design, maximum interchangeability of components and parts, minimum required spare parts, etc.
- (c) Typical component items of use in a water distribution system are included in this division. Some items are described in trade specification terms and others are of proprietary manufacturer as used by the Village. It is the desire of the Village to use those particular items as described.
- (d) Village water mains and hydrants shall be placed on the north and west sides of the streets unless approved otherwise by the Village engineer.

Sec. 50-162. Water mains.

- (a) *Generally.* Water mains shall be a minimum of eight inches internal diameter with a cover of five feet, six inches minimum below finish grade.
- (b) *Materials.* Materials shall be ductile iron class 51, single gasket, double sealing pipe per AWWA C151/ANSI A21.51 with cement mortar lining per AWWA C104/ANSI 21.4 (Griffen, Clow, American, or equal).
- (c) *Fittings.* Fittings shall be cement lined, tar coated ductile iron with mechanical joints rated 250 psi per AWWA C110/ANSI 21.100 (Clow, American, U.S. Pipe, or equal). All fittings shall be of American manufacture.
- (d) *Valves.* All mainline valves shall be as outlined in the Schedule of Materials shall have mechanical joint ends and shall open to the left. Valves shall be installed at each second consecutive hydrant at an intersecting line and at other locations as required so that a minimum number of services will be affected during the main isolation.

Open graded limestone shall be utilized to backfill all around the operating nut on all valve boxes to prevent mud from penetrating the valve box.

Sec. 50-163. Valve vaults.

All valves on the water main, except fire hydrant leads, shall be provided with valve vaults.

Sec. 50-164. Thrust blocks.

All tees, bends, fire hydrants, and valves shall be adequately blocked with poured-in-place thrust blocking against the undisturbed earth.

Sec. 50-165. Fire hydrants.

- (a) All hydrants shall be as outlined in the Schedule of Materials and included as Exhibit "T" and shall be installed throughout the subdivision at each intersection and at intervals not exceeding 300 feet.
- (b) Hydrant installation shall have a five-foot, six-inch depth of cover, a six-inch lead with a gate valve, breakaway traffic flange, pentagon nut and National Standard thread for fire service.
- (c) The centerline of a pumper nozzle shall be 18 inches to 20 inches above the finish grade line (sidewalk to curb) or above the ditch drain line with Village approval. The base elbow of a hydrant shall be properly thrust blocked per this section's provisions and shall be provided with a clean washed stone and polyethylene covering.
- (d) Fire hydrants shall be located on the property line extended, except at the corners, and shall be set two feet at a minimum and three feet at the maximum from the curb back to the face of the pumper nozzle. Where there is no curb and gutter, the face of the pumper nozzle shall be located five feet from the paved road edge. All hydrants and any required adjustment fittings shall receive one field coat of red paint as recommended by the manufacturer prior to final acceptance.

Sec. 50-166. Taps.

All taps to the water main shall be made by the contractor under the supervision of the Village after the payment of applicable connection fees. All taps shall be a minimum of five feet from a joint or other tap.

Sec. 50-167. Water service.

- (a) All water services shall be constructed of type K copper pipe of such diameter as specified by Village ordinance and in accordance with AWWA Publication M-22 entitled, "Water Service Lines and Meters." The service line diameter is dependent upon the peak water demand and the meter distance from the main. The minimum service diameter shall be three-quarters of an inch.

- (b) No joints will be allowed between the corporation stop and the curb stop. The material and installation will be in general accordance with AWWA C800.
- (c) Services shall be equipped with a corporation stop, curb stop, and buffalo box. The buffalo box shall be set in the parkway of a point three feet off of the side lot line and centered between the back of sidewalk and the adjacent right-of-way line. Except as permitted in this subsection (c), the underground water service pipe and the building sewer shall be not less than ten feet apart horizontally and shall be separated by undisturbed or compacted earth.
- (1) The materials and joints of sewer and water service pipe shall be installed in such a manner and shall possess the necessary strength and durability to prevent the escape of solids, liquids, and gases there from under all known adverse conditions such as corrosion, strains due to temperature changes, settlement, vibrations, and superimposed loads.
 - (2) All water services shall be installed with a minimum of five feet of cover from the finish grade.
 - (3) All curb boxes shall be Minneapolis Pattern with a 1 1/4-inch standpipe.
 - (4) All corps and curb stops shall be of compression type, Mueller only.
 - (5) The location of all curb boxes shall be tied to each property corner with the location being included in the record drawings.

Sees. 50-168--50-190. Reserved.

DIVISION 7.

UTILITIES ON PRIVATE EASEMENTS*

* Cross References: Utilities, Ch. 66.

Sec. 50-191. Generally.

In all cases, utilities on private easements will be discouraged and will be done only with permission of the Village. The rules of this division will not be in effect for the standard storm sewer on the ten-foot easement adjacent to the public right-of-way.

Sec. 50-192. Storm or sanitary sewers.

Any proposed segment of storm sewer or sanitary sewer constructed on private property must meet the following requirements:

- (1) Constructed parallel along lot lines.
- (2) Constructed in an individual pennant easement no less than 15 feet wide for each utility.
- (3) Originate in a manhole on public right-of-way and must terminate in a manhole on public right-of-way.
- (4) Laid on a straight alignment between manholes.
- (5) No longer than the maximum spacing as listed in this article for all manholes.

Sec. 50-193. Water mains.

Any proposed segment of a water main constructed on private property must meet the following requirements:

- (1) Constructed parallel along lot lines.
- (2) Constructed in an individual permanent easement no less than 15 feet wide for each utility.
- (3) Originate from a valve on public right-of-way and must terminate on a valve on public right-of-way.
- (4) Laid on a straight line between the above-mentioned valves.
- (5) The pipe material shall be ductile cast iron at a higher class, where applicable.

Sees. 50-194--50-220. Reserved.

ARTICLE III.

DRAINAGE DITCHES, CULVERTS AND DRIVEWAY APPROACHES

Sec. 50-221. Culverts required.

As determined by the Village Board of Trustees, each property within the corporate limits that either on its own or is abutting the Village street or right-of-way shall have a culvert installed so as to not impede or interrupt the flow of water. No property within the Village shall have a driveway, sidewalk, or other structure which impedes or interrupts the flow of water within the Village. No property within the Village shall be allowed to have any driveway, sidewalk, or other structure which does not provide for an appropriate culvert as provided in this article.

Sec. 50-222. Clearance by property owners of drainage ditches.

Each property owner and/or occupant shall keep all drainage ditches abutting or crossing their property clear of all brush, trees, tree limbs, leaves and other debris, and shall keep all culverts installed or existing in such ditches clear of such debris. The Village shall be responsible for removing the natural accumulation of silt from ditches that are located on public property or on a Village easement.

Sec. 50-223. Installation of drainage ditches or culverts on public property; permit required.

No person shall install or place in any drainage ditch located on public property or a public right-of-way or any drainage ditch used to divert storm water from public property or right-of-way any piping or culvert without first obtaining a permit issued by the Village.

Sec. 50-224. Residential installation permit; pre-issuance requirements.

Except as otherwise provided, no permit shall be issued for any residential culvert installation or driveway approach unless the following requirements are met:

- (1) The minimum diameter of the culvert is eight inches with the actual diameter to be determined by the inspector in a size adequate to conduct anticipated flow.
- (2) The minimum distance between culverts is six feet except for existing abutting driveways.
- (3) The culvert is to be corrugated metal pipe, galvanized, meeting state department of transportation specifications.
- (4) The maximum width of the driveway is 24 feet; the minimum is ten feet; and the culvert shall extend three feet on each side of the driveway.
- (5) The minimum distance from the intersection is 25 feet.
- (6) The driveway approach located on Village property must be made of rock or blacktop; no concrete shall be allowed.
- (7) The minimum fill placed above such culvert shall be no less than eight inches or as determined by the inspector prior to the issuance of a permit.
- (8) The culvert depth will be as determined by the inspector prior to the issuance of a permit, based upon the elevations necessary to not impede the flow of storm water, or as determined or recommended by the Village engineer.

Sec. 50-225. Nonresidential purpose permit; pre-issuance requirements.

Except as otherwise provided, no permit shall be issued for any such culvert or driveway approach for nonresidential purposes unless the following requirements are met:

- (1) The minimum diameter of the culvert is eight inches, with the actual diameter to be determined by the inspector in a size adequate to conduct the anticipated flow.
- (2) The minimum distance between culverts is six feet except for existing abutting driveways.
- (3) The culvert is to be of corrugated metal pipe, galvanized, meeting state department of transportation specifications.
- (4) The maximum length and depth is to be determined by the inspector or as determined or recommended by the Village engineer.
- (5) The minimum distance from an intersection, defined as the intersection curb, or travel lanes of two streets, in the absence of a curb, shall be 25 feet.
- (6) Driveway approaches located on Village property must be made of rock or blacktop; no concrete shall be allowed.
- (7) The minimum fill placed above such culvert shall be no less than eight inches or as determined by the inspector prior to the issuance of a permit.

Sec. 50-226. Contents of permit application; fees; approval.

Application for permits shall contain all information necessary to determine whether the requirements contained in this article shall be met. Applications shall be filed with the Village comptroller. The permit fee shall be \$25.00 and shall be nonrefundable. Nonresidential permits, wherein the culvert installation is for parking purposes, shall be subject to the approval of the Village engineer prior to issuance of the permit.

Sec. 50-227. Property owner's responsibility for expenses.

In all instances, the property owner or the property owner abutting Village property or streets, shall be responsible for all expenses to include, but not limited to, the culvert, connecting bands, and flair ends. All fees shall be paid prior to the issuance of the permit.

Sec. 50-228. Removal of culverts; notice.

The Village may remove any culvert installed or existing in any drainage ditch

after giving ten days' written notice of its intention to do so to all interested parties. The written notice shall not be necessary in emergency situations requiring the removal of the culvert.

Sec. 50-229. Inspector; appointment; compensation.

An inspector is to be appointed for one year by the president of the Board of Trustees with the advice and consent of the Board of Trustees. The inspector shall be paid a sum of \$25.00 for each permit issued. In the absence of an appointed inspector, the Village president shall be deemed the inspector, and no permit fees shall be paid to the president.

Sec. 50-230. Penalty for violation of article.

Any person violating any of the provisions of this article shall be subject to punishment as provided in section 1-10 of this Code. This section shall in no way abrogate or impair the right of the Village to specifically enforce, by any legal means, any of the provisions of this article.

Sees. 50-231--50-260. Reserved.

ARTICLE IV.

GRADING, STORMWATER DETENTION AND SITE DEVELOPMENT PERMIT

Sec. 50-261. Purpose of article.

The purpose of this article is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth on land situated in the Village. It is the intention of the regulations of this article that land disturbing activities do not result in an increase in the rate of or the location of storm water runoff from properties in order to safeguard adjoining properties from the negative impacts of such runoff. Further, it is intended to require the temporary storage and the control of the rate of release of excess storm water thereby equitably apportioning the liabilities and benefits of storm water runoff between dominant and subservient estates.

Sec. 50-262. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words not defined shall be interpreted in accordance with definitions contained in Merriam Webster's New Collegiate Dictionary, Ninth Edition.

Administrator means the duly appointed zoning administrator of the Village.

Base flood means the flood having a one percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood.

Base flood area means the land area subject to inundation by waters of the base flood.

Base flood elevation means the elevation at all locations delineating the level of flooding resulting from the 100-year frequency flood event.

City engineer means the professional engineer, registered in the state, who has been duly appointed as the city engineer of the Village, or who has been hired by the Village as its consulting engineer.

Compensatory storage means an artificially excavated, hydraulically equivalent or greater volume of storage within the special flood hazard area used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain.

Control structure means a facility constructed to regulate the volume of storm water that is released during a specific length of time.

Dry bottom storm water storage area means a facility that is designed to be normally dry and which accumulates excess storm water only during periods when the restricted storm water runoff release rate is less than the storm water inflow rate.

Excess storm passageway means a channel formed on the surface of the soil to carry storm water runoff through a specific area from dominant to subservient estates.

Excess storm water means that portion of storm water runoff that is not absorbed by the soil or evaporated.

Five-year return frequency storm means a storm that may be expected to be equaled or exceeded on an average of 20 times in any period of 100 years. In any given year, there is a 20 percent chance that such a storm will occur.

Floodplain means the land adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Floodplains may also include detached special flood hazard areas, ponding areas, etc. The floodplain is also known as the special flood hazard area (SFHA). The floodplains are those lands within the jurisdiction of the Village that are subject to inundation by the base flood or 100-year frequency flood.

Floodway means the channel or watercourse and those portions of the adjoining floodplains that are required to store and convey the 100-year flood with no

significant increase in the base flood elevation. For the floodway boundaries, see appendix A.

Natural drainage means water that flows by gravity in channels formed by the true surface topography of the earth prior to changes made by the efforts of man.

Natural safe storm water drainage capacity means the quantity of storm water runoff that can be transported by means of a channel, passage, conduit, tub, duct, or combination thereof, in such a manner that the elevation of the water does not rise significantly above the level of the adjacent soil surface.

100-year return frequency storm means a storm that may be expected to be equaled or exceeded on an average of once in any period of 100 years. In any given year, there is a one percent chance that such a storm will occur.

Pave (pavement) means the act or result of applying a hard, all-weather watertight material to any ground surface in such manner as to present a uniform surface over large areas in accordance with Village standards.

Person means an individual, public or private corporation, government, partnership, or unincorporated association.

Plan commission means the plan commission of the Village.

Plat officer means the plat officer of the Village. The zoning administrator shall be the plat officer, and shall be responsible for signing plats related to divisions of land.

Positive gravity outlet means the drainage of an area in a manner that will ensure complete removal of all surface water by means of natural gravity.

Recognized agency means a governmental unit or agency which has statistically and consistently examined local, climatic and geologic conditions and maintained records as they apply to storm water runoff, e.g., U.S. Weather Bureau, University of Illinois Engineering Experiment Station, state water survey, state department of transportation, division of water resources, U.S. Soil Conservation Service, etc.

Storm water runoff means water that results from precipitation that is not absorbed by soil or plant material.

Storm water storage area means an area designated to temporarily accumulate excess storm water.

Structure means anything that is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, fences, signs, mobile homes, swimming pools and walls.

Tributary watershed means the entire catchment area that contributes storm water runoff to a given point.

Wet bottom storm water storage area means a facility that contains a body of water and which accumulates excess storm water during periods when the restricted storm water runoff release rate is less than the storm water inflow rate.

Cross References: Definitions generally, § 1-2.

Sec. 50-263. Zoning administrator duties.

- (a) The Village Board hereby vests the zoning administrator with the responsibility and authority to:
- (1) Delineate or assist the federal flood insurance administrator, at his request, in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites;
 - (2) Provide such information as the Village Board may request concerning present uses and occupancy of the floodplain;
 - (3) Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring counties with respect to management of adjoining floodplain areas in order to prevent aggravation of existing hazards;
 - (4) Together with the Village engineer, interpret and enforce the regulations of this article.
- (b) The Village Board appoints the zoning administrator to maintain for public inspection and to furnish upon request a record of elevations, in relation to mean sea level, of the lowest floor, including the basement, of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.
- (c) The Village Board appoints the zoning administrator to serve as the plat officer for the Village.

Sec. 50-264. Review of subdivision proposals and other new developments for flood control measures.

The plat officer shall review subdivision proposals and other proposed new developments to ensure that:

- (1) All such proposals are consistent with the need to minimize flood damage.
- (2) All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.

- (3) Adequate drainage is provided so as to reduce exposure to flood hazards.

Sec. 50-265. Prerequisite requirements prior to construction, improvement or development.

The following requirements shall be applicable and shall be satisfied prior to the construction, improvement or development of any structure, project or land which is subject to the provisions of this article:

- (1) No land disturbing activity shall be permitted which alters natural or manmade waterways or drainage features including, but not limited to, ditches, culverts, swales, drain tiles, streams, rivers, ponds, lakes, wetlands and floodplains, unless such alteration is in compliance with the provisions of this article.
- (2) Any land disturbing activity shall be conducted in such a way that the location of storm water runoff from a site shall not be altered, and the post-development rate of storm water runoff from the site shall not exceed the maximum rate stipulated in section 50-268, unless such alteration is approved by the Village Board as part of a development review process. In ensuring compliance with this standard, the administrator may require the property owner to obtain a site development plan in accordance with this article.
- (3) The discharge point of any sump pump shall be entirely within the buildable area of a lot, and shall not extend beyond any minimum required building setback line.

Sec. 50-266. Site development permit.

A site development permit shall be obtained through the administrator prior to the commencement of construction of any structure or change to any land that is subject to the provisions of this article.

- (1) Except as otherwise provided in this article, the following activities shall require a site development permit:
 - a. Construction of any new structure, establishment of any new uses of any land or existing structures, structural alteration or relocation of any existing structures, and enlargements of or additions to any existing uses located within the Village;
 - b. Issuance of any building permit, approval or recording of any subdivision or plat of any land, approval of any planned development, and construction of pavement or compacted area designated to be used for loading, open storage, or the parking of vehicles, shall first comply

with the provisions of this article and obtain the approval of the administrator;

- c. Any land disturbing or grading activity, including excavating, dredging and filling or any combination thereof; and
- d. Construction of any lake or pond, mining of minerals including sand and gravel, development of golf courses, and construction of roads and streets.

(2) A site development permit shall not be required for:

- a. Construction associated with any work in a public right-of-way that has been approved by the state department of transportation, township road commissioner, the county highway department, Village engineer or Board of Trustees; and
- b. Modification of structures or appurtenances that do not increase the amount of impermeable area.

(3) An applicant for a site development permit shall submit a grading plan, prepared by and bearing the stamp and seal of a registered civil engineer, showing the existing and proposed topography at a minimum of two-foot contour intervals, along with other information including: existing major vegetation, existing and proposed storm water management features (drain tiles, ditches, culverts, swales, catch basins, pipes, detention areas, etc.), proposed erosion and sedimentation control measures (in accordance with the procedures set forth in Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois ("Green Book"), except chapter 6, and with the standards and specifications set forth in the Illinois Urban Manual, 1995), existing and proposed buildings, structures and improvements, existing and proposed underground utilities, other existing or proposed major land features (lakes, wetlands, utilities, easements, etc.), and any other information as may be deemed necessary by the administrator or Village engineer. The plan shall show plan, profile and cross sections of the storage areas and excess storm water passageways, including the areas expected to be inundated or covered with water. The grading plan shall be accompanied by a certification from the engineer that the plan meets all the applicable regulations of the Village for storm water management, grading and floodplains. The applicant's engineer shall also provide an estimated cost of construction. Where appropriate, the administrator may retain outside consulting services to assist the highway department in such review, all reasonable costs for such outside services shall be borne by the developer.

(4) A plan for the short term and long term maintenance and the responsibility of maintaining the storm water storage areas shall be submitted to and approved

by the administrator and Village engineer prior to final approval. Acceptable plans for the maintenance of storm water storage areas may include agreements with individual property owners' associations, in which case the administrator shall require that the face of the plat make reference to the agreement and that a restrictive covenant running with the land be imposed on all affected property. If a property owners' association is to be established, the developer of the project or subdivision or the applicant shall be responsible for its establishment and for informing the individual property owners of their responsibilities.

- (5) The facilities for the control of storm water runoff shall be constructed prior to the start of any construction or during the earliest possible stage of construction on the site of the project. All costs of construction, including the restoring, temporary seeding and permanent erosion control measures, shall be borne by the contractor, applicant or developer. The Village engineer shall approve the erosion control measures and the timing of their installation.
- (6) The construction of the storm water storage area and excess storm water passageway shall be under the supervision of a state-registered professional engineer. He shall be responsible for all construction in accordance with the approved plans and set of as-built plans, which shall be submitted upon completion of the storm water storage area and excess storm water passageway.
- (7) All applicants for building permits shall contain a statement that such buildings or structures and appurtenances connected therewith include facilities for the orderly runoff or retention of rain and melting snow, as required in this article. Plans submitted with the application shall include a signed statement issued by a state-registered professional engineer that the plans include facilities adequate to prevent harmful runoff, as required in this article. For single-family dwellings to be located in a subdivision meeting the requirements of this article, the signed statement may, in lieu of the procedure of this subsection, be placed on the face of the final plat and/or approved improvement plans.
- (8) Fees and a financial guarantee shall be as follows:
 - a. The fee for applying for a site development permit shall be as set forth in the fee schedule, as amended, adopted by the Board of Trustees;
 - b. A bond with a corporate surety or a letter of credit issued by a reputable financial institution or irrevocable escrow agreement on forms approved by the administrator in an amount sufficient to cover 120 percent of the estimated cost of all construction required by this section shall be required prior to the start of any construction on the project. Proof of the assurance shall be given to the administrator for

his records. The bond or letter of credit shall be returned after all provisions of this article have been met.

- (9) The Village engineer shall review the grading plan for compliance with applicable regulations. The Village engineer may approve or deny the grading plan, or require such changes as are deemed necessary to meet the requirements of the Village. Approval of a grading plan shall not be unreasonably withheld.
- (10) Upon receipt of approval of a grading plan, the administrator shall issue the site development permit. The applicant shall commence work within six months of the date of the issuance and, once started, such work shall be continuously and diligently pursued to its completion. In any event, work shall be completed within one year of the start of work on the project.
- (11) Upon completion of the work, the applicant shall schedule a final inspection by the Village engineer. If the project is not completed in accordance with the approved grading plan, the Village engineer or administrator may require the applicant to provide to the Village a grading plan, prepared by and bearing the stamp and signature of a registered surveyor or certified engineer, depicting the final topography of the subject property. The reasons for requiring the as-built topographic survey shall be given to the applicant in writing. This as-built grading plan shall be subject to review by the Village engineer for compliance with the grading plan approved for the site development permit. Further, the Village may, in addition to its other possible remedies, draw upon the financial guarantee to complete the work. Following written approval of the finished grading by the Village engineer, the administrator shall release the guarantee of construction.
- (12) Following issuance of a site development permit, an applicant may request approval of an amended grading plan. Such a request must include the reasons for the request to amend the approved plan; and, if the request is approved, the amended plan shall be subject to the review and approval procedure and fees set forth in subsections (3)--(8) of this section. Once approved by the Village engineer, the amended plan shall replace the original grading plan for the earth-moving project. The Village engineer or administrator may elect to extend the period for completion of the project to a date not exceeding one year from the approval of the amended plan.
- (13) A site development permit shall not be issued for an intended site development unless:
 - a. The earth moving is part of a development, such as a subdivision, special use, planned development or variation, which has been approved by the Village;

- b. The permit is accompanied by a valid building permit issued by the Village; or
- c. The earth moving is associated with a permitted use in the zoning district in which the subject property is located and no other permits or approvals are required from the Village; and
- d. All other required local, state and federal permits have been received for that portion of the site subject to a site development permit.

(14) The administrator shall have the authority to waive the requirements of this article for any proposed land disturbing activity, if the permit is deemed unnecessary. In the case where a grading project is subject to regulation by a state or federal agency, the requirement for a site development permit may be waived, provided that a copy of the state or federal permit is provided to the Village prior to commencement of the project, and such permit is adequate to address the requirements of the Village. For lots within subdivisions, the proposed top of foundation elevation shall be identified on building permit plans, and a surveyor shall certify that the proposed final grading of the parcel shall comply with proposed grades on the approved subdivision plans and that the top of foundation shall match the top of foundation shown on the subdivision plats. In the case of buildings or structures proposed on property that includes a floodplain, a site development plan may be required.

Sec. 50-267. Variances.

- (a) *Standards.* In order to promote the best possible development and use of land, the administrator shall interpret the standards, provisions and specifications contained in this article liberally and in favor of the public interest. Variations from these standards, provisions and specifications may be granted when it is demonstrated to the satisfaction of the administrator and the Village Board that, owing to special conditions, a strict adherence to the provisions of this article will result in unnecessary hardship and that the spirit and intent of the article will be observed.
- (b) *Procedure.* A request for a variance shall be filed by the owner seeking to develop or change the use of this property, or his agent, with the administrator who shall refer it, together with his recommendations, to the plan commission for decision. The request for variance shall be written and shall state specifically what variance is sought and the public's interest in granting the variance.

Sec. 50-268. Technical requirements.

The following requirements shall be applicable and shall be satisfied prior to the construction, improvement or development of any structure, project or land which is subject to the provisions of this article:

- (1) *Maximum controlled release rate.* The maximum controlled release rate of the storm water from all developments requiring detention shall not exceed the storm water runoff rate able to be carried by the downstream drainage system. Because of the flat conditions of the land in this area, channel configurations cut by nature are generally unable to handle the runoff from the high intensity rainfalls and result in floodplain storage or spreading of runoff over the land areas during the larger storm periods. In order not to increase the runoff from such areas after development, the release rate must be limited to the carrying capacity of these natural channels and may not exceed the predetermined safe carrying capacity of any limiting downstream restriction. The drainage system for any property shall be designed to control the peak rate of discharge from the property for the two-year, 24-hour and 100-year, 24-hour events to levels which will not cause an increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities. The peak discharge from events less than or equal to the two-year event shall not be greater than 0.04 cfs per acre of property drained. The peak 100-year discharge shall not be greater than 0.2 cfs per acre of property drained.
- (2) *Excess storm water passageway.* An excess storm water passageway shall be provided, which shall have adequate capacity to convey the excess storm water from the tributary watershed. The capacity of this excess storm water passageway shall be adequate to transport the peak rate of runoff from the 100-year return frequency storm, assuming all upstream areas are fully developed for uses specifically listed as permitted uses by existing zoning, and antecedent rainfall has saturated the tributary watershed. The increase due to saturation shall be calculated by a ratio of the amount of runoff of the antecedent moisture condition II of the 24-hour 100-year return frequency storm, assuming all upstream areas are fully developed for uses specifically listed as permitted uses by existing zoning and antecedent rainfall has saturated the tributary watershed. The increase due to saturation shall be calculated by a ratio of the amount of runoff of the antecedent moisture condition III to antecedent moisture condition II of the 24-hour 100-year return frequency storm as outlined by the U.S. Soil Conservation Service for the tributary watershed. No structures shall be constructed within this passageway; however, streets, parking lots, playgrounds park areas, pedestrian walkways, open space and utility and sewer easements shall be considered compatible uses. Design of the excess storm water passageway shall include control of storm water velocity to eliminate problems of soil erosion or other damage that could detract from the primary use of the area. The entire area of the excess storm water passageway shall remain under the jurisdiction of the Village. If this passageway is reshaped or its capacity to transport excess storm water is otherwise restricted, the Village may cause to have any restrictions removed at the expense of the agency or party causing or permitting the restrictions. Should a natural drainage way exist, it shall be preserved and used as a part of the excess storm water passageway.

- (3) *Affidavit of disclosure of property interest.* At the time the owner of any development, or his agent, submits a subdivision plat to the administrator, he shall execute and file an affidavit of disclosure of property interest with the Village. In this affidavit, the owner will state either that the provisions of this article apply to the subject property or that the article does not apply because it is an excluded land use change or type of construction. In the latter case, the owner will also state that he has no property or contractual interest nor any beneficial interest under any trust holding title in any contiguous property. The affidavit shall also include an agreement by the owner that, if the owner subsequently acquires any such interest in any contiguous property within ten years, such that the total combined property is greater than or equal, the provisions of this article will apply to the entire property.
- (4) *Storm water storage.* When the maximum controlled storm water runoff release rate shall be exceeded, any or all of the following storm water storage methods shall be provided and constructed:
- a. *Dry bottom storm water storage.*
 1. Dry bottom storm water storage areas must be designed to serve a secondary purpose for reaction, open space, or similar type of uses that will not be adversely affected by occasional intermittent flooding;
 2. The combination of storage or excess storm water runoff from a 100-year return frequency storm and the allowable release rate shall not result in a storage duration in excess of 48 hours;
 3. Minimum grades for turf areas shall be one percent (100 units horizontal to one unit vertical) and maximum side slopes shall be 25 percent (four units horizontal to one unit vertical). Storage areas side slopes shall follow the natural land contours as closely as practicable, and a minimum of earth excavation shall be used to create the storage facility;
 4. Temporary seeding or other soil stabilization measures shall be established in the storm water storage area and excess storm water passageway immediately following the construction of the overall development. It is recognized that a limited amount of sediment buildup may occur in the storm water storage area due to erosion. In no case shall the volume of the storage area be reduced to less than three-quarters of the required volume during the construction phase of the development. Permanent erosion control measures such as mulching, hydro-seeding, conventional seeding, nurse crops, fertilizing, or sod installation shall be utilized to control soil movement and erosion within the storage area and excess storm water passageway. These measures shall meet or exceed the

standards established by the Village soil and water conservation district. The installation of these permanent measures shall take place only after the majority of construction and other silt and sediment-producing activities have been completed. Prior to the establishment of permanent erosion control measures, the required capacity of the storm water storage area and the excess storm water passageway shall be restored;

5. The control structure shall be provided with an interceptor for trash and debris, and it shall be designed and constructed to prevent soil erosion and not to require manual adjustments for its proper operations. An inlet design that will produce turbulent flow conditions during any portion of the storm water cycle will not be acceptable. Backwater from any downstream drainage system shall be evaluated with regard to the outlet structure;
6. Adequate impact stilling basins shall be provided to ensure that downstream soil erosion is alleviated and the regime of the downstream drainage facility is not disturbed;
7. Each storm water storage area shall be provided with a method of overflow if a storm in excess of the design capacity occurs. This overflow facility shall be constructed to function without specific attention and can become a part of the excess storm water passageway described in subsection (2) of this section. Such passages shall carry storm water so that the maximum water level shall be at least two feet below the lowest foundation grade in the vicinity of the flow path;
8. The entire storm water storage area shall be designed and constructed to fully protect the public health, safety, and welfare. If a condition occurs in the storm water storage area which is hazardous to the public health, safety or welfare, the person responsible for the condition will be required to provide approved corrective measures. If these corrective measures are not provided, the Village may eliminate the hazard at the expense of the person responsible. If these corrective measures are not provided, the Village may eliminate the hazard at the expense of the person responsible;
9. Low flow conduits or channels shall be provided in the storm water storage area. These conduits or channels shall be so constructed that they will not interfere with the secondary usage of the storage area and will reduce the frequency of time that the storage area will be covered with water.

- b. *Wet bottom storm water storage.* Wet bottom storm water storage areas shall be designed in compliance with all the regulations that are applicable and govern the construction of dry bottom storm water storage areas. The following additional regulations shall also apply:
1. The water surface of the permanent pool shall not exceed one tenth of the area of the tributary watershed.
 2. The maximum side slopes shall be as follows:
 - i. Ten percent (ten units horizontal to one unit vertical) for the first 25 feet from shoreline;
 - ii. Twenty-five percent (four units horizontal to one vertical) for remaining side slopes. Protection of the shoreline must be provided to alleviate soil erosion due to wave action.
 3. The minimum normal water depth shall be four feet. If fish are to be used to keep the pond clean, at least one-quarter of the pond area shall be a minimum of ten feet deep.
 4. Facilities shall be provided to lower the pond elevation by gravity flow for cleaning purposes and shoreline maintenance.
 5. The control structure for storm water release shall be designed to operate at full design release rate with only a minor increase in the water depth in order to minimize the land surface wetted by frequent minor storm water runoff conditions.
 6. Measures shall be included in the design to prevent pond stagnation. This may be accomplished by fountain aeration or some other method used to ensure aerobic pond conditions.
 7. The volume of water permanently stored shall not be considered to be part of the required excess storm water storage volume.
- c. *Paved storm water storage.* Design and construction of the pavement base must ensure that there is no permanent damage due to flooding. Control structures in paved areas must be readily accessible for maintenance and cleaning. Vortex control devices will be required.
- d. *Rooftop storm water storage.* Rooftop storage of excess storm water shall be designed and constructed to provide permanent control inlets and parapet walls to contain any excess storm water. Adequate structural roof design must be provided to ensure that roof deflation does not occur which could cause the roofing material to fail and result in leakage. Overflow areas must be provided to ensure that the weight

of stored storm water will never exceed the structural capacity of the roof.

- e. *Automobile parking in storm water areas.* Automobile parking facilities used to store excess storm water must be constructed having a maximum depth of stored water of 1.5 feet, and these areas shall be located in the most remote, least used areas of the parking facility.
- f. *Underground storm water storage.* Underground storm water storage facilities must be designed for easy access in order to remove accumulated sediment and debris. These facilities must be provided with a positive gravity outlet.

(5) *Calculations.*

- a. The volume of required storm water storage shall be calculated on the basis of maximum value achieved from the runoff of a 100-year frequency storm (24-hour duration) less the volume of water released through the outlet structure. A pond routing method acceptable to the administrator shall be used for these calculations. The release rate of the outlet structure when one-half of the storage areas are filled may be used in lieu of routing techniques in small drainage areas less than one acre in size, and a four-inch-diameter restrictor shall be considered the minimum practical size in these smaller drainage areas. Detention storage shall be computed using hydrograph methods as described in this section.
- 1. Capacity must be provided to pass the ten-year peak flow in the minor drainage system and an overland flow path for flows in excess of design capacity.
 - 2. Design methodologies for major and minor conveyance systems for areas up to ten acres may be designed using the rational formula. The rational formula may also be used for sizing minor drainage systems for larger sites. Runoff hydrograph methods described in this section must be used for major drainage systems with greater than ten acres of drainage area, for all flood prone areas, and for the design of all drainage basins.
 - 3. Runoff hydrographs shall be developed incorporating the rainfall assumptions in the following subsection plus antecedent moisture. Acceptable runoff hydrograph methods would include HEC-1, SCS TR-20, and SCS TR-55 Tabular Method.
 - 4. Unless a continuous simulation approach to drainage system hydrology is used, all design rainfall events shall be based on the state water survey bulletin 70. The first quartile point rainfall distribution

shall be used for the design and analysis of conveyance systems with critical durations of less than six hours. The second quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations greater than six hours and less than or equal to 12 hours. The third quartile point shall be used for design and analysis of detention basins and conveyance systems with critical durations greater than 12 hours and less than or equal to 24 hours. The fourth quartile point shall be used in the design and analysis of systems with durations greater than 24 hours. The first, second, third and fourth quartile distributions described by Huff are presented in Table 37 of Bulletin 70. The SCS Type II distribution may be used as an alternative to the Huff distributions.

5. The control structure shall be designed to maintain as uniform a flow as possible, independent of the storm water storage volume. When the proposed structure, project, or land development forms only a portion of a watershed or contains portions of several watersheds, the storage volume calculations shall be based upon the area of the entire project, development or land use change.
 - b. Storm water storage areas that will be filled to capacity by high frequency storms shall be designed in a manner that will protect immediate downstream properties, and all overflow structures shall be designed to function properly and effectively without the necessity of making manual adjustments. The administrator may permit a larger outlet for storm water storage for the orderly management of storm water runoff where large tributary areas are developed without detention. There shall be a minimum of one foot of freeBoard above the 100-year storm (24-hour duration) storage elevation.
 - c. If the orderly management of the storm water runoff cannot be achieved by passing the entire tributary area runoff through the storm water storage area, then the storm water storage area shall be constructed to exclude the runoff from the tributary area originating outside of the area to be developed.

Sec. 50-269. Enforcement; penalty.

- (a) The administrator shall be the official primarily responsible for the enforcement of this article relative to any land disturbing activity conducted in violation of this article as it pertains to the owner or his authorized agent, a tenant, architect, builder, contractor, or other person who commits or participates in any violation. The administrator may request the Village attorney to institute legal proceeding necessary to enforce this article or prevent or remedy any violations of this article.
- (b) Failure to comply with any of the requirements of this article shall constitute a

violation, and any person, upon conviction thereof, shall be subject to punishment for each offense as provided in section 1-10.

Chapters 51--53

RESERVED

Chapter 54

SUBDIVISIONS*

* Editors Note: The appendix exhibit, containing various forms, certificates and checklists, referred to throughout this chapter, is not printed in this volume, but is on file in the Village offices.

Cross References: Any ordinance dedicating or accepting any plat or subdivision in the Village saved from repeal, § 1-16(a)(10); buildings and building regulations, Ch. 18; streets, sidewalks and other public places, Ch. 50; utilities, Ch. 66; zoning, Ch. 70.

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ARTICLE I.

IN GENERAL

Sec. 54-1. Purpose of chapter.

This chapter is adopted for the following objectives:

- (1) To promote the public health, safety, and general welfare; to conserve, protect and enhance property and property values; to secure the most efficient use of land; and to facilitate the adequate but economical provisions of public improvements.
- (2) To provide the orderly growth and development; to afford adequate facilities for the safe and efficient means for traffic circulation of its population; and to safeguard the public against flood damage.
- (3) To prescribe reasonable rules and regulations governing the subdivision and platting of land; the preparation of plats; the location, width and course of streets and highways; the installation of utilities, street pavements, and other essential improvements; and the provision of necessary public grounds for schools, parks, playgrounds, and other public open spaces.
- (4) To establish procedures for the submission, approval, and recording of plats; and to provide the means for enforcement of this chapter and penalties for violations.

Sec. 54-2. Jurisdiction of chapter provisions.

The regulations set forth in this chapter shall be applicable to all subdivisions and re-subdivisions of unimproved land and areas subject to redevelopment within the corporate limits of the Village and all contiguous unincorporated territory not more than 1 1/2 miles beyond the corporate limits of the Village and not included in any other municipality.

Sec. 54-3. General regulations.

- (a) Whenever any subdivision of land shall hereafter be laid out, the subdivider thereof or his agent shall submit both a preliminary and a final subdivision plat to the plan commission, such plats and plans of proposed improvements, and all procedures relating thereto, to be in full compliance with the regulations of this chapter.
- (b) Until plats and plans for the subdivision are certified and approved by the Village Board of Trustees in writing:
 - (1) No land shall be subdivided or filed for record, nor any street laid out, nor any improvements made to the land.
 - (2) No lot, tract or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale, or option be made or given.

- (3) No improvements such as sidewalks, water supply, storm water drainage, sewer facilities, gas service, electric service or lighting, or grading, paving or surfacing of streets shall be made within any such subdivision by any owner or his agent, or by any public service corporation at the request of such owner or his agent.
- (c) No plat will be approved for a subdivision of land which is subject to periodic flooding or which contains such poor drainage facilities as would make adequate drainage of the planned lots and streets unfeasible; however, if the subdivider agrees to make improvements which will, in the opinion of the Village engineer, make the area safe for residential occupancy and provide adequate lot and street drainage, the plat of subdivision may be approved notwithstanding such periodic flooding or poor drainage.
- (d) In all subdivisions, due regard shall be given to the preservation of historical sites and natural features such as large trees, watercourses, and scenic view.
- (e) All interpretations of the rules and regulations of this chapter are reserved to the administrative bodies referred to in this chapter.
- (f) The Village Board of Trustees may vary and make exceptions as set forth in this chapter in instances where any other reasonable detetTents prevail.

Sec. 54-4. Minimum requirements.

In interpreting and applying the provisions of this chapter, the requirements in this chapter shall be held to be the minimum requirements for the promotion and effectuation of the purposes of this chapter.

Sec. 54-5. Effect of conflicts.

Where the conditions or requirements imposed by any provision of this chapter upon the use of land are more restrictive than comparable conditions or requirements imposed by any other provision of this chapter or of any other law, ordinance, rule, or regulation of any kind, the provisions of this chapter shall control.

Sec. 54-6. Effect of private agreements.

This chapter is not intended to abrogate any easement, covenant, or any other private agreement which imposes greater restrictions or requirements than those imposed by this chapter. Where the restrictions or requirements of this chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or other, this chapter shall control.

Sec. 54-7. Effect of boundary agreements.

This chapter is not intended to abrogate any boundary agreement between the Village and any other municipality. If an unincorporated area within 1 1/2 miles of the Village's corporate limits may be the subject of such a boundary agreement, the boundary

agreement shall take precedence in establishing jurisdiction over such unincorporated areas.

Sec. 54-8. Rules of construction.

The language set forth in the text of this chapter shall be interpreted according to the following rules of construction:

- (1) The singular number includes the plural, and the plural the singular.
- (2) The present tense includes the past and future tenses and the future the present.
- (3) The terms "shall" and "will" are mandatory and not discretionary.
- (4) The term "may" is permissive.
- (5) The masculine gender includes the feminine and neuter.
- (6) The term "lot" shall include the terms "plot," "piece," and "parcel."
- (7) Whenever a word or term defined in section 54-9 appears in the text of this chapter, its meaning shall be construed as set forth in such definition.

Sec. 54-9. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a public right-of-way along the side or in the rear of properties which affords only a secondary means of vehicular access to abutting property.

Block means a tract of land bounded by streets or a combination of one or more streets and parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways, corporate boundary lines or other lines of demarcation.

Building means any structure designed, built, or intended for the support, enclosure, shelter, or protection of persons, animals, chattel, or property of any kind.

Building line means a line nearest the front of and across a lot, establishing the minimum open space to be provided between the front line of the building and the front lot line. The front line of porches, vestibules, balconies and other obstructions if nearer the front lot line shall be controlling.

Building setback line means a line within a lot or other parcel of land, so designated on the plats of the proposed subdivision, between which line and the adjacent boundary of the street upon which the lot abuts, the erection of a building is prohibited.

Crosswalk means a public right-of-way located across a block to provide pedestrian access to adjacent streets, alleys or parks.

Cul-de-sac means a local street which has only one outlet and which is permanently terminated with a vehicle turnaround at the closed end.

Easement means a recorded grant by a property owner for the use of a designated parcel of land, as distinct from ownership of the land. Such use shall be granted to the public or a particular person for a specific purpose.

Frontage road means a right-of-way being a roadway street, thoroughfare or highway, not an alley or pedestrian way, which runs adjacent to another right-of-way, street, thoroughfare or highway which may or may not provide access to such adjacent right-of-way but which does give access to an area or neighborhood on the opposite side of such right-of-way from the adjacent right-of-way.

Gross Land area means the entire area of a development, including lots, streets, and alleys, and measured to the centerline of any bounding streets.

House utility services means the portions of piping running from a utility service main to serve individual parcels of property, including the sewer and water service.

Land improvement means all required on-site and off-site subdivision improvements including, but not limited to, any sanitary sewage system, water distribution system, storm drainage systems, public utility systems, sidewalk systems, public or private streets, street lighting, street signs, grading and drainage way facilities, pedestrian ways and retention and detention basins.

Lot means a parcel or portion of land in a subdivision or a plat of land, separated from other parcels or portions by description, as on a subdivision or record of survey map, or by metes and bounds for the purpose of sale or lease to, or separate use of, another.

Lot, corner, means a lot abutting upon two or more streets at their intersection.

Lot, double frontage, means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot of record means a parcel of land whose existence, location and dimensions have been legally recorded in a deed or on a plat.

No-access strip means a land area at least 12 feet wide along the rear lot line of a double frontage lot and abutting a thoroughfare within which no vehicular driveways shall be permitted.

Official plan means the composite of the functional and geographic elements of the comprehensive plan, or any segment thereof, in the form of plans, maps, charts, text of reports and the official map, as adopted by the Village.

Owner means any person, group of persons, firm, association, partnership, private corporation, public or quasi-public corporation, or a combination of any of them, or other legal entity having legal title to the land sought to be subdivided under the provisions of this chapter.

Parkway means a strip of land situated within the dedicated street right-of-way and located between the roadway and right-of-way line or a median located between the roadways.

Pavement width means the paved portion of a street right-of-way, measured as the distance from the back of the curb to the back of the curb.

Pedestrian way means a right-of-way across or within a block and designated for pedestrian use.

Plan commission means the plan commission of the Village.

Plan, concept, means a tentative map or drawing which indicates the subdivider's proposed layout of a subdivision, including a site plan indicating existing off-site roadway connections.

Plan, final, means the final plat plus all accompanying information required by this chapter.

Plan improvements means the drawing of all required land improvements prepared by a state registered professional engineer and all accompanying information as required in this chapter.

Plan, preliminary, means the preliminary plat plus all accompanying information required by this chapter.

Planned unit development means a special use and subdivision and a parcel of land or contiguous parcels of land in single ownership or unified control, to be developed as a single entity, the character of which is compatible with adjacent parcels, and the intent of the zoning district in which it is located. The developer may be granted relief from specific land use regulations and design standards in return for assurances of an overall quality of development, including any specific features which will be of benefit to the Village as a whole and would not otherwise be required by Village ordinance.

Plat, final, means the final map drawing or chart on which the subdivider's layout of a subdivision is presented to the Village Board for approval and which, if approved, will be submitted to the county recorder for recording.

Plat, preliminary, means a tentative map or drawing which indicates the

subdivider's proposed layout of a subdivision including all proposed improvements.

Project engineer means the engineer contracted by the subdivider to provide professional engineering services for the proposed improvements.

Public works supervisor means the public works supervisor of the Village or duly authorized representative.

Right-of-way means a strip of land dedicated to the public for access purposes including, but not limited to, streets, alleys and pedestrian ways and which may include surface access by vehicles or pedestrian overhead access, when permitted, for utilities and underground access for sewers and utilities.

Roadway means the portion of the street right-of-way available for vehicular traffic, including all curb and gutter facilities.

Sidewalk means that portion of a street right-of-way or pedestrian way paved or otherwise surfaced and intended for pedestrian use only.

Standard specifications for improvements means written specifications for improvements within the Village as promulgated by the Village engineer and adopted by the Village Board by resolution.

Street means a public or private right-of-way which provides for access to abutting property or to other streets. The term "street" refers to the entire public right-of-way which has been dedicated along one or more exterior property lines of a subdivision.

Street, collector, means a street which carries traffic from local streets to major streets.

Street, local residential, means a street of limited continuity used primarily for access to abutting residential properties and to serve local needs of a neighborhood. Local residential streets include all culs-de-sac.

Street, major, means a street of considerable continuity which serves or is intended to serve as a major traffic artery connecting areas.

Street, marginal access, means a street which is parallel and adjacent to highways, major streets or collector streets and which provides access to abutting properties and protection to local traffic from fast, through-moving traffic on the highways, thoroughfares and collector streets not unlike a frontage road.

Street width means the shortest distance between the right-of-way lines of a given street, as distinguished from pavement width.

Subdivider means any person, firm, association, partnership, corporation, or combination thereof commencing proceedings under the subdivision regulations of this chapter.

Subdivision means the division of any parcel of land shown on the last preceding transfer of ownership thereof as a unit or as part of a unit or as contiguous units into two or more parts, any one of which is less than five acres, or more than five acres which involves any new streets or easements of access for the purpose, whether immediate or future, of transferring ownership or possession or for the purpose of residential, commercial, manufacturing industrial development or other building development. Where appropriate to the context, the term shall relate to the process of subdividing or to the land subdivided, and shall include re-subdivisions.

Thoroughfares means a major street or collector street; a street with a high degree of continuity and serving as a principal traffic way between the various districts of the Village and its environs.

Village engineer means the Village engineer or duly authorized representative.

Wetlands means lands which are transitional between terrestrial and aquatic systems, and in which the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes:

- (1) At least periodically, the land supports predominantly hydrophytes;
- (2) The substrata is predominantly undrained hydric soil; and
- (3) The substrata is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.

Zoning administrator means the officer charged by law with the administration and enforcement of the zoning code, or the duly authorized representative of such official.

Cross References: Definitions generally, § 1-2.

Sees. 54-10--54-40. Reserved.

ARTICLE II.

ADMINISTRATION*

* Cross References: Administration, Ch. 2.

Sec. 54-41. Variations and exceptions.

- (a) *Procedures.* Any applicant for preliminary plan approval or final plan approval may submit a request, in writing, to the Village clerk for variations or exceptions from the regulations of this chapter. Variations may be granted by the Village Board upon the recommendation of the plan commission, provided that the variation does not pertain to requirements of the zoning and building ordinances. In granting any variation, the plan commission may recommend and the Village Board may prescribe such conditions deemed necessary or desirable for the public interest.
- (b) *Standards.* No variations or exceptions to this chapter shall be recommended or granted unless the plan commission shall find that all of the following conditions are met:
 - (1) Because of the shape, topography, or other physical conditions of the proposed subdivision or its surroundings, a hardship or practical difficulty would be caused by strict compliance with the requirements of this chapter, and/or the purposes of the requirements of this chapter would be served to a greater extent by an alternative design.
 - (2) The conditions upon which the request for a variation is based are unique to the subject property and have not been created by the applicant or any other person having an interest in the subject property.
 - (3) Granting the variation will not be detrimental to the public health, safety and welfare and will not be injurious to other property or improvements in the neighborhood in which the subject property is located.
 - (4) The variation granted is the minimum adjustment necessary for the reasonable use of the land.
- (c) *Factors to be considered.* In making its findings as required in this section, the plan commission shall take into account the nature of the proposed use of land in the vicinity, the number of persons to reside and/or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

Sec. 54-42. Fees.

(a) *Filing fees.*

- (1) Filing fees for subdivisions are as follows:
 - a. One to 20 lots: \$200.00.
 - b. More than 20 lots: \$200.00, plus \$10.00 for each lot in addition to 20 lots.

(2) Fees for planned unit developments are as follows:

- a. Less than 20 acres: \$200.00.
- b. Twenty acres or more: \$200.00, plus \$10.00 for each acre in addition to 20 acres (any fraction of an acre less than 0.5 shall be disregarded, and any fraction of 0.5 or more shall be counted as one acre).

(b) *Fees and expenses to be reimbursed at subdivider's expense.* In addition to the administrative filing fee, subdividers shall pay and reimburse the Village for any and all expenses and fees directly or indirectly incurred and charged to the Village by the retained personnel of the Village as follows:

(1) Retained personnel shall be defined as any engineer, attorney, planner, economist, or other technical, professional or other expert paid and retained by the Village to assist or advise the Village, directly or indirectly, in planning, reviewing, evaluating, advising, approving, inspecting, or accepting any subdivision by the Village.

(2) Plan and document review: The Village shall require the subdivider to deposit into a specified account the following amounts for:

- a. Up to five acres: \$3,000.00.
- b. Five acres or more: \$7,500.00.

The acreage shall be based on the total gross acreage of the proposed subdivision.

(3) Fiscal impact study: The Village shall require the subdivider to deposit into a specified account the following amounts for:

- a. Up to 100 acres: \$3,000.
- b. 100 acres or more \$8,000.

(4) The subdivider shall deposit into the specific account the sum so designated in subsection (b)(2) of this section at the time of filing the concept plan, or preliminary plan if no concept plan is filed, and all proceedings shall be stayed until the sum so designed is deposited in the specified account.

(5) At any time the balance of the specified account reaches one-fourth of the original amount deposited, the Village may demand from the subdivider a sum of money that, in addition to the balance in the specified account, shall equal the amount originally demanded and required by the Village Board. If the amount deposited is depleted, payment for plan and document review shall

become due and payable upon receipt of an invoice from the Village.

- (6) All proceedings shall be stayed until the subsequent demands for payment of fees shall be deposited in the specified account or paid to the Village.
- (7) Any demand or subsequent demand of the Village Board, not deposited or paid by the subdivider within six months of the date of the demand shall, at the discretion of the Village Board, and upon written notice to the subdivider, terminate and render null and void the proposed plan of subdivision.
- (8) All funds required by the Village Board to be deposited by the subdivider shall be deposited into a specified account bearing interest and shall be held in the name of the Village.
- (9) Within 60 days after the approval of the final engineering plans and final plat by the Village, any balance remaining in the specified account for plan and document review, including any interest, shall be returned to the subdivider.
- (10) Inspection fees and costs. Before commencement of construction, the subdivider shall execute a standard form agreement requiring the subdivider to deposit funds equal to two percent of the cost of construction as estimated on the engineer's certified estimate of costs. If the amount deposited is depleted, payment for inspection fees and costs shall become due and payable upon receipt of an invoice from the Village.
- (11) Any statement or bill submitted to the Village by the retained personnel shall segregate and identify the charges and fees incurred directly or indirectly connected with the subdivision, and shall be submitted in duplicate; the original of which shall be retained by the Village and paid to the retained personnel and the duplicate shall be forwarded to the subdivider at the time an amount to equal the charges and fees are withdrawn from the specified account.
- (12) Upon presentation of the final statement of the retained personnel and within 60 days after the expiration of the one-year maintenance period for all required land improvements, any balance remaining in the specified account for inspection fees and costs, including any interest, shall be returned to the subdivider.

Sec. 54-43. Permits for utility services.

Permits shall be obtained from the appropriate governing body for the installation of communication, electric power, gas, or other utility services in public or private rights-of-way or easements, as shown on the final plat and the required fees paid by the owner or subdivider before any installation is started.

Sec. 54-44. Occupancy permit.

No final inspection shall be approved nor occupancy permit granted by any governing official for the use of any structure within a subdivision approved for platting or re-platting until required utility facilities have been installed and made ready to service the property and that streets providing access to the subject lots have been constructed or are in the course of construction and are suitable for vehicular traffic.

Sees. 54-45--54-80. Reserved.

ARTICLE III.

SUBDIVISION PLAT PROCEDURES

Sec. 54-81. Exceptions.

Any property transactions which fall within the exceptions stated in the Plat Act, 765 ILCS 205/0.01 et seq., shall be exempt from the requirements of this chapter, and no subdivision plat will be required.

Sec. 54-82. Pre-application/concept.

(a) *Pre-application or concept plan conference.* Prior to the filing of an application for approval of the preliminary plan, the applicant may submit, by letter to the plan commission, a request for scheduling a preliminary concept presentation of the proposed development to the plan commission and the Village engineer or representative. With the request the applicant shall provide ten sets of the information required by this section. The purpose of such a concept presentation is to make the recommendations and advice of the plan commission, Village engineer and other concerned parties available to the developer before the spending of considerable time and expense on detailed plans and drawings takes place in preparation of the preliminary plan. The conference should determine:

- (1) Whether the proposed development appears in general to be in compliance with the provisions of the Village zoning and other applicable ordinances.
- (2) Whether any zoning amendment, variation or special use is required in connection with the proposed subdivision.
- (3) Whether the proposed development will be in conformity with the comprehensive plan and the goals and policies of the Village for development.

No formal application fee is required for a concept conference. The plan commission shall mail a letter of notification of the date, time, and location of the plan commission conference to the developer, property owners on the list supplied by the developer, county, school district, and others the Village desires to notify. All recommendations or

comments made during the concept conference are advisory only and do not obligate the Village Board or any of its committees or commissions to approve later stages or plans. Negative comments shall not prohibit the petitioner from submitting a preliminary plan for consideration.

(b) *Pre-application conference data.* The following information describing the existing condition and the proposed development shall be provided to the plan commission and the Village engineer at the time of the pre-application conference:

- (1) *Sketch plan.* A sketch showing the proposed layout of streets, lots, open spaces, nonresidential areas, and other important features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey, but in any case topography should be indicated with a contour interval not greater than two feet. The number of residential lots, typical lot width and depth, proposed utility and street improvements, and proposed subdivision name should also be indicated.
- (2) *Existing conditions.* The presence of any of the following shall be shown on the sketch plan or an accompanying sheet:
 - a. Physical characteristics of the site, such as swamps, woods, drainage patterns, bodies of water, and the like;
 - b. Existing buildings;
 - c. Availability of public utilities; and
 - d. Applicable private restrictions, covenants or easements.
- (3) *Location map.* A small scale map or sketch of the general vicinity showing the relationship between the proposed subdivision and existing community facilities which serve or influence it, including, but not limited to, the following: main traffic arteries; public transportation lines; parks, playgrounds, schools; principal places of employment or shopping; and other community facilities such as railroad stations, airports, hospitals, and churches.
- (4) *List of adjacent landowners.* A list of all property owners and latest known addresses of land adjacent to the proposed development.

Sec. 54-83. Preliminary plans.

(a) *Procedures.* Preliminary plan procedures are as follows:

- (1) The owner shall file an application for approval of the preliminary plan with the Village clerk. Twenty copies of the preliminary plan and the required filing

fee shall accompany the application.

- (2) The Village clerk shall refer seven copies of the preliminary plan to the Village Board, five copies to the plan commission, one copy to the Village engineer, and one copy to the public works supervisor.
- (3) The sub-divider shall file an application with the county soil and water conservation district for a natural resource report. Preliminary plan approval shall not be granted until the report has been received by the Village.
- (4) The plan commission shall notify the owner as to the time and place of the plan commission meeting at which he will be afforded an opportunity of being heard. The Village engineer shall furnish the plan commission a report on his review of the preliminary plan.
- (5) The plan commission shall recommend to the Village Board approval or disapproval of the preliminary plan within 90 days from the date of filing the application or the filing by the applicant of the last item of required supporting data, whichever date is later, unless such time is extended by agreement.
- (6) Upon receipt of the plan commission's recommendation, the Village Board shall approve or deny the preliminary plan not later than 30 days after the next regular Village Board meeting following the date of the plan commission's approval. Such time period may be extended by mutual consent of the subdivider and the Village Board.
- (7) If a zoning change is requested as part of the proposed subdivision, the Village Board shall not approve the preliminary plan until the zoning change has been granted in accordance with the procedures and requirements of the Village zoning regulations in chapter 70.
- (8) The plan commission may recommend and the Village Board may require such conditions, changes, or revisions to the preliminary plan as are deemed necessary in the interest and needs of the Village in keeping with the provisions of this chapter. The subdivider shall be notified of any conditions of approval or reason for denial of a preliminary plan.
- (9) Upon approval of the preliminary plan by the Village Board, the subdivider shall submit six copies of the approved preliminary plan with all required revisions, if any, which shall be distributed by the Village clerk as follows:
 - a. Two prints to the plan commission;
 - b. One print to the Village engineer;
 - c. Two prints shall be retained by the Village clerk for filing;

d. One print to the public works supervisor.

(10) Approval of the preliminary plan shall be effective for a period of one year. Should improvement plans and final plan not be submitted within this period, the preliminary plan shall again be submitted for approval unless an extension is requested by the subdivider and granted by the Village Board.

(b) *Requirements.* The preliminary plan shall include the following information: a preliminary plat drawn to scale and showing the arrangement of lots, blocks, streets, and the approximate dimensions and areas of all lots. The preliminary plat shall include:

(1) *Identification and description.*

- a. The proposed name of the subdivision not duplicating the name of any plat heretofore recorded in the county.
- b. The location by section, township, and range, and by other legal description necessary to clearly locate and describe the subdivision area.
- c. A current survey, not less than six months old, prepared and certified by a state registered land surveyor showing the topography, the boundary lines, and the area being subdivided and all improvements drawn to a scale not smaller than one inch to 100 feet.
- d. The names, addresses, and phone numbers of the owner, subdivider, and the surveyor who prepared the plat.
- e. Northpoint (true north);
- f. Date of survey and preparation.

(2) *Existing conditions.*

- a. The boundary lines of the proposed subdivision and section lines and the corporate limit lines within or adjacent to the tract.
- b. The total acreage of the subdivision.
- c. The existing zoning districts in the proposed subdivision and the adjacent tracts.
- d. The location, widths, and names of all existing or previously platted

streets or other rights-of-way showing the type of improvement, if any, railroad and utility rights-of-way, parks and other public open space, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of at least 100 feet beyond the tract.

- e. The location and size of existing sewers, water mains, culverts, field tiles, gas and electric transmission lines or other underground facilities within the tract and to a distance of at least 100 feet beyond the tract; also indicating such data as grades, invert elevations and locations of catch basins, manholes, and hydrants.
- f. A location map, drawn at a scale of not less than one inch equals 1,000 feet, showing the boundary lines of adjoining, un-subdivided or subdivided land within an area bounded by the nearest arterial streets or other natural boundaries, but not less than one-half mile beyond the subdivision boundaries in subdivisions located beyond the Village limits, identifying the type of use and ownership of the surrounding land and showing the alignments of the existing streets.
- g. Topographic data including the location of watercourses, farm drain tiles, wetlands, marshes and other significant features and existing contours at vertical intervals of not more than one foot, except in unusual topographical conditions; such vertical intervals may be required to be altered as determined by the Village engineer. Topographical data shall refer to the National Geodetic Vertical Datum. Soil boring data and seepage tests are required at the locations and depth as determined by the Village engineer.
- h. A wetlands inventory performed by a consultant from the Army Corps of Engineers' approved list of consultants.
- i. The locations of or reference to the locations of existing monuments or survey markers used in preparation of the survey and the grade elevation of each monument and marker.
- J. The location of wooded areas and isolated trees six inches or more in diameter at one foot above the ground, rock formations or outcroppings, scenic vistas, beaches, historic sites and other similar assets.

(c) *Proposed subdivision design features.*

- (I) The proposed subdivision layout shall be in substantial accord with the official plan, as amended from time to time.
- (2) The layout of streets showing the right-of-way widths and street names (not

duplicating the name of any street heretofore used in the Village or its environs unless the street is an extension of or in line with an already named street and provided it can be connected with such street in which event that name shall be used) and showing the proposed through streets extended to the boundaries of subdivisions.

- (3) A traffic analysis prepared by a state registered professional engineer who is skilled in the science of traffic engineering, indicating the estimated traffic to be generated by the completed subdivision for the average week, 24-hour period, and for the peak morning and evening traffic hours. The analysis shall include an appraisal of the impact of this new traffic on existing traffic in the vicinity of the subdivision and shall list the new street construction and traffic control measures required to accommodate the estimated traffic increases.
- (4) The location and width of alleys, pedestrian ways and easements.
- (5) The layout, numbers, and dimensions of blocks to the nearest foot.
- (6) The layout, number, approximate dimensions, square footage, and front, side, and rear building setback lines for all lots shall be shown in accordance with the regulations of this chapter and the zoning regulations in chapter 70.
- (7) The proposed zoning classification of all land within the subdivision.
- (8) Areas, if any, intended to be dedicated or reserved for nonresidential purposes, indicating for each area the approximate acreage and the proposed use. Such areas shall be designated by letter or number.
- (9) The proposed location of sanitary sewer, storm sewer, drainage courses and channels, methods of handling storm water, surface water disposal, sewage disposal and waste disposal plans.
- (10) An indication of any protective covenants or deed restrictions which are to be placed upon the property to be subdivided and the expected date of the development.
- (11) A preliminary landscaping plan showing the locations of existing trees, methods of preserving existing trees, estimated number of trees six inches or more in diameter and one foot above the ground to be removed due to installation of land improvements, proposed plantings and a description of landscaped entryway, if applicable.
- (12) A description of the donation proposed to satisfy article VI of this chapter which provides for the dedication of park sites and school sites or the payment of fees in lieu of dedication.

(13)A copy of the land use opinion, or application filed by the subdivider for such opinion, from the county soil and water conservation district.

(14)Any other information that may be requested by the plan commission or Village Board.

(15)The filing fee.

(16)The plan review and inspection costs deposit.

(17)A completed checklist for the preliminary plan.

Sec. 54-84. Improvement plans.

(a) *Procedures.* Improvement plan procedures are as follows:

- (1) The land improvement plans and specifications may be filed concurrently with or prior to the submission of the final plat. At least four copies of the improvement plans shall be submitted to the Village clerk. The Village clerk shall forward the improvement plans to the Village engineer and public works supervisor and to such authorities having jurisdiction over any improvements for their review and recommendations.
- (2) The Village engineer and such other officials that may have jurisdiction shall review the land improvement plans and specifications for conformity with the provisions of this chapter and other applicable ordinances. The Village Board shall not act on the final plat until it has received notice from the Village engineer as to the acceptability of the land improvement plans and accompanying documents.

(b) *Submittal requirements.* Improvement plan submittal requirements are as follows: The improvement plans shall be prepared by a state registered professional engineer and shall contain the following information:

- (1) The layout of the proposed subdivision at a minimum scale of one inch equals 50 feet showing:
 - a. The finished grade at one-foot contours;
 - b. A minimum of two benchmarks (National Geodetic Vertical Datum);
 - c. A proposed street layout, including centerline elevations at 100-foot intervals, and rim and invert elevations of all drainage structures and drainage way flow line elevations;
 - d. The building top of foundation elevations and building site pads,

where required;

- e. The incorporation or modification of all existing drain field tile or storm sewers;
- f. The proposed easements for utilities drainage ways and facilities pedestrian and equestrian ways, landscape areas and other purposes; and
- g. Street lighting and street name signs.

(2) A roadway and drainage engineering plan and profiles which shall include:

- a. A plan view of roadways, drainage ways and structures, including roadway horizontal curve data. Road entrances on adjacent properties shall be shown.
- b. All new street construction and new traffic control measures required to accommodate estimated traffic increases, as listed in the traffic analysis submitted with the preliminary plan and approved by the Village Board, shall be shown.
- c. Profiles of roadway centerlines and ditch flow lines, including location and elevations of drainage structures. The grade line profile shall be shown at a minimum scale of one inch equals 50 feet horizontal and one inch equals five feet vertical. Complete vertical curve data shall be shown.

(3) Improvement details shall be provided for:

- a. A typical road cross section;
- b. A typical drainage way cross section;
- c. Drainage structure details;
- d. A sanitary sewer manhole and service consideration details;
- e. Water main system hydrants, valve box and service connection details;
- f. Erosion control devices;
- g. Improved pedestrian, bicycle and/or equestrian ways.

(4) Plans, specifications, and calculations for storm water runoff control in accordance with Village requirements.

- (5) Floodplain information, if applicable, including the elevations of the special flood hazard area (SFHA) delineated on drawings of the site with existing topography shown at a scale and contour interval as determined by the Village engineer. At a minimum, the topographic drawings shall display the following flood data:
- a. The boundary of the SFHA;
 - b. The boundary of the floodway, if available;
 - c. The proposed drainage easement;
 - d. The flood protection elevation for each building site.
- (6) Erosion and sedimentation control plan which shall include minimum criteria as follows:
- a. A list of type of soils as indicated on soil conservation service maps or a soil report by a soils engineer;
 - b. An earth movement plan, including approximate quantities of materials;
 - c. Methods of controlling erosion and sedimentation.
- (7) A copy of the topographic and profile study (drainage overlay) drawn at the same scale as the final plat and containing the following information:
- a. All elevations shall be referenced to National Geodetic Vertical Datum;
 - b. Existing contours at one-foot intervals indicating the locations and elevations of benchmarks used to determine such contours;
 - c. Finished grade elevations or contours at one-foot intervals of the proposed site;
 - d. The rim and invert elevations of all existing and proposed drainage structures within the subdivision;
 - e. The size, slope, and location of drainage channels and/or storm sewers;
 - f. The size, shape, invert, and location of downstream receiving drainage structures including capacities of downstream channels;
 - g. A signature block (see Appendix).
- (8) Plans for community water distribution systems, community water supply

facilities, and community sewage collection and treatment systems shall be provided.

- (9) A completed engineering plan checklist.

Sec. 54-85. Final plan.

(a) *Procedures.* Final plan procedures are as follows:

- (1) Within one year after the approval of the preliminary plat by the Village Board, unless a time extension is granted in writing pursuant to official action of the Village Board, the owner shall file an application for the approval of the final plat with the Village clerk. Such application shall be accompanied by an original inked tracing on mylar film, ten prints of the final plat and ten copies of all required supporting data, drawings, and documents. The application shall be referred to the plan commission and Village engineer for their review and recommendation. The final plat shall retain the design characteristics of the approved preliminary plan, except that the Village Board may require such changes or revisions as are deemed necessary in the interest and needs of the Village in keeping with the provisions of the subdivision regulations of this chapter.
- (2) In case the application for the approval of a final plan is made for a part of an approved preliminary plan, the Village Board may extend the time for the application for approval of final plats for other parts of the approved preliminary plat until a later date beyond the foregoing one-year period.
- (3) Within 60 days from the date of filing the last required document or other paper, or within 60 days from the date of application for approval of the final plat was filed with the Village clerk, whichever date is later, the Village Board shall, by resolution, approve or disapprove such plat. Upon the adoption of the resolution approving a final plat, the Village clerk shall certify such approval and affix the corporate seal of the Village on the final plat.
- (4) Upon approval of the final plan by the Village Board, and upon receipt of any remaining required documents, the Village clerk shall record the final plat, provided that the cost of recording has been paid by the owner.
- (5) After recording, one original and one copy of the recorded plat and one copy of all supporting data shall be retained in the Village clerk's files, two sets of such materials shall be retained by the Village engineer, and one set shall be retained by the public works supervisor.

(b) *Requirements.* The final plat shall include the following documents:

- (I) A final plat accurately and legibly prepared by a state registered land surveyor

with waterproof, non-fading black ink on mylar film. The plat shall be drawn at minimum scale of one inch equals 100 feet and shall not exceed 30 inches by 36 inches in size. If more than one sheet is required, a small scale drawing of the entire subdivision shall be shown on the first sheet, identifying the different portions of the subdivision. The final plat shall show:

- a. The proposed name of the subdivision.
- b. A full and detailed description of the land embraced in the plat, showing the township and range in which such land is situated and the sections platted, and in the case of re-platting or re-subdividing, a description of the part of, and the name of, the original plat which is re-platted or re-subdivided containing the name of the town, city, Village or addition platted; the name of the owner required to sign the plat; and the surveyor making it. If there is any excepted parcel with the plat boundary, it must be accurately described by metes, bounds and courses.
- c. The scale shown graphically.
- d. The north point (indicated true north).
- e. The date of preparation.
- f. The boundary of the plat based on an accurate traverse, with all angular and linear dimensions. The error of closure of such boundary survey shall not exceed one in 10,000 feet (one foot for each 10,000 feet of perimeter survey).
- g. All blocks, lots, streets, alleys, pedestrian ways, easements, and building lines within or adjacent to the plat shall be shown. All of the above shall have all angular and linear dimensions given and all radii, internal angles, bearings, points of curvature, tangents and lengths of all curves. All dimensions and data shall be required for any future relocation. All dimensions shall be given to the nearest hundredths of a foot.
- h. True angles and distances shall be to the nearest established official monuments, not less than three of which shall be accurately described on the plat.
- i. The municipal, township, or section lines accurately tied to the lines of the subdivision by distances and angles.
- J. The block and lot numbers of all blocks and lots. The names of all existing adjoining streets and all streets in the subdivision.

- k. Accurate outlines and legal descriptions of any area to be dedicated or reserved for the public use or for the exclusive use of property owners within the subdivision.
 - l. The location of all iron stakes and all permanent monuments required by this chapter.
 - m. Any restrictive covenants stated in full on the plat or referred thereon if declared separately.
 - n. Statements covering easement provisions.
 - o. Properly executed certificates as contained in the appendix. The application for approval of the final plat shall not be deemed completed until all certificates, other than the Village certificates, have been duly executed.
 - p. All other information required by state statutes.
- (2) A statement over the signature of the surveyor who prepared the final plat indicating the total square footage of each lot shown on the final plat.
 - (3) The following documents prepared by a state registered professional engineer and based upon the conditions of approval of the improvement plans and specifications approved by the Village engineer and other public officials having jurisdiction:
 - a. Complete improvement plans and specifications;
 - b. A certified estimate of the cost of all required land improvements.
 - (4) A drainage overlay with a properly executed certificate in accordance with state statutes.
 - (5) A description of the proposed guarantee collateral for the completion of land improvements in accordance with the requirements in this chapter.
 - (6) A description of proposed donations to satisfy the provisions of article VI of this chapter.
 - (7) A completed final plan checklist.
- (c) *Agreements and performance guarantee.* No final plat shall be recorded until the owner or subdivider has provided the following:
- (1) A construction guarantee for the completion of land improvements in one of the following formats, with the form, amount and provider being subject to the

approval of the Village Board:

- a. Deposit with the Village of cash in the amount of 120 percent of the estimated cost of the land improvements, including engineering, remaining to be completed and accepted.
 - b. An undertaking by the subdivider guaranteeing completion of the land improvements remaining to be completed and accepted, as secured by an irrevocable letter of credit certifying that adequate funds are and will be available at a sound and reputable financial institution authorized to do business in the state. Such irrevocable letter of credit shall be in effect for a period of 2 1/2 years from the date of recording the final plat, shall run in favor of the Village and shall indicate there are sufficient funds available for 120 percent of the estimated cost of land improvements, including the engineering remaining to be completed, and that such funds are held for such purposes only and for no other purposes. Such undertaking and irrevocable letter of credit shall be in a form to allow the Village to procure the funds to complete the land improvements if their construction is not completed in accordance with the provisions of this chapter, and shall otherwise be in a form acceptable to the Village.
 - c. Other good and sufficient security as approved by the Village attorney to guarantee the proper installation of land improvements.
- (2) A statement that the subdivider will maintain the roads and other land improvements within the subdivision until accepted by the Village or appropriate highway authority.

Sec.54-86. Completion and acceptance of improvements.

The completion and acceptance of land improvements shall be in accordance with the following:

- (1) *Completion.* All required land improvements shall be completed within two years of the recording of the final plat unless prior to the expiration of the two-year period a time extension is requested by the subdivider and granted by the Village Board. A request for an extension shall not halt the two-year period. No extension shall be granted unless adequate collateral has been received and approved by the Village Board.
- (2) *Construction observation of land improvements.* During the course of construction, the project engineer shall provide the full time construction observation of the work in order to ensure compliance with the approved plans and specifications and with good engineering and construction practices. Construction observation of the work shall also be done by the Village

engineer and other governmental officials at various times during construction as appropriate.

(3) *Reduction of construction guarantee.*

- a. The amount of the construction guarantee collateral may be reduced as each division of required land improvements is completed. Land improvements shall be divided into the following categories as applicable:
 1. Sanitary sewer.
 2. Water mains.
 3. Storm sewers.
 4. Streets and parkway grading and seeding.
 5. Drainageways and detention facilities.
 6. Miscellaneous improvements (landscaping, street signs, street lights, pedestrian or equestrian ways, etc.).
- b. A construction guarantee shall be reduced only by authorization of the Village Board, after review and recommendation by the Village engineer upon:
 1. An application for a payout by the subdivider, provided that the payout for any land improvement shall not exceed 90 percent of the engineer's estimated cost for that item until acceptance or approval of the improvement by the Village Board. Upon Village Board acceptance or approval, up to 100 percent of the estimated cost of the improvement shall be authorized until all the land improvements have been accepted or approved.
 2. The unsatisfactory installation of required improvements. In such event, the Village may then declare the subdivider to be in default and may draw from the construction guarantee the amount necessary to ensure the satisfactory construction of such improvements, including attorney's fees and court costs related to the enforcement of the provisions of this section.

(4) *Release of construction guarantee.* The construction guarantee for the completion of the land improvements shall be released only upon the fulfillment of the following conditions:

- a. The completion of all land improvements.
- b. The submission of one reproducible (mylar) set and four sets of prints of the record drawings which shall be prepared by the project engineer who shall show and certify as to the actual location of all improvements, and shall clearly designate any and all changes from the approved plans and specifications.
- c. A bill of sale, when required, and a contractor's affidavit and lien waivers in accordance with the Illinois Mechanic's Lien Act, for all land improvements which have been designated by the Village Board for acceptance.
- d. The receipt of a statement signed by a state registered land surveyor stating that all requirement monuments and irons are in place.
- e. The submission of a deposit in cash, irrevocable letter of credit or surety bond, equal to 15 percent of the cost of the land improvements. This deposit shall be a guarantee of satisfactory performance of the land improvements and shall be held by the Village for a period of 12 months after acceptance of the improvements. After such 12 months, the deposit shall be refunded if no defects have developed, or if any defects have developed, then the remaining deposit shall be released, subject to payment for amounts expended or to be expended in correcting the defects.
- f. Final acceptance, by resolution of the Village Board, of the land improvements which have been designated by the Village Board for acceptance, and acknowledgement, by resolution of the Village Board, of completion of the land improvements which have not been designated for acceptance.

Sees. 54-87--54-120. Reserved.

ARTICLE IV.

REQUIRED IMPROVEMENTS

Sec. 54-121. General requirements.

- (a) *Compliance required.* The Village Board shall not approve a final plat of subdivision until it has received notice of approval of the improvement plans and specifications by the Village engineer. No deviations from approved plans and specifications shall be made without the prior approval of the Village.
- (b) *Off-site improvements.* If it is determined that any existing infrastructure including,

but not limited to, water distribution systems, wastewater collection or treatment systems, storm sewers or other storm water management facilities, and street improvements which may be situated either in part or entirely off-site, is inadequate to facilitate a proposed subdivision when 100 percent built-out, then improvements to any one or all of such facilities may be required.

- (c) *Oversizing of utilities.* Where determined by overall utility planning, the Village Board may require certain utilities to be larger than necessary to serve the subdivision as delineated in the preliminary plan. In such case, an agreement may be made to repay the subdivider the construction cost resulting from the increased design. All engineering, insurance and inspection costs shall be paid by the subdivider.

Sec.54-122.Sanitary sewers.

Sanitary sewers shall be installed to comply with all applicable Village ordinances, the Village standard specifications for improvements, and the requirements of the state Environmental Protection Agency.

Cross References: Utilities, ch. 66.

Sec. 54-123.Storm water runoff control.

- (a) Storm sewers shall be constructed throughout the entire subdivision which shall be separate and independent of the sanitary sewer system and which shall provide an adequate outlet or connection with the storm sewer system of the Village. No storm sewer shall be connected to any sanitary sewer.
- (b) Control of storm water runoff shall be required as outlined in the Village standard specifications and ordinances governing the control of storm water runoff as may be in effect at any given time.

Cross References: Utilities, ch. 66.

Sec.54-124. Water mains.

Water mains to furnish water from the Village's water system to each and every lot within the subdivision shall be constructed in accordance with the Village standard specifications for improvements and shall be approved by the Village engineer.

Cross References: Utilities, ch. 66.

Sec.54-125.Street and right-of-way improvements.

The minimum construction requirements for street and right-of-way improvements shall be as outlined in the Village standard specifications for improvements.

Cross References: Streets, sidewalks and other public places, ch. 50.

Sec.54-126.Sump pump discharge line.

A sump pump discharge line shall be installed to serve each and every lot within the subdivision and shall be constructed in accordance with the Village standard specifications for improvements and shall be approved by the Village engineer.

Sec. 54-127. Monuments and markers.

- (a) Concrete survey monuments shall be placed at intervals, satisfactory to the Village engineer, throughout the subdivision which will allow a reasonable reconstruction of all positions therein.
- (b) The monuments shall be of concrete not less than four inches in diameter and 48 inches deep with a center solid steel rod ten inches long cast in the center thereof and flush with the top surface. All corners of lots and changes in direction not marked by a monument shall be marked by iron pipes and steel bars not less than one-half of an inch in diameter and 18 inches long.
- (c) The top of all monuments and markers shall be set no more than six inches below the finish landscape grade.
- (d) As a required condition before final acceptance of the improvements, a statement signed by a state registered land surveyor, stating that all required monuments and irons are in place, shall be submitted to the Village. In addition, a benchmark system shall be established on every fire hydrant within or adjacent to the subdivision. Benchmarks shall include an elevation established on the northernmost flange bolt head. Each such flange bolt head shall be clearly marked by a heavy chisel crossmark.
- (e) As a further condition of final acceptance, the record drawings shall show the subdivision fire hydrant locations with the benchmark elevations and shall bear the signature and seal of a state registered land surveyor or state registered professional engineer.

Sec. 54-128. Other utility services.

The subdivider shall make arrangements for all lines for telephone, electric, gas, cable television and other similar services to be placed underground within easements or dedicated public ways in a manner which will not conflict with other underground services. The grant of easement shall conform to the form provided in this chapter and in the Village standard specifications for improvements. All transformer boxes shall be located along the rear lot lines or at such other locations that are not unsightly or hazardous to the public. No building permits will be issued until after plat approval and written confirmation has been received by the Village that all utility companies have committed the installation of their respective utilities.

Cross References: Utilities, ch. 66.

Sec. 54-129. Sidewalks.

Concrete sidewalks of Portland cement shall be constructed as specified in the Village standard specifications for improvements on both sides of all streets in

residential, commercial, and industrial subdivisions. At final plat approval, the Village Board may defer installation of sidewalks on one side of any or all streets in commercial and industrial subdivisions; provided, however, that the final plat include a provision that the Village Board may require installation of additional sidewalks at a subsequent date on any or all streets having sidewalks on one side in accordance with procedures established in 65 ILCS 5/11-84-1 et seq. Unless otherwise approved by the Village Board, all sidewalks shall be located within the street right-of-way and not more than one foot inside the right-of-way.

Cross References: Streets, sidewalks and other public places, ch. 50.

Sec. 54-130. Landscaping.

- (a) *Parkway landscaping.* All parkway landscaping shall be in accordance with Village standard specifications for improvements.
- (b) *Entryway landscaping.* Permanent landscape entryway features shall be permitted at subdivision entrances, but not within right-of-way or roadway easements, provided that the following criteria are met:
 - (1) A landscaping plan shall be submitted showing sign dimensions, landscaped area with species names and distance of the entryways shall be described.
 - (2) Sign display areas shall be placed upon fencing, masonry, timbers, or other approved materials.
 - (3) Only one single-faced sign with a maximum display area of 32 square feet and a maximum height of five feet above grade shall be permitted on each approved corner.
 - (4) No entrance sign shall be erected which identifies the subdivision by any name other than the name displayed on the final plat.
 - (5) A building permit shall be obtained prior to placing of any entryway sign.

Sec. 54-131. Trees.

- (a) The subdivider shall provide and plant healthy and properly pruned trees along all streets at a rate of one tree per lot, provided that the lot width is 75 feet or less. If the lot width is greater than 75 feet, the subdivider shall provide and plant two trees per lot. Corner lots shall have a minimum of one tree on each frontage measuring 75 feet or less and a minimum of two trees on each frontage greater than 75 feet.
- (b) Trees shall be planted in the front yards of all abutting lots within the area from four feet back from the right-of-way to six feet back from the right-of-way. Trees shall not be planted closer than 50 feet of any right-of-way intersection.
- (c) Trees shall be of the size and species set forth in this subsection. The diameter of the

tree shall be measured at a point 12 inches above the ground line. A minimum of two species of trees shall be planted per block.

Group A (2- to 2 1/2-inch diameter)	
Green Ash	Tilia Euclora
Thornless Honey Locust	Gleditsia Triacanthos
Sycamore	Ficus Sycamorus
Group B (1 1/2-inch diameter)	
Pin Oak	Quercus Polustis
Sugar Maple	Acer Saccharum
Red Maple	Acer Rubrum
Columnar Red Maple	Acer Rubrum Columnare
Columnar Norway Maple	Acer platanoides
Norway Maple	
Schwedleri Maple	
Crimson King Maple	

- (d) Credit will be given for each healthy, properly pruned existing tree that meets the minimum size and location standards set forth in this section.
- (e) Trees should not be planted until the driveway has been laid out, and the trees shall be maintained and/or replaced by the developer for a period of two years after planting.

Sec. 54-132. Street and regulatory signs.

All street and regulatory signs shall be in accordance with Village standard specifications for improvements.

• Cross References: Streets, sidewalks and other public places, ch. 50.

Sec. 54-133. Streetlights and marking.

Provisions and installation shall be made for street lighting and name marking of public streets within the proposed subdivision in accordance with the standards and requirements established within the Village standard specifications for improvements.

Sec. 54-134. Mailboxes.

All mailboxes throughout the subdivision shall be installed by the subdivider in clusters at various locations as approved by the United States Postal Service. Mailboxes shall be housed in a suitable enclosure, the design of which shall be submitted to the Village for approval prior to installation. No single mailbox installations will be allowed.

Sec. 54-135. Inspection of improvements.

- (a) Upon a request by the subdivider, all improvements shall be inspected and accepted by the Village within one year from the date of completion of construction of the improvements, provided that the improvements comply with the requirements of the

approved engineering plans for the improvements, all applicable Village ordinances and Village standard specifications for improvements. Extensions of the one-year period for all or a portion of the improvements may be granted by the Village Board upon the written request of the developer. Failure by the developer to obtain an extension shall result in the forfeiture of the completion bond or letter of credit.

- (b) Prior to requesting a final inspection, the developer shall submit record drawings, and all other certification and tests as required by this chapter or any other ordinance and standard specifications for improvements as adopted by the Village. The developer shall make a written request to the Village engineer for a final inspection of all or a portion of the improvements. Partial inspections shall be performed only on completed sanitary sewer systems and/or water mains, with the permission of the Village engineer, or one or more separate sections of the platted subdivision. The Village engineer or his representative shall either perform the inspection of improvements or deny the request for inspection of improvements within 14 days from the receipt of the request for final inspection. The final inspection shall be performed jointly with the developer or his representative, and the developer shall supply all labor required to facilitate the inspection. Reasons for the denial of a request for inspection shall be given in writing by the Village engineer and shall specifically refer to the requirements of the approved engineering plans for the improvements. All denials are appealable to the Village Board upon written request made within 14 days of the Village engineer's decision.
- (c) The Village engineer or his representative shall recommend the acceptance of the improvements if the improvements meet all the requirements of the approved engineering plans, applicable Village ordinances and Village standard specifications for improvements and shall notify the developer in writing of such recommendation of acceptance.
- (d) In the course of inspecting the improvements, the Village engineer or his representative may determine that additional work is required on the improvements in order to meet the requirements of the approved engineering plans, applicable Village ordinances and Village standard specifications for improvements. Each determination of the need for additional work shall specifically refer to an explicit requirement of the approved engineering plans, applicable Village ordinances or Village standard specifications for improvements. All items requiring additional work shall be noted on a punch list which, unless subject to the exception described in this subsection, shall be signed by the Village engineer or his representative and shall be given to the developer or his representative at the completion of the inspection. However, the inspection shall be terminated after ten specific repairs, additions or rejections per 1,000 feet of roadway centerline improvements, on the average, are logged on the punch list during the course of the inspection and the Village engineer or his representative shall leave the site of the inspection. The Village engineer or his representative shall file the terminated punch list in the office of the Village engineer and make it available to the developer upon request.

Sees. 54-136--54-170. Reserved.

ARTICLE V.

GENERAL DESIGN STANDARDS

Sec. 54-171. Standard of design and required improvements.

The following requirements as set forth in this article are hereby adopted as the minimum standards of design of a subdivision and of the improvements required to be constructed or installed therein. Standards and practices of the Village are contained in the Village standard specifications for improvements, which are on file in the office of the Village clerk.

Sec. 54-172. Streets.

- (a) All streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their relation to the proposed uses of the land to be served by such streets.
- (b) Where such is not shown on the general development plan, the arrangement of streets in a subdivision shall either:
 - (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - (2) Conform to a plan for the area of neighborhood approved or adopted by the Village Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
- (c) Local streets shall be so laid out that their use by through traffic will not be encouraged.
- (d) Where a subdivision abuts or contains an existing or proposed major street as shown on the official plan, the Village Board may require marginal access streets; reverse frontage with screen planting contained in a no-access strip, at least 12 feet wide, along the rear property line; deep lots with rear service alleys; or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (e) Where a subdivision borders on or contains a railroad or highway, the Village Board may require a street approximately parallel to and on each side of such railroad or highway, at a distance suitable for the appropriate use of the intervening land for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (f) Reserve strips controlling access to public utilities, streets, or alleys shall be prohibited.

- (g) All street intersections and confluences should encourage safe traffic flow.
- (h) Street jogs with centerline offsets of less than 125 feet for local streets at local streets and 200 feet for local streets at minor collector streets should be avoided.
- (i) Tangents shall be introduced between reverse curves on all streets. (See Table of Minimum Standards.)
- (j) When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to ensure clear sight distances. (See Table of Minimum Standards.)
- (k) Streets shall be laid out so as to intersect as nearly as possible at right angles and, where practical, no street shall intersect any other street at less than 80 degrees.
- (l) Property lines at street intersections shall be rounded with a radius as specified in the Table of Minimum Standards. The Village Board may accept comparable cutoffs or chords in place of rounded corners.
- (m) Street right-of-way widths shall be as specified in the Table of Minimum Standards.
- (n) Half streets. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Village Board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever an existing half street is adjacent to a tract for which subdivision is sought, the other half of the street shall be platted within the proposed subdivision. The initial half street dedication shall be one-half of the required right-of-way in width, with a ten-foot parallel utility easement, and shall be of sufficient length to provide proper transitions with a minimum pavement width of 22.5 feet to the curb face and of sufficient length to provide proper transitions.
- (o) Dead-end streets and culs-de-sac. Dead-end streets (culs-de-sac) designed to be permanent shall be provided at the closed end with a paved turnaround having an outside pavement radius of at least 40 feet and a street property line radius of at least 60 feet and shall not be longer than 500 feet from the centerline of the intersecting street to the radius point. Dead-end streets that are intended to be temporary shall also be provided with a paved turnaround at the end if the dead-end section of the roadway contains any drive openings. Such dead-end stubs will be required to the subdivision unit perimeter to serve adjacent units and to provide traffic circulation. The paved turnaround will not be required if, prior to final acceptance of the subdivision or unit, an adjacent subdivision or unit thereof has securities on file with the Village clerk for the public improvements of such adjacent subdivision or unit thereof, including the completion or continuation of streets leading to such subdivision.
- (p) Streets shall conform to the Table of Minimum Standards given in Standards Specification for Improvements, Exhibit "T".

- (q) All major streets shall have curb openings and/or intersecting streets no closer to each other than 1,200 feet where possible, and unless a limited egress and/or ingress can be effectively constructed.
- (r) Curb openings on local streets shall be at least 60 feet from an intersection, such 60 feet measured from the closest right-of-way line to the center of the drive.
- (s) Street gradients and vertical curves shall be as specified in the Table of Minimum Standards.
- (t) Street grades shall provide proper relation between the street and the first floor elevation of the houses or buildings and permit convenient and economical access to and drainage of the lots.
- (u) Street names and designations.

(1) *Approval of street names.* No street names shall be used which will duplicate or be confused with the names of existing streets. Existing street names shall be projected wherever possible. The first name of any street designation shall be unique and shall be approved by the 911 agency within whose jurisdiction the Village is located. Street names shall be subject to the approval of the Village Board.

(2) *Street designations.* The following street designation system shall be utilized to differentiate different kinds of public streets:

- a. Any new public street running in a generally east-west direction shall be named _____ Street or Drive.
- b. Any new public street running in a generally north-south direction shall be named _____ Avenue or Road.
- c. Major streets running in a direction which are designated with special characteristics such as planned medians shall be named _____ Boulevard.
- d. Eyebrow culs-de-sac shall retain the numbering system of the public way that they front on and shall not have a separate name.
- e. Cul-de-sac shall be named ____ _ Court.
- f. Any public street that comes back upon itself shall be called _____ Circle.
- g. Any public street that lacks true directional quality shall be named ____ _ Lane.

Sec. 54-173. Alleys.

- (a) In commercial, business, and industrial districts, definite and assured provisions shall be made for service access such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed. If, in the opinion of the Village Board, such facilities are not adequate, the Village Board may permit or require the dedication and improvement of a public alley.
- (b) Alleys in residential areas shall not be permitted, except where deemed necessary by the Village Board.
- (c) The width of an alley where permitted or required shall be 20 feet in residential areas and 30 feet in commercial, business, and industrial districts.
- (d) Alley intersections and sharp changes in alley alignment shall be avoided, but where necessary, corners may be cut off sufficiently to permit safe vehicular movement.
- (e) Dead-end alleys shall be avoided where possible, but if unavoidable, they shall be provided with adequate turnaround facilities at the dead end, as determined by the Village Board.

Sec. 54-174. Easements.

- (a) Easements across lots or centered on rear or side lot lines shall be provided for public and Village utilities, where necessary, and shall be at least ten feet wide. The grant of an easement shall conform to the form for the same as provided in this chapter.
- (b) Easements shall be designed to provide continuity from block to block.
- (c) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the line of such watercourse and shall include such further width or construction, or both, as will be adequate for the purpose and as determined by the Village engineer. Parallel streets or parkways may be required in connection therewith.

Sec. 54-175. Blocks.

- (a) The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (1) Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
 - (2) Zoning requirements as to lot sizes and dimensions within the corporate limits of the Village (R-1 for residential).
 - (3) Needs for convenient access, circulation, control, and safety of street traffic.
 - (4) Limitations and opportunities of topography.

- (b) Block length shall not exceed 1,800 feet, or be less than 600 feet.
- (c) Pedestrian crosswalks not less than ten feet wide shall be required where deemed necessary by the Village Board to provide for pedestrian circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.
- (d) Blocks or portions thereof intended for commercial or industrial use shall be designated as such, and the plan shall show adequate off-street areas to provide for parking, loading docks, and other such facilities.

Sec. 54-176. Lots.

- (a) The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (b) All lots shall meet the minimum depth, width and area requirements of the zoning regulations in chapter 70 for the district in which the subdivision is located. In the case of corner lots, the plan commission may recommend and the Village Board may require a greater width in order to encourage the proper development of intersection design and traffic safety, and to secure uniform setback lines from any property line adjoining a street. Residential lots shall meet requirements of R-1 zoning.
- (c) Lots abutting a watercourse, drainage way, channel or stream shall have a minimum width or depth as required by ordinance to provide an adequate building site and to afford the minimum useable area required in this chapter or the Village zoning regulations in chapter 70, excluding any required drainage easement area.
- (d) Depths and widths of lots or properties reserved or laid out for commercial, business, or industrial purposes shall be adequate to provide for the off-street service and parking facilities required in the Village zoning regulations in Chapter 70.
- (e) All lots shall abut on a publicly dedicated street.
- (f) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from highways or primary thoroughfares or to overcome specific disadvantages of topographic land orientation. A planting screen easement of at least 12 feet, and across which there shall be no right of vehicular access, shall be provided with plantings as approved by the Village Board, in conformance with the Village standard specifications for improvements.

(g) Where a cul-de-sac affords access to a park or other open space, a minimum ten-foot easement or right-of-way shall be provided to access such parks or open spaces and shall be provided with sidewalks.

(h) Side lot lines shall be substantially at right angles or radial to street lines.

Sec. 54-177. Building setback lines.

Building setback lines of new subdivisions shall conform to the front yard provisions of the zoning district, as defined by the Village zoning regulations in chapter 70, within which the plat is to be developed. Residential zoning shall be R-1.

Sec. 54-178. Scenic features.

In the subdividing of any land within the Village or within 1 1/2 miles of the corporate limits, as they exist from time to time, due regard shall be shown for all natural features such as tree growth, watercourses, historic spots or similar conditions which, if preserved, will add attractiveness and value to the proposed development.

Sees. 54-179--54-210. Reserved.

ARTICLE VI.

DEDICATION OF PARK LANDS AND SCHOOL SITES OR PAYMENT OF FEES IN LIEU THEREOF

Sec. 54-211. Required.

As a condition of approval of a final plat of subdivision, or of a final plat of a planned unit development, each subdivider or developer shall be required to dedicate land for school sites and park and recreation purposes to serve the immediate and future needs of the residents of the development, or cash contribution in lieu of actual land dedication, or a combination of both, at the option of the Village with advice from the Steward School, or the Rochelle Township High School District 212 ("High School District"), or the appropriate (the Elementary School District, the High School District and the Village Board being collectively referred to herein as "the Benefiting Districts" and individually as the "Benefiting District"), in accordance with this Chapter.

Sec. 54-212. Criteria for requiring park and recreation land dedication.

(a) *Population ratio.* The ultimate density of a proposed development shall bear directly upon the amount of land required for dedication. The total requirement shall be 8 acres of land per 1,000 of ultimate population in accordance with the following classifications:

Type of Recreation Area		Size Range	Minimum Acres per 1,000 People
(a)	Play lot	Minimum 8,000 square feet	Not applicable
(b)	School-park (neighborhood playground)	Minimum park- 5 acres	1.75
(c)	Neighborhood	Minimum - 3 1/2 acres	2.00
(d)	District-wide play field or park	Minimum 4 acres up to 30 acres	1.25
(e)	Communitywide recreation park	Minimum 12 acres up to 30 acres	3.0
			—
			8 acres of land per 1,000 people

- (b) *Location.* The park and recreation plan as adopted by the park district in which the subdivision is located shall be used as a guideline in locating sites if such plan exists. If a park site of not less than five acres can be placed adjoining an elementary school, such a site dedication shall be a requirement. A central location serving the entire development is most desirable. In large developments these sites can be located throughout the development.
- (c) *Private park and recreation area.* At no time shall any property within a subdivision which is reserved for private use of the residents thereof be credited toward a developer's park land contribution. Such property includes, but is not limited to, open space, parks, tennis courts, and similar areas, pools, clubhouse lots, and parking areas. Wetlands, floodplains or retention/detention ponds, generally, will not be acceptable as land donations. However, the Village Board may accept land donations consisting of up to 50 percent of such areas if the Board determines the property is suitable for the intended purposes of this article.

Sec. 54-213. Criteria for requiring school site dedication.

- (a) *Population ratio.* The ultimate number of students to be generated by a subdivision or planned unit development shall bear directly upon the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of the estimated number of children to be served in each school classification over the maximum recommended number of students to be served in each school classification as stated in this section, and then applying such ratio to the minimum recommended number of acres for a school site of each school classification as stated in this section. The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the increased children in each such school classification.
- (b) *School classification and size of school site.* School classification and the size of school sites within the Village shall be determined in accordance with the following criteria:

School Classification By Grades	Maximum Number Students for Each Such School Classification	Minimum Number of Acres of Land for Each School Site of Such Classification
Elementary schools (K-5) grades kindergarten through fifth	400 students -	12 acres
Junior high schools (6-8) grades 6 through 8	600 students	30 acres
High schools (9-12) grades 9 through 12	1,000 students	50 acres

- (c) *Location.* The comprehensive school plan and/or the standards adopted by the affected school district shall be used as a guideline in locating sites.

Sec. 54-214. Criteria for requiring a contribution in lieu of park and school sites.

- (a) *Cash contribution to be held in trust.* Where the development is small and the resulting site is too small to be practical or when the available land is inappropriate for park and recreational purposes or a school site, the Village shall require the subdivider or developer to pay cash contribution in lieu of the land dedication required.
- (b) The cash contribution in lieu of park and recreation land dedication shall be held in trust by the Village, or other public body designated by the Village, solely for the acquisition of park and recreation land as classified in this article, which will be available to serve residents of the subdivision or development. The cash contribution in lieu of school sites shall be held in trust by the Village, or other public body designated by the Village, solely for use in the acquisition of land for a school site to serve the immediate or future needs of children from school districts.

Sec. 54-215. Criteria for requiring dedication of a fee or a cash contribution.

A combination of land dedication and a cash contribution in lieu of land will be necessary in the following situations:

- (1) When only a portion of land to be developed is proposed as the location for a park or school site, that portion of the land within the subdivision falling within the park or school location shall be dedicated as a site, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated.
- (2) When a major part of the local park or recreation site or school site has already been acquired and only a small portion of land is needed from the development to complete the site, the remaining portions shall be required by dedication, and a cash contribution in lieu thereof shall be required for any additional land that would have otherwise been required to be dedicated.
- (3) *Fair Market Value.* The cash contributions in lieu of land shall be based on the "fair market value" of improved, subdivided land, as platted within the

development's final plat, that otherwise would have been dedicated as Benefiting District sites. The Village, based upon its investigation, has determined the fair market value of any particular parcel, for purposes of school sites in this chapter, to be eighty-four thousand dollars (\$84,000.00) per acre. The Village has determined the fair market value of any particular parcel, for purposes of park lands and sites in this chapter, to be seventy-five thousand dollars (\$75,000) per acre for neighborhood type park sites and eighteen thousand seven hundred fifty dollars (\$18,750) per acre for community parks and park lands. The foregoing fair market value shall be used in the determination of cash contributions unless the subdivider, developer, or any other subdivider or developer, or objecting party shall submit an appraisal showing the fair market value of such improved land in the area of the development. Final determination of the fair market value per acre of such improved land shall be made by the Village Board based upon such information submitted by the subdivider or developer and from other sources which may be submitted to the Village Board by affected parties, and by information, reports and analysis provided to the Village Board by its own staff and consultants.

Sec. 54-216. Density formula.

Table A of this article shall be used in calculating the amount of required dedication of land or the cash contribution in lieu thereof. A subdivider or developer may file a written objection to the Table of Estimated Ultimate Population listed in this article. If so, he shall submit his own demographic study showing the estimated additional population to be generated from the subdivision or planned unit development. In that event, final determination of the density formula to be used in such calculations shall be made by the Village Board, at its sole discretion, based upon such demographic information submitted by the subdivider or developer, this chapter, and from other sources which may be submitted to the Village Board by the school district or others. The specific formula for the dedication of land, or the payment of fees in lieu thereof, as stated in this article, is subject to periodic review and amendment.

Sec. 54-217. Reservation of additional land.

Where the comprehensive plan or the standards of the Village call for a larger amount of park and recreational land or school sites in a particular subdivision or planned unit development than the developer is required to dedicate, pursuant to this chapter, the land required in excess of the developer's contribution shall be reserved by the developer for subsequent purchase by the Village or other public body designated by the Village. Such acquisition must be made within 18 months from the date of approval of the final plat.

Sec. 54-218. Combining with adjoining developments.

Where possible, public open space or a school site which is to be dedicated should be combined with dedications from adjoining developments in order to produce usable recreation areas or school sites.

.54-219. Topography and grading.

The topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purpose. Grading on sites dedicated for park and recreation uses shall not differ greatly from the surrounding land.

TABLE A
ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT

TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT CHILDREN PER UNIT							
Type of Unit	Pre-School 0 – 4 Years	Elementary Grades K-5 6-11 years	Junior High Grades 6-8 12-13 Years	Total Grades K-8 5-13 Years	High School grades 9-12 14-17 Years	Adults 18 Years+	Total per Dwelling Unit
Petached Single Family							
2 Bedroom	0.113	0.136	0.048	0.184	0.020	1.700	2.017
3 Bedroom	0.292	0.369	0.173	0.542	0.184	1.881	2.899
4 Bedroom	0.418	0.530	0.298	0.828	0.360	-	3.764
5 Bedroom	0.238	0.345	0.248	0.593	0.300	-	3.770
Attached Single Family							
1 Bedroom	0.000	0.000	0.000	0.000	0.000	1.193	1.193
2 Bedroom	0.064	0.088	0.048	0.136	0.038	1.752	1.990
3 Bedroom	0.212	0.234	0.058	0.292	0.059	1.829	2.392
4 Bedroom	0.323	0.322	0.154	0.476	0.173	2.173	-
Apartments							
Efficiency	0.000	0.000	0.000	0.000	0.000	1.294	1.294
1 Bedroom	0.000	0.002	0.001	0.003	0.001	1.754	1.758
2 Bedroom	0.047	0.086	0.042	0.128	0.046	1.693	1.914
3 Bedroom	0.052	0.234	0.123	0.357	0.118	2.526	3.053

Sec. 54-220. Application to other uses.

The dedication of land and cash contributions in lieu thereof required by this chapter shall also be required for trailer parks, multiple-family unit developments and to the annexation of any land to the Village. As a condition of the granting of a permit for a trailer park; a multiple-family unit development; the change in use of an existing structure to a multifamily design for non-transient residents; or as a condition to the annexation; the owner, subdivider or developer shall comply with the requirements of this chapter.

Sec. 54-221. Improved sites.

All sites shall be dedicated in a condition ready for full service of electrical, water, sewer, streets (including enclosed drainage and curb and gutter), and sidewalks as applicable to the location of the site, or acceptable provisions made therefore.

Sec.54-222.Interest earned or contributions.

As to any funds held in trust by the Village pursuant to this chapter, the Village shall be entitled to the interest from such funds so as to reimburse and compensate the Village for its services as a trustee, administrator, and negotiator pursuant to this chapter.

Sec.54-223.Obtaining cash contributions.

Whenever funds have been contributed for school purposes in lieu of land, the Village may require that any school district seeking to obtain such funds contributed for developments within the school district submit and be subject to the following:

- (1) Submission of a resolution of the school district Board, certified by its secretary, stating that the school district has contracted to purchase real property; or, in the alternative, that the school district intends to erect a school or an addition to a school. The resolution shall further state that such proposed use of the funds conforms with the requirements or regulations of the appropriate state agency whose approval would be required in order to proceed with either acquisition or construction work proposed.
- (2) Upon approval by the Village Board of Trustees of the expenditure of cash contributions made in lieu of school site dedications, the Board may require a contract to be executed providing for the specific use of the money, time limitations of its use, repayment of portions of such cash not used on a specific project or any other criteria, conditions or covenants the Village Board deems necessary in order to fully carry out and conform to this chapter.
- (3) Upon completion of any project undertaken with the use of such funds, the school district shall provide an accounting to the Village Board of Trustees of the actual expenditures by the school district Board of such money received from the Village.

Sec.54-224.Time for conveyance of dedicated lands and payment of fees in lieu thereof.

Land acquired to be dedicated shall be conveyed at the final plat stage, or within a reasonable time thereafter as permitted by the Village, by warranty or Trustees deed free and clear of all liens and encumbrances, except current real estate taxes and customary title company exceptions. Fees in lieu of such land dedications calculated as provided in this article shall be paid as a condition of final plat approval. Real estate taxes not yet due at the time of such conveyance or any real estate taxes thereafter due by reason of the change of use of the property from farming or agricultural purposes under 35 ILCS 200/9-150 shall be paid by the developer when the same shall come due. Sufficient guarantees of the payment of such taxes shall be provided to the Village as a condition of final plat approval.

Sees. 54-225--54-260. Reserved.

ARTICLE VII.

FLOODPLAINS

Sec. 54-261. Prohibition of development.

Any property, parcels, tracts, lots, or lands contained within a floodplain shall not be developed except as otherwise provided in this article. A floodplain shall include a floodway and a flood fringe.

Sec. 54-262. Variance.

An owner of any such property may apply for a variance to the prohibition of section 54-261, which process shall be in accordance with the most recent adopted floodplain ordinance of the Village as promulgated by the Federal Emergency Management Agency. No variance shall be granted for construction of any structures in a floodplain which are designed or intended to be occupied by people. Any such variance request shall be limited to the allowance of construction of parking areas, water retention or detention areas, walkways, bike paths, parks, and other open space type uses.

Chapters 55--57

RESERVED

Chapter 58

TAXATION*

* Cross References: Any ordinance or resolution promising or guaranteeing the payment of money for the Village, or authorizing the issuance of any bonds of the Village or any evidence of the Village's indebtedness, or any contract or obligation assumed by the Village saved from repeal, § 1-16(a)(2); any ordinance levying or imposing taxes or special assessments, or authorizing tax fund transfers, not inconsistent with this Code saved from repeal, § 1-16(a)(6); administration, Ch. 2; businesses, Ch. 22.

Article I. In General

Sees. 58-1--58-30. Reserved.

Article II. Electrical Utility Tax

Sec.58-31. Imposed.

Sec. 58-32. Exceptions.

Sec.58-33. Additional taxes.

Sec.58-34. Collection.

Sec.58-35. Reports to Village.

Sec.58-36. Credit for overpayment.

Sec. 58-37. Penalty for violation of article.

ARTICLE I.

IN GENERAL

Sees. 58-1--58-30. Reserved.

ARTICLE II.

ELECTRICAL UTILITY TAX*

* Cross References: Utilities, Ch. 66.

Sec. 58-31. Imposed.

(a) A tax may be imposed on all persons engaged in the following occupations or privileges: The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Village at the following rates, calculated on a monthly basis for each purchaser:

- (1) For the first 2,000 kilowatt-hours used or consumed in a month: \$.00539 per kilowatt-hour;
- (2) For the next 48,000 kilowatt-hours used or consumed in a month: \$.00354 per kilowatt-hour;
- (3) For the next 50,000 kilowatt-hours used or consumed in a month: \$.00318 per kilowatt-hour;
- (4) For the next 400,000 kilowatt-hours used or consumed in a month: \$.00309 per kilowatt-hour;
- (5) For the next 500,000 kilowatt-hours used or consumed in a month: \$.00301 per kilowatt-hour;
- (6) For the next 2,000,000 kilowatt-hours used or consumed in a month: \$.00283 per kilowatt-hour;
- (7) For the next 2,000,000 kilowatt-hours used or consumed in a month: \$.00279 per kilowatt-hour;
- (8) For the next 5,000,000 kilowatt-hours used or consumed in a month: \$.00274 per kilowatt-hour;

(9) For the next , 2,000,000kilowatt-hours used or consumed in a month: \$.00283 per kilowatt-hour

For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month: \$.00265 per kilowatt-hour.

The tax rates set forth in the preceding table of this section will be used at least through December 31, 2008, are proportional to the rates enumerated in 65 ILCS 5/8-11-2, and do not exceed the revenue that could have been collected during 2006 using the rates enumerated in 65 ILCS 5/8-11-2.

- (b) Pursuant to 65 ILCS 5/8-11-2, the rates set forth in subsection (a) of this section shall be effective:
 - (1) On May 1, 2007, for residential customers; and
 - (2) On the earlier of the last bill issued prior to May 1, 2007, or the date of the first bill issued pursuant to 220 ILCS 5/16-104, for nonresidential customers.
- (c) The provisions of this section shall not be effective until the date approved by the Village Trustees.
- (d) A tax is imposed on persons engaged in the business of distributing, supplying, furnishing or selling electricity for use or consumption within the corporate limits of the Village, and not for resale, at the rate of five percent of the gross receipts therefrom. The tax imposed by this subsection (d) shall not apply with respect to gross receipts pertaining to bills for the distribution, supplying, furnishing or sale of electricity where the use or consumption of the electricity is subject to the tax imposed by subsection (a) of this section.

Sec. 58-32. Exceptions.

None of the taxes authorized by this article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and Statutes of the United States, be made the subject of taxation by this state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this article for those transactions that are or may become subject to taxation under the provisions of the Municipal Retailers' Occupation Tax Act authorized by 65 ILCS 5/8-11-1; nor shall any tax authorized by this article be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in a like manner and at the same rate upon all persons engaged in businesses of the same class in the Village, whether privately or Village-owned or operated, or exercising the same privilege within the Village.

Sec. 58-33. Additional taxes.

Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

Sec. 58-34. Collection.

The tax authorized by this article shall be collected from the purchaser by the person maintaining a place of business in this state who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and, if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this article, and any such tax collected by a person delivering electricity shall constitute a debt owed to the Village by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to three percent of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the Village upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the Village in the manner prescribed by the Village. Persons delivering electricity who file returns pursuant to this section shall, at the time of filing such return, pay the Village the amount of the tax collected pursuant to this article.

Sec. 58-35. Reserved

Sec. 58-36. Credit for overpayment.

- (a) If it shall appear that an amount of tax has been paid which was not due under the provisions of this article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this article from the taxpayer who made the erroneous payment; provided, however, that no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited.
- (b) No action to recover any amount of tax due under the provisions of this article shall be commenced more than three years after the due date of such amount.

Sec. 58-37. Penalty for violation of article.

Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any provision of this article is guilty of a misdemeanor and, upon conviction, shall be subject to punishment as provided in section 1-10 of this Code; and, in addition, shall be liable in a civil action for the amount of tax due, per 65 ILCS 5/8-11-2.

Chapters 59--61

RESERVED

Chapter 62

TRAFFIC AND VEHICLES*

* Cross References: Law enforcement, Ch. 34; offenses and miscellaneous provisions, Ch. 38; streets, sidewalks and other public places, Ch. 50; recreational vehicles, § 70-467.

Article I. In General

Sec. 62-1. State vehicle code adopted by reference.
Sec. 62-2. Vehicle regulations.
Sec. 62-3. School speed zone.
Sec. 62-4. Weight limitation.
Sees. 62-5--62-40. Reserved.

Article II. Stopping, Standing and Parking

Sec. 62-41. Parking prohibited in certain places.
Sec. 62-42. Parking spaces.
Sec. 62-43. Ticket violations.
Sec. 62-44. Towing vehicles in violations.
Sec. 62-45. Penalties for violation of article.
Sec. 62-46. Prima facie proof.
Sec. 62-47. Failure to pay penalty or fines.
Sec. 62-48. Restricting parking on certain streets.
Sec. 62-49. Upon or along state highway route no. 38.
Sec. 62-50. Angle parking.
Sees. 62-51--62-80. Reserved.

Article III. Abandoned and Inoperable Motor Vehicles

Sec. 62-81. Definitions.
Sec. 62-82. Prohibited acts.
Sec. 62-83. Inoperable vehicles declared nuisance.
Sec. 62-84. Removal; impoundment.
Sec. 62-85. Penalty for violation of article.
Sees. 62-86--62-120. Reserved.

Article IV. Snowmobiles

Sec. 62-121. Speed limit.
Sec. 62-122. Operation on streets and alleys.
Sec. 62-123. Prohibited hours of operation.
Sec. 62-124. Street crossing angle.
Sec. 62-125. Youthful operators.
Sec. 62-126. State registration required for operation.
Sec. 62-127. Headlight required.
Sec. 62-128. Pulling of sleds, toboggans or other devices.
Sec. 62-129. Obeying state traffic and snowmobile regulations.
Sec. 62-130. Penalties for violation of article.

ARTICLE I.

IN GENERAL

Sec. 62-1. State vehicle code adopted by reference.

The provisions of the state vehicle code, 625 ILCS 5/1-100 et seq., are hereby adopted by reference, as if set out at length in this chapter.

State Law References: Authority to adopt vehicle code by reference, 625 ILCS 5/20-204.

Sec. 62-2. Vehicle regulations.

- (a) *Generally.* Vehicles on the streets of the Village shall be governed by this chapter, and it is the intention of the Village to make and enforce such regulations as shall be necessary to ensure the safety of pedestrians as well as other vehicles.
- (b) *Speed limits.* Vehicles shall proceed on the right hand of the center of the street and shall not exceed a speed of 30 miles per hour in the business district, and 30 miles per hour on other streets.
- (c) *Molestation of traffic signs.* Molestation of traffic signs is unlawful and any interference with them is absolutely forbidden.

Sec. 62-3. School speed zone.

- (a) A school speed zone shall be imposed in the area Steward Grade School.
- (b) School speed zone signs shall be posted marking these areas as school speed zones.
- (c) ~~It~~ shall be unlawful to drive any motor vehicle at a speed in excess of 20 miles per hour in this area on school days when children are present.

Sec. 62-4. Weight limitation.

- (a) *Gross weight limit.* Except for Main Street (Perry Road) it shall be unlawful to drive on any street within the Village any motor vehicle, which, together with towed trailers, wagons, or implements, if any, has a gross weight exceeding 32,000 pounds.
- (b) *Penalty.* Any person violating the provisions of this section shall be subject to a fine of \$50.00, or \$0.02 per pound of gross weight in excess of 32,000 pounds, whichever is greater, for overweight violation.
- (c) *Certain vehicles excepted.* Fire and municipal vehicles, garbage trucks, school vehicles, vehicles delivering merchandise to residents on an occasional basis, and farm vehicles entering upon a Village street directly from field or farmstead shall be and are excepted from the provisions of this section.

ARTICLE II.

STOPPING, STANDING AND PARKING*

* Cross References: Off-street parking and loading, § 70-531 et seq.

Sec. 62-41. Parking prohibited in certain places.

At any time it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic signal:

- (1) Within any intersection.
- (2) Within 20 feet of a crosswalk at an intersection.
- (3) Between a safety zone or crosswalk so as to block pedestrians or safe passage through the safety zone or crosswalk.
- (4) Within 30 feet upon the approach to a flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway.
- (5) Within 20 feet of an intersection.
- (6) At any place so as to reduce the width of the roadway to less than 18 feet.
- (7) Within 15 feet of a fire hydrant.
- (8) In front of a public or private driveway.
- (9) Within 50 feet of the nearest rail of a railroad grade crossing.
- (10) Within 20 feet of the driveway entrance to any such station whether it is the police department or fire department and on the side of the street opposite the fire department entrance to any such station within 75 feet of such entrance, when properly signposted.
- (11) At any place where official signs prohibit parking.
- (12) On sidewalks or parkway.
- (13) No vehicle shall park with the left side of such vehicle to the curb or side of roadway, all other vehicles shall park parallel with the curb or roadway except where angular parking is marked on the streets, then vehicles shall be parked at the angle to the curb indicated and within such marks.
- (14) No vehicle for sale shall be parked on any Village street, alley, causeway, right-of-way, or thoroughfare.

(15)On any Village street after two inches of snowfall, either accumulative or all at once.

(16)In any alley so as to block either pedestrian or vehicular traffic.

(17)On any Village street, alley, roadway, thoroughfare or causeway, any vehicle without a valid state registration.

Sec. 62-42. Parking spaces.

The Village President and Village Board may have lines or markings painted upon the curb or street so as to clearly designate parking places and non-parking places. All vehicles shall park within such lines or markings. **It** shall be unlawful for any vehicle to park across such lines or markings, or to park a vehicle in such a position that it shall not be entirely within the space designated by such lines or markings, or to keep another vehicle from parking within such lines or markings. **It** shall be unlawful for any vehicle to stand parked on any Village street, alley, causeway, roadway or thoroughfare for longer than 72 hours without being moved more than one-tenth of a mile.

Sec. 62-43. Ticket violations.

It shall be the duty of the Village President and/or the Village Board to designate a police officer whose duties shall be to keep account of all violations of this article. The police officer so designated shall keep an account of and report:

- (1) The date of the offense;
- (2) The time of the offense;
- (3) The place of the offense (as accurately as possible);
- (4) The state license plate number or Village registration number or the name on the license applied for sticker;
- (5) Any other facts, the knowledge of which is necessary to thoroughly understand the circumstances attending such violation.

Such police officer shall also attach to such vehicle a notice stating that such vehicle has been parked in violation of a provision of this article, and notify the owner or operator of the charge for such violation and where to pay such charge as provided in this article.

Sec. 62-44. Towing vehicles in violations.

It shall be the duty of any police officer to remove and tow away, or have removed and towed away by commercial towing service, any car or other vehicle

illegally parked or remaining parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, or obstructs or may obstruct the movement of any emergency vehicle. Cars, so towed away for illegal parking, shall be stored in a safe place and shall be restored to the owner or operator with proof of ownership or permission of use by the owner and the full payment of towing fees and storage fees as is standard and fair, set by the commercial towing service.

Sec. 62-45. Penalties for violation of article.

- (a) *Generally.* Any person violating any provisions of this article except where other fines are provided for shall be charged the fine of \$5.00.
- (b) *Specific penalties.* Any person violating the following specific provisions shall be fined as follows: Within 15 feet of a fire hydrant, within 20 feet of the driveway entrance of any such station whether it is the police department or fire department and on the street opposite the fire department entrance to any such station within 75 feet of such entrance; and on any Village street after two inches of snowfall, either accumulative depth or all at once, or to allow any vehicle to stand parked on Village streets, alley, causeway, roadway or thoroughfare for longer than 72 hours without being moved more than one-tenth of a mile. The fine for these specific violations shall be \$25.00 for each occurrence, and any person can be ticketed if they remain in violation, one ticket for every 24 hours in violation.
- (c) *Late charges.* Any person in violation and ticketed shall have one week from the ticket issuance date to pay the fine. After one week there will be a late charge of \$1.00 per day up to a maximum of \$100.00.

Sec. 62-46. Prima facie proof.

- (a) The fact that an automobile which is illegally parked is registered in the name of a person shall be considered prima facie proof that such a person was in control of the automobile at the time of such parking.
- (b) All fines can and shall be paid to either the police department or the Village clerk, and a receipt shall be issued for the money received.
(Ord. No. 82-2, 4-14-1982)

Sec. 62-47. Failure to pay penalty or fines.

Any person failing to pay penalties or fines will have a warrant for their arrest filed in the county.
(Ord. No. 82-2, 4-14-1982)

Sec. 62-48. Reserved

Sec. 62-49. Upon or county highway Perry Road.

- (a) *Prohibited generally; exception.* No person shall stop, park or leave standing any vehicle, whether tended or untended, where posted.
- (b) *Penalty.* The penalty on conviction of a violation of any portion of this section shall be a fine of not less than \$25.00, nor more than \$250.00, together with costs. Any vehicle parked in violation of any portion of this section may be removed and stored by the Village at the expense of the owner.

Sec. 62-50. Reserved

Sees. 62-51--62-80. Reserved.

ARTICLE III.

ABANDONED AND INOPERABLE MOTOR VEHICLES

Sec. 62-81. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle means any vehicle which is left at any place for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

Inoperable motor vehicle means any motor vehicle from which, for a period of at least 24 hours on any Village street, alley, roadway, thoroughfare or causeway, or seven days on private property, 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. However, the term "inoperable motor vehicle" shall not include 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 nor to any motor vehicles that are kept within a building when not in use, or to historic vehicles over 25 years of age.

Cross References: Definitions generally, § 1-2.

Sec. 62-82. Prohibited acts.

No person shall abandon any vehicle within the Village, and no person shall leave any vehicle at any place within the Village for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway in the Village.

Sec. 62-83. Inoperable vehicles declared nuisance.

Inoperable vehicles are declared to be a nuisance. Inoperable motor vehicles, whether on public or private property, are hereby declared to be a nuisance. All persons are required to dispose of any inoperable motor vehicles under their control upon written notice received from the Village Board commanding such disposition of such inoperable motor vehicle.

Sec. 62-84. Removal; impoundment.

The Lee County Sheriff, or any member of his department designated by him, is hereby authorized to remove or have removed any vehicle left at any place within the Village which reasonably appears to be in violation of this article or which reasonably appears to be lost, stolen or unclaimed, or which is an inoperable vehicle. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with 625 ILCS 5/4-201--5/4-214.

Sec. 62-85. Penalty for violation of article.

Any person violating any of the provisions of this article shall be subject to punishment as provided in section 1-10 of this Code.

Secs. 62-86--62-120. Reserved.

ARTICLE IV.

SNOWMOBILES

Sec. 62-121. Speed limit.

No snowmobile shall be operated within the Village at a speed in excess of 15 miles per hour.

Sec. 62-122. Operation on streets and alleys.

(a) Any vehicle being operated on public streets or alleyways within the Village must be operated as close as possible to the right edge of the roadway and in single file.

(b) The snowmobile shall be operated on public streets and alleyways of the Village only for the purposes of entering or leaving the Village by the most direct route.

Cross References: Streets, sidewalks and other public places, Ch. 50.

Sec. 62-123. Prohibited hours of operation.

It shall be unlawful to operate a snowmobile in the Village between the hours of 12:01 a.m. and 8:00 a.m.

Sec 62-124 Street Crossing Angle

A snowmobile is allowed to cross a street in the Village only on a 90-degree angle

Sec.62-125. Youthful operators.

- (a) No person under sixteen years of age may operate a snowmobile, other than machines designed for use by small children primarily as a toy and used only on private property and not on any public use trail.
- (b) Persons at least 12 years of age and less than 16 years of age may operate a snowmobile only if they are either accompanied on the snowmobile by a parent or guardian or a person at least 16 years of age designated by a parent or guardian, or such operator is in possession of a certificate issued by the state's department of natural resources authorizing the holder to operate snowmobiles.
- (c) Any person who operates a snowmobile on a highway as provided in 625 ILCS 40/5-2 shall:
 - (1) Possess a valid motor vehicle driver's license; or
 - (2) Possess a safety certificate as provided for in this section. Any such person less than 16 years of age shall also be under the immediate supervision of a parent or guardian or a person at least 18 years of age designated by the parent or guardian.
- (d) Violations of this section done with the knowledge of a parent or guardian shall be deemed a violation by the parent or guardian and punishable under 625 ILCS 40/10-1 et seq.

Sec.62-126.State registration required for operation.

It shall be unlawful to operate a snowmobile within the Village unless such vehicle contains a state registration.

Sec.62-127. Headlight required.

Any snowmobile operated within the Village must have a headlight on at all times.

Sec.62-128.Pulling of sleds, toboggans or other devices.

It shall be unlawful for a snowmobile to pull any sleds, toboggans or other devices except sleds specifically made for the purpose of being towed by snowmobiles.

Sec.62-129.Obeying state traffic and snowmobile regulations.

Any person operating a snowmobile within the Village must obey all regulations of the state pertaining to vehicular traffic and must meet all regulations of the state pertaining to the operation of snowmobiles.

Sec.62-130.Penalties for violation of article.

The violation of any of the provisions of this article shall be considered separate offenses, and such violator shall be subject to punishment as provided in section 1-10.

Chapters 63--65

RESERVED

Chapter 66

UTILITIES*

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- Cross References: Administration, Ch. 2; buildings and building regulations, Ch. 18; businesses, Ch. 22; solid waste, Ch. 46; streets, sidewalks and other public places, Ch. 50; storm and sanitary sewers, § 50-121 et seq.; water supply, § 50-161 et seq.; utilities on private easements, § 50-191 et seq.; subdivisions, Ch. 54; required improvements for sanitary sewers, § 54-122; required improvements for storm water runoff control, § 54-123; required improvements for water mains, § 54-124; required improvements for other utility services, § 54-128; electrical utility tax, § 58-31 et seq.; utility substations, § 70-471.
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Article I. In General

Sees. 66-1--66-30. Reserved.

Article II. Combined Water and Sewer System

Division I. Generally

Sec. 66-31. Application required.
Sec. 66-32. Signed permit necessary for connection.
Sec. 66-33. Specifications and rules.
Sec. 66-34. Right of access for operation and maintenance of system.
Sec. 66-35. Enforcement of article provisions.
Sec. 66-36. Penalty for violation of article.
Sec. 66-37. Termination of service.
Sec. 66-38. Reinstatement of service.
Sec. 66-39. Filing regulations.
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Division 2. Rates and Charges

Sec. 66-61. Established.
Sec. 66-62. Billing duties.

Sec. 66-63. Manner of billing for the use of the water and wastewater facilities.
Sec. 66-64. Overdue accounts; overdue notice.
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Sees. 66-72--66-90. Reserved.

Division 3. Cross Connection Control

Sec. 66-91. Backflow prevention devices; installation.
Sec. 66-92. Water supply; connection.
Sec. 66-93. Surveys; records.
Sec. 66-94. Right of entry to inspect for cross connections.
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Sec. 66-96. Liability of consumer for backflow contamination.
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Division 4. Drought Restrictions

Sec. 66-121. Regulation of consumption of water due to adverse weather.
Sec. 66-122. Drought conditions may necessitate water use ban for certain purposes.
Sec. 66-123. Enumeration of prohibited water uses.
Sec. 66-124. Exemptions; special use permits.
Sec. 66-125. Amendment of division provisions.
Sec. 66-126. Penalty for violation of division.
Sec. 66-127. Notice of liability for compliance with division provisions.

ARTICLE I.

IN GENERAL

Sees. 66-1--66-30. Reserved.

ARTICLE II.

COMBINED WATER AND SEWER SYSTEM

DIVISION 1.

GENERALLY

Sec. 66-31. Application required.

No person shall make any connection to the water mains or the sewer mains of the combined waterworks and sewer system of the Village except upon written application to the Village clerk and following the issuance of a permit by such clerk for such connection. Each application shall state the name of the applicant, the permit desired, the location to be used, and the fee to be paid. Each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the permit.

Sec. 66-32. Signed permit necessary for connection.

No connection shall be made with the waterworks and sewer system without the signed permit of the Village clerk. Any connections or opening made with the waterworks and sewer system without such signed permit or in any manner different from the mode prescribed for such opening or connection shall subject the maker to a penalty as provided in section 66-36.

Sec. 66-33. Specifications and rules.

The Village is hereby authorized to make such rules and regulations consistent with this article for the connections to the waterworks and sewer system, specifying the types and sizes of pipes and all the other appurtenances and extensions thereto, and amend the same from time to time as may be deemed necessary. All service pipes and connections to the waterworks and sewer system shall comply with the specifications and rules for connection to the waterworks and sewer system or shall be subject to a penalty as provided in section 66-36.

Sec. 66-34. Right of access for operation and maintenance of system.

- (a) Employees of the waterworks and sewer system shall have the right of access to any premises served by the combined waterworks and sewer system for the purpose of reading water meters at the regular prescribed intervals or for the purpose of making inspections in order to maintain in good condition and provided for the protection of such combined system and the efficient management thereof. Where such inspections are not of an immediate or urgent nature, employees of the combined system shall arrange for appointments mutually convenient to the persons of the premises served and such employees. Any person refusing the right to permit the employees of the waterworks and sewer system the right of access to his premises shall be subject to cessation of utility services until the required opportunity to inspect is accorded the officers and employees of the Village.
- (b) Any water meter found to be not functioning properly shall not relieve the user of the service of any and all rates or charges associated therewith. In such cases the usage rated shall be billed on the average of the last three billing periods. If the user has not resided upon the premises for at least three billing periods, the rate and charges shall be established in accordance with a national average usage per household with a similar number of residents.

Sec. 66-35. Enforcement of article provisions.

A copy of this article, properly certified by the Village clerk, shall be filed in the office of the county recorder, and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the combined waterworks and sewer system of the Village. The clerk and such other officers of this Village shall take all action necessary or required by the laws of this Village and shall take all action necessary or required by the laws of the state thereunto enabling to file all claims and liens for money due to the Village and to prosecute and enforce such claims in the manner, form and time as permitted by the laws of the state.

(Ord. No. 96-1, § 7, 1-10-1996)

Sec. 66-36. Penalty for violation of article.

Any person, firm, corporation, association, agent or legal representative violating the provisions of this article shall be subject to punishment as provided in section 1-10 of this Code. A determination by a court that a violation of this article has taken place and the assessment of a penalty thereof shall not preclude the Village from seeking a recovery of any unpaid charges, fees or other sums due the Village under this article or other ordinances because of the furnishing by the Village of its utility services.

Sec. 66-37. Termination of service.

- (a) *Generally.* Any person found to be violating any provision of this article or any other ordinance affecting the use of the waterworks and sewer system, or who has any user charges remaining unpaid 30 days after being rendered and payable, shall be subject to termination of service.
- (b) *Nonpayment of user charges.* The water biller shall, at the direction of the Village Board of Trustees, send the following notice, certified mail or return receipt requested, to the owner of the premises, occupant, and/or user of the service.

NOTICE OF DELINQUENCY

You are hereby notified that the charges billed to you under the date of _____ for the building located at _____ have not been paid and remain delinquent. If you fail to pay such user charges within 30 days hereinafter, your water service will be disconnected and your building will be red-tagged as unfit for human occupancy on the 45th day after the date of this notice.

DATED: _____	VILLAGE OF STEWARD By: _____
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If such charges remain unpaid on the 30th day after the posting of the aforesaid notice, the following notice shall be mailed by certified mail with return receipt requested to the owner of the premises, occupant and/or user of the service, and also posted on the front door or rear door of the building or housing unit within a building.

NOTICE OF TERMINATION

You are hereby notified that there has been no response to the notice of delinquency in the payment of water charges and the 30-day period therein stated has lapsed. You are hereby notified that on (insert 15 days after service of this notice date) the Village will physically disconnect the service as "unfit for human occupancy."

DATED: _____	VILLAGE OF STEWARD By: _____
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- (c) *Violation of any provision of this article.* The water biller shall, at the direction of the Village Board, send the following notice certified mail with return receipt requested to the owner of the premises, occupant and/or user of the service:

NOTICE OF VIOLATION

You are hereby notified that you are using the water system in violation of Ordinance No. _____. The violations are as follows:

(INSERT VIOLATIONS)

If corrections are not made within 30 days, you will be disconnected from the public water supply system of the Village of Steward on or after the 45th day from the date of this notice, and the premises will be red-tagged as "unfit for human occupancy."

DATED: _____ VILLAGE OF STEWARD
By: _____

- (d) *Right of hearing.* An appeal to the Village Board of Trustees shall be filed with the Village clerk within 20 days of the date of the action from which the appeal is being filed. Thereafter, the Village clerk shall forward to the Village Board of Trustees a notice of appeal specifying the grounds thereof, and he shall forthwith transmit to the Village Board of Trustees all papers constituting the record upon which the action appealed from was taken. The Village Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the appeal within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. The Village Board, by a majority vote of those present, may affirm, or may reverse in whole or in part, or may modify any matter which is the subject of the appeal.

Sec. 66-38. Reinstatement of service.

Sec. 66-38. Reinstatement of service.

- (a) *Payment of user charges.* Upon payment to the Village clerk of the full delinquency, plus the costs of termination, and a \$35.00 reinstatement fee, and upon a deposit with the Village clerk in an amount equal to the estimated user charges for one quarter, the Village will reinstate the service or issue a permit for the services to be reinstated. If a permit is issued to reinstate the service, the owner of the premises or the occupant and user of the service shall pay all costs necessary to reinstate the service, including inspection and supervision costs incurred by the Village. The user shall continue to pay the charges assessed under this article by the Village thereafter as billed, and after

ten quarters or prompt payment of such charges with no delinquency in excess of 30 days, the deposit shall be refunded to the person having made such deposit without interest thereon. Upon payment of the fees and reinstatement of service, the Village shall remove the red-tag from the building, and the building shall, so far as the Village is concerned, be "fit for human occupancy."

- (b) *Correction of violation.* Upon correction of the violation and payment of the costs of termination plus a \$35.00 reinstatement fee, the Village will reinstate the service or issue a permit for the service to be reinstated. If a permit is issued to reinstate the service, the owner of the premises or the occupant and user of the service shall pay all costs necessary to reinstate the service, including inspection and supervision costs incurred by the Village. Upon payment of fees and reinstatement of service, the Village shall remove the red-tag from the building, and the building shall, so far as the Village is concerned, be "fit for human occupancy."

Sec. 66-39. Filing regulations.

A copy of this article, properly certified by the Village clerk, shall be recorded in the office of the county recorder of deeds and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the combined waterworks and sewer system of the Village on their properties.

Sec. 66-40. Reserved

Sec. 66-41. Disconnecting service.

Any person wishing to discontinue service shall give written notice thereto to the Village clerk or comptroller prior to the expiration of the time for which payment has been made or becomes due and remaining unpaid; otherwise, he shall be liable for the charge for the ensuing quarter.

Sec. 66-42. Inspections.

The user of the water service or the occupant of the premises shall at all reasonable hours permit the Village, and its agents or employees, to enter their premises for the purpose of inspecting the manner in which the water is taken and to inspect the meters, connections, pipes, and all other plumbing or mechanical systems connected therewith.

Sees. 66-43--66-60. Reserved.

DIVISION 2. RATES AND CHARGES

Sec. 66-61. Established.

Rates and charges shall be established for the use of and for the service supplied by the waterworks of the Village as follows:

Water service. For each residential, commercial, municipal or school user of the water service, the quarterly charge shall be as follows:

- a. *Within the corporate limits.* For each user of the water service of the Village located within the corporate limits, there shall be a charge per quarter for every residential service location according to the current Water Works Policies and Procedures.
- b. *Outside the corporate limits.* Except as provided in this section, for each user of the water service of the Village located outside of the corporate limits there shall be a charge per quarter for every residential service location according to the current Water Works Policies and Procedures.

Sec. 66-62. Billing duties.

It is hereby made the duty of the water biller, or any other party duly authorized, to render bills for service and for all rates and charges in connection therewith and to collect all monies due thereon.

Sec. 66-63. Manner of billing for the use of the water and wastewater facilities.

- (a) For the purpose of the operation of the combined waste works and sewer system, the calendar year shall be divided into four quarterly periods, each containing three calendar months, and such quarterly periods shall begin on December 1, March 1, June 1 and September 1 in each year. Such rates or charges, as provided for in this article, shall be payable quarterly.
- (b) The owner of the premises shall be solely liable for payment for all services provided to such premises by the Village. All bills for service shall be rendered as of the due date succeeding the period for which the service is billed. If payment is made after such due date, then a late charge of \$25 shall be added thereto.

Sec. 66-64. Overdue accounts; overdue notice.

Whenever a bill for water charges and/or sewer service remains unpaid for its due date, the water biller shall send the owner of the property, for which such services remain unpaid, notice that a \$25 late charge has been added to the amount owed, and that such owner has 10 days from the date the bill was originally due in which to pay or make arrangements on the overdue amount, or face possible legal actions to recover the amount

owed. If such account remains unpaid on the 11th day following the notice of delinquency, service will be disconnected. If the Village is required to bring suit to collect the payment, the owner shall be liable for the total amount owed for water charges, sewer service, plus costs of suit and reasonable attorney's fees.

Sec. 66-65. Lien; notice of delinquency.

Whenever a bill for water service remains unpaid for 60 days after it has been rendered, the water biller 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 bill, as well as all charges subsequent to the period covered by the bill. The failure of the Village clerk to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right of the Village to foreclose the lien for unpaid bills as mentioned in section 66-64.

Sec. 66-66. Disposition of revenues.

(a) *Water charges.* All revenues and monies derived from the operation of the combined waterworks system shall be held by the Village water biller separate and apart from his private funds and apart from all other funds of the Village, and all of such sum, without any deductions whatsoever, shall be delivered to the Village treasurer or deposited in the Village bank account not more than ten days after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the president and Board of Trustees. All revenues and monies received by the Village treasurer shall be held by the Village treasurer separate and apart from all other funds of the Village, and all of such sum, without any deductions whatsoever, shall be immediately deposited in separate funds and designated as the "Waterworks Fund of the Village of Steward," and the treasurer shall administer such fund in every respect in the manner provided by the applicable provisions of Division 139 of Article 11 of the Illinois Municipal Code, approved May 29, 1961, and all laws amendatory thereof and supplementary thereto. Such funds shall be segregated into such accounts as may be required. Funds in the replacement account shall be used solely for the replacement, repair or rehabilitation of the equipment of the wastewater facilities and shall be used at such times as deemed necessary by the Village Board.

(b) *Tapping fees and other fees.* All revenues and monies derived from impact fees and tap-on fees shall be deposited in a water improvement fund. Such fund shall be used solely for the improvement, extension or the betterment of the water and wastewater facilities.

Sec. 66-67. Accounts.

The Village water biller 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 combined water department, 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 combined water and wastewater department. In addition to the customary operating statements, the annual audit report

shall also reflect the revenues and operating expenses, including equipment replacement costs, of the wastewater facilities to document compliance by the Village with the state act for the user charge system. The annual audit shall include the amount of the debt service for the next succeeding fiscal year. Concurrently, with the preparation of the annual audit, the Village shall prepare an operating summary of the water facilities for the fiscal year including the following data and other such information as is deemed necessary:

- (1) Flow data showing total gallons received at the water treatment plant for the current fiscal year.
- (2) Billing data to show the amount of water billed.
- (3) Pumping data to show number of gallons of water pumped.
- (4) The number of users connected to the water facilities.
- (5) The number of users connected to the wastewater facilities.
- (6) A list of non-metered water users.
- (7) A list of users with private water supplies.
- (8) A list of users with private wastewater supplies.
- (9) A list of users charged a surcharge with summary charges.
- (10) A list of users discharging industrial (non-domestic) wastes, including, for each user:
 - a. A total volume of wastewater for the fiscal year.
 - b. The total pounds of BOD and SS for the fiscal year.
 - c. An analysis of wastewater constituents other than BOD and SS.

Sec. 66-68. No free services.

No free service of any of the services supplied by the combined waterworks system shall be supplied by the Village to the Village or to any other person, firm, organization or corporation, public or private.

Sec. 66-69. Broken water meters.

Following the determination that a water meter is not operating properly, the Village shall, upon reasonable notice of not less than 15 days to the user of the water service or occupant of the premises in question, have the right to enter the premises and make necessary corrections or repairs. When a party given proper notice fails to respond

or does not cooperate with the Village in making necessary corrections or repairs, then the Village, at its option, may terminate the water service to the premises. Service shall not be reinstated to the premises until all reinstatement fees as provided in section 66-38 have been paid.

Sec. 66-70. Establishing impact fees.

Pursuant to the authority granted in 65 TLCS 5/11-150-1, and upon the authority contained in other provisions of the state statutes, there is hereby established within the Village a charge for connecting into the waterworks or sewer system, or combined systems of the Village. Such charge is to be assessed against new or additional users of the sewage collection and treatment system or the water system of the Village and shall be known as the connection charge. The charge shall be payable at the time a building or connection permit is issued.

Sec. 66-71. Water and sewer impact and tap-on fees; water meters.

- (a) There is hereby established the charge of \$750.00 as a fee payable to the Village for the tap-on fee to connect to the water service of the Village. There is hereby established an impact fee for the water system in the amount of \$1,250.00. There is hereby established an impact fee for the sewer system in the amount of \$3,000.00. All water usage will be metered through a meter owned and provided by the Village. The Village shall retain ownership of all water meters, with, as provided in this section, reservation of all rights to service, inspect, and replace any meter.

Sees. 66-72--66-90. Reserved.

DIVISION 3.

CROSS CONNECTION CONTROL

Sec. 66-91. Backflow prevention devices; installation.

All plumbing installed within the Village shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If in accordance with the state plumbing code or, in the judgment of the water operator, an approved backflow prevention device is necessary for the safety of the public water supply system, the water operator will give notice to the water customer to install such an approved device immediately. The water customer shall, at their own expense, install such an approved device at a location and in a manner in accordance with the state plumbing code, state Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the state plumbing code, state Environmental Protection Agency and local regulations.

Sec. 66-92. Water supply; connection.

No person 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 Village may enter the supply or distribution system of such 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 water operator and the state Environmental Protection Agency.

Sec. 66-93. Surveys; records.

It shall be the duty of the water operator to cause surveys and investigations to be made of 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 years, or as often as the water operator shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.

Sec. 66-94. Right of entry to inspect for cross connections.

The water operator or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village for the purpose of verifying the presence or absence of cross connections, and the water operator or their authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village for the purpose of verifying information submitted by the customer regarding the required cross connection control inspection. On demand, the owner, lessees or occupants of any property so served shall furnish to the water operator any information which they may request regarding the piping systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the water operator, be deemed evidence of the presence of improper connections as provided in this division.

Sec. 66-95. Discontinuance of water service; restoration; fees and costs; notice; liability of Village.

The water operator of the Village is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this division is known to exist, and to take such other precautionary measures as they may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this division, and until a reinstatement fee of \$150.00 plus the balance owed has been paid to the Village. In addition, the water customer shall pay all costs necessary to reconnect the service, including any inspection and supervision costs incurred by the Village. Immediate disconnection with verbal notice can be effected when the water operator 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 water operator or the state Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the public water supply, the water operator, or its agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of such customer's water supply in accordance with the terms of this division, whether or not such termination was with or without notice.

Sec. 66-96. Liability of consumer for backflow contamination.

The consumer responsible for back-siphoned or back-pressured material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of cleanup of the potable water supply system.

Sees. 66-97--66-120. Reserved.

DIVISION 4. DROUGHT

RESTRICTIONS

Sec. 66-121. Regulation of consumption of water due to adverse weather.

From time to time it may become necessary to regulate the consumption of water by the inhabitants of the Village due to extreme conditions which are present as a result of adverse weather suffered by this region.

Sec. 66-122. Drought conditions may necessitate water use ban for certain purposes.

Under conditions of drought it may become necessary and imperative for the Village to ban the use of water for any of the purposes enumerated in this division in order to effectuate the policy of this division.

Sec. 66-123. Enumeration of prohibited water uses.

Upon notification by the Village Board of Trustees that water restrictions are in effect, it shall be unlawful for any person to put water to use for the purpose of watering any lawn or for the purpose of washing or cleaning any vehicle including, but not limited to, cars, boats, recreational vehicles, or pleasure craft of any sort.

Sec. 66-124. Exemptions; special use permits.

Any person or organization which desires any exemption from the provisions of this division may request a special use permit by making written application to the Board of Trustees. The Board may, upon good cause shown, issue a temporary permit to allow such person or organization to use water in a manner otherwise prohibited by this division.

Sec. 66-125. Amendment of division provisions.

The purposes set forth in this division which are affected by this division may be amended in any way as the president and Board of Trustees may deem necessary and proper.

Sec. 66-126. Penalty for violation of division.

Any person who shall violate or fail, neglect or refuse to comply with any of the provisions of this division shall, upon conviction, be subject to punishment as provided in section 1-10 of this Code.

Sec. 66-127. Notice of liability for compliance with division provisions.

A copy of this division, properly certified by the Village clerk, shall be recorded in the office of the county recorder of deeds and shall be deemed notice to all persons of their liability for compliance with the provisions stated in this division.

Chapters 67--69

RESERVED

Chapter 70

ZONING*

* Cross References: Any ordinance rezoning specific property or any amendment thereto saved from repeal, § 1-16(a)(7); buildings and building regulations, Ch. 18; streets, sidewalks and other public places, Ch. 50; subdivisions, Ch. 54.

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ARTICLE I.

IN GENERAL

Sec. 70-1. Purpose of chapter.

In accordance with state law, this chapter regulates structures and land uses in order to preserve, protect, and promote the public health, safety, and welfare through implementation of this Village's comprehensive plan. More specifically, this chapter is intended to assist in achieving the following objectives:

- (1) To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites;
- (2) To protect and enhance the character and stability of sound existing residential, commercial, agricultural, and industrial areas, and to gradually eliminate nonconforming uses and structures;
- (3) To conserve and increase the value of taxable property throughout this Village;
- (4) To ensure the provision of adequate light, air, and privacy for the occupants of all buildings;
- (5) To protect property from damage caused by fire, flooding, poorly controlled storm water runoff, and adverse soil and topographical conditions;
- (6) To provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce the vehicular congestion on the public streets and highways;
- (7) To guide the provision of water mains, sanitary sewers, storm water sewers, and other utilities and services, and to reduce the initial costs and future maintenance expenses thereof;
- (8) To provide for the efficient administration and fair enforcement of all regulations set forth in this section; and

- (9) To clearly and concisely explain the procedures for obtaining variances, special use permits, amendments, and the like.

Sec. 70-2. Jurisdiction of chapter provisions.

This chapter shall be applicable within the corporate limits of this municipality, and within contiguous territory not more than 1 1/2 miles beyond the corporate limits and not included within any municipality.

State Law References: Zoning authority, 65 ILCS 5/11-13-1.

Sec. 70-3. Construction of terms.

In construing the intended meaning of terminology used in this chapter, the following rules shall be observed:

- (1) Terms and phrases shall have the meanings respectively ascribed to them in section 70-4 unless the context clearly indicates otherwise; terms not defined in section 70-4 shall have their standard English dictionary meanings.
- (2) Terms denoting the masculine gender shall be deemed to include the feminine and neuter genders.
- (3) Terms used in the present tense shall include the future tense.
- (4) Terms used in the singular number shall include the plural number, and the plural the singular.
- (5) The term "shall" is mandatory; the term "may" is discretionary.
- (6) The term "this municipality" shall mean the Village.
- (7) The terms, "lot," "parcel," "tract," and "site" shall be synonymous. (See the definition of the term "plot.")
- (8) The terms "extended," "enlarge," and "expand" shall be synonymous (See the definition of the term "enlarge.")
- (9) The terms "abutting," "adjacent," and "continuous" shall be synonymous. (See the definition of the term "abutting.")
- (10) All distances shall be measured to the nearest integral foot; six inches or more shall be deemed one foot.
- (11) Reference to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

- (12) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

Sec. 70-4. Selected definitions.

As used in this chapter, the following terms shall have the meanings indicated, unless such construction would be inconsistent with the manifest intent of the Board of Trustees:

Abutting means having a common lot line or district line.

Access way means a curb cut, ramp, driveway, or other means for providing vehicular access to an off-street parking or loading area.

Accessory use means any structure or use that is:

- (1) Subordinate in size or purpose to the principal structure or use which it serves;
- (2) Necessary or contributing to the comfort and convenience of the occupants of the principal structure or use served; and
- (3) Located on the same lot as the principal structure or use served.

Administrator means the official appointed by the president of this municipality with the advice and consent of the Village Board to administer this chapter, or his representative.

Agriculture means any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, viticulture, or animal/poultry husbandry. The term "agriculture" encompasses accessory uses and structures customarily incidental to agricultural activities.

Aisle means a vehicular traffic way within an off-street parking area, used as a means of access/egress from parking spaces.

Alley means a public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

Alter means to change the size, shape, or use of a structure.

Amendment means a change in the provisions of this chapter properly affected in accordance with state law and the procedures set forth in this chapter.

Anchor means any approved device to which a mobile home is tied down to keep it firmly attached to the stand on which it is placed.

Asphaltic concrete means a mixture of petroleum byproducts and gravel used for

paving to form a smooth, permanent surface. The term "asphaltic concrete" does not mean "oil and chip."

Attached means, as applied to buildings, having a common wall and/or a common roof.

Basement means that portion of a building which is partly or completely below grade. (See also *Story above grade*.)

Bed and breakfast means a residential building or portion thereof, other than a motel or hotel, containing lodging rooms for accommodation of one to ten persons who are not members of the keeper's family, and where lodging or meals, or both, are provided.

Block means an area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way), or bounded by a combination of streets, public parks, cemeteries, railroad right-of-way, waterways, or corporate boundary lines.

Board of appeals means the Board of zoning appeals of this municipality.

Boardinghouse means a residential building or portion thereof, other than a motel or hotel, containing lodging rooms for accommodation of three to ten persons who are not members of the keeper's family, and where lodging or meals, or both, are provided.

Buffer strip means an area of land, undeveloped except for landscaping, fences, etc., used to protect a use situated on one lot from the deleterious effects of the use on the adjacent lot.

Building means any covered structure permanently affixed to land and designed or used to shelter persons or chattel.

Building height means the vertical distance measured from the average grade at the front wall of building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, cooling towers, and similar projections (other than signs) shall not be included in calculating building height.

Building line means the line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way.

Bulk means any one or combination of the following structural or site design characteristics:

- (I) Size or height of structures;

- (2) Location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (3) Lot area;
- (4) Yards or setbacks.

Centerline means:

- (1) A centerline of any right-of-way having a uniform width;
- (2) The original centerline, where a right-of-way has been widened irregularly;
- (3) The new centerline, whenever a road has been relocated.

Certificate of zoning compliance, initial, means a permit issued by the administrator indicating that proposed construction work is in conformity with the requirements of this chapter and may, therefore, proceed.

Certificate of zoning compliance, final, means a permit issued by the administrator indicating that a newly complete structure complies with all pertinent requirements of this chapter and may, therefore, be occupied or used.

Clinic means an establishment wherein licensed practitioners provide physical, and/or mental, restoration services, but where overnight lodging for sick or injured persons is not provided.

Club/lodge means a nonprofit association of persons who are bonafide members organized for some purposes and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial use/establishment means any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

Comprehensive plan means the plan or any portion thereof adopted by this municipality to guide and coordinate the physical and economic development of the community. The comprehensive plan includes, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial, or industrial land uses, parks, drainage facilities, etc.

Conforming means in compliance with the applicable provisions of this chapter.

Convenience shops means any small retail commercial or service establishment offering goods/services primarily to the residents of a particular multiple-family complex, mobile home park, or similar development.

Corrective action order means a legally binding order issued by the administrator in accordance with the procedures set forth in this chapter to effect compliance with this chapter.

Day care center. See *Nursery school*.

Develop means to erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefore.

Dimensions means measurements of both lot depth and lot width.

District, zoning, means a portion of the territory of this municipality wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of this chapter.

Drive-in restaurant means an establishment principally used for the sale of fast order food. Fast order food includes food that is:

- (1)Primarily intended for immediate consumption;
- (2)Available after a short waiting time; and
- (3)Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Driveway means a minor way commonly providing vehicular access to a garage or off-street parking area.

Dwelling, detached, means a dwelling unit which is entirely surrounded by open space on the same lot and not connected in any manner to another dwelling unit.

Dwelling, multiple-family, means one building consisting of three or more dwelling units, each of which is attached to at least one other dwelling unit, by a common wall extending from floor to ceiling and from exterior wall to exterior wall, or by a horizontal structural floor assembly extending from an exterior wall to an exterior wall, except for a common stairwell exterior to the dwelling units.

Dwelling, single-family attached, means a dwelling unit which is attached to another dwelling unit by a common wall extending from the floor to the ceiling and from an exterior wall to an exterior wall.

Dwelling, single-family detached, means a detached dwelling unit designed for

and intended for use by one family or one household.

Dwelling, two-family attached, means one building consisting of two dwelling units attached by a common wall extending from the floor to the ceiling and from an exterior wall to an exterior wall, or by a horizontal structure floor assembly extending from an exterior wall to an exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling unit means a room or group of rooms meeting minimum habitable room sizes as required by the Village's building code which are arranged, designed, used or intended for use exclusively as living quarters for one family or one household, including sleeping, cooking, eating, and sanitation facilities. This definition includes manufactured and modular homes but not mobile homes.

Easement means a right to use another person's real property for a certain limited purpose.

Enclosed means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls, with openings only for windows and doors.

Enlarge means to increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

Erect means to build or construct.

Establishment means either of the following:

(1) An institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings; or

(2) An institutional, business, commercial, or industrial activity that occupies a portion of a building such that:

- a. The activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
- b. The activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

Family means one person or two or more persons related to each other by blood, marriage, adoption, or not more than three unrelated persons, maintaining a common household in a dwelling unit.

Floor area, gross, means the floor area within the perimeter of the exterior walls

of the building under consideration, including hallways, stairs, closets, thickness of walls, columns or other features. Gross floor area includes all stores that are above grade, including mezzanines and habitable attic space. It does not include basements, unenclosed porches, or attics not used for human occupancy.

Floor area, ground, means the lot area covered by a principal building, measured at grade, from the exterior faces of the exterior walls, by excluding open porches or terraces, garages or carports, except the floor area of the ground floor height and the floor area above the garage is used or intended for use as a part of the principal use.

Floor area ratio means a bulk requirement to limit the proportion of a building's size to its lot as determined by dividing the gross area of all buildings (inclusive of garages and accessory buildings) on a lot by the area of that lot.

Frontage means the lineal extent of the front (street side) of a lot.

Grade plane means a reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six feet from the building, between the building and a point six feet from the building.

Greenhouse. See *Nursery*.

Habitable space means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Hereafter means any time after the effective date of the ordinance from which this chapter is derived.

Home occupation means an occupation, profession, or other business activity that is clearly a customary, incidental, and secondary use of a residential dwelling unit which does not alter the exterior of the building or lot or affect the residential character of the neighborhood.

Hospital means an institution devoted, on an around-the-clock basis, to the maintenance and operation of facilities for the diagnosis, treatment, or care of members of the general public suffering from disease, injury, or other abnormal physical conditions. The term "hospital," as used in this chapter, includes sanitariums but excludes institutions operating solely for the treatment of insane persons, drug addicts, and alcoholics, and convalescent/nursing homes.

Intensify means to increase the level or degree of.

Intersection means the point at which two or more public rights-of-way (generally streets) meet.

Junkyard means a tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or parts thereof), and metals, glass, paper, plastics, rags, and rubber tires. A lot on which three or more inoperable vehicles are stored shall be deemed a junkyard. A junkyard includes an automobile wrecking yard.

Kennel means any structure or premises or portion thereof on which more than three dogs, cats, or other household domestic animals of a particular species, over four months of age, are kept.

Loading space means an off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot means a tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. The term "lot" may or may not coincide with the term "lot of record."

Lot area means the area of a horizontal plane bounded by the front, side, and rear lines of a lot.

Lot, corner, means a lot having at least two adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

Lot coverage means the portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

Lot depth means the average horizontal distance between the front lot line and the rear lot line of a lot.

Lot line, front, means the lot boundary abutting the street.

Lot line, rear, means an interior lot line which is most distant from and most nearly parallel to the front lot line.

Lot line, side, means any boundary of a lot which is not a front lot line or rear lot line.

Lot of record means a lot which is part of a subdivision or a parcel of land whose boundaries have been established by some legal instrument, and is shown on a map or plat thereof, which has been legally recorded in the office of the county recorder of deeds. A lot of record may or may not coincide with a zoning lot.

Lot pins. See *Surveyor's pins*.

Lot size requirements means the lot area, width, and depth requirements of the applicable zone district.

Lot, through, means a lot having a pair of approximately parallel lot lines that abut two approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot width means the mean horizontal width of a lot measured at right angles to the side lot lines.

Lot, zoning, means a single tract (or combination of tracts) of land located within a single block, which (by filing and recording an affidavit for the use of more than one lot at the time of application for a building permit) is designated by the owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. A zoning lot may or may not coincide with a lot of record.

Maintenance means the routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep such structure in sound condition.

Materially means, as applied to the impact of one thing or another, significantly or substantially.

Mobile home means a manufactured structure designed to permit less transport on its own wheels, containing complete kitchen and sanitary facilities, and used as a long term dwelling by one family.

Nonconforming means, as applied to a lot, structure, or use, lawfully existing on the effective date of the Ordinance No. 95-4 from which this chapter is derived, but not in compliance with the applicable provisions thereof.

Nonconforming lot means a lot of record existing at the effective date of Ordinance No. 95-4, or amendment thereto, (and not created for evading the restrictions of this chapter) that does not meet the minimum area requirement of the district in which the lot is located or dimensional requirements of article III of this chapter.

Nonconforming situation means a situation that occurs when any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum size requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this

chapter, or because the land or building are used for purposes made unlawful by this chapter.

Nonconforming use means a nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area constitutes a nonconforming use.)

Nonconformity, dimensional, means a nonconforming situation that occurs when the height of a structure, or the relationship between an existing building and other buildings or lot lines, does not conform to the regulations applicable to the district in which the property is located.

Nuisance means an thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

Nursery means a tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including a structure in which such activities are conducted.

Nursery school means an establishment for the part-time care and/or instruction at any time of day of four or more unrelated children of pre-elementary school age.

Nursing home means a building used as a medical care facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care.

Office means any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

Parking area/lot, off-street, means land that is improved in accordance with this chapter and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An off-street parking area, depending on the circumstances of its use, may be either a principal use or an accessory use.

Parking space, off-street, means an area at least 20 feet long and nine feet wide within an off-street parking area or garage, used for the storage of one motor vehicle.

Permitted use means any use which is or may be lawfully established in a

particular district, provided that it conforms with all the requirements applicable to such district.

Person means any individual, firm, association, organization, or corporate body.

Planned unit development means a tract of land which is planned as a whole for development under a single ownership or control in accordance with the planned unit development section, and which, by virtue of such unified planning and development, provides greater amenities, convenience or other benefits (especially open space) than would normally be had through the development of diverse smaller tracts under multiple ownership. A planned unit development may contain one type of use or a variety of uses.

Planning (plan) commission means the planning commission of this municipality.

Plot means a parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

Premises means a lot and all the structures and uses thereon.

Principal building/structure/use means the main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

Property line. See *Lot line*.

Reconstruct means, as applied to nonconforming structures, to rebuild after partial or total destruction.

Recreational vehicle means encompassing any type of vehicle used primarily for pleasure such as travel trailers, motor homes, boats, snowmobiles, etc.

Refuse means garbage (food wastes) and trash, but not sewage or industrial wastes.

Relocate means to move to another portion of a lot or to a different lot.

Repair means to restore to sound condition, but not to reconstruct.

Restrictive means tending to keep within prescribed limits.

Retail means the sale of goods or services directly to the consumer rather than to another business.

Right-of-way, public, means a strip of land which the owner/subdivider has dedicated to this Village or to another unit of government for streets and alleys.

Roominghouse. See *Boardinghouse*.

Sanitarium. See *Hospital*.

Sanitary landfill means a tract of open land used for the permanent disposal of refuse in accordance with the requirements of the state Environmental Protection Agency. At a sanitary landfill the refuse is regularly covered with topsoil.

Screening means trees, shrubs, walls, solid fences, etc. used as means of visual and noise control.

Self-service storage facility means a building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's non-hazardous personal property or goods.

Service station means a building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil, and automotive parts, supplies, and accessories. A service station may include facilities for washing vehicles and for making minor automotive repairs.

Service use/establishment means any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

Setback means the minimum horizontal distance between a street line and the nearest wall of a building or side of a structure facing such street line, or the edge of the area of operation of a principal use involving no building or structure.

Setback line. See *Building line*.

Skirting means the covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

Special use means a use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit.

Special use permit means a permit issued in accordance with the provisions of this chapter to regulate development of a special use.

Stop order means a type of corrective action order used by the administrator to halt work in progress that is in violation of this chapter.

Story above grade means any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:

- (1) More than six feet above the grade plane;
- (2) More than six feet above the finished ground level for more than 50 percent of the total building perimeter; or
- (3) More than 12 feet above the finished ground level at any point.

Street means a public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes any alley or a way for pedestrian use only.

Street, private, means any street providing access to abutting property that is not maintained by and dedicated to this municipality or other public entity.

Stringent means binding or exacting.

Structure means anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

Structure, temporary, means any structure that is not attached to a permanent foundation.

Surveyor's pins means pins placed by a licensed surveyor at each corner of a lot which identifies that lot according to the appropriate landmarks. Such pins are to be a minimum of 18 inches in length and one inch in diameter.

Temporary use permit means a permit issued in accordance with the provisions of this chapter and valid for not more than one year, which allows the occupation of a temporary structure or the operation of a temporary enterprise.

Topography means the relief features or surface configuration of an area.

Travel trailer means a mobile structure designed for temporary occupancy.

Use means the purpose or activity for which land or structure thereon is designed, arranged, intended, occupied or maintained.

Use variance means a type of amendment (not variance) that allows a use in a district where such use would not be allowed under existing provisions of this chapter.

Utility substation means a secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

Variance means a modification of the specific requirements of this chapter reviewed by the Board of appeals and granted by the Board of Trustees under the terms of this chapter for the purpose of ensuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district. Such modifications do not include authorizing a use not among the uses specified by this chapter as permitted in the district in which such property is located.

Vehicle sales means sale of operable, self-propelled, passenger-carrying vehicles of GVWR of 10,000 pounds or less with a maximum of two axles and towable, noncommercial trailers of GVWR of 5,000 pounds or less with a maximum of two axles.

Veterinary hospital/clinic means a facility operated by a licensed doctor of veterinary medicine for the purpose of diagnosis, treatment, or care of animals. The facility may also be used for the Boarding of animals.

Wholesale means the sale of goods or services by one business to another business.

Yard means open space that is unobstructed except as specifically permitted in this chapter and that is located on the same lot as the principal building.

Yard, front, means a yard which is bounded by the side lot lines, front lot lines, and the building line.

Yard line means a line in a lot that is parallel to the lot line along which the yard in question extends and which is not nearer to such lot line at any point than the required depth or width of such yard.

Yard, rear, means a yard which is bounded by the side lot lines, rear lot line, and the rear yard line.

Yard, side, means a yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

Zoning map means the maps and any amendments thereto designating zoning districts, and incorporated into this chapter by reference.

Zoning officer. See *Administrator*.

Cross References: Definitions generally, § 1-2.

Sec. 70-5. General prohibitions.

- (a) No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated, or reconstructed except in conformity with the provisions of this chapter. Similarly, no lot or plat thereof shall be used, occupied, or developed except in conformity with the provisions of this chapter.
- (b) In R-1, R-2, and R-3 residence districts every dwelling or multiple-family building erected or structurally altered under this chapter shall be located on a lot and there shall not be more than one principal building on a lot.

Sec. 70-6. Access required.

No building shall be erected on any lot unless such lot abuts, or has permanent easement or access to, a public street or private street.

Sec. 70-7. Setback corner/through lots.

- (a) Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage. For lots which are less than 125 feet in depth in existence at the time of the passage of this chapter, the rear yard required shall be reduced to 20 percent of the total depth of such lot.
- (b) The side yard regulations shall apply to both sides of the lot, except in the case of reversed frontage where the building faces the side street. In this case, there shall be a side yard on the street side of not less than the front yard required on the lots in the rear of such building. No accessory buildings on such corner lots shall project beyond the front yard line of the lots in the rear. This subsection shall not be interpreted so as to reduce the buildable width of a corner lot facing on an intersecting street to less than 28 feet.

Sec. 70-8. Front setbacks in certain built-up areas.

Except as specifically provided otherwise, in all residential zoning districts and in the C commercial district, where lots have 50 percent or more of the frontage on one side of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than ten feet, the minimum required front setbacks on that block shall be the average of the existing front setbacks; provided, however, that in any built-up area, no front setback less than 15 feet shall be permitted, nor shall any front setback greater than 50 feet be required.

Sec. 70-9. Intrusions into yards.

To the extent indicated in this section, the following feature of principal buildings may intrude into required yards without thereby violating minimum requirements:

Feature		Maximum Intrusion
a.	Cornices, chimneys, planters, basement window wells, or similar architectural features	Two feet
b.	Fire escapes	Zero feet
c.	Patios and decks at ground level	Zero feet
d.	Stoops under three feet above ground level (front only)	Four feet
e.	Balconies	Zero feet
f.	Roof overhangs	Two feet

Sec. 70-10. Exceptions to height limits.

- (a) *Necessary appurtenances.* Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roofline shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of this municipality.
- (b) *Intersections.* On corner lots, in the triangular portion of land bounded by the street lines of such corner lots and a line joining the two points each of which is on one street line and 30 feet from the point of intersection, no obstruction, whether natural or manmade, shall intrude into the air space that is between two and ten feet above the level of the adjacent street.

Sec. 70-11. Vehicle sales.

All vehicle sales, as permitted under this chapter, as amended, must also comply with applicable state law as contained in 625 ILCS 5/5-100 et seq. with dealers being licensed in accordance thereof.

Sec. 70-12. Interpretation; conflict with other ordinances.

Every provision of this chapter shall be construed liberally in favor of this Village, and every requirement imposed in this chapter shall be deemed minimal. Whenever the requirements of this chapter differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

Sec. 70-13. Disclaimer of liability.

- (a) Except as may be provided otherwise by statute or ordinance, no officer, Board member, agent, or employee of this Village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter.

- (b) Any suit brought against any officer, Board member, agent, or employee of this Village, as a result of any act required or permitted in the discharge of his duties under this chapter, shall be defended by the Village attorney until the final determination of the legal proceedings.

Sees. 70-14--70-40. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT*

* Cross References: Administration, Ch. 2.

DIVISION 1.

GENERALLY

Sec. 70-41. Zoning administrator.

- (a) *Generally.* The office of zoning administrator of this municipality is hereby established. The Village President hereafter shall be referred to as the zoning administrator. The zoning administrator shall be the executive head of this office. With the consent of the Village Board, the administrator may appoint such other employees as he deems necessary to carry out the duties of this office.
- (b) *Duties.* The zoning administrator is hereby authorized and directed to administer and enforce the provisions of this chapter. This broad responsibility encompasses, but is not limited to, the following specific duties to:
- (1) Review and pass upon applications for initial and final certificates of zoning compliance;
 - (2) Inspect land, structures, and uses to determine compliance with this chapter, and where there are violations, to initiate appropriate corrective action;
 - (3) Review and forward to the zoning Board of appeals all applications for variances and appeals;
 - (4) Review and forward to the planning commission all applications for special use permits and amendments;
 - (S) Maintain up-to-date records of this chapter including, but not limited to, district maps, certificates of zoning compliance, special use permits, variances, interpretative decisions of the Board of appeals, amendments, and

all applications related to any of these matters;

- (6) Periodically review the provisions of this chapter to determine whether revisions are needed, and to make recommendations to these matters to the planning commission ;
- (7) Provide information to the general public on matters related to this chapter; and
- (8) Perform such other duties as the Village Board may from time to time prescribe.

Cross References: Officers and employees, § 2-71 et seq.

Sec. 70-42. Emergency measures.

Notwithstanding any other provisions of this chapter, whenever the administrator determines that any violation of this chapter poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

Sec. 70-43. Complaints.

Whenever any violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the administrator. The administrator shall record such complaints, immediately investigate, and, if necessary, institute appropriate corrective action.

Sec. 70-44. Penalties for violation of chapter.

- (a) Any person who is convicted of a violation of this chapter shall be subject to punishment as provided in section 1-10 of this Code. Each day that a violation continues shall be considered a separate offense.
- (b) Nothing contained in this section shall prevent this municipality from taking any other lawful action that may be necessary to secure compliance with this chapter.

Sec. 70-45. Payment of fees.

At the time of filing, all applications shall be accompanied by a cash amount, check or money order, payable to the Village, to defray the costs of examining and verifying the proposed plans, at such rates as shall be established by the Village Board of Trustees.

Sec. 70-46. Permit Fees.

Permit fee shall be charged according to the current structure established by the Board of Trustees.

Sees. 70-47--70-70. Reserved.

DIVISION 2. PLANNING

COMMISSION*

* Cross References: Administration, Ch. 2.

Subdivision 1.

In General

Sec. 70-71. Established.

A planning (plan) commission for the Village is hereby established in accordance with state law.

Sec. 70-72. Membership; appointment; compensation.

The planning commission shall consist of five members, all of whom shall reside within the Village, or within a territory contiguous to the Village and not more than 1 1/2 miles beyond the Village limits and not included in any other municipality. Each member of the planning commission shall be appointed by the Village president with the advice and consent of the Village Board of Trustees. Each member of the planning commission shall receive for their services such compensation, if any, as is determined from time to time by the Village Board of Trustees.

Sec. 70-73. Term of office; vacancies.

Each member of the planning commission shall hold office for five years from the date of appointment, and until a successor has been selected and qualified; provided, however, that the initial appointees to the planning commission shall serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, and one for five years. With the advice and consent of the Village Board of Trustees, the Village president may remove any member of the planning commission for cause, after public hearing. Vacancies on the planning commission shall be filled for the unexpired term of the member whose place has become vacant in the same manner as providing for the appointment of new members.

Sec. 70-74. Meetings; quorum.

The planning commission shall meet monthly. The planning commission shall hold an organizational meeting annually for the purpose of electing officers, establishing dates, times and location of required monthly meetings. Special meetings, when required, shall be at the call of the chairperson or at the request of the Village Board. If, at the

discretion of the chairperson, the monthly meeting is not necessary, the chairperson may cancel the meeting for that month. All planning commission meetings shall be open to the public. The planning commission may adopt their own rules of meeting procedures consistent with this chapter and the applicable state statutes. The planning commission shall select a chairperson and vice-chairperson and such other officers as they deem necessary. The chairperson, or in his absence the vice-chairperson, may administer oaths and compel a quorum. The affirmative vote of the majority of the current members shall be necessary to authorize any planning commission action.

Sec. 70-75. Records.

The planning commission shall keep minutes of its proceedings. These minutes shall indicate the absence of any member, the vote of abstention of each member on each question, and any official action taken. A copy of every rule, variance, order, or decision of the planning commission shall be filed immediately in the meeting place of the Village Board of Trustees, and shall be a public record.

Sec. 70-76. Comprehensive plan.

The planning commission shall prepare and recommend to the corporate authorities a comprehensive plan for the present and future development or redevelopment of the municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan, or part thereof, of that municipality. This plan may include reasonable requirements with reference to streets, alleys, public grounds, and other improvements specified in this chapter. The plan, as recommended by the planning commission and as thereafter adopted in any Village in this state, may be made applicable, by the terms thereof, to land situated within the corporate limits and contiguous territory not more than 1 1/2 miles beyond the corporate limits and not included in any municipality. Such plan may be implemented by ordinances:

- (1) Establishing reasonable standards of design for subdivisions and for re-subdivision of unimproved land and of areas subject to redevelopment in respect to public improvements;
- (2) Establishing reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways of public service facilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment; and
- (3) May designate land suitable for annexation to the municipality and the recommended zoning classification for such land upon annexation.
- (4) The planning commission shall recommend changes, from time to time, in

the official comprehensive plan.

- (5) The planning commission shall prepare and recommend to the corporate authorities, from time to time, plans for specific improvements in pursuance of the official comprehensive plan.
- (6) The planning commission shall give aid to the municipal officials charged with the direction of projects for improvements embraced within the official plan, to further the making of these projects, and generally, to promote the realization of the official comprehensive plan.

Sees. 70-77--70-100. Reserved.

Subdivision II.

Special Use Permits

Sec. 70-101. Generally.

This chapter divides this municipality into various districts and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such special uses require careful case-by-case review and may be allowed only by permission of the Village Board of Trustees.

Sec. 70-102. Application.

Every applicant for a special use permit shall submit to the administrator, in narrative and/or graphic form, the items of information enumerated in this section. The administrator shall prepare an advisory report on every request for a special use permit. He shall promptly transmit the completed application and his advisory report to the planning commission.

- (1) The name and address of the applicant;
- (2) The name and address of the owner or operator of the proposed structure or use, if different from subsection (1) of this section;
- (3) The nature of the proposed use, including the type of activity, the manner of operation, the number of occupants or employees, and similar matters;
- (4) The location of the proposed use or structure and its relationship to existing adjacent uses or structures;
- (5) The area and dimensions of the site for the proposed structure or uses;

- (6) The existing topography of the site (one-foot or two-foot contour), and proposed finished grade;
- (7) The existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (8) The height and setbacks of the proposed structure;
- (9) The number and size of the proposed dwelling units, if any;
- (10) The location and number of the proposed parking/loading spaces and access ways;
- (11) The identification and location of all existing or proposed utilities, whether public or private; and/or
- (12) Any other pertinent information that the administrator may require.

Sec. 70-103. Public hearing notice.

The planning commission shall hold a public hearing on every special permit application within a reasonable time after such application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. A notice indicating the time, date, and place of the hearing and the nature of the proposed special use shall be given not more than 30 days nor less than 15 days before the hearing:

- (1) By first class mail to the applicant and to all parties whose property would be directly affected by the proposed special use; and
- (2) By publication in a newspaper or general circulation within this municipality.

Sec. 70-104. Advisory report; factors to be considered.

Within a reasonable time after the public hearing, the planning commission shall submit their advisory report to the Village Board of Trustees. In deciding what their advice should be, the planning commission shall consider the following factors:

- (1) Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare and the physical environment;
- (2) Whether the proposed special use is consistent with this Village's comprehensive plan;
- (3) The effect the proposed special use would have on the value of neighboring property and on this Village's overall tax base;

- (4) The effect the proposed special use would have on public utilities and on traffic circulation on nearby streets; and
- (5) Whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.

Sec. 70-105. Action by Village Board of Trustees.

The Village Board of Trustees shall act on every request for a special use permit at their next regularly scheduled meeting following the submission of the planning commission's advisory report. Without further public hearing, the Village Board of Trustees may grant a special use permit by an ordinance passed by a simple majority vote of all members then holding office. In a separate statement accompanying any such ordinance, the Village Board of Trustees shall state their findings of fact and indicate their reasons for approving (with or without conditions) or denying the request for the special use permit.

Sees. 70-106--70-130. Reserved.

Subdivision III.

Amendments

Sec. 70-131. Generally.

The Village Board of Trustees may amend this chapter in accordance with state law (65 ILCS 5111-13-14) and the provisions of this section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the Village Board of Trustees, the administrator, the Board of appeals, the planning commission, or any party of interest.

Sec. 70-132. Filing.

Every proposal to amend this chapter shall be filed with the administrator on a prescribed form. Every amendment proposal shall also be filed with the Soil and Water Conservation District as per state law (70 ILCS 405/22.20a). The administrator shall promptly transmit such proposal, together with any comments or recommendations he may wish to make, to the planning commission for a public hearing.

Sec. 70-133. Public hearing notice.

The planning commission shall hold a public hearing on every amendment proposal within a reasonable time after such proposal has been submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the

nature of the proposed amendment shall be given not more than 30 nor less than 15 days before the hearing:

- (1) By first class mail to all parties whose property would be directly affected by the proposed amendment; and
- (2) By publication in a newspaper of general circulation within this municipality.

Sec. 70-134. Advisory report; findings of fact.

Within a reasonable time after the public hearing the planning commission shall submit their advisory report to the Village Board of Trustees. The report shall state the planning commission's recommendations regarding adoption of the proposed amendment and their reasons therefore. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the planning commission shall include in their advisory report findings of fact concerning the following matters:

- (1) Existing uses and zoning of the property in question;
- (2) Existing uses and zoning of other lots in the vicinity of the property in question;
- (3) Suitability of the property in question for uses already permitted under existing regulations;
- (4) Suitability of the property in question for a proposed use;
- (5) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned; and
- (6) The effect the proposed rezoning would have on implementation of this municipality's comprehensive plan.

Sec. 70-135. Action by the Village Board of Trustees; exception.

The Village Board of Trustees shall act on every proposed amendment at their next regularly scheduled meeting following submission of the planning commission's advisory report. Without further public hearing, the Village Board of Trustees may pass any proposed amendment or may refer it back to the planning commission for further consideration by a simple majority vote of all the members then holding office. The favorable vote of at least two-thirds of all the members of the Village Board of Trustees is required to pass an amendment to this chapter when the proposed amendment is opposed, in writing, by the owners of 20 percent of the frontage immediately adjoining or across an alley there from, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered.

Sees. 70-136--70-160. Reserved.

DIVISION 3. BOARD

OF APPEALS*

* Cross References: Administration, Ch. 2.

Subdivision 1.

In General

Sec. 70-161. Established.

The zoning Board of appeals of this municipality is hereby established in accordance with state law.

Sec. 70-162. Membership; appointment; compensation.

The Board of appeals shall consist of three members, all of whom shall reside within this municipality. Each Board member shall be appointed by the Village president, with the advice and consent of the Village Board of Trustees. One of the members so appointed shall be named as chairperson at the time of his appointment. Each Board member shall receive for his services, such compensation, if any, as is determined from time to time by the Village Board of Trustees.

Sec. 70-163. Term of office; vacancies.

Each Board member shall hold office for five years from the date of appointment and until a successor has been selected and qualified; provided, however, that the initial appointees to the Board shall serve respectively for the following terms: one for one year, one for two years and one for three years. With the advice and consent of the Village Board of Trustees, the Village president may remove any member of the Board of appeals for cause after a public hearing. Vacancies on the Board shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

Sec. 70-164. Meetings; quorum.

All meetings of the Board of appeals shall be held at the call of the chairperson and at such times as the Board may determine. All Board meetings shall be open to the public. The Board may adopt their own rules of meeting procedures consistent with this chapter and the applicable state statutes. The chairperson, or in his absence the acting chairperson, may administer oaths and compel a quorum. The affirmative vote of at least

a majority of the current members shall be necessary to authorize any Board action.

Sec. 70-165. Records.

The Board shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order, or decision of the Board shall be filed immediately with the Board's office and shall be a public record.

Sees. 70-166--70-190. Reserved.

Subdivision II.

Appeals

Sec. 70-191. Generally.

Any person aggrieved by any decision or order of the zoning administrator in any manner related to the interpretation or enforcement of any provision of this chapter may appeal to the zoning Board of appeals. Every such appeal shall be made and treated in accordance with state law (65 ILCS 5/11-13-12) and the provisions of this section.

Sec. 70-192. Filing; record transmittal.

Every appeal shall be made within 45 days of the matter complained of by filing with the administrator and the Board of appeals a written notice specifying the grounds for appeal. Every appeal shall also be filed with the Soil and Water Conservation District as per state law (70 ILCS 405/22-20a). Not more than five working days after the notice of appeal has been filed, the administrator shall transmit to the Board of appeals all records pertinent to the case.

Sec. 70-193. Stay of further proceedings.

An appeal stays all further action on the matter being appealed unless the administrator certifies to the Board, after the notice of appeal has been filed with him, that for reasons stated in certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Board or the circuit court grants a restraining order for due cause and so notifies the administrator.

Sec. 70-194. Public hearing notice.

The Board of appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing any interested party may appear and testify, either in person or by a duly authorized agent or attorney. A notice indicating the time, date, and place of the hearing, briefly describing the issue to be

decided, shall be given not more than 30 nor less than 15 days before the hearing:

- (1) By first class mail to all parties directly affected by the appeal; and
- (2) By publication in a newspaper of general circulation within this municipality.

Sec. 70-195. Decision of Board of appeals.

The Board of appeals shall render a decision on the appeal within a reasonable time after the hearing. The Board may reverse or affirm, wholly, or partly, or may modify or amend the decision or order appealed from to the extent and in the manner that they deem appropriate. In so doing, the Board of appeals has all the powers of the administrator.

Sees. 70-196--70-220. Reserved.

Subdivision III.

Variances

Sec. 70-221. Generally.

A variance is a relaxation of the requirements of this chapter that are applicable to a particular lot, structure, or use. A so-called use variance (which would allow a use that is neither permitted nor special in the district in question) is not a variance; it is an amendment.

Sec. 70-222. Application.

Every application for a variance shall be filed with the administrator on a prescribed form. Every variance application shall also be filed with the Soil and Water Conservation District as per state law (70 ILCS 405/22.20a). The administrator shall promptly transmit such application, together with any device he might wish to offer to the Board of appeals. The application shall contain sufficient information to allow the Board to make an informed decision and shall include, at a minimum, the following:

- (1) The name and address of the applicant;
- (2) The location of the structure/use for which the variance is sought;
- (3) The relationship of such structure/use to the existing structures/uses on adjacent lots;
- (4) The specific sections of this chapter containing the regulations which, if strictly applied, would cause a serious problem; and

- (5) Any other pertinent information that the administrator may require.

Sec. 70-223. Public hearing notice.

The Board of appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. A notice indicating the time, date, and place of the hearing and the nature of the proposed variance shall be given not more than 30 nor less than 15 days before the hearing:

- (1) By first class mail to the applicant and to all parties whose property would be directly affected by the proposed variance; and
- (2) By publication in a newspaper of general circulation within this municipality.

Sec. 70-224. Standards for variance.

The Board of appeals shall not grant any variance unless, based upon the evidence presented to them, they determine that:

- (1) The proposed variance is consistent with the general purpose of this chapter;
- (2) Strict application of the district requirements would result in great practical difficulties or hardship to the applicant and prevent a reasonable return on the property;
- (3) The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardships and allow a reasonable return on the property;
- (4) The plight of the applicant is due to peculiar circumstances not of his own making;
- (5) The peculiar circumstances engendering the variance request is not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
- (6) The variance, if granted, will not alter the essential character of the area where the premises in question are located nor materially frustrate implementation of this municipality's comprehensive plan.

Sec. 70-225. Terms of relief; findings of fact.

The Board of appeals shall render a decision on every variance request within a reasonable time after the public hearing. In accordance with state law (65 ILCS 5/11-13-

11), the Board of appeals shall specify the terms of relief granted, if any, in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Board's reasons for granting or denying any requested variance.

Sees. 70-226--70-250. Reserved.

DIVISION 4.

INITIAL CERTIFICATES OF ZONING COMPLIANCE

Sec. 70-251. Generally.

Upon the effective date of the ordinance from which this chapter is derived, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed until an initial certificate of zoning compliance has been issued. The administrator shall not issue an initial certificate of zoning compliance unless, following consultation with technically qualified persons as necessary, he determines that the proposed work conforms to the applicable provisions of this chapter.

Sec. 70-252. Application.

Every applicant for an initial certificate of zoning compliance shall submit to the administrator, in graphic and/or narrative form, all the items of information listed in this section that are applicable.

- (1) The name and address of the applicant;
- (2) The name and address of the owner or operator of the proposed structure or use, if different from subsection (1) of this section;
- (3) The nature of the proposed use, including the type of activity, manner of operation, number of occupants or employees, and similar matters;
- (4) The location of the proposed use or structure and its relationship to existing adjacent uses or structures;
- (5) The area and dimensions of the site for the proposed structure or use;
- (6) The height and setbacks of the proposed structures;
- (7) The number and size of proposed dwelling units, if any;
- (8) The location and number of proposed parking/loading spaces and access ways;

- (9) The identification and location of all existing or proposed utilities, whether public or private; and/or

(I O) Any other pertinent information that the administrator may require.

Sec. 70-253. Duration.

Initial certificates of zoning compliance shall be valid for one year, or until revoked for failure to abide by a corrective action order. The administrator may renew initial certificates of zoning compliance for successive one-year periods upon written request, provided that the applicant is making a good faith effort to complete the authorized work.

Sec. 70-254. Relationship to building permits.

Upon the effective date of the ordinance from which this chapter is derived, the zoning administrator shall not issue any building permit for the erection, enlargement, extension, alteration, or reconstruction of any structure unless the applicant for such permit presents to the administrator a copy of the initial certificate of zoning compliance pertaining to such work.

Sees. 70-255--70-280. Reserved.

DIVISION 5.

FINAL CERTIFICATES OF ZONING COMPLIANCE

Sec. 70-281. Generally.

No lot or part thereof recorded or developed after the effective date of the ordinance from which this chapter is derived and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of the ordinance from which this chapter is derived shall be used, occupied, or put into operation until a final certificate of zoning compliance has been issued. The administrator shall not issue a final certificate of zoning compliance until he has determined, by inspection, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this chapter.

Sees. 70-282--70-300. Reserved.

DIVISION 6.

CORRECTIVE ACTION ORDER

Sec. 70-301. Generally.

Whenever the zoning administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon, is in violation of this chapter, the administrator shall so notify the responsible party, and shall order appropriate corrective action.

Sec. 70-302. Contents.

The order to take corrective action shall be in writing and shall include:

- (1) A description of the premises sufficient for identification;
- (2) A statement indicating the nature of the violation;
- (3) A statement of the remedial action necessary to effect compliance;
- (4) The date by which the violation must be corrected;
- (5) A statement that the alleged violator is entitled to a conference with the administrator if the violator so desires;
- (6) The date by which an appeal of the corrective action order must be filed and a statement of the procedure for so filing; and
- (7) A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

Sec. 70-303. Service of order.

A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- (1) Served upon him personally;
- (2) Sent by registered mail to his last known address; or
- (3) Posted in a conspicuous place on or about the affected premises.

Sec. 70-304. Stop orders.

Whenever any work is being done in violation of an initial certificate of zoning compliance, the administrator's corrective action order may state that the violation must cease immediately. See section 70-302(4). In such case, the corrective action order is

equivalent to a stop order.

Sees. 70-305--70-340. Reserved.

ARTICLE III.

DISTRICTS

Sec. 70-341. Establishment.

In order to implement the regulatory scheme of this chapter so as to achieve the objectives enumerated in section 70-1, this entire municipality is hereby divided into the following zoning districts:

District	Designation
Single-family residence	R-1
Single-family residence	R-2
Two-family residence	R-3
Multiple-family residence	R-4
Commercial	C
Light industrial	I-1
Heavy industrial	I-2

Sec. 70-342. Maps.

The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of this municipality. The official map, including all notations and other information thereon, is hereby made a part of this chapter, by reference. The official zoning maps shall be kept on file in the Village office.

Sec. 70-343. Boundaries.

In determining with precision what territory is actually included within any zoning district, the administrator shall apply the following rules:

- (1) The district boundaries are either streets or alleys unless otherwise shown and where the designation on the zoning maps indicates that the various districts are approximately bounded by the centerline of a street or alley, such street or alley centerline shall be construed to be the district boundary line.
- (2) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines and where the designations on the zoning maps are approximately bounded by lot lines, such lot line shall be construed to be the boundary of the district.
- (3) In un-subdivided property, the district boundary lines shown on the zoning maps shall be determined by use of the scale shown on such maps.

Sec. 70-344. Annexed territory.

Any land which may be annexed to the Village in the future shall be placed in the R-1 single-family residence district until changed in accordance with the provisions of this chapter.

Sec. 70-345. Intent of districts.

- (a) *R-1 single-family residence.* The R-1 single-family district provides for single-family residences on larger lots with lower densities and more open space.
- (b) *R-2 single-family residence.* The R-2 single-family district provides for single-family residences on small lots and was designated to reduce some of the development costs associated with subdivisions.
- (c) *R-3 two-family residence.* The R-3 two-family district provides for the mix of one-family and two-family residences on larger lots.
- (d) *R-4 multiple-family residence.* The R-4 multiple-family district provides for the location of apartment dwellings at locations adjacent to adequate utilities and transportation services.
- (e) *C commercial.* The C commercial district provides for shopping areas to provide a full range of retail goods and services including business office operation and related uses.
- (f) *I-1 light industrial.* This 1-1 light industrial district is to provide space for modern landscaped industrial and commercial establishments which create limited or no hazards, noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences which would be offensive beyond the boundaries of the industrially zoned lot.
- (g) *I-2 heavy industrial.* The 1-2 heavy industrial district is to provide a location for industrial uses which generate truck traffic and uses which may create odors, gases, dust, noise, smoke, etc. Uses which have a potential for nuisance are required to obtain a special use.

Sec. 70-346. District area; bulk regulations.

It shall be unlawful to erect or alter any building within the municipality unless the following minimum lot areas and bulk regulations are complied with. Area requirements in the following table are in square feet, while all other requirements are in feet.

- (1) *Lot requirements by district.* Lot requirements by district area are as follows:

Lot Sizes (Minimum)					Setbacks (Minimum)			
District	Area	Width	Depth	Building Height*	Front Yard	Side Yard	Rear Yard	Corner
R-1	9,000	7S	100	3S	30	6	30	30
R-2	6,600	66	100	3S	2S	6	2S	2S
R-3	9,000	7S	100	3S	30	6	30	30
R-4	**	7S	100	3S	2S	6	2S	2S
C	None	None	None	3S	30	None	None	30
I-1	10,000	7S	100	None	30	1S	30	30
I-2	20,000	100	100	None	30	1S	30	30

*Building height is the maximum and cannot be exceeded.

**In the R-4 district, the minimum lot area is 9,000 square feet or 2,250 square feet per dwelling unit, whichever is greater.

(2)*Dwelling standards.* Dwelling standards are as follows:

- a. R-1 districts shall have a minimum floor area of 1,600 square feet.
- b. R-2 districts shall have a minimum floor area of 1,200 square feet.
- c. R-3 districts shall have not less than 900 square feet in each dwelling unit.
- d. R-4 districts shall have not less than the following minimum floor area for each living unit:

Two bedrooms or over: 600 square feet.

One bedroom: 500 square feet.

Efficiency units: 400 square feet.

Each dwelling unit may be occupied by one family.

Sec. 70-347. Existing lots within Village limits.

Upon passage of this chapter by the Village Board, existing lots within the Village limits zoned residential according to previous ordinances, shall be classified as R-2, regardless of lot size.

Sec. 70-348. Meeting minimum requirements.

Except as specifically provided otherwise elsewhere in this chapter, every zoning lot must meet the minimum area, minimum dimensions, and minimum setback requirements of the district in which it is located independently; that is, without counting

any portion of an abutting lot.

Sec. 70-349. Unlisted uses.

Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district. However, if the Village Board of Trustees, following consultation with the zoning officer and the planning commission, finds that the unlisted use is similar to and compatible with the listed uses, they may allow such use by amending this chapter in accordance with section 70-76. The Village Board's decision shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses.

Sec. 70-350. Permitted uses by district.

In the following list of uses an X means that the principal use, together with accessory uses incidental to and on the same zoning lot as the principal use, are permitted in the zoning district subject to the general provisions of this chapter. An * means that the principal use, together with accessory uses incidental to and on the same zoning lot as the principal use, is subject to the special use provisions of this chapter. For uses not included in this list, application shall be made to the zoning Board of appeals for interpretation.

Type Of Business Or Dwelling	R-1	R-2	R-3	R-4	C	1-1	1-2
Abrasive manufacture							*
Acetylene manufacture							*
Acid manufacture							*
Alkalies manufacture							*
Ammonia manufacture							*
Amusement establishments					X	X	
Apparel (fabric) manufacture						X	X
Appliance sales and repairs					X	X	
Asphalt, asbestos and nonmetallic mineral product							*
Automobile laundry					X	X	X
Automobile truck and trailer body repair						X	X
Automobile wrecking and salvage							*
Bank					X		
Barbershop					X		

Battery manufacture							*
Beauty salon					X		
Bedding manufacture							X
Beverage bottling and manufacture							X
Boat sales and repair					X	X	
Bowling alley					X		
Building materials sales and storage						X	X
Business service establishment					X		
Cafe					X	X	X
Candle manufacture						X	X
Canning and preserving food							X
Carpet manufacture							X
Catalogue order store					X	X	
Cemetery	*	*	*	*			
Charcoal manufacture							*
Chemicals manufacture							*
Church	*	*	*	*			
Clay products manufacture							X
Cleaning, pressing, dyeing					X	X	
Clothing store					X		
Commercial storage						X	X
Concrete products manufacture							*
Confections manufacture						X	X
Contractor's office					X	X	X
Contractor's storage yard						X	X
Cosmetics manufacture						X	X
Costume jewelry and miscellaneous notions						X	X
Dairy plant						X	X
Dental office					X		
Department store					X		

Disinfectant manufacture							X
Drive-in food service establishment							X
Drugstore					X		
Drugs manufacturing						X	X
Dry cleaning establishment					X		
Dry goods store					X		
Dye manufacture							X
Dyeing and finishing textiles							X
Electric generating plant							*
Electrical appliance manufacture						X	X
Enamels, paint and varnish manufacture							X
Equipment repair and storage						X	X
Excavating operations						X	X
Farm implement sales and service						X	X
Feed and seed stores					X	X	X
Feed mill						X	X
Fertilizer manufacture							*
Financial institution					X		
Flammable manufacture and storage							*
Flour and grain storage elevators							*
Freight terminals							X
Freight yards							X
Fruit and vegetable stand					X	X	
Fruit store					X	X	
Fuel storage							X
Funeral parlor					X		
Fur products manufacture							X
Furniture store					X		
Gas station					X	X	X

Gift store					X		
Glass manufacture							X
Golf course					X	X	X
Government office and buildings	X	X	X	X	X	X	X
Grain processing							*
Greenhouse, commercial					X	X	X
Grocery store					X		
Gum and wood chemicals manufacture							*
Hair products manufacture							*
Hardware store					X	X	
Home occupation	•	*	*	*			
Hospital					X		
Hotel					X	X	
Household and office furniture fixture manufacture							X
Insecticide manufacture							*
Insurance office					X		
Jewelry, silverware, plated ware manufacture							X
Jewelry store					X		
Junkyard and other scrap materials							*
Laboratory						X	X
Leather product manufacture							X
Leather tanning							*
Library	*	*	*	*	X		
Lime products manufacture							*
Linoleum manufacture							*
Loan institution					X		
Luggage store					X		
Lumber sales and storage						X	X
Machine manufacture							X
Magazine shop							X
Matches manufacture							*

Measuring and control instrument manufacture						X	X
Meat products manufacture							X
Metal fabrication						X	X
Mobile home sales						X	X
Motel					X	X	
Motor vehicle manufacture							X
Motorcycle, bicycle and parts manufacture							X
Music store					X		
Musical instrument and parts manufacture							X
Nursery school	*	*	*	*			
Office and artists supplies					X		
Ophthalmic goods manufacture						X	X
Optical instruments and equipment manufacture						X	X
Paint shop						X	X
Paper products manufacture, except pulp and paper mills							X
Park areas	*	*	*	*	X	X	X
Petroleum refining and related industry							*
Photographic equipment manufacture						X	X
Photographic film and chemical manufacture							X
Planned development unit	*	*	*	*	*	*	*
Plastic products manufacture						X	X
Playgrounds	X	X	X	X	X		
Plumbing sales and services					X	X	
Poultry processing							*

Primary metal products manufacturing							•
Printing, publishing and allied industries						X	X
Professional laundry						X	X
Professional office					X	X	X
Public transportation terminal						X	X
Quick-freeze plant						X	X
Radio and television stations					X	X	X
Real estate office					X		
Repair garage						X	X
Research laboratories and agencies						X	X
Residential, multiple-family				X			
Residential, single-family	X	X	X	X			
Residential, two-family			X	X			
Restaurant					X	X	X
Retail sales, bakery goods					X		
Rubber products manufacture							X
Schools	*	*	*	*			
Scientific and research instruments						X	X
Secondhand stores					X	X	
Seeds, QfOCessing_						X	X
Self-service storage facility					X		
Sewage treatment plant						X	X
Shoe store					X		
Slaughterhouse							*
Soaps and detergents manufacture							*
Sport ing goods store					X		
Stadi um, auditoriums and arenas					X	X	

Store products manufacture							X
Surgical, medical and dental instruments manufacture						X	X
Swimming pool, private	X	X	X	X			
Swimming pool, public	*	*	*	*	X	X	X
Textile manufacture							X
Theater					X		
Tobacco products manufacture						X	X
Toiletries manufacture						X	X
Toys, amusement, sporting and athletic goods manufacture						X	X
Trucking terminal						X	X
Utility substations and uses	*	*	*	*	X	X	X
Variety store					X		
Vegetable processing							X
Vehicle sales					X		
Veterinary hospital/clinic, kennels					X		
Warehousing and truck terminals						X	X
Watch, clock, and parts manufacturing						X	X
Wholesale outlets					X	X	X
Wood products manufacture							X

Sees. 70-351--70-380. Reserved.

ARTICLE IV.

ACCESSORY USES

Sec. 70-381. Generally.

The term "accessory use" means any structure or use which is:

- (1) Subordinate in size or purpose to the principal structure or use which it serves;
- (2) Necessary or contributing to the comfort and convenience of the occupants (whether individuals or a commercial enterprise) of the principal structure or use served; and
- (3) Located on the same lot as the principal structure or use served.

If an accessory use is attached to the principal structure, it shall be considered part of the principal structure.

Sec. 70-382. Permitted accessory uses.

Any accessory use shall be deemed permitted in a particular zoning district if such accessory use is:

- (1) Accessory to a principal structure or use that is allowed in that zoning district as of right (permitted uses) or by virtue of the fact that a special use permit has been granted; and
- (2) In compliance with the restrictions set forth in section 70-383.

Sec. 70-383. Accessory use restriction.

(a) *Height.* No accessory use shall be higher than:

- (1) Fifteen feet in any residential district; or
- (2) Twenty-five feet in any other zoning district.

(b) *Yard coverage.* In any residential district, accessory uses shall not cover more than 30 percent of a rear yard.

(c) *Use as dwelling.* Use of any accessory structure as a dwelling is strictly prohibited throughout the zoning jurisdiction of this Village.

(d) *Location.* An accessory building shall meet all setback restrictions of this chapter, shall not be nearer than ten feet to the main building and shall be at least six feet from the side lot line, the rear lot line, or the alley.

Sec. 70-384. Swimming pools.

(a) No swimming pool, whether public or private, shall be located in any front yard or closer than ten feet to any side lot line or 30 feet to the rear lot line.

- (b) Every swimming pool that is more than two feet deep shall be enclosed by a wall or fence at least six feet in height. The passage through such a wall or fence shall be equipped with a self-latching and lock gate. Such fence shall not be less than five feet from the pool.

Sees. 70-385--70-420. Reserved.

ARTICLE V. FENCES

AND WALLS

Sec. 70-421. Generally.

- (a) No barbed wire or electrically-charged fence shall be erected or maintained anywhere in this Village except in the industrial districts.
- (b) No fence, wall, or other obstruction shall be erected within any public right-of-way except by written permission of the zoning administrator.
- (c) No fence, wall, or other obstruction shall be erected in violation of the state drainage code.
- (d) Every fence, wall, or other obstruction shall conform to the special height restrictions applicable in areas near intersections. (See section 70-10(b).)

Sec. 70-422. Types of fences.

There will be two types of fences:

(1) *Type I.* Type I fence is a fence in which the openings in the materials of which the fence is constructed represent more than 70 percent of the area of the fence and which do not interfere with visibility through or the free passage of air through the fence.

(2) *Type II.* Type II fences are all fences other than type I fences.

Sec. 70-423. Regulations for all residential zoning districts.

- (a) Type I fences may be erected to a height not exceeding six feet anywhere on a lot.
- (b) Type II fences may be erected to a height not exceeding four feet in a front yard or in a required side yard adjacent to the side of a principal structure on an adjoining lot.
- (c) Type II fences may be erected to a height not exceeding six feet to the rear of the principal structure on an adjoining lot.

Sec. 70-424. Regulations for all zoning districts other than residential districts.

Sec. 70-466. Kennels.

- (a) The lot on which any kennel is situated shall have a minimum area of three acres.
- (b) Every kennel shall be located at least 200 feet from the nearest dwelling

Sec. 70-467. Recreational vehicles.

The regulations of this section do not apply to travel trailers or other recreational vehicles parked in a permitted travel trailer park. The requirements of subsections (1), (3), and (4) of this section do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicles sales lot.

- (1) Not more than two travel trailers or other recreational vehicles shall be parked on any lot.
- (2) No travel trailer or other recreational vehicle shall be used as a dwelling.
- (3) No travel trailer or other recreational vehicle shall be used as an office or for any other commercial purpose.
- (4) No travel trailer or other recreational vehicle shall be parked on any front yard, except on a driveway.

Cross References: Traffic and vehicles, ch. 62.

Sec. 70-468. Sanitary landfills.

Any person who intends to establish or conduct a sanitary landfill within this Village shall obtain a permit from the state Environmental Protection Agency indicating that the sanitary landfill fully complies with the "Solid Waste Rules and Regulations," promulgated by the state EPA pursuant to the authority granted by state law (415 ILCS 5/22).

Sec. 70-469. Schools.

- (a) The lot on which any school is situated shall have the minimum area indicated as follows:

Type of School	Minimum Lot Area
Nursery	20,000 square feet, plus at least 100 square feet of fenced outdoor play area per child
Other (elementary, junior high, senior high)	As required by state law (105 ILCS 5/3S-8), generally four acres plus one additional acre for every 100 students in excess of 200

- (b) The principal building of every school shall be located at least 25 feet from all lot lines.

Sec. 70-470. Service stations.

- (a) All gasoline pumps and other service facilities shall be located at least 25 feet from any street right-of-way line, side lot line, or rear lot line.
- (b) Every access way shall be located at least 200 feet from the principal building of any fire station, school, public library, church, park, or playground, and at least 30 feet from any intersection of public streets.
- (c) Every device for dispensing or selling milk, ice, soft drinks, snacks, and similar products shall be located within or adjacent to the principal building.
- (d) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.
- (e) Whenever the use of a service station has been discontinued for 12 consecutive months, or for 18 months during a three-year period, the administrator shall order that all underground storage tanks be removed by the present owner pursuant to the regulations (state and/or federal) in effect at the time.
- (f) Service stations must be in compliance with all state and federal Environmental Protection Agency regulations.

Sec. 70-471. Utility substations.

Every electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, water storage facility, or similar facility shall be deemed a special use, and shall conform to the following regulations:

- (1) Every lot on which any such facility is situated shall meet the minimum area and dimensions requirements of the district in which it is located. Every part of any such facility shall be located at least 25 feet from all lot lines, or shall meet the district setback requirements, whichever is greater.
- (2) In any residential district, every such facility shall be designed, constructed, and operated so that it is compatible with the residential character of the area.
- (3) If the administrator determines that the facility poses a safety hazard (for example, if there are exposed transformers), he shall require that a secure fence at least eight feet in height be installed.

Cmss References: Utilities, Ch. 66.

Sec. 70-472. Uses of required parking spaces.

- (a) *Nonresidential uses.* Required accessory off-street parking facilities provided for the uses listed in this chapter shall be solely for the parking of motor vehicles, in operating condition, used by patrons, occupants or employees of such uses and shall not be used for the storage of vehicles, boats, motor homes, campers, mobile homes, or materials or for the parking of trucks used in conducting the business or use.

- (a) Type I fences may be erected to any height anywhere on a lot.
- (b) Type II fences may be erected to a height not exceeding four feet in a required yard. Type II fences erected in a required yard adjacent to property in a residential zoning district shall comply with the requirements for type II fences in such residential district; provided, however, that the height of such fences may be increased with a special use pennit. A type II fence which complies with the setback requirements for principal structures may be erected to the heights permitted for the principal structures.

Sec. 70-425. Regulations for all zoning districts.

No fence shall be hereafter erected along, parallel to, or substantially parallel to an adjoining property line unless the finished side of such fence faces the adjoining property. If a fence is erected with posts and supports, it is presumed that the side in which the posts and supports are more visible is the unfinished side.

Sees. 70-426--70-460. Reserved.

ARTICLE VI.

SUPPLEMENTARY REGULATIONS FOR CERTAIN SPECIAL USES

Sec. 70-461. Applicability of article provisions.

This article establishes lot and structure requirements, design standards, and use limitations for special, potentially troublesome structures and uses. The regulations of this article apply in every zoning district where the specific structure or use is permitted or allowed by special use permit; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

Sec. 70-462. Greenhouses and nurseries.

- (a) No fertilizer, compost, manure, or other odor-producing or dust-producing substance shall be stored closer than 100 feet to any lot line.
- (b) Greenhouse heating plants shall be situated in an enclosed structure, and shall not be closer than 50 feet to any lot line.

Sec. 70-463. Home occupations.

A home occupation means any business, profession, or occupation conducted for gain entirely within a dwelling or one residential premises in conformance with the provisions of this chapter. Within this Village every home occupation shall be considered a special use. No home occupation shall be established or conducted except in conformity with the following regulations:

- (1) *Unrelated employees.* A home occupation shall employ not more than one individual who is unrelated to the family residing on the premises.

- (2) *Floor space.* The total area used for a home occupation shall not exceed 25 percent of the gross floor area of the dwelling, or 300 square feet, whichever is less.
- (3) *Dwelling alterations.* In any residential district, a principal residential building shall not be altered (to accommodate a home occupation) in such a way as to materially change the residential character of the building.
- (4) *Outdoor storage.* Outdoor (unenclosed) storage on the premises of equipment or materials used in connection with a home occupation is prohibited.
- (5) *Nuisances.* A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical interference noticeable at or beyond the lot lines.
- (6) *Parking.* For parking regulations, see article IX of this chapter.
- (7) *Signs.* For sign regulations, see article IX of this chapter.
- (8) *Unattached accessory structure.* A home occupation shall not be conducted in an unattached accessory structure.
Cross References: Businesses, Ch. 22.

Sec. 70-464. Hospitals and nursing homes.

- (a) The lot on which a hospital or sanitarium is situated shall have a minimum width and depth of 200 feet and a minimum area of five acres.
- (b) The lot on which any nursing home is situated shall have a minimum width and depth of 200 feet and a minimum area of two acres.
- (c) The principal building of any hospital, sanitarium, or nursing home shall be located at least 25 feet from all lot lines.

Sec. 70-465. Junkyards.

- (a) No part of any junkyard, which includes any lot on which three or more inoperable vehicles are stored, shall be located closer than 500 feet to the boundary of any residential district.
- (b) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a solid wall or solid fence at least ten feet high.
- (b) *Residential uses.* Required off-street parking spaces serving residential uses and in a residential district including the driveway thereof, shall be used only for the parking of passenger automobiles of two axles or less, designed to carry 12 or less passengers;

trucks of less than seven feet in height measured from the highest point to the ground with fully inflated tires; boats; and recreational vehicles.

- (c) *Truck parking permit.* A truck parking permit may be granted by the Village Board of Trustees under the following conditions. Each case is to be considered separately:

(I) *Application.* Every applicant for a truck parking permit shall submit to the zoning administrator, in narrative and/or graphic form, the items of information enumerated in this subsection (c)(1). The administrator shall prepare an advisory report and promptly transmit the completed application and his advisory report to the Village Board. The required items of information are as follows:

- a. The name and address of the applicant;
- b. The name and address of the truck owner or operator if they are different than subsection (c)(1)a of this section;
- c. A description of the vehicle involved (height, width, length, axles, etc.);
- d. The proposed location of parking and its relationship to adjacent structures and lot lines;
- e. The times of operation of the vehicle (warm-up, departure, return, etc.);
- f. The name and address of all residential property owners of record within two blocks of the property on which the vehicle will be parked;
- g. Any other pertinent information the applicant desires to be considered or that the zoning administrator may require.

(2) *Public hearing notice.* The Village Board shall hold public hearings on the original permit application within a reasonable time after such application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special use shall be given not more than 30 nor less than 15 days before the hearing:

- a. By first class mail to the applicant and to all parties whose property would be directly affected by the proposed special use; and

- b. By publication in a newspaper of general circulation within this municipality.

(3) *Disposition.* If the application is approved by the Village Board of Trustees, a permit card shall be issued by the Village clerk and must be placed in the vehicle in a prominent location so as to be easily visible. The truck parking permit shall expire one year from the date of its issuance, renewable by a vote of the Board of Trustees and upon the receipt of the annual renewal fee. Initial and renewal fees shall be established by the Village Board.

Sees. 70-473--70-500. Reserved.

ARTICLE VII.

RESIDENTIAL USES IN CERTAIN COMMERCIAL AREAS

Sec. 70-501. Central business district.

(a) *Defined.* The term "central business district" is defined as that area on both sides of Main Street (Perry Road) within the Village limits..

(b) *Objectives.* The objectives of zoning within this area are to:

- (1) Provide for the maintenance and orderly growth of retail, service, office, government, and residential uses in the central area of the Village.
- (2) Promote the upgrading and full utilization of older structures existing in the central area.

Sees. 70-502--70-530. Reserved.

ARTICLE VIII.

OFF-STREET PARKING AND LOADING*

* Cross References: Stopping, standing and parking, § 62-41 et seq.

DIVISION 1.

GENERALLY

Sec. 70-531. Applicability of article provisions.

Off-street parking and loading shall be provided in accordance with this article for all structures and uses erected or established after the effective date of the ordinance from which this chapter is derived.

Sec. 70-532. Existing parking/loading facilities.

- (a) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced, or if already less than, shall not be further reduced, below the requirements and standards for similar new structures or uses.
- (b) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored, but additional parking/loading facilities need not be provided.
- (c) Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, etc., additional parking and loading facilities commensurate with such increases in use-intensity shall be provided as required in this article for such new use.

Sec. 70-533. Computation of required parking/loading spaces.

In computing the number of parking spaces required by this chapter, the zoning administrator shall apply the following rules:

- (1) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. The term "employee parking" means one parking space shall be required per 1.5 employees, unless otherwise stated.
- (2) In computing parking or loading space requirements on the basis of building floor area, the gross floor area shall be used.
- (3) Whenever it is necessary to translate gross parking lot area into the number of parking spaces, 350 square feet of gross area shall be deemed one parking space.
- (4) If computation of the number of parking or loading spaces required by this chapter results in a fractional space, any fraction of one-half or more shall be counted as one space.
- (5) No space or portion thereof needed to satisfy the minimum applicable requirement for the number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

Sec. 70-534. Number of parking and loading spaces required.

Off-street parking and loading spaces shall be provided as indicated in tabular form in this section. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The zoning administrator shall make the determination of similarity.

Use		Parking Spaces Required	Loading Spaces Required
Dwellings/Lodgings			
	Hotels, motels, lodges	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 square feet or more of floor area
	Multiple-family dwellings		
	1 bedroom or less	1.5 spaces per dwelling unit	Not applicable
	2 bedrooms or more	2 spaces per dwelling unit	Not applicable
	Single-family and two-family dwellings	2 spaces per dwelling unit	Not applicable
Educational, Institutional, or Recreational			
	Churches, auditoriums	1 space per 4 seats in largest seating area	Not applicable
	Hospitals	1 space per 2 beds, plus employee parking	50,000 square feet floor space = 1 space; 50,000--100,000 square feet floor space = 2 spaces; 100,000--200,000 square feet floor
	Libraries, museums	1 space per 500 square feet floor area	On review by administrator
	Nursing homes	1 space per 5 beds	See Hospitals
	Schools		
	Elementary, junior high	1 space for every student building designed to accommodate, plus employee parking	On review by administrator
	Senior high	1 space for every 4 students over 16 years of age building designed to accommodate, plus employee parking	On review by administrator
	Trade school	1 space for every 3 students building designed to accommodate, plus employee parking	On review by administrator
Commercial, Office, Service			
	All commercial and service uses, unless specifically indicated otherwise below	1 space per 300 square feet floor space	10,000 square feet floor area = 1 space; more than 10,000 square feet floor area = 1 space plus 1 additional space per 50,000 square feet floor area in excess of 10,000 square feet

	Banks, savings and loan (walk-in and drive-in)	1 space per 300 square feet floor area plus employee parking, 5 spaces per teller window	30,000 square feet floor area = none required; 30,001--100,000 square feet floor area = 1 space; more than 100,000 square feet floor area = 1 space plus 1 additional space per 100,000 square feet floor area in excess of 100,000 square feet
	Beauty shops and barbershops	2 spaces per chair plus employee parking	Not applicable
	Bowling alleys	4 spaces per bowling lane plus additional spaces as required in this section for affiliated uses such as restaurants	Not applicable, except as required for affiliated uses
	Car washes	5 spaces per lane	Not applicable
	Furniture, appliance stores	1 space per 600 square feet floor area	25,000 square feet floor area = 2 spaces; more than 25,000 square feet floor area = 2 spaces plus 1 additional space per 25,000 square feet floor area in excess of 25,000 square feet
	Home occupations	1 space per 150 square feet floor area devoted to home occupation in addition to parking requirements for dwelling	Not applicable
	Office, general	1 space per 300 square feet floor area	See Banks
	Office, medical or dental	1 space per 200 square feet floor area or 3 spaces per professional, whichever is greater	Not applicable
	Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces/room	1 space per 10,000 square feet or more floor area
	Restaurants, refreshment stands		
	Sit-down	1 space per 5 seats or 1 space per 50 square feet floor area, whichever is greater	1 space per structure having 10,000 square feet or more floor area
	Drive-in	1 space per 25 square feet floor area	1 space per structure having 10,000 square feet or more floor area
	Service station	2 spaces per service stall, plus employee parking	Not applicable
	Theaters, indoor	1 space per 4 seats in largest seating area	Not applicable
	Vehicle sales (auto, boats, trailers, etc.)	1 space per 600 square feet enclosed floor area plus 1 space up to 10,000 square feet open lot area devoted to sales/display of vehicles	See Furniture and Appliance Stores
Industrial			

	Any manufacturing, warehousing, or other industrial use	1.5 spaces per employee plus 1 space per company vehicle, plus 1 visitor space per 25 employees	20,000 square feet floor area = 1 space; 20,001 -- 50,000 square feet= 2 spaces; 50,001 --90,000 square feet = 3 spaces; over 90,000 square feet= 3 spaces plus 1 additional space per 50,000 square feet floor area in excess of 90,000 square feet
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Sees. 70-535--70-560. Reserved.

DIVISION 2.

PARKING AREA DESIGN STANDARDS

Sec. 70-561. Conformance to division provisions.

All areas providing off-street parking shall conform to the standards indicated in the provisions of this division. Standards applicable in all parking areas are indicated by one asterisk (*); standards applicable to all parking areas except those accessory to single-family or two-family dwellings are indicated by two asterisks(**).

Sec. 70-562. Spaces.

- (a) Each required parking space shall be at least ten feet wide and 20 feet long, and shall have at least seven feet of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.*
- (b) Markings shall be laid and restored as often as necessary to clearly delineate such parking space.**
- (c) Handicapped parking spaces shall be marked as such and be at least 12 feet wide and 20 feet long. Ten percent of required parking in commercial and industrial zone districts shall be devoted to handicapped parking spaces.

Sec. 70-563. Interior aisles.

Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles and into and out of parking spaces. Aisles designed for two-way traffic shall be at least 22 feet wide. One-way aisles designed for such 60-degree parking shall be at least 18 feet wide.**

Sec. 70-564. Access ways.

- (a) Parking areas shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.*

- (b) No access way to any parking area shall be located within 30 feet of any corner formed by the intersection of the rights-of-way of two or more streets. At intersections where traffic control devices are installed, the administrator may increase this requirement as necessary to prevent hazards.*
- (c) Parking area access ways (including residential driveways) and public streets shall be aligned to form, as clearly as feasible, right angles.*
- (d) The access way to every parking lot located in any commercial district or in the industrial districts shall be at least 24 feet wide unless two one-way drives, each 12 feet wide, are provided.**
- (e) The access way to every parking area located in any residential district shall be at least ten feet wide; but if the parking area contains more than eight parking spaces or if the access way is longer than 100 feet, access shall be provided either by one two-way drive at least 20 feet wide or by two one-way drives each at least ten feet wide.*

Sec. 70-565. Surfacing.

Parking lots shall be graded and improved with a compacted stone base at least six inches thick, surfaced with at least two inches of asphaltic concrete or approved comparable material.**

Sec. 70-566. Lighting.

Any lights used to illuminate any parking area shall be arranged or shielded so as to confine direct light rays within the parking area boundary lines to the greatest extent practicable.*

Sec. 70-567. Bordering.

In order to preserve the continuity of the streetscape and to minimize visual pollution, all parking lots containing more than eight parking spaces shall be bordered by a wall, fence, earth berm, or closely planted shrubbery at least three feet high on each side abutting any street of conforming residential property. Wheel bumpers or curbs shall be designed and arranged to prevent damage to such screening. The screening shall be maintained by the owner or lessee of the parking lot in accordance with a maintenance agreement filed with the zoning administrator.**

Sec. 70-568. Landscaping.

- (a) In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained within every parking lot that contains 20 or more parking spaces.**

- (b) A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for an initial certificate of zoning compliance to develop any parking lot that will contain 20 or more spaces.
- (c) The landscaping plan shall include the following information:
 - (1) Proposed type, amount, size, and spacing of plantings, including trees, shrubbery, and ground cover;
 - (2) Proposed size, construction materials, drainage, and scheduled maintenance of landscaped islands or planting beds; and
 - (3) Sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.

Sees. 70-569--70-590. Reserved.

DIVISION 3. LOCATION

OF PARKING

Sec. 70-591. Conformance to division provisions.

All off-street parking shall be located in conformity with the requirements of this division.

Sec. 70-592. Residential districts.

- (a) Parking spaces accessory to dwellings located in any residential zoning district shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multifamily dwelling shall be unobstructed so that no vehicle need to be moved in order to allow another vehicle to enter/exit the parking area.
- (b) All parking spaces accessory to permitted non-dwelling uses located in any residential district generally shall be located on the same lot as the use served. However, the administrator may allow such parking facilities to be located on another parcel within 200 feet of the use served if the same lot requirement is not feasible.

Sec. 70-593. Commercial and industrial districts.

- (a) Parking spaces accessory to any dwelling located in any commercial district shall either be located on the same lot as the dwelling or on another parcel within 200 feet of the residential premises. Parking lots accessory to any commercial or industrial use located in any commercial district or in the industrial districts shall be located within 500 feet of the use served; provided, however, that no portion of any such parking lot shall extend into any residential district except by written permission of the administrator.

- (b) In any commercial district or in the industrial districts, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all regulations governing location of the parking spaces in relation to the uses served are observed.

Sees. 70-594--70-610. Reserved.

DIVISION 4.

DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES

Sec. 70-611. Conformance with division provisions.

All off-street loading facilities shall conform to the minimum standards indicated in this division.

Sec. 70-612. Size of space.

Every required off-street loading space shall be at least 12 feet wide and 45 feet long, exclusive of aisle and maneuver space, and shall have a vertical clearance of at least 14 feet. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

Sec. 70-613. Access way.

Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least 12 feet wide.

Sec. 70-614. Surfacing.

Every off-street loading area shall be improved with a compacted stone base at least seven inches thick, surfaced with at least two inches of asphaltic concrete.

Sec. 70-615. Buffer strips.

No loading space or area for vehicles over two-ton cargo capacity shall be developed closer than 50 feet to the lot line of any lot located in any residential district unless such space/area is completely enclosed by walls, a solid fence, or closely planted shrubbery at least ten feet in height and of sufficient density to block the view from the residential property.

Sec. 70-616. Location.

Every off-street loading space that is required or provided shall be located on the same parcel of land as the use served, and not closer than 50 feet to the intersection of the rights-of-way of two or more streets and not on required front yards.

Sees. 70-617--70-650. Reserved.

ARTICLE IX.

SIGNS*

* Cross References: Signs on streets, § 50-69.

Sec. 70-651. Compliance with article provisions.

All signs hereafter constructed, erected or painted, or otherwise established, moved, altered or changed, within the Village's jurisdiction shall comply with the regulations of this article, except that repair and/or maintenance of lawful, nonconforming signs shall be in accordance with the regulations set forth in article XI of this chapter.

Sec. 70-652. Applicability of article provisions.

Sign regulations of this article shall not apply to governmental signs including traffic signs which are erected and intended for public information, direction, safety or control purposes; and no sign in any district shall conflict in any manner with the clear and obvious appearance of public devices controlling public traffic.

Sec. 70-653. Freestanding signs.

No freestanding sign shall exceed 35 feet in height from the ground level or 35 feet in height above the grade level of the traveled way to which the sign is oriented. In determining the height of any sign above the grade level, it shall be measured on the shortest line perpendicular with the sign and the traveled way.

Sec. 70-654. Non-illuminated subdivision signs; erection requirements.

In any subdivision for which a plat has been filed for approval by the Village, non-illuminated subdivision signs may be erected subject to the following requirements:

- (1) Not more than two such signs shall be permitted for any subdivision held in single or common ownership.
- (2) The total area of any such sign shall not exceed 200 square feet. Such

subdivision sign or signs may be displayed for a period of time not to exceed two years from the date of issuance of the permit for the first building in the subdivision or for the duration of the project, whichever is less, unless an extension for a specific additional period of time is granted by the zoning Board of appeals.

Sec. 70-655. Additional regulations for C districts.

In the C commercial district, the following additional sign regulations shall apply:

- (1) The total surface area of all signs shall be limited to three square feet of sign (or total signs) for each linear foot of front width of the business building or business unit, or 112 square feet of sign for each linear foot of lot frontage, whichever is greater, provided that the total surface area of any one sign shall not exceed 200 square feet. On any business building facing more than one street, each street frontage shall be considered separately to determine the maximum sign area (or total sign area) permitted for each street frontage. Any sign nearer than 75 feet of any residential zoning district shall not be illuminated unless approved by the zoning Board of appeals.
- (2) On the buildings which include more than one business, the front width of each individual business unit shall be used to determine the maximum sign area for that business.
- (3) Projecting signs shall not project more than eight feet from the principal building.
- (4) No sign shall project more than 15 feet above the highest point of the roof structure of the building to which it is attached.
- (5) Freestanding signs shall not project more than eight feet into any required yard.
- (6) Signs may project up to eight feet into any public right-of-way, street or alley; however, in no case shall any sign project into that part of any public right-of-way intended or designed for traffic circulation or parking. Any such projection shall only be permitted above a height of ten feet. If widening necessitates the removal of any sign, such removal and/or replacement shall be the responsibility of the property owner.

Sec. 70-656. Additional regulations for I-1 and I-2 districts.

In the I-1 light industrial district and I-2 heavy industrial district, the following additional regulations shall apply:

- (1) The surface area of all projecting, freestanding, wall, combination or roof

signs shall not be greater than three square feet from each linear foot of front width of business building or business unit, or 1.5 square feet for each linear foot of lot frontage, whichever is greater, provided that the maximum total surface area for any one sign shall not exceed 400 square feet. However, the maximum permitted surface area for any one of such signs may be increased two square feet for each linear foot that signs are set back from the required setback line. Only the setback from one street and/or setback line shall be permitted for increase. On any business building facing more than one street, each street frontage shall be considered separately to determine the maximum sign area (or total sign area) permitted for each street frontage. Any sign nearer than 75 feet of any residential zoning district shall not be illuminated unless approved by the zoning Board of appeals.

- (2) No point of any sign shall project more than 15 feet above the highest point of the roof structure of the building to which it is attached.
- (3) Freestanding sign supports shall not be set nearer than 25 feet to any property line; however, the sign shall project not more than eight feet into any required yard.
- (4) Projecting signs and marquees shall not project more than eight feet from the principal building.

Sec. 70-657. Temporary signs.

Temporary signs shall not remain in place for a period of more than 60 days except that the zoning administrator may extend the time period for an additional 30 days. Any further time extension shall thereafter be applied for through the zoning Board of appeals, and the Board may grant such time extensions as seem reasonable and necessary.

Sees. 70-658--70-690. Reserved.

ARTICLE X

PLANNED UNIT DEVELOPMENT

Sec. 70-691--70-720

1. SPECIAL USE PERMIT REQUIRED. No person shall create a planned unit development without first obtaining a Special Use Permit authorized and issued by the Village Board in accordance with the standards and procedures set forth herein.
2. DEFINITIONS.

- a. **PLANNED UNIT DEVELOPMENT** shall mean a tract of land which is planned as a whole for development under single ownership or control and which, by virtue of such unified planning and development, provides greater amenities, convenience or other benefits than normally would be had in conventional zoning districts. Adequate provisions shall be made for basic community facilities such as schools, parks, playgrounds and churches, among others. The minimum area for a planned development shall be: (a) residential--2 acres; (b) commercial--5 acres; (c) industrial--10 acres; (d) governmental --2 acres; (e) mixed use--10 acres; (f) office/research/industrial--2 acres.

3. PROCEDURES.

- a. The applicant shall petition the Village Clerk in writing to call a meeting of the Plan Commission for a review of the proposed Planned Unit Development, and the Plan Commission shall call such meeting, which may be continued from time to time. The petition shall be accompanied by such exhibits and written information as may be necessary to fully acquaint the Plan Commission with the proposed development.
- b. **Plan Commission Workshop.** Prior to formal application for a special use permit to establish a planned unit development, the applicant(s) may request Plan Commission direction in a workshop session. Such sessions are not mandatory, but are highly recommended. The applicant(s) shall submit a concept plan, showing the location and extent of the types of land uses proposed; building outlines (footprints) of all proposed structures except single family detached dwellings on subdivided lots; internal private circulation drives and parking areas; and open space areas, common areas and buffer areas. This plan shall be submitted at least fourteen (14) days before a regularly scheduled Commission meeting.
- c. **Formal Review.** To be eligible for a formal review of a planned unit development petition, the applicant(s) shall submit a preliminary plat and plan which shall include, but not necessarily be limited to, the following:
 - (1) A preliminary plat and plan in accordance with the provisions of this Title.
 - (2) A statement and explanation concerning any exceptions or variations to the City zoning or subdivision requirements

being requested as part of the Planned Unit Development application.

- (3) Findings of Fact prepared and formatted as provided by law and in accordance with the standards defined in Section 13.09, paragraph 8 of this Code.
- d. The petition and all supporting documents shall be submitted at least twenty-one (21) days prior to the Plan Commission hearing to allow for staff review and proper public notice in a newspaper of general circulation.
- e. The formal petition for a Planned Unit Development shall be addressed to the Village Board and shall be filed with the Village Clerk. Twenty-five (25) copies of the petition shall be filed; attached to each copy shall be copies of the supporting documents and exhibits hereinafter provided for.
- f. Filing Fees:
 - All petitioners for annexation, planned unit development, or subdivision of property shall pay the city attorney's fees for legal work and expenses associated with the review of such annexations or subdivisions. The City shall, in its sole discretion, require the annexing owner or developer or subdivider to pay the aforementioned legal fees upon the action (either approval or disapproval) of the City Council with respect to the proposed annexation or subdivision.
 - The Village shall require all petitioners for annexation, planned unit development, subdivision or resubdivision of land, alterations to planned unit developments, or platting or replatting of property to pay an additional nonrefundable deposit of one thousand dollars (\$1,000.00) for the staff review of plans pertaining to such actions. In the event the proposed actions or improvements are approved by the Village Board, this amount shall constitute a credit in the final accounting of review and inspection fees. In the event the proposed annexation, subdivision, planned unit development, platting or replatting is not approved by the Village Board, the deposit shall be retained by the Village.
 - Following the approval of the Village Board for a particular planned unit development or subdivision, the Village shall require an engineering fee for the plan review and inspection of the necessary public and private land improvements, excluding buildings and other structures.

That fee shall be two and one-half percent (2.5%) of the total estimated costs of all the required public and private land improvements, excluding buildings and structures, as prepared by the design engineer and approved by the Village Engineer. The Village's inspection of said improvements shall be periodic and as deemed necessary by the Village Engineer. The Village shall, in its sole discretion, require the annexing owner, developer, or subdivider to pay the engineering fee (a) prior to recording the annexation agreement or final plat; (b) as the engineering fees are incurred by billing the annexing owner, developer or subdivider; or (c) prior to incurring engineering expenses by requiring an escrow deposit from which such fees and expenses can be withdrawn, with provision to make additional deposits to maintain the initial escrow amount.

- g. The petition shall be heard by the Plan Commission which shall report to the Village Board on its findings and recommendations. Such report shall be accompanied by any findings of fact, plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein.
- h. The Village Board may grant a special use for a Planned Unit Development which shall be by specified ordinance and which shall contain or to which shall be appended all terms and conditions of the grant, including covenants and agreements, guarantees, performance bonds, plats and the like.

4. **CONTENT OF PETITION.** The formal petition shall contain, in addition to all other requirements, the following:

- a. An outline plan of the planned unit development. This plan will be at a scale of not less than one (1) inch equals one hundred feet (1" = 100') which shall show all proposed streets (public and private), street pavement and driveway widths, right-of-way, all principal and accessory buildings and their use, lot sizes, building lines, easements for utility services, off-street parking, service areas, open space, recreation facilities and any other information necessary to clearly show the proposed elements of the Planned Unit Development.
- b. Preliminary architectural plans for all residential buildings shall be submitted in sufficient detail to show the basic

building planned elevations, the number of units per building and the number of bedrooms per dwelling unit. Preliminary architectural plans are not required for business or other non-residential buildings at the time of this application but must be submitted to the Building Department for its approval prior to filing an application for a building permit.

- c. A topographic survey and boundary survey of the subject area, prepared in one (1) foot contour intervals and certified by a registered Illinois surveyor.
- d. A rendered plan of the planned unit development area showing in contrasting colors or by other means the respective location of all categories of land use.
- e. A map of the Village of Steward, Illinois showing the planned unit development area and its relation to the existing roads and streets and use districts within and immediately adjacent to the Village.
- f. Specifications for the following improvements:
 - (1) Roads, streets and alleys, including classifications, width of right-of-way, widths of paved surfaces and construction details.
 - (2) Sidewalks, including widths of paved surfaces and construction details.
 - (3) Sanitary and storm sewer system.
 - (4) Water supply system.
 - (5) Street lighting and public area lighting system.
 - (6) Recommended installation for electric, gas and telephone facilities and distribution.
 - (7) Sequence of phases or stages of development of the planned unit development.
 - (8) A general landscape plan shall be prepared by a landscape architect and shall meet the approval of the Plan Commission.

- g. Estimates of the cost of installation of all proposed improvements, confirmed by a registered Illinois engineer.
- h. Petitioner's proposed covenants, restrictions and conditions to be established as a part of the Planned Unit Development.
- 1. A traffic access and impact study if, in the opinion of the Village Engineer, the likely result of a subdivision, planned development, rezoning, or special use permit will be the daily generation of an additional three hundred (300) or more trips to or from the subject property. The Village Engineer's opinion shall be based on the average trip generation rates published by the Institute of Traffic Engineers (ITE) in their most recent trip generation manual. The Village Engineer may also require a traffic access or impact study if access to a particular property is likely to cause a significant hazard or congestion due to the proximity to nearby access drives or intersections, or due to current traffic problems in the local area.

- 5. **CONSTRUCTION OF IMPROVEMENTS.** The petitioner shall construct and install the required improvements and must post with the Village a sum of cash, or negotiable securities, or a surety bond running to the Village in an amount sufficient to cover the full cost of construction as well as engineering and inspection fees and costs, to assure the satisfactory installation of such improvements; the amount of such deposit or bond shall be based upon the confirmed estimate of cost hereinabove provided for; if a surety bond is submitted, it shall have good and sufficient surety thereupon and shall not be accepted until approved by the President and Village Board.

If the Planned Unit Development is to be constructed and developed in stages or phases, the deposit of cash or securities or the bond posted shall be in an amount based upon the confirmed estimated cost of installation of improvements in the respective stage or phase as approved by the Village Engineer.

- 6. **SPECIFICATIONS FOR CONSTRUCTION IMPROVEMENTS.** All improvements shall be constructed in accordance with the Village of Steward's standards and specifications.
- 7. **STANDARDS.** No Planned Unit Development shall be authorized unless the Plan Commission shall find and recommend, in addition to those standards established herein for special uses, that the following standards will be met:
 - a. General

- (1) The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
- (2) The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
- (3) Any industrial park areas established in the Planned Unit Development shall conform to all requirements as set forth elsewhere in this ordinance.
- (4) All minimum requirements pertaining to commercial, residential, institutional, or other uses established in the Planned Unit Development shall be subjected to the requirements for each individual classification as established elsewhere in this ordinance, except as may be specifically varied in the ordinance granting and establishing a Planned Unit Development.
- (5) When private streets and common driveways are made a part of the Planned Unit Development or open space or recreation facilities are provided the applicant shall submit, as part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the Village Board.

8. **CONDITIONS AND GUARANTEES.** Prior to granting any special use, the Plan Commission may recommend, and the Village Board shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein, or as may be from time to time required. In all cases in which special uses are granted, the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with.

9. **EFFECT OF DENIAL OF A SPECIAL USE.** After a public hearing no application for a special use which has been denied wholly or in part by the City Council shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the Plan Commission and the Village Board.

10. **TERMINATION OF SPECIAL USE PERMIT.** If work on the proposed development has not begun within one (1) years from the date of the authorization order of the Village Board, the authorization shall become null and void and all rights thereunder shall lapse. Upon written application, filed prior to the termination of the one (1) year time limit, the Village Board may authorize a single extension of the time limit for a further period of not more than twelve (12) months without a public notice.

11. PLANNED DEVELOPMENT: RESIDENTIAL.

- a. Residential density for a Planned Unit Development shall not be greater than the recommended density as shown on the Land Use Plan of the Comprehensive Plan for the Village.
- b. Low Density areas shall have a gross density of 0 to 3 housing units per acre and a minimum open space requirement of 10 percent of the gross land area.
- c. Medium Density areas shall have a gross density of 3 to 6 housing units per acre and a minimum open space requirement of 20 percent of gross land area.
- d. High Density areas shall have a maximum density of 9 units per gross acre and a required open space of 30 percent of the gross land area.
- e. Performance Bonuses may be approved by the Village Board, upon the recommendation of the Planning Commission, to encourage residential subdivision designs that more creatively integrate function and appearance. The bonus system is based on the following assumptions:
 - (1) Density in a PUD should never exceed what is consistent with nearby existing developed areas. A minimum buffer area of 30 feet should separate existing and new residential developments. This buffer area should be kept free of accessory buildings and must be landscaped.
 - (2) For bonuses, density is calculated on the basis of dwelling units per gross acre.
 - (3) In instances where bonuses are sought for two (2) or more residential land use designations within a residential PUD, density should be calculated separately for the different residential designations.

- (4) No more than fifty percent (50%) of the residentially zoned area may be eligible for density increases.
- (5) If the development is to be built in stages, the open space shall be designated in reasonable proportion to the number of dwellings in each phase.
- (6) The number of constructed dwelling units per gross acre shall never exceed the overall density established for the residential designation.
- (7) Non-residential uses permitted in the residential districts are subject to all the required lot areas, yards, and setbacks established in the zoning ordinance.

BONUS CRITERIA:

Maximum Density Increase	Achieved by the Following Design Considerations:
10%	A minimum of an additional five percent (5%) of the net development area must be devoted to open space (above the minimum requirements) featuring public pedestrian walkways, bike paths, or dedicated recreational park space.
5%	A creative set of building designs featuring variations in facades and groupings that take advantage of natural terrain and that integrate detention basins with an overall landscaping plan.
5%	Additional screening and parking lot landscaping above City requirements; screening plants and trees on the periphery of the development and between uses.

- f. The open areas provided in the part of the planned development containing only residential structures shall be preserved over the life of the Planned Unit Development for use only by the residents of the planned development or shall be dedicated to the Steward School District or Village of Steward school or park purposes through an agreement acceptable to the Village Board.

- g. Other Variations. The Plan Commission may recommend and the Village Board may approve access to dwellings by a driveway or pedestrian walk easement, and spacing between buildings of less widths or depths than required by applicable district regulations provided (1) adequate provisions are made to perpetuate the access easements and off-street parking spaces for use by residents of the affected dwellings during the period of use; (2) due consideration is given to the openness normally afforded by intervening streets and side yards when the spacing between clustered buildings on the interior of the development might be adjusted; and (3) the yards for principal buildings along the periphery of the development shall never be less in width or depth than required in the district regulations.

12. PLANNED DEVELOPMENT: COMMERCIAL OR INDUSTRIAL

- a. Site Coverage. The total site coverage by uses permitted in the commercial or industrial districts shall not exceed seventy percent (70%) except as provided in the bonus provisions of item c, below.
- b. Buffer. When a planned commercial or industrial development abuts residentially zoned property, a minimum fifty (50) foot buffer area should be installed and landscaped.
- c. Site Coverage Bonus. The Plan Commission may recommend and the Village Board may approve an increase in maximum site coverage from seventy percent (70%) up to eighty percent (80%) if six (6) of the following criteria are met:
 - 1. Storm drainage and detention systems have a capacity significantly in excess of what is required.
 - 2. Storm drainage detention facilities are installed underground.
 - 3. The release rate from the storm drainage detention facilities is significantly and appreciably more restrictive than code requirements.
 - 4. Parking lot landscaping is increased fifty percent (50%) or more than is required.

5. Principal access to property allows for shared access by an adjacent property, thus reducing curb cuts.
6. Pedestrian and bicycle paths are constructed.
7. Loading and unloading areas are screened with landscaping.
8. The development includes a donation of land for community facilities.
9. The development features highly innovative architectural and natural features.
10. Signs have materials that are compatible with architectural and natural features in the development.
11. Open space is not isolated but spread equitably through the development.
12. No more than one quarter (25%) of the required open space is comprised of rights-of-way, floodplain, or storm water drainage facilities.
13. Any other performance criteria that further the goals of the Comprehensive Plan and that, in the opinion of the Plan Commission and Village Board, warrant the approval of development bonuses.

13. MAINTENANCE OF COMMON LAND AND STRUCTURES.

Subdividers and developers of planned unit developments shall cause language to be placed on their preliminary plan or, alternatively, shall prepare an exhibit to their petition with language that affirms that the operation and maintenance of designated common areas, common facilities, common buildings, and open spaces shall conform with Ordinance 08212006, approved by the Steward Village Board on August 21, 2006. Such language will establish that the maintenance of common land and buildings shall be under the control of a homeowner's association in accordance with the laws of the Village of Steward governing such associations. This section shall apply to all associations created after the August 21, 2006.

4.3.5 Conditions. The Plan Commission may recommend and the Village Board may impose such conditions or restrictions upon the location, construction, design and operation of a special use as they shall respectively find necessary or appropriate to secure compliance with the standards set forth herein.

4.3.6. Procedures.

- A. AUTHORIZATION. The Village Board is authorized to issue a Special Use Permit for those uses listed in Article 5.3 and for Planned Developments, subject to the standards set forth in Sections 4.3.4, 4.4.3, and 4.4.4 and such conditions as may be imposed pursuant to Section 4.3.5. Prior to the issuance of any Special Use Permit, a public hearing shall be held and published notice shall be given, in the manner prescribed in Section 4.8.3 of this Title.
- B. APPLICATION FOR SPECIAL USE. Any person having a proprietary interest in the premises may file an application for a Special Use Permit with the Zoning Administrator or Village Engineer. The application shall be in such number, in such form, and contain such information as the Zoning Administrator or Village Engineer may prescribe from time to time. The Village staff shall process such application and hearing shall be held in the manner prescribed for amendments by Article 4.7 of this Title.
- C. REPORT OF HEARING. Following the hearing, and under no circumstances more than thirty (30) days after the hearing, the Plan Commission shall transmit to the Village Board a written report giving its findings as to compliance of the proposed Special Use with the standards governing Special Uses and giving its recommendations for action to be taken by the Village Board.
- D. CONDITIONS. The Plan Commission may recommend and the Village Board may impose such conditions or restrictions upon the location, construction, design and operation of a Special Use, including but not limited to, provisions for off-street parking spaces and the duration of such permit, as they shall respectively find necessary or appropriate to secure compliance with the standards set forth in Sections 4.3.3 and 4.3.4.
- E. ACTION BY VILLAGE BOARD. After receiving the recommendations and report of the Plan Commission, the Village Board shall, within 30 days, review the Commission recommendations and may accept the findings and recommendations of the Plan Commission in whole or in part or may reject them in whole or in part, or the Village Board may refer the matter back to the Plan Commission for further consideration. However, in the event the Plan Commission recommends against the issuance of a Special Use Permit, then it may be issued only upon the favorable two-thirds (2/3) vote of all of the members of the Village Board (i.e. the "corporate authorities").

- 4.3.7. Effect of Denial of a Special Use. After a public hearing, no application for a Special Use which has been denied wholly or in part by the Village Board shall not be resubmitted for a period of one year from the date of said order of denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the Plan Commission and Village Board.
- 4.3.8. Termination of Special Use Permit. If the proposed Special Use is not established within one (1) year from the date of the authorization by the Village Board, the authorization shall become null and void and all rights thereunder shall lapse. Upon written application, the Village Board may authorize a single extension of the grace period for no more than one year.
- 4.4.1. Purpose. The development and execution of zoning regulations is based upon the division of the Village of Steward into districts in which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized by the Village of Steward that new types, procedures and relationships in land development are emerging and that the mixing of uses and variations in bulk regulations within districts can produce very satisfactory, desirable and lasting results, if properly designed and planned, without adverse influence upon surrounding property. The following standards are established to provide flexibility to encourage sound and imaginative design, and to guard against the use of the planned development technique solely as a means to intensify the use of land.
- 4.4.2. Objectives. The Planned Development, which is very generally described as a Special Use in Section 4.3.4(B), above, is intended to encourage improved design in the development of land by providing relief from traditional zoning requirements which are designed for conventional development but which may cause undue hardship or complication for desirable but unconventional development, and to establish standards and procedures for the issuance of a Special Use Permit for a Planned Development in order to obtain the following objectives:
- A. Environmental design in the development of land that is of a higher quality than is normally possible through the strict application of general zoning ordinance requirements.
 - B. Diversification in the use permitted and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived as cohesive unified projects.
 - C. Provision for functional and beneficial use of open space.
 - D. Preservation, to the greatest extent possible, of the archeological and historic resources and natural landscape features and amenities of a development site and to utilize such features in a harmonious fashion in the development.

- E. Provision for a safe and desirable environment characterized by a sensitive and unified building and site development program.
- F. Rational and economic development in relation to public services. Toward this end, the Village Board has determined (**Ordinance 08212006**) that the pace of new residential development should be carefully managed. Specifically, the Village Board has imposed a regulatory framework which assures that the existing inventory of platted but unbuilt lots will be permitted more rapidly than new residential lots are permitted. This relationship is illustrated in the table below:

<i>Number of Dwelling Units on the Preliminary Plan</i>	<i>Dwelling Units Permitted Per Year</i>	<i>Time Limit Before New Building Permits Are Issued Following Annexation*</i>
<i>0 to 50 dwelling units</i>	<i>No More Than 25 per Year</i>	<i>No Time Limit</i>
<i>51 to 100 dwelling units</i>	<i>No More Than 30 per Year</i>	<i>One Year</i>
<i>101-200 dwelling units</i>	<i>No More Than 35 per Year</i>	<i>Two Years</i>
<i>201-300 dwelling units</i>	<i>No More Than 40 per year</i>	<i>Three Years</i>
<i>301 to 400 dwelling units</i>	<i>No More Than 50 per Year</i>	<i>Four Years</i>
<i>401-500 dwelling units</i>	<i>No More Than 60 per Year</i>	<i>Five Years</i>
<i>Over 500 dwelling units</i>	<i>No More Than 65 per Year</i>	<i>Six Years</i>

- G. Creation of a variety of uses, in compatible arrangements, to provide a greater choice of living, employment and shopping environments.
- H. Efficient use of land resulting in more economic networks of utilities, streets and other facilities.
- I. Coordination of architectural styles, building forms and relationships, graphics and other private improvements.

4.4.3. Modification of District Regulations. Planned Developments shall be constructed in each zoning district as a Special Use subject to the standards and procedures set forth in this Article:

- A. Except as modified by and approved in the ordinance approving a Final Development Plan and Plat, a Planned Development shall be governed by the regulations of the district or districts in which the said Planned Development is located.
- B. The ordinance approving the Final Development Plan and Plat for the Planned Development may provide for such exceptions from the district regulations governing use, density, area, bulk, parking and signs, and the subdivision design standards as may be necessary or desirable to achieve the objectives of the proposed Planned Development, provided such exceptions are consistent

with the standards and criteria contained in this Article. No modifications of district requirements or subdivision design standards may be allowed when such proposed modification would result in:

1. Inconvenient or unsafe access to the Planned Development.
 2. Traffic congestion in the streets which adjoin the Planned Development.
 3. An undue or disproportionate burden on public parks, recreational areas, fire and police protection, schools, and other public facilities which serve or are proposed to serve the Planned Development.
 4. A development which will be incompatible with the purpose of this Title and the goals and objectives of the Steward Comprehensive Plan;
 5. Alteration, destruction, or diminution of natural landscape features such as floodplains, wetlands, fens, woodlands, prairie, rock outcroppings, seeps, springs, or steep slopes; and
 6. Alteration, destruction of archeological and historic features.
- C. The Plan Commission may recommend to the Village Board, and the Village Board may grant, a Special Use Permit which modifies the applicable district zoning regulations and subdivision regulations upon a written finding by the Plan Commission that the Planned Development meets the applicable objectives and standards and criteria contained in Sections 4.3.4, 4.4.2, 4.4.4, 4.4.5, 4.4.6, and 4.4.7 of this Chapter. Such written findings shall set out the reasons supporting each finding and shall support each of the following standards and the applicable provision of Sections 4.3.4, 4.4.2, 4.4.4, 4.4.5, 4.4.6, and 4.4.7 hereof.

4.4.4. General Standards and Criteria for Planned Developments. No Planned Development shall be authorized by the Village Board unless the Plan Commission shall find evidence establishing that:

- A. The proposed development will not injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the Steward Comprehensive Plan.
- B. The proposed development can be substantially completed within the time specified in the schedule of development submitted by the applicant.
- C. The entire tract or parcel of land to be occupied by the proposed development shall be held in a single ownership, or if there are two or more owners, the

application for such proposed development shall be filed jointly by all such owners.

- D. The development plan shall contain such proposed covenants, easements and other provisions relating to the bulk and location of buildings, uses and structures and public facilities as are necessary for the welfare of the Planned Development and are not inconsistent with the best interests of the Village of Steward. Such covenants, easements, and other provisions, when part of the approved final development, may be modified, removed or released only with the consent of the Village Board after a public hearing before, and recommendation by, the Plan Commission as provided in this Article 4.4.
- E. Sanitary sewers, storm sewers and water supply to service the development are adequate to serve the proposed development and will not reduce existing capacity below that necessary to serve existing developments, or overload local facilities beyond the design capacities of municipal utilities.
- F. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities is compatible with the surrounding land uses, and any part of a proposed development not used for structures, parking and loading areas, or access ways, is landscaped or otherwise improved.
- G. The project area is adaptable to unified development and shall have within or through the area no physical features that will tend to destroy the neighborhood or community cohesiveness. The minimum project areas for a Planned Development are: (a) residential--2 acres; (b) commercial--2 acres; (c) industrial--5 acres; (d) governmental--2 acres; (e) mixed use--5 acres; (f) office/research/industrial--2 acres.
- H. The uses permitted in the development are necessary or desirable and the need for such uses is clearly demonstrated by the applicant.
- I. The dominant land use of the proposed Planned Development is consistent with the recommendations of the Steward Comprehensive Plan for the area containing the project.
- J. Any modifications of the standards and specifications of this Ordinance or other regulations that would otherwise be applicable to the site are warranted by the design of the development plan, and the amenities incorporated in it, and are not inconsistent with the public general welfare.
- K. Exceptional landscaping features such as larger caliper, varied species and reduced spacing of trees and additional sodding above the minimum requirements specified in Article 6.6 is provided.

- L. All proposed streets and driveways are adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Development. Entrance points or locations of streets and driveways upon previously existing public roadways shall be subject to the approval of the Village Engineer, and if applicable, the Lee County Highway Department, and the Illinois Department of Transportation. If traffic control devices are required to prevent or relieve hazards or congestion on adjacent streets and the proposed control device is not within the normal or scheduled sequence of installations, the Village Board may require, as a condition of approval of a proposed Planned Development, such devices to be provided at the developer's cost. A **traffic access and impact study** will be required if, in the opinion of the Village Engineer, the likely result of a planned development and related special use permit will be the daily generation of an additional three hundred (300) or more trips to or from the subject property. The Village Engineer's opinion shall be based on the average trip generation rates published by the institute of Traffic Engineers (ITE) in their most recent trip generation manual. The Village Engineer may also require a traffic access or impact study if access to a particular property is likely to cause a significant hazard or congestion due to the proximity to nearby access drives or intersections, or due to current traffic problems in the local area.
- M. Off-street parking is conveniently accessible to all dwelling units and other uses in the Planned Development. Where appropriate, common driveways, parking areas, walks, and steps to parking and service areas are to be screened through ample use of trees, shrubs, hedges, land forms and walls.
- N. A pedestrian circulation network is provided, along with a greenways plan to link bike paths and major open spaces within the plan area. Such vital links should be designed to connect with existing links in adjacent developments or properties.
- O. The Planned Development provides for underground installation of utilities (including electrical and telecommunications) in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm sewer facilities including grading, gutter, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the City as set forth in this Ordinance.
- P. The proposed Planned Development satisfies the applicable objectives as provided in Section 4.4.2.
- Q. Existing ponds, creeks, rivers, lakes, wetlands or fens on or adjacent the Planned Development are enhanced and protected from development.

4.4.5. Application Procedures. All Planned Developments shall be processed and reviewed in four steps leading to approval for recording and construction: pre-application conference, concept plan, preliminary development plan, and final development plan. Prior to beginning the Planned Development review process, the applicant is encouraged to obtain from the Village a copy of the Unified Development Ordinance, and application forms. Applications shall be made on forms supplied by the Village and shall be made in accordance with the provisions of this ordinance, except as specifically provided herein to the contrary.

A. PRE-APPLICATION CoNfERENCE. Before submitting an application for Planned Development, the applicant shall confer with the Village staff to informally discuss the proposed Planned Development to obtain information and guidance before entering into binding commitments or incurring substantial expense.

B. CoNCEPT PLAN.

1. An applicant shall submit a Concept Plan in accordance with the provisions of this Title to the Village for tentative review and approval prior to incurring the expenses associated with formal site plan submission in order to discover whether the Village will accept, or under what circumstances the Village will accept, a Planned Development of the type proposed at the site. The following items shall be required:

- a. Maps depicting the Concept Plan in general form, containing the proposed land uses, the natural features of the site, the character and approximate density of dwellings, and the approximate location of proposed thoroughfares and water, sewage, and drainage systems.
- b. A written statement shall contain a general explanation of the size and character of the Planned Development, including a statement of the present ownership of all the land within the Planned Development and expected schedule of construction.

2. The Plan Commission shall review the Concept Plan within thirty (30) days after receipt of such plan, and shall make informal recommendations to the City Staff and the applicant. A consensus in support of the Concept Plan does not guarantee approval of the preliminary development plan.

C. PRELIMINARY DEVELOPMENT PLAN AND PLAT.

1. The Preliminary Development Plan and Plat shall contain all items required for a Preliminary Subdivision Plat as enumerated in Article 4.5. The following additional items shall also be required:

- a. A plot plan for each building site and planned open area, showing the approximate location of all buildings, structures, and improvements and indicating the open space around the buildings and structures.
- b. A preliminary drawing indicating the architectural character of all proposed structures and improvements. The drawings need not to be the result of final architectural decisions and need not to be in detail.
- c. A development schedule indicating:
 - 1. The approximate date when construction of the project can be expected to begin.
 - 2. The stages in which the project will be built and the date when construction of each stage can be expected to begin;
 - 3. An estimate of when the development of each of the stages will be completed; and
 - 4. The area and locations of planned open space that will be provided at each stage.
 - 5. Proposed agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the Planned Development and any of its planned open space or other facilities (see Section 4.3.4(8)13).
 - 6. A list of all departures or variances from the district regulations and the subdivision design standards that will be necessary for the proposed Planned Development.
 - 7. A statement by the applicant demonstrating how the Planned Development conforms to the purpose and the standards and criteria of this Section.
 - 8. A traffic access and impact study indicating the proposed movement of vehicles, goods and pedestrians within the development to and from existing City thoroughfares.
 - 9. A comprehensive drainage plan with analysis of the impact that the development creates on the site and on the surrounding area.

2. The Plan Commission shall hold a public hearing after due public notice and review the Preliminary Development Plan and Plat and shall recommend whether it is in substantial compliance with the Concept Plan and whether it complies with all other standards in this Ordinance which were not considered when the Concept was approved.
3. Findings of fact related to the specific proposal shall be forwarded to the Village Board and shall set forth particularly in what respects the proposal would or would not be in the public interest, including, but not limited to, the following:
 - a. In what respects the proposed plan is or is not consistent with the stated purpose of the Planned Development regulations.
 - b. The extent to which the proposed Planned Development departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, area, bulk, use and the reasons why such departures are or are not in the public interest.
 - c. The extent to which the proposed Planned Development meets the requirements and standards set forth in this Section 4.4.
 - d. The physical design of the proposed Planned Development and the manner in which said design does or does not provide adequate control over vehicular traffic, provide for and protect designated planned open space and schools, and further the amenities of light and air, recreation and visual enjoyment.
 - e. The Planned Development's conformity with the recommendations of the Steward Comprehensive Plan.
4. Within thirty (30) days of the Plan Commission recommendation, the Village Board shall approve, or approve with modifications, or disapprove the Preliminary Development Plan and Plat.
5. No building permits shall be issued until a Final Development Plan and Plat has been reviewed by the Plan Commission and approved by the Village Board.

D. FINAL DEVELOPMENT PLAN AND PLAT.

1. Within one year following the approval of the Preliminary Development Plan and Plat, the applicant shall file with the Village a Final Development Plan and Plat for the first phase of development,

containing in final form any information required in the Preliminary Plan. The Final Development Plan and Plat shall also include all items required for a Final Subdivision Plat and final engineering as enumerated in Article 4.5. In addition, the following items shall be required:

- a. A final land use plat, suitable for recording with the Lee County Recorded of Deeds. The purpose of the Final Development Plat is to designate the land subdivided into lots as well as the division of other lands not so treated into planned open area and building areas, and to designate and limit the specific internal uses of each building or structures, as well as of the land in general.
 - b. If subdivided lands are included in the Planned Development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a subdivision plat.
 - c. An accurate legal description of each separate unsubdivided use area, including planned open space and retention areas. The location of such retention areas shall not be substantially relocated without the review and recommendation of the Plan Commission.
 - d. Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designated.
 - e. Final agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the Planned Development and any of its planned open space or other facilities conveyed to a homeowners association or similar organization.
 - f. Final development and construction schedule.
 - g. Final architectural elevations for all structures and amenities, such as fences and walls, street furniture, and the like.
2. The Final Development Plan shall be approved as follows:
- a. The Plan Commission shall, within thirty (30) days of receiving a Final Development Plan and Plat application, recommend approval if it is in substantial compliance with the Preliminary Development Plan. The Plan Commission shall certify to the Village Board that the Final Development Plan is in conformity with the previously filed Preliminary Development Plan and meets all the requirements for a Final Development Plan and Plat.

- b. Prior to Plan Commission consideration, if the Village Staff finds that the Final Development Plan does not substantially conform to the Preliminary Development Plan or that it does not meet the requirements for a Final Development Plan, the staff shall so notify the applicant in writing within thirty (30) days of receipt of a proposed Final Development Plan.
 - c. The Village Board shall approve the Final Development Plan and Plat if it is in conformance with the Preliminary Development Plan and meets all the requirements for a Final Development Plan. It shall pass an appropriate ordinance granting the Special Use Permit.
- E. **CoMBINED PRELIMINARY AND FINAL DeVELOPMENT PLAN.** The Village may consider a combined application for preliminary and final development plan and plat approval. In such instance the final development plan shall include all of the information required of a preliminary development plan and a final development plan.

4.4.6. Administration of Planned Developments.

- A. **FAILURE TO BEGIN DEVELOPMENT.** If no substantial construction has begun or no use established in the Planned Development within the time stated in the approved final development plan and construction schedule, the Special Use Permit for the Planned Development shall lapse upon written notice to the applicant from the Village Engineer and shall be of no further effect. The land use and development regulations applicable before the Special Use Permit for Planned Development was approved shall then be in effect. In its discretion and for good cause, the Village Board may extend for a reasonable time, not to exceed one (1) year, the period for the beginning of construction or the establishment of a use, provided such extension is granted during the original period.
- B. **PERMITS.**
- I. The Zoning Administrator shall approve the issuance of permits for site or building construction for that part of the development plan that has been approved in the area covered by the approved Final Development Plan for work in conformity with the approved Final Development Plan and with all other applicable ordinances and regulations.
 - 2. A certificate of occupancy for any completed building or structure located in an area covered by the approved Final Development Plan shall be issued if the completed building or structure conforms to the requirements of the approved Final Development Plan and all other

applicable regulations and ordinances of the Village. The Village reserves the right to deny approval of an occupancy permit for any building or structure shown on the Final Development Plan of any stage of the Planned Development if any planned open space or public facilities allocated to that stage of the development have not been conveyed by dedication, deed or other means to the proper authorities.

C. ENFORCEMENT OF DEVELOPMENT SCHEDULE.

1. The Zoning Administrator shall periodically review all permits issued for the Planned Development, examine all construction that has taken place on the Planned Development site, and compare actual development with the approved development schedule.
2. If the Zoning Administrator shall find that the owners of the property in the Planned Development area have failed to meet the approved development schedule, or that the rate of construction of dwelling units is greater than the rate at which planned open space and public and recreational facilities have been constructed and provided, the Zoning Administrator shall notify the City Manager in writing.
3. Within thirty (30) days of such notice, the Village Board shall either revoke the Special Use Permit, and the land shall revert to its former classification, or, for good cause shown by the landowner, the limits of the development schedule shall be extended for a reasonable time.

D. AMENDING THE FINAL DEVELOPMENT PLAN. No changes may be made to the approved Final Development Plan during the construction of the Planned Development except upon the application to the Plan Commission under the following procedures:

1. Minor changes in the location, siting and height of buildings and structures may be authorized by the Village Engineer or Zoning Administrator if required by engineering or other circumstances not foreseen at the time the Final Development Plan was approved. No change authorized by this Section may increase the cube of any building or structure by more than ten-percent (10%).
2. All other changes, in time schedule and in use, any rearrangement of lots, blocks and building tracts, any changes in the provision of planned open space and all other changes in the approved Final Development Plan shall be made by the Village Board, upon recommendation of the Plan Commission, under the procedure authorized by this Title for approval of the Special Use Permit.
3. Any changes approved shall be recorded as amendments to the recorded copy of the Final Development Plan.

E. POST-COMPLETION REGULATIONS.

1. Upon completion of the Planned Development, and as a condition of the Village's acceptance of the final public improvements, the Zoning Administrator and Village Engineer shall certify said Planned Development has been completed in accordance with the approved Final Development Plan.
2. After said Certification has been issued, the uses of land and construction, modification or alteration of any buildings or structures within the Planned Development shall be governed by any other provision of this Title.
3. After said Certification has been issued, no changes may be made in the approved Final Development Plan except upon application to the City under the procedures for seeking changes or amendments, Special Uses and variations with respect to the Steward Unified Development Ordinance, as set out in this Title.

ARTICLE XI. NON-CONFORMING LOTS, STRUCTURES AND USES*

* Cross References: Buildings and building regulations, Ch. 18.

Sec. 70-721. Purpose of article.

The requirements imposed by this chapter are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the overtaxing of parking facilities, the emission of noxious fumes or excessive noise, and/or the lowering of property values. The regulations of this article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.

Sec. 70-722. Non-conforming lot.

Any vacant lot that does not conform to one or more of the lot size (area, dimensions) requirements of the district in which it is located may be used in the manner indicated in sections 70-723 and 70-724 if such vacant lot:

- (1) Is of record on the date of the adoption of amendment of this chapter; and

- (2) Has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by any applicable zoning or other ordinances; and
- (3) Is at least 30 feet wide.

Sec. 70-723. Residential districts.

In any residential district one single-family dwelling and related accessory structures, but no other use, may be erected on any vacant nonconforming lot of the type described in section 70-722, provided that all the bulk regulations of the particular district are observed.

Sec. 70-724. Commercial and industrial districts.

In any industrial district and in the commercial district any structure permitted in the particular district may be erected on any vacant nonconforming lot of the type described in section 70-722 if the bulk requirements of that district are met.

Sec. 70-725. Two or more lots in common ownership.

If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of the ordinance from which this chapter is derived, and if one or more of those lots does not meet the minimum lot width, depth, and requirements of the district in which it is located, the land involved shall be considered an individual parcel. No portion of any such parcel shall be developed except in compliance with this chapter, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this chapter.

Sec. 70-726. Non-conforming structures.

Any lawful structure which exists on the effective date of the ordinance from which this chapter is derived but which could not be erected under terms of this chapter because of restrictions on lot size, height, setbacks, or other characteristics of the structure or its location on the lot may lawfully remain, subject to the following provisions:

- (1) *Enlargement; alterations.* No such structure shall be enlarged or altered in any way which increases its nonconformity.
- (2) *Relocation.* No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.
- (3) *Reconstruction.* No such structure which is destroyed or damaged by any means shall be reconstructed if the administrator determines that the cost of such reconstruction exceeds 50 percent of the structure's market value at the

time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. If the administrator determines the estimated cost of reconstruction is less than 50 percent of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided that such work starts within six months from the date the damage occurred and is diligently prosecuted to completion. The administrator may require that the reconstruction costs estimate be made by a bonafide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the administrator.

- (4) *Exemption.* Single-family dwellings shall be exempt from the provisions of this section, provided that the area-bulk regulations of the applicable zone district are complied with.

Sec. 70-727. Nonconforming uses occupying a structure.

If any lawful use occupying a structure exists on the effective date of the ordinance from which this article is derived but would not be allowed under the terms of this chapter, such use may lawfully continue, subject to the following provisions:

- (1) *Maintenance.* Any structure housing a nonconforming use may be maintained through ordinary repairs.
- (2) *Enlargement, alteration, reconstruction, relocation.* No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed, or relocated unless the use of the structure is changed to a permitted use.
- (3) *Extension of use.* No nonconforming use may be extended to any parts of the structure not intended or designed for such use, nor shall the nonconforming use be extended to occupy any land outside such structure.
- (4) *Change of use.* A nonconforming use occupying a structure shall not be changed except to a use permitted under the applicable district regulations.
- (5) *Discontinuance of use.* When a nonconforming use of a structure, or of a structure and premises in combination, is discontinued for 12 consecutive months or for 18 months during any three-year period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of a discontinuance.
- (6) *Single-family dwellings.* Single-family dwellings shall be exempt from the provisions of this section.

Sec. 70-728. Nonconforming uses of land.

Any lawful use of land existing on the effective date of the ordinance from which this article is derived that would not be permitted under the terms of this chapter may lawfully continue, subject to the following provisions:

- (1) *Intensification or extension of use.* A nonconforming use of land shall not be intensified or extended to occupy a greater area of land than was occupied by such use on the effective date of the ordinance from which this article is derived.
- (2) *Relocation.* No nonconforming use of land shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.
- (3) *Change of use.* A nonconforming use of land shall not be changed except to a use that is permitted under the applicable district regulations.
- (4) *Discontinuance.* When a nonconforming use of land is discontinued for a period of 12 consecutive months, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

Sec. 70-729. Non-conformities under permit authority.

The regulations of this article shall not apply to any change in any existing structure or to any change in the use of a structure or of land for which a permit was issued prior to the effective date of the ordinance from which this chapter is derived or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

(Ord. No. 95-4, § 8-6, 4-12-1995)

STATE LAW REFERENCE TABLE

This table shows the location within this Code, either in the text or notes following the text, of references to the Illinois Compiled Statutes.

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	425/83	2-91
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105	5/35-8	70-469
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ORDINANCE 09112012
PROVIDING FOR THE ADOPTION OF
VILLAGE OF STEWARD BUILDING CODE AND
REPEALING PREVIOUS ORDINANCES

WHEREAS, ON THE 11th Day of September, 2012, the President and Board of Trustees of the Village of Steward, County of Lee, State of Illinois, did adopt Ordinance 09112012 which provided for the adoption of Building Code for the Village of Steward and

WHEREAS, the President and Board of Trustees of the Village of Steward have determined that it is necessary to update and adopt Building Code for the Village of Steward.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Steward, County of Lee, State of Illinois, that the following Building Codes and Standards shall be the Building Code for the Village of Steward.

1. **The BOCA National Building Code, 2005 Edition**, except as amended is this article, is hereby adopted and incorporated by reference as if set forth verbatim in this article:

The following amendments are made to the BOCA National Building Code, 2005

A. *Section 101.1 Title*, is amended to read as follows:

101.1 Title: These regulations shall be known as the Building Code of the Village of Steward, Illinois hereinafter referred to as "this code."

B. *Section 1014.6, Treads and Risers, Exceptions, 8.*, is amended as follows:

. . . the maximum riser height shall be 8 $\frac{1}{4}$ inches (210 mm) and the minimum tread depth shall be 9 inches (229 mm).

C. *Chapter 29 Plumbing Systems*, is deleted.

2. **The International Residential Code for One- and Two-Family Dwellings, 2000 Edition**, except as amended in this article, is hereby adopted and incorporated by reference as if set forth verbatim in this article: Further, the following appendices are hereby adopted by reference: Appendix G, Swimming Pools, Spas and Hot Tubs, Appendix H, Patio Covers, and Appendix J, Existing Buildings and Structures.

The following amendments are made to the International One- and Two-Family Dwelling Code:

A. *Section R105.2 Work Exempt From Permit*, items 1. and 2., are hereby deleted

B. *Section R314.2 (Stair Geometry)*, is amended as follows:

The maximum riser height shall be 8 $\frac{1}{4}$ inches (210 mm) and the minimum tread depth shall be 9 inches (229 mm).

- C. *Section 317.2 Power Source (for Smoke Detectors)* is hereby amended to delete the following sentence: Smoke alarms shall be permitted to be batter operated when installed in buildings without commercial power or in buildings that undergo alterations, repairs or additions regulated by Section R317.1.1.
- D. *Table N1101.2, Climate Zones by State and Counties*, is hereby amended to place Lee County in Climate Zone 13, provided, however, that the minimum insulation R-value for walls shall be R-13, and for basement walls shall be R-0.
- C. *Section 317.2 Power Source (for Smoke Detectors)* is hereby amended to delete the following sentence: Smoke alarms shall be permitted to be batter operated when installed in buildings without commercial power or in buildings that tmdergo alterations, repairs or additions regulated by Section R317.1.1.
- D. *Table N1101.2, Climate Zones by State and Counties*, is hereby amended to place Lee County in Climate Zone 13, provided, however, that the minimum insulation R-value for walls shall be R-13, and for basement walls shall be R-0.


The following sections of the International One- and Two-Family Dwelling Code are hereby deleted:

- E. Chapter 3, Section R306, Sanitation
- F. Chapter 3, Section R307, Toilet, Bath and Shower Spaces
- G. Chapter 20, Section M2004, Water Heaters Used for Space Heating
- H. Chapter 20, Section M2005, Water Heaters
- L Chapters 25 through 32, in their entirety

3. **The BOCA National Mechanical Code, 2005 Edition**
4. **The National Electric Code, 2005Edition**
5. **The Illinois State Plumbing Code, 2005 Edition**


SECTION THREE: This Ordinance shall be m full force and effect upon its adoption by the Board of Trustees of the Village of Steward, Illinois.

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STEWARD THIS 11th DAY OF SEPTEMBER, 2012, A.D.



 President, Village of Steward Board of Trustees

ATTEST:



 Village Clerk

