

VILLAGE CODE

of

ASHMORE

ILLINOIS

2010

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CHAPTER 1

ASHMORE VILLAGE CODE

SECTION:

- 1-1-1: Title
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1-1-1: TITLE:

Upon adoption by the village board of trustees, this code is hereby declared to be and shall hereafter constitute the official village code of Ashmore. This code of ordinances shall be known and cited as the *ASHMORE VILLAGE CODE* and is hereby published by authority of the board of trustees and shall be supplemented to incorporate the most recent legislation of the village as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title headings, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this code by title in any legal documents. (2010 Code)

1-1-2: ACCEPTANCE:

The village code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of the state as the ordinances of the village of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title. (2010 Code)

1-1-3: AMENDMENTS:

Any ordinance amending this code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the village code. (2010 Code)

1-1-4: CODE ALTERATIONS:

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this code in such a manner that the meaning of any phrase or order may be

changed or omitted. Said code, while in actual possession of officials and other interested persons, shall be and remain the property of the village and shall be returned to the office of the village clerk when directed so to do by order of the village board of trustees. (2010 Code)

CHAPTER 2

SAVING CLAUSE

SECTION:

- 1-2-1: Repeal Of General Ordinances
- 1-2-2: Public Ways And Public Utility Ordinances
- 1-2-3: Court Proceedings
- 1-2-4: Severability Clause !2R!

1-2-1: REPEAL OF GENERAL ORDINANCES:

All general ordinances of the village passed by the president and board of trustees prior to the adoption of this code are hereby repealed, except such as are included in this code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed:

- A. Tax levy ordinances.
- B. Appropriation ordinances.
- C. Ordinances relating to boundaries and annexations.
- D. Franchise ordinances and other ordinances granting special rights to persons or corporations.
- E. Contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants.
- F. Salary ordinances.
- G. Ordinances establishing, naming or vacating streets, alleys or other public places.
- H. Improvement ordinances.
- I. Bond ordinances.
- J. Ordinances relating to elections.
- K. Ordinances relating to the transfer or acceptance of real estate by or from the village.
- L. All special ordinances. (2010 Code)

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

No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this code or by virtue of section 1-2-1 of this

chapter, excepting as this code may contain provisions for such matters, in which case, this code shall be considered as amending such ordinance or ordinances with respect to such provisions only. (2010 Code)

1-2-3: COURT PROCEEDINGS:

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

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

C. Current Pending Actions: Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the village herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the village under any ordinance or provision thereof in force at the time of the adoption of this code. (2010 Code)

1-2-4: SEVERABILITY CLAUSE:

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this code, or any codes or portions of codes adopted herein by reference, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any codes or portions of codes adopted herein by reference. The village board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or

ineffective. (2010 Code)

CHAPTER 3

DEFINITIONS; INTERPRETATION

SECTION:

- 1-3-1: General Rules Of Interpretation
- 1-3-2: General Definitions
- 1-3-3: Catchlines !2R!

1-3-1: GENERAL RULES OF INTERPRETATION:

A. Liberal Construction: 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 president and board of trustees may be fully carried out.

B. Minimum Requirements: In the interpretation and application of any provision of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare.

C. Computation Of Time: Whenever a notice is required to be given or an act to be done in a certain length of time before any proceeding shall be held, the day on which such notice is given or such act is done shall not be counted in computing the time, but the day on which such proceeding is to be held shall be counted.

D. 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.

E. Gender: A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

F. Joint Authority: All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

G. May; Shall: The word "may" is permissive; the word "shall" is mandatory.

H. Nontechnical And Technical Words: Words 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.

I. Number: A word importing the singular number only may extend

and be applied to several persons and things as well as to one person and thing.

J. Officers And Employees Generally: Whenever any officer or employee is referred to by title only, such reference shall be construed as if followed by the words "of the village of Ashmore".

K. Tense: Words used in the past or present tense include the future as well as the past and present.

L. Ordinance: The word "ordinance" contained in the ordinances of the village has been changed in the content of this code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to village ordinances is not meant to amend passage and effective dates of such original ordinances. (2010 Code)

1-3-2: GENERAL DEFINITIONS:

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

!DEF! AGENT: A person acting on behalf of another with authority conferred, either expressly or by implication.

BOARD OF TRUSTEES: Unless otherwise indicated, the village board of trustees of the village of Ashmore.

CODE: The village code of the village of Ashmore.

COUNTY: The county of Coles, state of Illinois.

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

NUISANCE: Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the village, or any activity which, by its perpetuation, can reasonably be said to have a detrimental effect on the property of a person or persons within the community.

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

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

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

OWNER: As applied to a building or land, shall include any part

owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

PERSON: Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

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

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

RIGHT OF WAY: The privilege of the immediate use of the roadway or other property.

STATE: The state of Illinois.

STREET: Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

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

VILLAGE: The village of Ashmore, county of Coles, state of Illinois.

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

WRITTEN, 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 on any official or public writing or bond, it shall be in the proper handwriting of such person or, in case such person is unable to write, by such person's proper mark. (2010 Code) !DEFEND!

1-3-3: CATCHLINES:

The catchlines of the several sections of the village code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (2010 Code)

CHAPTER 4

GENERAL PENALTY

SECTION:

1-4-1: General Penalty

1-4-2: Application Of Provisions

1-4-3: Collection Of Fines, Attorney Fees And Court Costs !2R!

1-4-1: GENERAL PENALTY¹:

A. General Penalty Imposed:

1. Unless specifically provided elsewhere in this code or state statute, any person found to have been in violation of any of the terms and provisions of this code shall be fined in an amount not to exceed seven hundred fifty dollars (\$750.00). No imprisonment for failure to pay such fine, penalty or cost shall exceed six (6) months for each offense. Each day that a violation continues shall be deemed to be a separate offense.

2. A penalty for each offense may include a requirement that the offending party perform some reasonable public service work such as, but not limited to, picking up litter in public parks or upon public highways or performing maintenance of public facilities. A violation hereof may be established by a preponderance of the evidence.

B. Acts Consistent With Criminal Laws Of State: If, by the terms of an ordinance, an act that would be consistent with the criminal laws of the state is declared to be a misdemeanor, the penalty therefor shall be for a period of incarceration in a penal institution other than the penitentiary not to exceed six (6) months. The matter shall be prosecuted under the rules of criminal procedure of the state, and the village shall be required to establish guilt beyond a reasonable doubt.

C. Limitation; Compliance With Statute: The provisions of subsection A of this section notwithstanding, no penalty shall be greater than that established by state statute for the same offense. (2010 Code)

1-4-2: APPLICATION OF PROVISIONS:

A. Application Of Penalty: The penalty provided in this chapter shall be applicable to every section of this code the same as though it were a part of each and every separate section.

1. 65 ILCS 5/1-2-1, 5/1-2-1.1.

B. 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.

C. Breach Of Provisions: Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (2010 Code)

1-4-3: COLLECTION OF FINES, ATTORNEY FEES AND COURT COSTS:

In all prosecutions of village ordinances, whether the village ordinance exists now or is hereafter enacted and in which a fine or penalty is provided and in which the court actually imposes a fine or penalty against the person in violation of the village ordinance, as aforesaid, said person will be required to pay and is hereby required to pay for violation of any ordinance, whether existing now or passed in the future, all expenses of collection required to be expended by the village as well as attorney fees and expenses required to be incurred by the village in the prosecution of any such ordinance. (2000 Code § 1.13)

CHAPTER 5

OFFICIAL AND CORPORATE PROVISIONS

SECTION:

- 1-5-1: Passage And Approval Of Ordinances, Resolutions And Motions
- 1-5-2: Access To Public Records
- 1-5-3: Local State Of Emergency

1-5-1: **PASSAGE AND APPROVAL OF ORDINANCES, RESOLUTIONS AND MOTIONS:**

- A. Public Inspection: Ordinances to be considered by the Board of Trustees shall, prior to final action, be placed on file for final inspection for a period of not less than twenty one (21) days, provided however, the filing and inspection period provided for herein may be waived and the ordinance adopted without advanced filing or inspection in the event the board of trustees agrees by a unanimous vote of all of those in attendance to (a) waive the period of public inspection and (b) adopt the proposed ordinance.
- B. Publication:
 - 1. All ordinances imposing any fine, penalty, imprisonment, or forfeiture, or making any appropriation shall: a) be printed or published in book or pamphlet form, published by authority of the Corporate Authorities, or b) be published at least once within thirty (30) days after passage in one or more newspapers published in the Village, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the Village. No such ordinance shall take effect until ten (10) days after it is so published unless otherwise provided by statute.
 - 2. Ordinances establishing rules and regulations for the construction of buildings or any part thereof, where those rules and regulations have been previously printed in book or pamphlet form, may, by their terms, provide for the adoption of the rules and regulations, or portions thereof, by reference thereto, without further printing or publication, if not less than three (3) copies of the

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rules and regulations in book or pamphlet form have been filed in the Office of the Village Clerk for use and examination by the public at least thirty (30) days prior to the adoption thereof.

3. All other ordinances, resolutions, and motions shall take effect upon their passage unless otherwise provided.
- C. **Exception To Publication:** Any ordinance that contains a statement of its urgency in the preamble or body thereof, other than an ordinance pertaining to the finances of the Village, may take effect immediately upon its passage; provided, that the Corporate Authorities, by a vote of two-thirds ($\frac{2}{3}$) of all the members then holding office, so direct.
- D. **Recordation:** The Village Clerk shall record in a book used exclusively for that purpose all ordinances passed by the Corporate Authorities. Immediately following each ordinance, the Village Clerk shall make a memorandum of the date of passage and of the publication or posting, where required, of the ordinance. (Ord. 082812, 10-23-2012; amd. Ord. 022718B, 3-27-2018; Ord. 21-0211B, 3-4-2021)

1-5-2: ACCESS TO PUBLIC RECORDS:

A. Purpose:

1. This section is established to implement the provisions of the Freedom of Information Act, supplement to 5 Illinois Compiled Statutes 140/1.
2. The purpose of this section is to support the policy of providing public access to the public records in the possession of the Village, at the same time protecting legitimate privacy interests and maintaining administrative efficiency.
3. This section creates a procedure by which the public may request and obtain public records.

B. Definitions: Terms used in this section shall have the same meanings as in the Freedom of Information Act.

FOIA: The Freedom of Information Act.

REQUESTER: A person who submits a request for public records in accordance with this section.

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- C. Requests To Village Clerk: Requests for public records shall be submitted to the Village Clerk. (2000 Code § 1.12)
- D. Forms And Contents:
1. Requests must be made in accordance with the FOIA. Such requests shall be submitted in a written document as defined by the FOIA.
 2. The requester shall provide the following information in a request for public records:
 - a. A description of the public records, being as specific as possible.
 - b. Whether the request is for inspection of public records, copies, or both.
 - c. Whether or not the request is for commercial purposes.
- E. Responses To Requests:
1. A designated FOIA officer of the village shall respond to a written request for public records in compliance with the FOIA.
 2. When additional time is required to comply with a request, for reasons allowable by the FOIA, the village shall follow the provisions of the FOIA regarding extensions.
 3. Upon approval of a request for public records, the designated FOIA officer may either make available the materials, give notice that the materials shall be made available upon payment of allowable costs or give notice of the time and place for inspection of records.
 4. A denial of request for public records shall be made in writing and according to the provisions set forth in the FOIA. It shall state the reasons for the denial in accordance with the FOIA and the names and titles of individuals responsible for the decision. It shall also give notice of the requester's right(s) and provide information regarding the right to review by the public access counselor and the right to judicial review as required by the FOIA.
 5. Categorical requests creating an undue burden shall be responded to as directed by the FOIA.
- F. Inspection Of Records: Unless otherwise agreed, the inspection of records shall take place at the village clerk's office during regular operating hours.

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Documents of which the requester wishes to make copies shall be segregated during the course of the inspection. An employee of the village may be present throughout the inspection of any file. A requestor may be prohibited from bringing bags, briefcases, or other containers into the inspection area.

G. Charges For Copies:

1. Copies of public records shall be provided to the requestor only upon payment of any charges which are due. Charges for copies of public records shall be in accordance with the fees allowed by the FOIA and consistent with the fee schedule of the village clerk.

2. Charges may be waived or reduced in any case where the freedom of information officer determines that the waiver serves the public interest. (Ord. 022514C, 3-25-2014)

1-5-3: **LOCAL STATE OF EMERGENCY:**

A. 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:

CURFEW: A prohibition against any person walking, running, loitering, standing or motoring upon any street, alley, highway, public property or vacant premises within the corporate limits of the village except officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

EMERGENCY:

a. A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or

b. Any natural disaster, epidemic, or manmade calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the city, resulting in or threatening the death or injury of persons or the destruction of property to such an

extent that extraordinary measures must be taken to protect the public health, safety, and welfare.

- B. Declaration: Whenever an emergency, as defined in subsection A. of this section exists, the Village President is authorized to declare the existence of a Local State of Emergency by means of a written declaration of the Village President, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a Local State of Emergency exists in accordance with the definitions set forth in this section. This declaration must be filed with the municipal clerk as soon as practicable after issuance.
- C. Curfew Authorized: After the proclamation of a Local State of Emergency by the Village President, he or she may order a general curfew applicable to the Village as a whole or such geographical areas of the Village as he or she deems reasonable and advisable. Such curfew would be applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.
- D. Orders Authorized: After the proclamation of a Local State of Emergency, the Village President may also, in the interest of public safety and welfare, and to address the issues caused by the emergency, may take any or all of the following actions by executive order during the state of emergency:
1. All actions reasonably necessary to respond to the emergency;
 2. Approve previously appropriated expenditures of the Village for the purpose of continuing the operations of the municipality; and
 3. In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the Village President shall be authorized to approve new spending by the Village during the existence of the Local State of Emergency.
 4. Temporarily postpone any/all meetings of the Village Board of Trustees and any Village committee or other Village body as deemed appropriate by the Village President.
 5. Issue any and all such other orders or undertake such other functions and activities as the Village President reasonably believes are required to protect the health, safety, and welfare of persons or property within the Village or otherwise preserve the public peace or abate, clean up, or mitigate the effects of any emergency or disaster.

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- E. Duration: The declaration herein authorized shall be effective for a period of up to 21 days or until the adjournment of the next regular or special meeting of the Board of Trustees, whichever comes first, unless sooner terminated by a proclamation of the Village President or his/her interim emergency successor, indicating that the civil emergency no longer exists. The Village President or his/her interim emergency successor shall have the power to re-proclaim the existence of an emergency at the end of each 21-day period during the time said emergency exists.
- F. Notice: Upon issuing the proclamation herein authorized, the municipal clerk shall notify the news media which serves the Village and shall cause at least three copies of the proclamation declaring the existence of the emergency and any curfew to be posted at the following places within the Village: the municipal office, the post office, and in the area of any curfew.
- G. Violations: Any person violating the provisions of this section or executive orders issued pursuant hereto shall be guilty of an offense against the Village and shall be punished as provided in section 1-4-1 of the Ashmore Village Code.
- H. Effect On Other Ordinances: Nothing contained in this section shall be construed to impair the powers contained in this Code, giving powers to law enforcement and fire protection agencies, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the Village. (Ord. 20-324, 3-24-2020)

CHAPTER 6

VILLAGE PRESIDENT AND BOARD OF TRUSTEES

SECTION:

- 1-6-1: Salaries
- 1-6-2: Meetings And Rules
- 1-6-3: Committees

1-6-1: **SALARIES:**

- A. President: The Village President fulfilling his/her first majority term as President shall receive one hundred dollars (\$100.00) per meeting as compensation for attending regularly scheduled and special meetings of the Board of Trustees. The Village President in his/her second majority term as President shall receive one hundred fifty dollars (\$150.00) per meeting as compensation for attending regularly scheduled and special meetings of the Board of Trustees. The Village President in his/her third majority term as President shall receive two hundred dollars (\$200.00) per meeting as compensation for attending regularly scheduled and special meetings of the Board of Trustees. The Village President in his/her subsequent term(s) as President shall receive two hundred fifty dollars (\$250.00) per meeting as compensation for attending regularly scheduled and special meetings of the Board of Trustees. The compensation tiers apply to any individual holding the Office of Village President, regardless of whether the individual was elected into the position or appointed to fill a vacancy. The defined term for Village President is four (4) years; a majority term would be at least two (2) years and one day.
- B. Trustees: The Village Trustees shall receive seventy five dollars (\$75.00) per meeting as compensation for attending regularly scheduled and special meetings of the Board of Trustees. (Ord. 18-0724, 8-28-2018)

1-6-2: **MEETINGS AND RULES:**

- A. Regular Meetings: Meetings of the Board of Trustees shall be held on the fourth Tuesday of each month at six o'clock (6:00) P.M.

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- B. Special Meetings: Special meetings shall be called by the President of the Board of Trustees, or by any three (3) members of the Board of Trustees, whenever in his or their discretion it may be deemed necessary, in which event, it shall be the duty of the Village Clerk to cause the President and each member of the Board of Trustees to be given notice of such special meeting by telephone, registered mail, or in person.
- C. Location: All meetings shall be held in the Municipal Office, 10 W. Ashmore St., (Letter C), Ashmore, Illinois or at such other place as may be required.
- D. Quorum:
1. No business shall be transacted by the Board unless the President and at least three (3) of the Trustees shall be present, or in the absence of the President, four (4) of the Trustees must be present in order to conduct business or take action.
 2. The President shall take the chair at the hour appointed for meeting and call the members to order. In the event that a quorum of members is not present, the President may telephone the missing members and order their attendance.
- E. Voting: Every member present when a question is put shall vote aye or nay unless a conflict of interest exists, then he shall announce his abstention from voting. The yeas and nays shall be called and recorded upon all ordinances and upon all motions and resolutions at the request of the President or Trustee. All ordinances and resolutions voted upon by the President and Trustees shall be signed by such persons voting, and shall signify how those persons voted.
- F. Order Of Business: At all regular meetings of the President and Board of Trustees, the order of business shall be as follows:
1. Call to order.
 2. Guests.
 3. Reports.
 4. Unfinished business.
 5. New business.
 6. Committee reports.
 7. Adjournment. (2000 Code § 1.03; amd. 2010 Code; Ord. 22-0125B, 3-22-2022; Ord. 23-0124, 1-24-2023)

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1-6-3: **COMMITTEES:**

A. Composition: All committees shall consist of four (4) members to be appointed by the President unless otherwise decided.

B. Standing Committees: The standing committees shall be:

Claims
 Drainage
 Emergency Preparedness
 Finance
 Health
 Ordinances
 Personnel
 Police
 Recreation and Parks
 Street and Alley
 Tree Board
 Water

C. Appointment; Chairperson: Committee members shall be appointed by the President at the first regular meeting in May; the first appointed upon each committee to act as Chair thereof, except the President shall chair the Finance and Police Committees. (Ord. 022514B, 3-25-2014)

1-6-4: **RULES FOR ELECTRONIC ATTENDANCE OF PUBLIC MEETINGS:**

A. Rules Statement: It is the decision of the Village of Ashmore that any member of the Board of Trustees may attend any open or closed meeting of the Board of Trustees via electronic means (such as by telephone, video or internet connection) provided that such attendance is in compliance with these rules and any applicable laws.

B. Prerequisites: A member of the Board of Trustees may attend a meeting electronically if the member meets the following conditions:

1. The member should notify the Clerk at least four (4) hours before the meeting, unless impractical, so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements will result in denial of a request for remote attendance.

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

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- a. The member cannot attend because of personal illness or disability;
or
- b. The member cannot attend because of employment purposes or the business of the Village of Ashmore; or
- c. The member cannot attend because of a family or other emergency.

C. Authorization To Participate:

1. The Clerk, after receiving the electronic attendance request, shall inform the Corporate Authority of the request for electronic attendance.

2. After establishing that there is a quorum is physically present at a meeting where a member of the Board of Trustees desires to attend electronically, the presiding officer shall state that (i) a notice was received by a member of the Board of Trustees in accordance with these Rules, and (ii) the member will be deemed authorized to attend the meeting electronically unless a motion objecting to the member's electronic attendance is made, seconded, and approved by two-thirds of the members of the Board of Trustees physically present at the meeting. If no such motion is made and seconded or if any such motion fails to achieve the required vote by the members of the Board of Trustees physically present at the meeting, then the request by the member to attend the meeting electronically shall be deemed approved by the Board of Trustees and the presiding officer shall declare the requesting member present. After such declaration by the presiding officer, the question of a member's electronic attendance may not be reconsidered.

- D. Adequate Equipment Required: The member participating electronically and other members of the Board of Trustees must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing electronic attendance at any meeting, the Board of Trustees shall provide equipment adequate to accomplish this objective at the meeting site.
- E. Minutes: Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting if the member is allowed to attend. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.
- F. Rights Of Remote Member: A member permitted to attend electronically will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The

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member attending electronically shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any member attending electronically shall be called during any vote taken, and his or her vote counted and recorded by the Clerk and placed in the minutes for the corresponding meeting. A member attending electronically may leave a meeting and return as in the case of any member, provided the member attending electronically shall announce his or her leaving and returning.

- G. Committees, Boards And Commissions: These rules shall apply to all committees, boards and commissions established by authority of the Board of Trustees. (Ord. 22-0125B, 3-22-2022)

CHAPTER 7

VILLAGE OFFICERS AND PERSONNEL

SECTION:

- 1-7-1: Village Officers Enumerated
- 1-7-2: Oath And Bond
- 1-7-3: Vacancies In Office
- 1-7-4: Inspection Of Books And Records
- 1-7-5: Equal Employment Opportunity
- 1-7-6: Deputy President !2R!

1-7-1: VILLAGE OFFICERS ENUMERATED:

The Village officers shall be a board of six (6) Trustees and a President, who shall be elected in accordance with the law, and a Clerk, a Treasurer and Deputy President (who shall be 1 of the 6 Trustees) each of whom shall be appointed by the President, with approval of the Board of Trustees, every two (2) years in April after the election. (Ord. 052416B, 6-28-2016)

1-7-2: OATH AND BOND:

A. Oath: Before entering upon the duties of their respective offices, all Village officers, whether elected or appointed, shall take and subscribe the oath as required by law.

B. Bond: Before entering upon the duties of their respective offices, all Village officers, except Trustees, shall execute a bond with security to be approved by the Board of Trustees. The bonds of the Village officers shall be conditioned that they will faithfully discharge the duties of their respective offices and account for and pay over all monies and other property received of them on account of the Village, and the President and Board of Trustees may at any time require a new bond to be executed by any Village officer if, from any cause, they shall deem the old bond or the sureties thereof to be insufficient. (2000 Code § 1.04)

1-7-3: VACANCIES IN OFFICE:

If any Village officer shall move from the Village, his office shall be declared vacant. All vacancies shall be filled by the Village President, upon approval of the Board of Trustees. (2000 Code § 1.04; amd. 2010 Code)

1-7-4: INSPECTION OF BOOKS AND RECORDS:

The public records pertaining to the Village or any Village officer, unless prohibited by law or order of court, shall, at

all reasonable times, be subject to inspection and examination by the Village President and Board of Trustees. (2000 Code § 1.04; amd. 2010 Code)

1-7-5: EQUAL EMPLOYMENT OPPORTUNITY:

A. All employees are selected on the basis of merit, character, training, experience, physical fitness, and compliance with applicable retirement and pension plan requirements. It is the policy of the Village not to discriminate against a person because of race, color, religion, gender, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, unfavorable discharge from the military service, citizenship status, or other protected characteristic. Every person will be given an equal opportunity for employment with the Village, and the Village shall comply strictly with all State and Federal labor laws and legislation. (2000 Code § 1.11; amd. 2010 Code)

B. The Village will, at all times, ensure that employees are treated equally in personnel actions, including, but not limited to, promotions, upgrading, employee development and training, demotions, transfers, layoffs, terminations, job classifications, pay scaling, and participation in recreational and educational activities.

C. The Village will post, in conspicuous places available to employees and applicants for employment, notices to be provided setting forth the provisions of this section.

D. The Village shall keep such records concerning the relevant characteristics of applicants for employment and employees, and shall, upon request, submit reports of same to appropriate State and Federal agencies. (2000 Code § 1.11)

1-7-6: DEPUTY PRESIDENT:

In case of a temporary absence or disability of the Village President incapacitating him or her from the performance of his or her duties, the Village Deputy President shall perform the duties and possess all the rights and powers of the Village President. When acting in the capacity of the President, the Deputy President will receive compensation allotted to the President by this Code. The Deputy President shall maintain the right to vote in his or her capacity as a Village Board member, but shall not be entitled to another vote as the Deputy President. The Village Deputy President shall hold office until a successor is duly named and approved by the Village Board. The Village President may remove the Deputy President at any time by naming, with the advice and consent of the Village Board, a successor. (Ord. 052416B, 6-28-2016)

CHAPTER 8

VILLAGE FINANCES

SECTION:

- 1-8-1: Municipal And Fiscal Years
- 1-8-2: Purchases And Public Works Contracts

1-8-1: **MUNICIPAL AND FISCAL YEARS:**

The municipal and fiscal years of the village for all purposes shall begin on May 1 and end on April 30 of the following year. (2000 Code § 1.01)

1-8-2: **PURCHASES AND PUBLIC WORKS CONTRACTS:**

A. Bids Required; Exemptions:

1. Bids Required: Any goods and/or services, or work or public improvement, which is not to be paid for in whole or in part by special assessment or special taxation, when the expense thereof will exceed twenty thousand dollars (\$20,000.00), shall be purchased from or constructed by the lowest responsible bidder after advertising for bids in the manner prescribed herein. (2000 Code § 1.05; amd. 2010 Code)

2. Exemptions:

a. Professional services, including, but not limited to, engineering, legal, architectural, and planning services, are expressly exempt from advertised bidding.

b. Any purchase, work, or public improvement covered by this section may be entered into without advertisement for bids if authorized by a vote of two-thirds ($\frac{2}{3}$) of all village trustees holding office.

c. Nothing contained in this section shall apply to any contract by the village with the federal government or any agency thereof.

B. Advertising For Bids: Bid advertisements shall be placed in the legal section of at least one newspaper of general circulation in the village, with the specific newspaper or newspapers to be approved by the village board at the time of bid proceedings. The advertisement shall include the nature of the goods and/or services to be purchased, specifications or a reference to such, a

reference to prevailing wage rate if applicable, bid deadline, bid opening date, and contact person. The bid advertisement shall include a statement that the village reserves the right to reject any or all bids. The advertisement shall require that all bids be sealed in an envelope marked "sealed bid" and addressed to the village clerk.

- C. Opening Bids: Sealed bids shall be opened by the village clerk at the date and time prescribed in the bid advertisement. Bid openings shall be conducted in an open meeting held in compliance with the Illinois open meetings act, as amended¹.
- D. Successful Bidder: The successful bidder shall be the lowest and most responsible bidder, as determined by a vote of a majority of a quorum of the village board. (2000 Code § 1.05)
- E. Supervision Of Work: By a two-thirds ($\frac{2}{3}$) vote of all village trustees holding office, the village board may designate a representative of the village who shall superintend and cause to be carried out the construction of the work or other public improvement and shall employ exclusively for the performance of all manual labor thereon any artisans who the village shall pay by day or hour. All materials of the value of twenty thousand dollars (\$20,000.00) and upward that are used in the construction of the work or other public improvement shall be purchased by contract let to the lowest responsible bidder in the manner prescribed herein. (2000 Code § 1.05; amd. 2010 Code)
- F. Approval Of Certain Public Improvements: All public improvements, repair, or other related projects in which the cost shall exceed the sum of one thousand dollars (\$1,000.00) shall not be commenced nor authorized by any person prior to approval by the village board of trustees, unless the board of trustees shall expressly delegate the power to approve said works to any board or committee consisting of at least three (3) members, who shall also be trustees of the village.

1. 5 ILCS 120/1 et seq.

Any delegation of authority as aforesaid shall be made only by majority vote of the board of trustees upon a proper motion duly presented and recorded.

- G. Appeals: Any individual or organization who wishes to object to or otherwise question the determination of the successful bidder may submit an appeal in writing to the Office of the Village Clerk. The appeal request and the original bid decision shall be reviewed by the Claims Committee, which may but is not required to seek legal advisement. Based on the recommendation from the Claims Committee, the Village Board shall vote to overrule or sustain its original bid decision. The appeal decision shall be final. (2000 Code § 1.06; amd. 2010 Code; Ord. 19-0625B, 7-23-2019)

March 2021

CHAPTER 9

TRAVEL, MEAL, AND LODGING EXPENSES

SECTION:

- 1-9-1: Definitions
- 1-9-2: Maximum Allowable Amounts
- 1-9-3: Documentation And Reimbursement
- 1-9-4: Exceptions
- 1-9-5: Entertainment !2R!

1-9-1: DEFINITIONS:

!DEF! ENTERTAINMENT: Includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

PUBLIC BUSINESS: Expenses incurred in the performance of a public purpose which is required or useful for the benefit of the Village to carry out the responsibilities of Village business.

TRAVEL: Any expenditure directly incident to official travel by employees and officers of the Village or by wards or charges of the Village involving reimbursement to travelers or direct payment to private agencies providing transportation or related services. (Ord. 012417A, 4-25-2017, eff. 5-5-2017) !DEFEND!

1-9-2: MAXIMUM ALLOWABLE AMOUNTS:

The Village shall only reimburse the following types of travel, meal, and lodging expenses incurred by its employees and officers up to the following maximum allowable amounts:

Air or rail travel	Only allowable if the ticket expense is less than or equal to the cost of driving
Car rental	\$500.00 per trip
Hotel/lodging	200.00 per day
Meal per diem	40.00 per day
Mileage	Standard mileage rates as defined annually by the IRS
Parking	\$25.00 per trip
Taxis	25.00 per day
Tolls	15.00 per trip

Note: Alcohol is specifically excluded from reimbursement.

!SETLRM!!SETFNT!!SETTAB!

(Ord. 012417A, 4-25-2017, eff. 5-5-2017)

1-9-3: DOCUMENTATION AND REIMBURSEMENT:

No reimbursement of travel, meal or lodging expenses incurred by a Village employee or officer shall be authorized unless the "Travel, Meal, and Lodging Expense Report & Reimbursement Request

Form" has been submitted and approved. All documents and information submitted with the form shall be subject to disclosure under the Freedom of Information Act¹. The form must include the following information:

A. The name of the individual who received or is requesting the travel, meal, or lodging expense and the individual's job title or affiliation.

B. The dates and nature of the official business in which travel, meal, or lodging expense was or will be expended. Supporting documentation describing the event or program should be attached whenever available.

C. A breakdown of the total expenses as well as a breakdown of expenses being requested for reimbursement.

D. Signature of the employee or officer reporting the expenses.

E. Signature of the approving officer. (Ord. 012417A, 4-25-2017, eff. 5-5-2017)

1-9-4: EXCEPTIONS:

Expenses for travel, meals, and lodging of: a) any officer or employee that exceeds the maximum reimbursement allowed under the regulations adopted under section 1-9-2 of this chapter or b) any member of the Corporate Authorities of the Village may only be approved by roll call vote at an open meeting of the Corporate Authorities of the Village. However, in the event of an emergency or other extraordinary circumstances, the Corporate Authorities may approve more than the maximum allowable expenses set forth above. (Ord. 012417A, 4-25-2017, eff. 5-5-2017)

1-9-5: ENTERTAINMENT:

The Village shall not reimburse any elected official, employee, or officer for any activities which would be considered entertainment. Activities which would otherwise be considered entertainment, but which are excluded from the prohibition on reimbursement due to being ancillary to the purpose of the program or event, may be reimbursed in accordance with the provisions of this chapter. (Ord. 012417A, 4-25-2017, eff. 5-5-2017)

CHAPTER 10

SEXUAL HARASSMENT

SECTION:

- 1-10-1: Prohibition On Sexual Harassment
- 1-10-2: Definition Of Sexual Harassment
- 1-10-3: Procedure For Reporting An Allegation Of Sexual Harassment
- 1-10-4: Prohibition On Retaliation For Reporting Sexual Harassment Allegations
- 1-10-5: Consequences Of A Violation Of The Prohibition On Sexual Harassment
- 1-10-6: Consequences For Knowingly Making A False Report !2R!

1-10-1: PROHIBITION ON SEXUAL HARASSMENT:

It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of Village of Ashmore to prohibit harassment of any person by any Municipal official, Municipal agent, Municipal employee or Municipal agency or office on the basis of sex or gender. All Municipal officials, Municipal agents, Municipal employees and Municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof. (Ord. 122617, 2-27-2018, eff. 3-10-2018)

1-10-2: DEFINITION OF SEXUAL HARASSMENT:

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

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

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.

B. Conduct which may constitute sexual harassment includes:

1. Verbal: Sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
2. Non-verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
3. Visual: Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
4. Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
5. Textual/electronic: "Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person". (Ord. 122617, 2-27-2018, eff. 3-10-2018)

1-10-3: PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT:

An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

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

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

B. Contact With Supervisory Personnel: At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person

making the report, a department head, a Director of Human Resources, an Ethics Officer, the City Manager or Administrator, or the Chief Executive Officer of the Municipality.

The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the Municipality will not be presumed to have knowledge of the harassment. (Ord. 122617, 2-27-2018, eff. 3-10-2018)

C. Resolution Outside Municipality: The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the Municipality. However, all Municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within three hundred (300) days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within three hundred (300) days. (Ord. 18-1127, 12-18-2018)

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome. (Ord. 122617, 2-27-2018, eff. 3-10-2018)

1-10-4: PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS:

A. No Municipal official, Municipal agent, Municipal employee or Municipal agency or office shall take any retaliatory action against any Municipal employee due to a Municipal employee's:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

B. For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any Municipal employee that is taken in retaliation for a Municipal employee's involvement in protected activity pursuant to this policy.

C. No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

D. Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act¹ provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,

2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or

3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

E. Pursuant to the Whistleblower Act², an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or Federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or Federal law, rule, or regulation³.

F. According to the Illinois Human Rights Act⁴, it is a civil rights violation for a person, or for two (2) or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated

1. 5 ILCS 430/15-10.
2. 740 ILCS 174/15(a).
3. 740 ILCS 174/15(b).
4. 775 ILCS 5/6-101.

in an investigation, proceeding, or hearing under the Illinois Human Rights Act. (Ord. 122617, 2-27-2018, eff. 3-10-2018)

G. An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge - due within three hundred (300) days of the alleged retaliation. (Ord. 18-1127, 12-18-2018)

1-10-5: CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT:

In addition to any and all other discipline that may be applicable pursuant to Municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition On Sexual Harassment contained in 5 Illinois Compiled Statutes 430/5-65, may be subject to a fine of up to five thousand dollars (\$5,000.00) per offense, applicable discipline or discharge by the Municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Municipality shall be separate and distinct from any penalty imposed by an Ethics Commission and any fines or penalties imposed by a court of law or a State or Federal agency. (Ord. 122617, 2-27-2018, eff. 3-10-2018)

1-10-6: CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT:

A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable Municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an Ethics Commission, an Inspector General, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An Ethics Commission may levy an administrative fine of up to five thousand dollars (\$5,000.00) against any person who intentionally makes a false, frivolous or bad faith allegation. (Ord. 122617, 2-27-2018, eff. 3-10-2018)

!TITLE! 2

BUSINESS AND LICENSE REGULATIONS

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CHAPTER 1

LIQUOR CONTROL

SECTION:

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- 2-1-19: Possession Of Alcoholic Liquor On Public Property Or In Motor Vehicles
- 2-1-20: Public Consumption
- 2-1-21: Lewd Conduct; Noise
- 2-1-22: Revocation Or Suspension Of License; Hearing

2-1-1: **LEGISLATIVE PURPOSE:**

To the end that the health, safety and welfare of the people of the village shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted, this chapter has been adopted by the village board of trustees. (Ord. 032409, 4-28-2009)

2-1-2: **DEFINITIONS:**

Unless the context otherwise requires, words and phrases used in this chapter are defined as follows:

ALCOHOL:	The product of distillation of any fermented liquids, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. The term does not include denatured alcohol or wood alcohol.
ALCOHOLIC LIQUOR:	Includes alcohol, spirits, wine, and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.
BEER:	A beverage obtained by 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.
BEER GARDEN:	An open air area, adjoining a licensed premises and contiguous to the licensed premises on at least one side, enclosed by a permanent fence with a minimum height of five feet (5') that affords an unobstructed view of the enclosed area with an emergency means of egress.
LICENSEE:	Any person, corporation partnership or club holding a license under the terms and provisions of this chapter and includes the principal, proprietor, agent, servant, or employee of said licensee.
LOCAL LIQUOR CONTROL COMMISSIONER:	The village president.
MINOR:	Any person under the age of twenty one (21) years.
ORIGINAL PACKAGE:	Any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey an alcoholic liquor.
PERSON:	Any individual, partnership, club or association not incorporated.
RESIDENT:	Any person living in his or her home in the village.
RESTAURANT:	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 of employees to prepare, cook and serve suitable food for its guests.

RETAILER:	A person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.
SALE:	Any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.
SELL AT RETAIL OR SALE AT RETAIL:	Refers to and means sales for use or consumption and not for resale in any form.
SPIRITS:	Any beverage which contains alcohol obtained by distillation, mixed with water or any 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.
WINE:	Any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of "alcohol" or "spirits", as defined in this section. (Ord. 032409, 4-28-2009; amd. Ord. 012814A, 3-25-2014, eff. 7-1-2014)

2-1-3: LOCAL LIQUOR CONTROL COMMISSIONER:

A. President Serve As: The village president shall be the local liquor control commissioner and shall be charged with the administration in the village of the provisions of this chapter or any provisions of this code. However, the village president may appoint any person or persons to assist him in the exercise of the powers and performance of the duties herein provided for such local liquor control commissioner.

B. Powers: The local liquor control commissioner shall have the following powers, functions and duties with respect to licenses:

1. To grant and/or suspend for not more than fifteen (15) days or revoke for cause all licenses issued to persons for premises within the village;

2. To enter or to authorize any law enforcement officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this code or any of the provisions of "an act relating to alcoholic liquor" (Illinois liquor control act) or any rules or regulations adopted by the state liquor control commission or the village have been or are being violated;

3. To receive complaints from any citizen within his jurisdiction that any of the provisions of this code have been or are being violated and to act upon such complaints in the manner hereinafter provided;

4. To receive local license fees and pay the same forthwith to the village treasurer; and

5. To exercise all of the powers, functions and duties which now or hereafter may be granted by him/her by "an act relating to alcoholic liquors" (Illinois liquor control act), regulations of the state liquor control commission or this code. (Ord. 032409, 4-28-2009)

2-1-4: LICENSE AND COMPLIANCE REQUIRED:

It shall be unlawful to sell or offer for sale at retail any alcoholic liquor without first having obtained a license to do so as hereinafter provided, and it shall likewise be unlawful for any such person to sell or offer for sale any alcoholic liquor in violation of the terms and conditions of such license. (Ord. 032409, 4-28-2009)

2-1-5: INELIGIBILITY FOR LICENSE:

No license shall be issued to:

- A. A person not an actual resident of the village;
- B. A person not of legal age;
- C. A person who is not of good character and reputation in the community;
- D. A person who is not a citizen of the United States;
- E. A person who has been convicted of a felony under any federal law or under the laws of the state of Illinois;
- F. A person who has been convicted of prostitution or gambling;
- G. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- H. A person whose license issued under this chapter has been revoked for cause;
- I. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
- J. A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent (5%) of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the village;
- K. A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the village;

- L. A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the business corporation act of 1983¹ or the limited liability company act² to transact business in Illinois;
- M. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee;
- N. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, after the effective date hereof, or shall have forfeited his bond by the failure to appear in court to answer charges for such violation;
- O. 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 to be issued;
- P. Any law enforcing public official, the village president or any member of the village board of trustees, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor. Notwithstanding any provision of this subsection to the contrary, a member of a village board of trustees, other than the president of the village board of trustees, may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law enforcing public official, mayor, a village board president, or president of a county board. To prevent any conflict of interest, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor cannot participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor;
- Q. Any person, association, or corporation not eligible for a state retail liquor dealer's license; and
- R. Any person who fails to furnish or falsely furnishes information or who fails to make or falsely makes statements required in the application for license as set forth in this chapter. (Ord. 032409, 4-28-2009)

2-1-6: APPLICATION FOR LICENSE; CHANGES IN PLANS:

- A. Application for license shall be made in writing to the local liquor control commissioner, signed by the applicant, if an individual, by all parties if a partnership, or verified by affidavit, and shall be submitted and filed with the local liquor control commissioner at least fifteen (15) days prior to the issuance of any license, and shall contain the following information and statements:
 - 1. The name, age, and address of the applicant in the case of an individual; in the case of a copartnership, the persons entitled to share in the profits

1. 805 ILCS 5/1.01 et seq.

2. 805 ILCS 180/1-1 et seq.

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

2. The citizenship of the applicant, his place of birth and, if a naturalized citizen, the time and place of his naturalization;

3. The character of business of the applicant, and in case of a corporation, the objects for which it was formed;

4. The length of time that said applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued;

5. The amount of goods, wares and merchandise on hand at the time application is made;

6. The location and description of the premises or place of business which is to be operated under such license, and that the licensee owns said premises or has a lease thereon for the full term for which the license is requested. In the event the applicant has a lease for the premises, a photocopy of the lease shall be attached to the application;

7. A statement whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application;

8. A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, the laws of the state, or the codes of the village;

9. Whether a previous license by any state or subdivision thereof or by the federal government has been revoked and the reasons therefor;

10. A statement that the applicant will not violate any of the laws of the state of Illinois or of the United States or any ordinance of the village in the conduct of his place of business; and

11. A statement that the applicant will testify under oath to all competent, relevant and material questions propounded to him in any hearing conducted by the local liquor control commissioner or by his designated representative, either before or after the issuance of a license to him, and that his failure to so testify shall be sufficient reason for the refusal to issue any such license to him or for the suspension or revocation of any license which has been issued to him.

B. The local liquor control commissioner shall have the right to require fingerprints of any applicant for a local license or for a renewal thereof other than an applicant who is an air carrier operating under a certificate or a foreign air permit issued pursuant to the federal aviation act of 1958. Each applicant shall submit his or her fingerprints to the department of state police in the form and

manner prescribed by said department. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the department of state police who shall charge a fee for conducting the criminal history records check, which shall be deposited in the state police services fund and shall not exceed the actual cost of the records check. The department of state police shall furnish, pursuant to positive identification, records of conviction to the local liquor control commissioner. For purposes of obtaining fingerprints under this subsection, the local liquor control commissioner shall collect a fee and forward the fee to the appropriate policing body who shall submit the fingerprints and the fee to the Illinois department of state police.

- C. If the local liquor control commissioner finds that any change in the applicant's plans is necessary to comply with the requirements of this chapter, the local liquor control commissioner may make such change a condition of the granting of a license, and the failure of the applicant at any time to adhere to or perform such condition shall be grounds for revocation of the applicant's license. (Ord. 032409, 4-28-2009)

2-1-7: EXAMINATION OF APPLICANT:

The local liquor control commissioner shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has

been served in the manner hereinafter provided, and to examine or cause to be examined the books and records of any such applicant or licensee, to hear testimony and take proof for his information in the performance of his duties. For the purpose of obtaining any of the information desired by the Local Liquor Control Commissioner under this section, he may authorize his agent to act in his behalf. (Ord. 032409, 4-28-2009)

2-1-8: BOND REQUIREMENTS:

Each person desiring a liquor license shall execute a penal bond in the sum of two thousand dollars (\$2,000.00) with a solvent surety company licensed to do business in the State of Illinois. Said bond shall be filed with the Village President at the same time the application is presented and upon renewal of the application and shall be conditioned for the faithful observance by the licensee of the provisions of this chapter and the laws of the State of Illinois and of the United States of America applying to the sale and possession of alcoholic liquor and shall be further conditioned upon the payment of any judgment for damages and costs that may be recovered against such license in accordance with 235 Illinois Compiled Statutes 5/6-21. (Ord. 032409, 4-28-2009)

2-1-9: GRANT OF LICENSE:

Subject to the limitations and restrictions herein set forth and all other lawful limitations and restrictions, the Local Liquor Control Commissioner may, from time to time, grant licenses for the retail sale of alcoholic liquor to any qualified applicant; provided, however, that an application is made in writing; and provided, further, that any and all persons furnish sufficient evidence to satisfy the Local Liquor Control Commissioner that they are persons of good moral character, have never been convicted of a felony, and have never possessed a license to sell at retail alcoholic liquor that was revoked by either the Village or State authorities. (Ord. 032409, 4-28-2009)

2-1-10: CLASS A LICENSE:

- A. License Established; Fee: All licenses shall be classified as Class A licenses which shall authorize the sale of alcoholic liquor at retail on the premises specified, for consumption on or off said premises. The annual fee for such license shall be nine hundred dollars (\$900.00).
- B. Number Of Licenses: The total number of Class A licenses issued and in force at any one time in any one year shall not exceed four (4).

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- C. Beer Garden Permit: All Class A license holders who desire to have a beer garden may apply for a beer garden permit. A beer garden permit allows for the sale and consumption of alcoholic beverages within a beer garden. The permit fees shall be four hundred fifty dollars (\$450.00) annually and may be paid in two (2) installments of fifty percent (50%) each in accordance with section 2-1-11 of this chapter. (Ord. 032409, 4-28-2009; amd. Ord. 012814A, 3-25-2014, eff. 7-1-2014; Ord. 18-0626B, 7-24-2018; Ord. 19-0723B, 8-27-2019; Ord. 21-1228, 12-28-2021)

2-1-11: PAYMENT AND DISPOSITION OF FEES:

All license fees may be paid in two (2) installments of fifty percent (50%) each. The first installment shall be paid on or before June 15, and the second installment shall be paid on or before December 15. All such fees shall be paid to the Local Liquor Control Commissioner at the time of application and shall be forthwith turned over to the Village Treasurer. In event the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the General Corporate Fund or in such other fund as shall have been designated by the Board by proper action thereof. (Ord. 032409, 4-28-2009)

2-1-12: TERM OF LICENSE; NO PRORATED FEES:

Each license shall terminate at the end of the annual period of the calendar year next following its issuance. License fees shall not be prorated. (Ord. 032409, 4-28-2009)

2-1-13: TRANSFERS AND RENEWALS OF LICENSES; REFUND OF FEE:

- A. A license shall be purely personal privilege, good for not to exceed one year after issuance unless sooner revoked. Any license holder may renew his license at the expiration thereof, provided he is then qualified to receive a license, and the premises for which renewal license is sought is suitable for such use. All applications for the renewal of a license shall be made in writing to the Village President not later than June 15 of each year. If the information and statements contained in the original application have not changed, in lieu of an application for renewal, a licensee may file with the Village President, not later than June 15 of each year, an affidavit stating that such facts and statements have not changed. If such license expires, the holder must apply for a new license as provided by this chapter. (Ord. 032409, 4-28-2009)

- B. A license issued under the provisions of this chapter shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, voluntarily or involuntarily, or subject to being hypothecated or encumbered. Such license shall not descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee; 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 of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensees after the death of such decedent, or such insolvency or bankruptcy, until the expiration of the license, but no longer than six (6) months after the death, bankruptcy or insolvency of such licensee. Upon the death of a licensee, if the executor or administrator does not continue the business under such license, there shall be a refund made of that portion of the license fee paid for any period in which the executor or administrator may not operate. (Ord. 022613B, 3-26-2013)
- C. There shall be no refund of any license fee paid hereunder except as above provided, but any licensee hereunder shall have and be given the right to a renewal or reissue of such license at the same place upon compliance with the provisions of this chapter governing the issuance of such licenses, and such licensee may assign or convey the right to a renewal or reissue thereof to another person, firm or corporation, in accordance with the procedure hereinafter set forth, who, upon full compliance with the provisions of this chapter governing the issuance of such licenses, shall be entitled to a renewal or reissue of such license in his, their, or its own name, and which holder of a license, in turn, may assign or convey such right to renewal or reissue of such license upon the same terms and conditions as the original owner thereof could do hereunder; provided, however, that the privilege of renewal and reissue provided in this section shall apply only so long as the license in each case shall have been kept in force continually and uninterruptedly in the name of the licensee or his successor in interest, and nothing herein provided shall be deemed to restrict the right of the local liquor control commissioner to revoke any such license.
- D. All such assignments shall be in writing, signed by the licensee, and shall be filed with the local liquor control commissioner, who shall keep or cause to be kept a true and complete record of all such assignments. Upon the filing of any such assignment, the local liquor control commissioner shall endorse thereon the time of filing, and upon compliance by the assignee with all the laws then in force pertaining to the qualifications of an applicant for such license and the surrender of the old license for cancellation, there shall (unless the old license shall have been revoked and not thereafter restored) be issued to the assignee named in such assignment a license for the same place as that specified in the old license, in lieu of the one so surrendered for the unexpired portion of the period covered by the license so surrendered, upon condition that such new license shall be issued only upon the payment of a fee to the issuing officer of one hundred dollars (\$100.00). (Ord. 032409, 4-28-2009)

2-1-14: **POSTING WARNING AND LICENSE:**

- A. Warning: Every holder of a retail license, whether the licensee sells or offers for sale alcoholic liquors for use or consumption on or off the retail license premises, shall cause a sign with the message "GOVERNMENT WARNING: ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS" to be framed and hung in plain view. These signs shall be no larger than eight and one-half inches by eleven inches (8¹/₂" x 11").
- B. License: Every licensee shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. (Ord. 032409, 4-28-2009)

2-1-15: HOURS AND DAYS OF OPERATION:

- A. It shall be unlawful to sell or offer for sale at retail alcoholic liquor between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M. of any day. It shall be unlawful to sell or offer for sale any alcoholic liquor between the hours of one o'clock (1:00) A.M. Sunday and six o'clock (6:00) A.M. of the succeeding Monday.
- B. It shall be unlawful to keep open for business, or admit any person to any premises where alcoholic liquor is sold at retail, during the hours which the sale of liquor is prohibited. (Ord. 032409, 4-28-2009)

2-1-16: LOCATION AND PREMISES REQUIREMENTS:

A. Zoning:

1. Nothing herein contained shall be construed to permit the sale of alcoholic liquor in any place where the conduct of such business is prohibited under the terms and provisions of the village zoning ordinance.

2. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on if the place of business so exempted is not located in a municipality of more than five hundred thousand (500,000) persons, unless required by local ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school where the church or school has been established within such one hundred feet (100') since the issuance of the original license. In the case of a church, the distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

B. Change Of Location Or Premises:

1. A liquor license shall permit the sale of "alcoholic liquor" and "sale", as

defined in section 2-1-2 of this chapter, only in the premises described in the application and license. Such location may be changed or expanded in terms of the total floor area of the building only upon written permit to make such change issued by the village president. No change in location may be made unless the proposed new location or expanded premises meets all applicable village and state requirements for the proposed occupancy of such premises.

2. A license shall permit the sale of alcoholic liquor only in the premises described in the application and license and only under the conditions and restrictions imposed in this chapter of the particular class of license described therein. The location described in the license and application may be changed only upon a written permit to make such change issued by the local liquor control commissioner and only then if the proposed new location is a proper one for the retail sale of alcoholic liquor under the provisions of this chapter and the laws of the state.

- C. **View Of Premises:** In premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times. No such booth, screen, partition, or other obstruction nor any arrangements of lights or lighting shall be permitted in or about the interior of such licensed premises from the street, road or sidewalk, and said premises must be so located that there shall be a full view of the entire interior of such premises from the street, road or sidewalk. All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by this subsection shall be wilfully obscured by the licensee or by him wilfully suffered to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this subsection, the local liquor control commissioner shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as required herein.
- D. **Off Street Parking:** Every establishment shall provide a minimum of one parking space for every four (4) seats available. This is a requirement of all establishments serving alcoholic liquors, and no variation shall be allowed regardless of previous arrangements. Parking requirements may be met by lease or purchase of an improved parcel providing sufficient off street parking within one hundred feet (100') of the establishment. (Ord. 032409, 4-28-2009)
- E. **Beer Garden Operations:**
1. Every beer garden shall be attached to a licensed premises.
 2. The only entrance to a beer garden shall be through the licensed premises. The beer garden must have at least one emergency exit, which shall provide exit only capability and shall not be blocked at any time.
 3. Every beer garden shall be enclosed by a fence with a minimum height of

five feet (5'). All fencing shall allow an unobstructed view into the beer garden from all sides.

4. Any amplified music, its hours of playing and audible level shall comply with subsection 2-1-21B, "Noise Restrictions", of this chapter.

5. A sketch of the beer garden, showing the size, dimensions and layout shall be submitted with the application for a liquor license and each annual renewal.

6. No changes may be made to the size, fencing or layout of the beer garden without the approval of the local liquor commissioner. (Ord. 012814A, 3-25-2014, eff. 7-1-2014)

2-1-17: PERSONS UNDER TWENTY ONE:

A. Purchase, Acceptance Or Possession Of Liquor; Identification Requirements:

1. Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his possession.

2. If a licensee or his agents or employees believe or have reason to believe that a sale or delivery of alcoholic liquor is prohibited because of nonage of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

3. It shall be unlawful for any person to misrepresent his or her age for the purpose of buying, accepting or receiving alcoholic liquor from a licensee.

4. No person shall transfer, alter or deface such an identification card, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information.

5. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this subsection. Whoever violates any provisions of this subsection shall be punished by a fine of not less than twenty five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00) for each offense.

B. Frequenting Licensed Premises: It shall be unlawful for any licensee to permit or allow any person under the age of twenty one (21) years to frequent any premises licensed under the provisions of this chapter with the following exceptions:

1. Minors under the age of twenty one (21) may frequent a restaurant or food shop, where selling, giving, or delivering alcoholic liquor is not the principal business of the licensee at those premises, provided said minor is either in the company of an adult or allowed only to purchase prepared food within said dining room or restaurant area of such establishment; and

2. Employees of the establishment who are eighteen (18) years of age or older.

- C. Employment:
1. It shall be unlawful for any licensee to permit or to employ any person under the age of twenty one (21) where alcohol is the primary product of sale.
 2. It shall be unlawful for any licensee to employ or permit any person under the age of twenty one (21) to act as his agent, barkeeper, clerk, servant, employee or entertainer in or about any premises offering alcoholic liquor for sale where alcohol is the primary product of sale. (Ord. 032409, 4-28-2009)

2-1-18: **ADDITIONAL PROHIBITIONS:**

- A. Consumption On Premises: It shall be unlawful for anyone not having a class A license to sell or offer to sell alcoholic liquor for consumption on the premises where sold or to permit the same to be consumed on the premises where sold.
- B. Curb Service: No curb service for the sale of alcoholic liquor shall be carried on in connection with premises for which a license has been granted for the sale of alcoholic liquor for consumption upon the premises, either upon the public street or private property contiguous to such premises so licensed.
- C. Gambling: It shall be unlawful for any licensee hereunder to permit or allow anyone to play for money or other valuable thing at any game with cards, dice, or checks, or with any other article, instrument or thing whatsoever, which may be used for the purpose of playing or betting upon or winning or losing money, or any other thing or article of value, or to bet on any game others may be playing, upon any premises licensed under this chapter. Gambling or gaming authorized and regulated by the state of Illinois is excluded from the provisions of this subsection.
- D. Leaving Licensed Premises With Open Containers: It shall be unlawful for any person to leave any licensed premises with or to carry out from such premises onto any public way any open container of alcoholic beverage. (Ord. 072412, 8-28-2012)

2-1-19: **POSSESSION OF ALCOHOLIC LIQUOR ON PUBLIC PROPERTY OR IN MOTOR VEHICLES:**

- A. Public Property: It shall be unlawful for any person to carry or possess any alcoholic liquor, other than in the original package with the seal unbroken, on any public street, parkway, alley, park, public or private school grounds, parking lot of any commercial establishment, or on the premises of any commercial establishment, other than one licensed pursuant to the provisions of this chapter, or any public place whatsoever.
- B. Motor Vehicles:
1. No person shall transport, carry, possess or have any alcoholic liquor in or upon any motor vehicle except in the original package and with the seal unbroken.
 2. This subsection shall not apply to the passengers in a limousine when it is

being used for purposes for which a limousine is ordinarily used, the passengers on a chartered bus when it is being used for purposes for which chartered buses are ordinarily used or on a "motor home" or "mini-motor home" as defined in 625 Illinois Compiled Statutes 5/1-145.01. However, the driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver's area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of such driver's failure to obey this subsection. For the purposes of this subsection B2, a "limousine" is a motor vehicle of the first division with the passenger compartment enclosed by a partition or dividing window used in the for-hire transportation of passengers and operated by an individual in possession of a valid Illinois driver's license of the appropriate classification pursuant to 625 Illinois Compiled Statutes 5/6-104. (Ord. 032409, 4-28-2009)

2-1-20: PUBLIC CONSUMPTION:

It shall be unlawful for any person to drink any alcoholic liquor on any public street, parkway, alley, park, public or private school grounds, parking lot of any commercial establishment, or on the premises of any commercial establishment, other than one licensed pursuant to the provisions of this chapter, or any public place whatsoever. (Ord. 032409, 4-28-2009)

2-1-21: LEWD CONDUCT; NOISE:

A. Lewd Conduct: The following acts or conduct are prohibited on licensed premises.

1. Performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or other sexual act.
2. Actual or simulated touching, caressing or fondling of breasts, buttocks, pubic hair, anus or genitals.
3. Actual or simulated display of breasts, buttocks, pubic hair, anus, vulva, or genitals.
4. Permitting any person to remain upon licensed premises who exposes to public view any portion of his or her breasts, buttocks, genitals, vulva, or anus.
5. A display, showing, or viewing of any type depicting a live performance of anything prohibited in subsection A1, A2, A3 or A4 of this section.

B. Noise Restrictions:

1. An emission beyond boundaries of a licensed premises of any noise that unreasonably interferes with enjoyment of life or with any lawful business or activity including, but not limited to, any one or more of the following is prohibited:
 - a. Noise constituting a violation (as determined by findings and order of the Illinois pollution control board) of 415 Illinois Compiled Statutes 5/23 et

seq., as from time to time amended, or any regulation or standard adopted by the IPCB pursuant thereto as set forth in the Illinois administrative code, subsequently entitled "Noise", section 900.101 et seq.

b. Noise emitted by use or operation of a sound amplifying device so that the device produces a loud, disturbing or raucous sound which can be heard by persons at a distance greater than one hundred feet (100') from the boundaries of the licensed premises at any time.

2. Amplified live or recorded music or entertainment is permitted on any licensed premises, as long as subsections B1a and B1b of this section are not violated; except, that no licensee shall permit any live or recorded music or entertainment to be amplified by any means outside any building on the premises after nine o'clock (9:00) P.M. on Sunday, Monday, Tuesday, Wednesday, and Thursday, and twelve o'clock (12:00) midnight on Friday and Saturday. (Ord. 032409, 4-28-2009)

2-1-22: REVOCATION OR SUSPENSION OF LICENSE; HEARING:

- A. Authority To Revoke Or Suspend; Grounds: The local liquor control commissioner may revoke or suspend any license for the sale of alcoholic liquor at retail for any violation of any provision of this chapter or for any violation of any state law pertaining to the sale of alcoholic liquor, and such revocation or suspension may be in addition to any fine or penalty imposed for the violation. The local liquor control commissioner shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any business license for a period not to exceed fifteen (15) days.
- B. Hearing: Within ten (10) days after the local liquor control commissioner has so acted, the local liquor control commissioner shall call a hearing for the purpose of determining whether or not the license should be revoked. (Ord. 032409, 4-28-2009; amd. 2010 Code)
- C. Notice Of Hearing: Notice of hearing for revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent to the licensee by certified mail at his last known address or personally served at least five (5) days prior to the date of the hearing.
- D. Hearing Procedures: At the hearing, the licensee shall be permitted counsel and shall have the right to submit evidence and cross examine witnesses. The village president shall preside and shall render the decision and recommendation. (Ord. 032409, 4-28-2009)
- E. Causes For Revocation: Licenses issued under this chapter, unless otherwise provided, may be revoked by the village president and board of trustees after notice and hearing as provided in subsections C and D of this section for any of the following causes: (Ord. 032409, 4-28-2009; amd. 2010 Code)
1. Any fraud, misrepresentation or false statement contained in the application for the license.

2. Any violation by the licensee of ordinance provisions or state law relating to the license, the subject matter of the license, or the premises occupied.
3. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.
4. Failure of the licensee to pay any fine or penalty owing to the village.
5. Refusal to permit an inspection or investigation or any interference with a duly authorized village officer or employee while in the performance of his duties in making such inspection, as provided in this code. (Ord. 032409, 4-28-2009)

CHAPTER 2

JUNK DEALERS AND JUNKYARDS

SECTION:

- 2-2--1: Definitions
- 2-2--2: License Required
- 2-2--3: Ineligibility For License
- 2-2--4: Application For License
- 2-2--5: License Fee; Expiration Of License
- 2-2--6: Contents Of License
- 2-2--7: Premises Requirements
- 2-2--8: Storage On Public Ways Prohibited
- 2-2--9: Receipt Of Merchandise From Minors
- 2-2-10: Right Of Entry For Inspection
- 2-2-11: Revocation Of License
- 2-2-12: Penalty !2R!

2-2-1: DEFINITIONS¹:

!DEF! JUNK: Means and includes scrap and old iron, steel, chain, brass, copper, magnesium, aluminum, tin, lead or other base metals, scrap lumber, old rope, old bags, rags, wastepaper, paper clippings, scraps or woolens, clips, bagging, rubber and glass, empty bottles of different kinds and sizes when the number of each kind or size is less than one gross, any wrecked or dilapidated motor vehicle, engine or machinery received, stored or held for more than ninety (90) days, and all articles and things discarded or no longer used as manufactured articles composed of or consisting of any one or more of the materials or articles herein mentioned.

JUNK DEALER: Means and includes every person, firm, partnership, or corporation that shall engage in the business of buying, selling, bartering or exchanging, or that shall collect, receive, store, or hold in possession for sale, barter, or exchange, any of the things in and by this section defined as "junk".

JUNKYARD: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk; or for the maintenance or operation of any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motorboats or motor vehicle or motorboat parts; or any establishment having facilities for processing iron, steel, nonferrous scrap, mineral wastes or slag, whether by remelting or otherwise; but said term shall not include any garbage dump or toxic waste dump or sanitary fill.

1. See also section 7-2-3 of this code, definition of "junk buildings, junk shops, junkyards".

MINOR: A person less than eighteen (18) years of age. (2000 Code § 3.02; amd. 2010 Code) !DEFEND!

2-2-2: LICENSE REQUIRED:

It shall be unlawful for any person, firm, partnership, or corporation to keep, maintain, conduct or operate a junkyard within the corporate limits of the village without first obtaining a license so to do as herein provided. A separate license shall be secured for each junkyard located on noncontiguous lots, blocks, tracts, or parcels of land. (2000 Code § 3.02)

2-2-3: INELIGIBILITY FOR LICENSE:

Any applicant for a license to keep, maintain, conduct or operate a junkyard shall be disqualified for any of the following reasons:

- A. Is not a person of good character;
- B. Falsification of an application for a license; (2000 Code § 3.02)
- C. License for a junkyard issued to the applicant has been revoked during the preceding twenty four (24) months; or (2000 Code § 3.02; amd. 2010 Code)
- D. Failure to meet any one of the minimum physical requirements for a junkyard as specified in section 2-2-7 of this chapter. (2000 Code § 3.02)

2-2-4: APPLICATION FOR LICENSE:

Before any license under the provisions of this chapter is issued, any person, firm, partnership or corporation desiring to operate a junkyard in the village shall first make a verified application in writing to the village clerk, stating the full name of the applicant, his residence address, the trade name of the applicant, the legal description of the premises where the junkyard is to be located, the size and approximate location of each entrance and exit, whether or not the premises where the junkyard is to be located is enclosed on its perimeter with a solid, nontransparent wall or fence of a minimum height of seven feet (7'), measured from ground level, excepting the entrances and exits, and whether or not the public streets and alleys adjacent to the premises where the junkyard is to be located have junk thereon. If the applicant is a firm or partnership, the names and residence addresses of all the partners and in case of a corporation, the names and residence addresses of the president and secretary shall be stated in the application. (2000 Code § 3.02)

2-2-5: LICENSE FEE; EXPIRATION OF LICENSE:

The annual license fee for each junkyard shall be five hundred dollars (\$500.00), payable in advance with the filing of the application for license, and shall not be subject to pro rata reduction for a portion of the year, either because of application for or because of revocation of a license; provided, however, that only one said annual license fee shall be payable for licenses which may be issued whenever the applicant desires to keep, maintain, conduct or operate junkyards on lots, blocks, tracts, or parcels of land which are situated on directly opposite sides of and abut upon each side of a public street or alley. All licenses shall expire on April 30 of each year. (2000 Code § 3.02; amd. 2010 Code)

2-2-6: CONTENTS OF LICENSE:

A. Any and all licenses issued shall state that such license is issued in the name of the junk dealer solely for the purpose of keeping, maintaining, conducting, and operating a junkyard, the expiration date, the legal description of the premises where the junkyard is to be located, that such license shall be used and the privileges exercised only at the described premises, and that such license is nonassignable and nontransferable.

B. Such license shall further provide that it is issued subject to all the provisions of this chapter; that upon the first conviction for a violation of any of the provisions of this chapter, in addition to the fine, such junkyard shall remain closed for a period of thirty (30) days; that upon the second conviction for a violation of any of the provisions of this chapter, such license shall become null and void, and the licensee shall forfeit all sums paid for such license, and that the licensee, by the acceptance of such license, expressly agrees to all the terms and conditions and to the terms and provisions of this chapter, and all amendments hereto. (2000 Code § 3.02)

2-2-7: PREMISES REQUIREMENTS:

The minimum physical requirements at all times for each junkyard shall be as follows:

A. Entrances: The premises where the junkyard is located shall not have more than two (2) entrances and two (2) exits, each of which shall not exceed fifteen feet (15') in width, at the perimeter of the premises.

B. Fencing: The premises where the junkyard is located shall be enclosed on its perimeter with a solid, nontransparent, vertical wall or fence of a minimum height of seven feet (7'), measured from ground level, excepting for the entrances and

exits permitted by subsection A of this section. (2000 Code § 3.02)

C. Advertising And Signs: The aforesaid solid, nontransparent wall or fence, and the gates or doors, if any, at the aforesaid entrances and exits shall not contain any sign, poster, or advertising matter of any kind whatsoever, excepting one sign of the licensee thereon not exceeding four (4) square feet in size. (2000 Code § 3.02; amd. 2010 Code)

2-2-8: STORAGE ON PUBLIC WAYS PROHIBITED:

The public streets and alleys adjacent to the junkyard shall not have junk thereon. (2000 Code § 3.02)

2-2-9: RECEIPT OF MERCHANDISE FROM MINORS:

No licensee shall purchase or receive any article whatsoever from any minors without the written consent of their parents or legal guardians. (2000 Code § 3.02; amd. 2010 Code)

2-2-10: RIGHT OF ENTRY FOR INSPECTION:

Any licensee shall at all times allow any law enforcement official for the village and the public health authorities free access to any and all portions of the junkyard for the purpose of inspection. (2000 Code § 3.02; amd. 2010 Code)

2-2-11: REVOCATION OF LICENSE:

The village president may revoke the license of any licensee hereunder for violating, failing or refusing to comply with the provisions of this chapter. (2000 Code § 3.02)

2-2-12: PENALTY:

Any person, firm, partnership or corporation violating any provision of this chapter shall be fined not less than twenty five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00) for each and every offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (2000 Code § 3.02; amd. 2010 Code)

CHAPTER 3

PAWNBROKERS

SECTION:

- 2-3--1: Definition
- 2-3--2: License Required
- 2-3--3: Persons Ineligible For License
- 2-3--4: Application For License
- 2-3--5: License Fee
- 2-3--6: Bond Requirements
- 2-3--7: Issuance Or Denial Of License
- 2-3--8: Records Of Property
- 2-3--9: Memorandum To Pledgor
- 2-3-10: Prohibited Transactions
- 2-3-11: Minors
- 2-3-12: Hours Of Operation
- 2-3-13: Revocation Of License
- 2-3-14: Penalty !2R!

2-3-1: DEFINITION:

Every individual or business entity which lends money on the deposit or pledge of physically delivered personal property, other than property the ownership of which is subject to a legal dispute, securities, printed evidence of indebtedness or printed evidence of ownership of the personal property, or who deals in the purchase of such property on the condition of selling the property back again at a stipulated price, shall be held and is hereby declared and defined to be a "pawnbroker". The business of a "pawnbroker" does not include the lending of money on deposit or pledge of title to property. (2010 Code)

2-3-2: LICENSE REQUIRED:

It shall be unlawful for any person to engage in, carry on, operate or conduct the business of a pawnbroker within the village without first having obtained a pawnbroker license to so operate. (2010 Code)

2-3-3: PERSONS INELIGIBLE FOR LICENSE:

No license shall be issued to any person who has been convicted of any felony or any misdemeanor pertaining to theft or the possession of stolen property; nor to any person who has been convicted of a violation of any of the provisions of this chapter; nor to any person whose license issued hereunder has previously been revoked as herein provided. (2010 Code)

2-3-4: APPLICATION FOR LICENSE:

A. Any person who desires a license required by this chapter as a pawnbroker shall make application in writing therefor to the village clerk, setting out in the application the full name and residence of the applicant and the company by whom he is employed.

B. Application for a license shall be made upon a form provided by the village clerk and filed therewith. The application shall truthfully state, in full, the information requested on the application, as follows:

1. Name and address of present place of residence and length of residence at such address; also business address, if other than residence address.

2. Address of place of residence during the past three (3) years, if other than present address.

3. Age of applicant and marital status; and if married, the name of applicant's spouse.

4. Physical description of applicant.

5. Name and address of employer during the past three (3) years.

6. The date or approximate date of the latest previous pawnshop operated by the applicant.

7. Has the applicant ever been convicted of the commission of any crime?

8. Also, such additional information as the village may deem necessary to process the application.

C. The village clerk shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto, and of the denial of applications. (2010 Code)

2-3-5: LICENSE FEE:

The fee for a license required by this chapter shall be as established by the village board of trustees. (2010 Code)

2-3-6: BOND REQUIREMENTS:

Every person so licensed shall, at the time of receiving such license, execute a bond to the village in the sum of two thousand dollars (\$2,000.00) with at least two (2) good and sufficient sureties, conditioned for the due observance of the provisions of this chapter, respecting pawnbrokers and loan brokers or keepers of loan offices, at any time during the continuance of such license. (2010 Code)

2-3-7: ISSUANCE OR DENIAL OF LICENSE:

The president, after investigation of the application and all information obtained relative hereto by the appropriate village official, shall deny the application if the applicant does not possess the qualifications for such license as herein required or if the issuance of a license to the applicant would not be in accord with the intent and purpose of this chapter. Endorsement shall be made upon the application of the denial of the application. When the applicant is found to be fully qualified, the license shall be issued forthwith. (2010 Code)

2-3-8: RECORDS OF PROPERTY:

A. Records Required; Contents: Every pawnbroker shall keep a standard record book that has been approved by the sheriff of the county. At the time of each and every loan or taking of a pledge, an accurate account and description, in the English language, of all the goods, articles and other things pawned or pledged, the amount of money, value or thing loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person making such pawn or pledge shall be printed, typed, or written in ink in the record book. Such entry shall include the serial number or identification number of items received which bear such number. Except for items purchased from dealers possessing a federal employee identification number who have provided a receipt to the pawnbroker, every pawnbroker shall also record in his book, an accurate account and description, in the English language, of all goods, articles and other things purchased or received for the purpose of resale or loan collateral by the pawnbroker from any source not in the course of a pledge or loan, the time of such purchase or receipt and the name and address of the person or business which sold or delivered such goods, articles, or other things to the pawnbroker. No entry in such book shall be erased, mutilated or changed.

B. Open To Inspection; Retention Of Records: The said book, as well as every article or other thing of value so pawned or pledged, shall at all times be open to the inspection by the village president or any law enforcement officer for the village. Records should be kept three (3) years after the date on which the record was prepared.

C. Daily Copy Of Records: It shall be the duty of every person licensed as aforesaid to make out and deliver to the county sheriff, on each day before the hour of twelve o'clock (12:00) noon, a legible and correct copy from said book, as required in subsection A of this section, of all personal property and other valuable things received on deposit or purchased during the preceding day, together with the exact time when received or purchased, and a description of the person or persons by whom left in pledge, or from whom the same were purchased. (2010 Code)

2-3-9: MEMORANDUM TO PLEDGOR:

Every pawnbroker shall, at the time of making any advancement or loan, deliver to the person pawning or pledging any property, a memorandum, contract, or note signed by him containing an accurate account and description, in the English language, of all the goods, articles or other things pawned or pledged, the amount of money, value of things loaned thereon, the time of pledging the same, the rate of interest to be paid on the loan, the name and residence of the person making the pawn or pledge, and the amount of any fees as specified in 205 Illinois Compiled Statutes 510/2. (2010 Code)

2-3-10: PROHIBITED TRANSACTIONS:

A. Property Of Intoxicated Person Or Thief: No pawnbroker shall take any article in pawn or pledge from any person appearing to be intoxicated, nor from any person known to have been convicted of theft; and when any person is found to be the owner of stolen property which has been pawned, such property shall be returned to the owner thereof, without the payment of the money advanced by the pawnbroker thereon, or any costs or charges of any kind, which the pawnbroker may have placed upon the same.

B. Purchases By Pawnbroker: No pawnbroker, loan broker or keeper of a loan office shall, under any pretense whatever, purchase or buy any secondhand furniture, metals or clothes or any other article or thing whatever offered to him as a pawn or pledge.

C. Sale Of Property: No personal property received on deposit or pledge or purchased by any pawnbroker shall be sold or permitted to be redeemed or removed from the place of business of such pawnbroker for the space of forty eight (48) hours after the delivery of the copy and statement required by subsection 2-3-8C of this chapter required to be delivered to the officer or officers named therein. If the pawner or pledger fails to repay the loan during the period specified on the pawn ticket, the pawnbroker shall automatically extend a grace period of thirty (30) days from the default date on the loan during which the pawnbroker shall not dispose of or sell the personal property pledged. The parties may agree to extend or renew a loan upon terms agreed upon by the parties, provided the terms comply with the requirements of this chapter. (2010 Code)

2-3-11: MINORS:

A. Pledge From Minor: No pawnbroker shall take or receive any pawn or pledge for any advancement or loan, any property of any kind from any minor who is under eighteen (18) years of age, or the ownership of which is in, or which is claimed by, any such minor, or which may be in the possession or under the control of any such minor.

B. Employment: No person licensed under this chapter shall permit

any person under the age of eighteen (18) years to take pledges in pawn for him. (2010 Code)

2-3-12: HOURS OF OPERATION:

No person licensed under this chapter shall receive or deposit or pledge any personal property or other valuable thing before the hour of six o'clock (6:00) A.M. or after the hour of nine o'clock (9:00) P.M. during the months of January, February, March, April, October, November and December of each year; nor before the hours of five o'clock (5:00) A.M. or after the hours of ten o'clock (10:00) P.M. during the months of May, June, July, August and September of each year. (2010 Code)

2-3-13: REVOCATION OF LICENSE:

Any license issued hereunder shall be revoked by the president if the holder of the license is convicted of violating any of the provisions of this chapter, or has made a false material statement in the application, or has otherwise become disqualified for the issuance of a license under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given to the holder of the license in person or by certified U.S. mail addressed to his or her residence as set forth by the application. Immediately upon the giving of such notice, the license shall become null and void. (2010 Code)

2-3-14: PENALTY:

Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter, upon conviction, shall be fined not less than two hundred dollars (\$200.00), nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a separate violation is permitted to exist shall constitute a separate offense. (2010 Code)

CHAPTER 4

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

SECTION:

- 2-4--1: Definitions
- 2-4--2: License Required; Exceptions
- 2-4--3: Application For Peddler License
- 2-4--4: Fee And Validity
- 2-4--5: Contents Of Application
- 2-4--6: Revocation Of License
- 2-4--7: Display Of Peddler License
- 2-4--8: Distribution Of Handbills And Commercial Flyers
- 2-4--9: General Prohibitions
- 2-4-10: Violation !2R!

2-4-1: DEFINITIONS:

As used in this chapter the following words have the meaning indicated:

!DEF! CANVASSER: A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of: a) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or b) distributing a handbill or flyer advertising a non-commercial event or service.

ITINERANT VENDOR OR HAWKER: A person who sets up and operates a temporary business on privately owned property, whether improved or unimproved, in the Village, soliciting, selling, or taking orders for, or offering to sell or take orders for any goods or services. A temporary business is one that continues for forty five (45) days or less, and exists whether solicitation is from a stand, vehicle, or freestanding.

PEDDLER: A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service. A "peddler" does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a "solicitor".

SOLICITOR: A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of: a) attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent,

educational, civic, fraternal, charitable, political, or religious purpose, even if incidental to such purpose there is the sale of some good or service, or b) distributing a handbill or flyer advertising a commercial event or service. (Ord. 012417B, 4-25-2017) !DEFEND!

2-4-2: LICENSE REQUIRED; EXCEPTIONS:

A. License Required: No person shall act as a peddler, hawker, or solicitor within the corporate Village limits without first obtaining a peddler license in accordance with this chapter. A canvasser is not required to have a peddler license but any canvasser wanting a peddler license for the purpose of reassuring Village residents of the canvasser's good faith shall be issued one upon request.

B. Exceptions:

1. This chapter shall not apply to a Federal, State, or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

2. This chapter shall not apply to sale under court order, to any bona fide auction sale, to a sale at wholesale to a retail dealer, or to any sale requiring a State dealer's license.

3. No license shall be required for any person to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm or garden occupied and cultivated by themselves.

4. No license shall be required of any person who has an established place of business and with whom the buyer has initiated contact and specifically requested a home visit and/or delivery by said person.

5. No license shall be required of any individual participating in the Village-approved "Trick or Treat" event during the hours designated by the Board of Trustees. (Ord. 012417B, 4-25-2017)

2-4-3: APPLICATION FOR PEDDLER LICENSE:

Any person or organization (formal or informal) may apply for one (1) or more peddler licenses by completing an application form at the Municipal office during regular office hours. The peddler license shall be issued promptly after application but in all cases within twenty four (24) business hours of completion of an application, unless it is determined within that time that:

A. The applicant has been convicted of a felony or misdemeanor involving moral turpitude within the past seven (7) years,

B. With respect to a particular license, the individual for whom a card is requested has been convicted of any felony or misdemeanor involving moral turpitude within the past seven (7) years, or

C. Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect. (Ord. 012417B, 4-25-2017)

2-4-4: FEE AND VALIDITY:

A. The fee for issuance of each peddler license shall be fifty dollars (\$50.00).

1. This fee shall be waived for children participating in fundraising for any church, public or private school, Boy Scouts, Girl Scouts, 4-H, FFA, and organizations associated therewith serving citizens residing within the Village of Ashmore.

2. This fee shall be waived for solicitors and canvassers.

B. A peddler license shall be valid within the meaning of this chapter for a period of thirty (30) days from its date of issuance or the term requested, whichever is less. (Ord. 012417B, 4-25-2017)

2-4-5: CONTENTS OF APPLICATION:

The applicant (person or organization) shall provide the following information:

A. Name of applicant.

B. Number of peddler licenses required.

C. The name, physical description and photograph of each person for which a card is requested. In lieu of this information, a driver's license, state identification card, passport, or other government-issued identification card (issued by a government within the United States) containing this information may be provided, and a photocopy taken. If a photograph is not supplied, the Village will take a photograph of each person for which a card is requested.

D. The permanent and (if any) local address of the applicant.

E. The permanent and (if any) local address of each person for whom a license is requested.

F. A brief description of the proposed activity related to this peddler license. (Copies of literature to be distributed may be substituted for this description at the option of the applicant.)

G. Date of birth for each person for whom a license is requested.

H. A list of all infraction, offense, misdemeanor, and felony convictions of each person for whom a license is requested for the seven (7) years immediately prior to the application.

I. The motor vehicle make, model, year, color, and state license plate number of any vehicle which will be used by each person for whom a license is requested.

J. For peddlers:

1. The name and permanent address of the business offering the event, activity, good, or service (i.e., the peddler's principal).

2. A copy of the principal's Sales Tax license as issued by the State of Illinois, provided that no copy of a license shall be required of any entity which appears on the Village's report of Sales Tax payors as provided by the Illinois Department of Revenue.

3. The location where books and records are kept of sales which occur within the Village and which are available for Village inspection to determine that all Municipal Sales Taxes have been paid.

K. For solicitors:

1. The name and permanent address of the organization, person, or group for whom donations (or proceeds) are accepted.

2. The web address for this organization, person, or group (or other address) where residents having subsequent questions can go for information.

L. Any other information the applicant wishes to provide, perhaps including copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc. (Ord. 012417B, 4-25-2017)

2-4-6: REVOCATION OF LICENSE:

A. Grounds: Any license issued hereunder may be revoked if the license holder is convicted of a violation of any provisions of this chapter or has knowingly made a false material statement in the application or otherwise becomes disqualified for the issuance of a license under the terms of this chapter.

B. Notice: If the issuing officer denies (or upon completion of an investigation revokes) the peddler license to one (1) or more persons, he shall immediately convey the decision to the applicant orally and shall within sixteen (16) working hours after the denial prepare a written report of the reason for

the denial which shall be immediately made available to the applicant.

C. Appeal; Hearing: The licensee shall have ten (10) days from the date of revocation or denial in which to file notice of his appeal to the Village Board of Trustees. The applicant shall have at his option an appeal of the denial of his application before the Village Board at its next regular meeting. After holding the hearing on the revocation or denial, the Village Board of Trustees shall by majority vote either sustain the action or issue an order reinstating the license.

D. Staying Of Order: In the event of the filing of an appeal from a revocation issued under the provisions of this chapter, then, until such appeal has been determined by the Village Board of Trustees such revocation order shall be stayed. (Ord. 012417B, 4-25-2017)

2-4-7: DISPLAY OF PEDDLER LICENSE:

Each peddler license shall be (when the individual for whom it was issued is acting as a peddler or solicitor) worn on the outer clothing of the individual or otherwise displayed, so as to be reasonably visible to any person who might be approached by said person. (Ord. 012417B, 4-25-2017)

2-4-8: DISTRIBUTION OF HANDBILLS AND COMMERCIAL FLYERS:

In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

A. No handbill or flyer shall be left at or attached to any sign, utility pole, or other structure within the public right-of-way. Law enforcement and Village employees are authorized to remove any handbill or flyer found within the right-of-way.

B. No handbill or flyer shall be left at or attached to any privately-owned property in a manner that causes damage to such privately-owned property.

C. No handbill or flyer shall be left at, or attached to any of the property having a "no solicitor" sign.

D. Any person observed distributing handbills or flyers shall be required to identify himself/herself to law enforcement or Village employees, either by producing a peddler license or other form of identification. (Ord. 012417B, 4-25-2017)

2-4-9: GENERAL PROHIBITIONS:

No peddler, hawker, solicitor, or canvasser shall:

A. Enter upon any private property where the property has clearly posted in the front yard a sign visible from the right-of-way (public or private) indicating a prohibition against peddling, soliciting, and/or canvassing. Such sign need not exceed one (1) square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters of at least two inches (2") in height. The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers, hawkers, and canvassers.

B. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words "no soliciting" or "no solicitors" and which is clearly visible to the peddler, solicitor, or canvasser.

C. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.

D. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.

E. Enter upon the property of another except between the hours of nine o'clock (9:00) A.M. and nine o'clock (9:00) P.M. Monday through Saturday. Peddling, hawking, soliciting, and canvassing are also prohibited on all Sundays as well as the six (6) major Federal holidays (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day).

F. The above prohibitions shall not apply when the peddler, hawker, solicitor, or canvasser has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

G. Solicit for a purpose other than that set out in the application upon which the peddler license was issued. (Ord. 012417B, 4-25-2017)

2-4-10: VIOLATION:

Any person violating any part of this chapter or failing to observe any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00). Every day the violation continues shall be deemed as a separate offense. (Ord. 012417B, 4-25-2017)

CHAPTER 5

RAFFLES

SECTION:

- 2-5-1: Definitions
- 2-5-2: License And Compliance Required
- 2-5-3: Qualifications Of Licensee; Ineligibility For License
- 2-5-4: Application For License; Fee; Issuance Or Denial; Revocation Or Suspension
- 2-5-5: Contents Of License
- 2-5-6: Limitations On Raffles
- 2-5-7: Penalty !2R!

2-5-1: DEFINITIONS:

The village adopts and incorporates herein definitions of "net proceeds" and "raffle" as set for in section 1 of the raffles act, 230 Illinois Compiled Statutes 15/1. (2010 Code)

2-5-2: LICENSE AND COMPLIANCE REQUIRED:

A. No person, firm or organization shall conduct raffles or chances within the corporate limits of the village, except in accordance with this chapter and only after an organization herein defined has first obtained a license issued in accordance with this chapter.

B. All licenses issued are subject to all terms and provisions as set forth in the raffles act, 230 Illinois Compiled Statutes 15/0.01 et seq. (2010 Code)

2-5-3: QUALIFICATIONS OF LICENSEE; INELIGIBILITY FOR LICENSE:

A. Licenses shall be issued only to qualified bona fide religious, charitable, labor, business, fraternal, educational, or veterans organizations that operate without profit to their members, and which have been in existence continuously for a period of five (5) years immediately before making application for a license, and which have had, during that entire five (5) year period, a bona fide membership engaged in carrying out their objects; or to a nonprofit fundraising organization that the village board of trustees determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster. The village hereby adopts and incorporates the definitions of such organizations as set forth in section 2(b) of the raffles act, 230 Illinois Compiled Statutes 15/2(b).

B. The following persons and/or groups are ineligible for any license to conduct a raffle:

1. Any person who has been convicted of a felony.
2. Any person who is, or has been, a professional gambler or gambling promoter.
3. Any person who is not of good moral character.
4. Any firm or corporation in which a person defined in subsection B1, B2 or B3 of this section has proprietary, equitable, or credit interest or in which such a person is active or employed.
5. Any organization in which a person defined in subsection B1, B2 or B3 of this section is an officer, director or employee, whether compensated or not.
6. Any organization in which a person defined in subsection B1, B2 or B3 of this section is to participate in the management or operation of a raffle as defined in this chapter. (2010 Code)

2-5-4: APPLICATION FOR LICENSE; FEE; ISSUANCE OR DENIAL;
REVOCATION OR SUSPENSION:

Written application for a raffle license shall be completed and signed in the form which may be approved by the village board of trustees from time to time. A fee of twenty five dollars (\$25.00) shall be paid by the licensee prior to issuance of such license. The license shall be valid for one raffle, or for a specified number of raffles, to be conducted during a specified period not to exceed one year, and may be suspended or revoked by the village board of trustees for any violation of the raffles act or this chapter. The village board of trustees shall act on a license application within thirty (30) days from the date of the receipt of said application. The village clerk is hereby authorized to issue such a license if the village president finds such application is in accordance with this chapter and such application is approved by the village president. The village clerk shall present a report to the village board of trustees each month listing all licenses issued hereunder for the preceding month, if any. Such license may be refused to an organization who has previously violated any provision of this chapter after having been granted a license under this chapter. (2010 Code)

2-5-5: CONTENTS OF LICENSE:

The application and license shall specify the area or areas within the village in which raffle chances will be sold or issued and the time period during which raffle chances will be sold or issued, and shall state the time of determination of winning chances and the location or locations at which the winning chances will be determined. (2010 Code)

2-5-6: LIMITATIONS ON RAFFLES:**A. Prizes, Merchandise And Chances:**

1. The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed fifty thousand dollars (\$50,000.00).

2. The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed fifty thousand dollars (\$50,000.00).

3. The maximum price which may be charged for each chance issued or sold shall not exceed five hundred dollars (\$500.00).

4. The maximum number of days during which chances may be issued or sold shall not exceed three hundred sixty five (365).

5. All licenses issued hereunder shall only authorize the sale of raffle chances within the corporate limits of the village.

B. Conduct Of Raffle: The conducting of raffles is subject to the following restrictions:

1. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct the game.

2. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.

3. No person may receive any remuneration or profit for participating in the management or operation of the raffle.

4. If a lessor rents premises where a winning chance or chances are determined, the lessor shall not be liable to prosecution for violation of this chapter if the person who uses the premises for the determining of winning chances does not hold a license issued by the village under the provisions of this chapter. (2010 Code)

2-5-7: PENALTY:

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, for each offense, be punished as provided in section 1-4-1 of this code. (2010 Code)

CHAPTER 6

GARAGE SALES

SECTION:

- 2-6-1: Definition
- 2-6-2: Sales Restrictions
- 2-6-3: Penalty !2R!

2-6-1: DEFINITION:

The term "garage sale", as used in this chapter, shall mean and include "garage sale", "patio sale", "basement sale", "back yard sale", "rummage sale", or any similar type of sale of common household items, which is held on residential premises to which the general public is invited. (2010 Code)

2-6-2: SALES RESTRICTIONS:

A. Number Of Sales; Days; Items:

1. Every owner or occupant of a dwelling unit may conduct not more than two (2) garage sales in any calendar year. Such sales shall extend over not more than three (3) consecutive days, and shall be limited to household goods and furnishings which have been in use in the dwelling unit located on the premises on which such sales are conducted or which have been in use in more than one dwelling unit on the same block.

2. No merchandise purchased for intentional sale or resale at a profit may be sold from a private residence.

B. Signs: Signs shall be in compliance with subsection 7-6-9D of this code.

C. Display On Public Property: No household goods or furnishings shall be displayed or offered for sale on any public property or public right of way without prior approval from the village president or village clerk. (2010 Code)

2-6-3: PENALTY:

Any person holding a garage sale in violation of any of the provisions of this chapter shall, upon conviction, be punishable by a fine not to exceed twenty five dollars (\$25.00). (2010 Code)

PREFACE

This code of the Village of Ashmore, as supplemented, contains ordinances up to and including ordinance 23-0124, passed January 24, 2023. Ordinances of the Village adopted after said ordinance supersede the provisions of this code to the extent that they are in conflict or inconsistent therewith. Consult the Village office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

Sterling Codifiers
Cincinnati, Ohio

March 2023

CHAPTER 7

ADULT ENTERTAINMENT ESTABLISHMENTS

SECTION:

- 2-7-1: Definitions
- 2-7-2: Special Use Permit And Compliance Required
- 2-7-3: Application For Special Use
- 2-7-4: Restrictions And Requirements
- 2-7-5: Existing Businesses
- 2-7-6: Prohibited Acts; Penalty !2R!

2-7-1: DEFINITIONS:

For the purpose of this chapter, certain terms and words are hereby defined as follows:

!DEF! ADULT BOOK STORE: An establishment having as a substantial or significant portion of its stock in trade books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

ADULT ENTERTAINMENT CABARET: A public or private establishment which features topless or nude dancers and/or waitresses, strippers, male or female impersonators and/or similar entertainers.

ADULT ENTERTAINMENT CENTER: An enclosed building with the capacity for less than fifty (50) persons used for presenting material distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT GIFT SHOP: An establishment having as a substantial or significant portion of its stock in trade, pictures, photographs, drawings, diagrams, paraphernalia, apparatus or other objects which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

ADULT MOVIE THEATER: An enclosed building with the capacity of fifty (50) persons or more used for presenting material distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

SPECIFIED ANATOMICAL AREA: A. Less than completely and opaquely covered human genitals, pubic region, the female breast below a point immediately above the areola to a point immediately below the areola, said opaque cover covering the entire areola.

B. The display of the human male genitals in a discerningly turgid state, real or simulated, even if completely or opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Actual or simulated human genitals in a state of sexual stimulation or arousal; acts or simulated acts of human masturbation, sexual intercourse or sodomy; acts or simulated acts of oral sexual conduct, fondling or other erotic touching of the human genitals, pubic region, buttock or female breast. (2000 Code § 8.01) !DEFEND!

2-7-2: SPECIAL USE PERMIT AND COMPLIANCE REQUIRED:

In order for an adult bookstore, adult entertainment center, adult gift shop, adult movie theater, or an adult entertainment cabaret to operate within the village, a special use permit must first be obtained pursuant to the village zoning regulations, and there shall be compliance with the requirements and conditions of this chapter. (2000 Code § 8.01; amd. 2010 Code)

2-7-3: APPLICATION FOR SPECIAL USE:

The special use application shall contain the exact name and address of the applicant and shall set forth specific reference to the purpose to which the special use shall be utilized. Said use shall not be expanded without further approval by the village board of zoning appeals as set forth herein. (2000 Code § 8.01; amd. 2010 Code)

2-7-4: RESTRICTIONS AND REQUIREMENTS:

The following restrictions and requirements shall apply to an applicant for an adult bookstore, adult entertainment center, adult gift shop, adult movie theater, and/or adult entertainment cabaret:

A. Location:

1. No special use shall be approved for a premises which is located within one thousand feet (1,000') of any existing school; place of worship; mortuary or undertaking establishment; home for the aged or indigent persons, veterans or their spouses or children; establishments selling alcoholic beverages; township, municipal or other governmental unit; park; recreation facility; teen or youth center; cemetery; daycare; or residence. For the purpose of this chapter,

measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the lot or parcel containing the adult use to the property line of the lot or parcel containing the nearest adult use; school; place of worship; mortuary or undertaking establishment; home for the aged or indigent persons, veterans or their spouses or children; establishments selling alcoholic beverages; township, municipal or other governmental unit; park; recreation facility; teen or youth center; cemetery; daycare; or residence. (Ord. 102814, 12-16-2014)

2. No special use shall be approved for a premises which is located within one thousand feet (1,000') of another establishment already operating a business defined hereunder.

3. The special use permit shall only be granted to areas designated by the village zoning ordinance as industrial.

4. No special use permit shall be approved for a premises or structure that is temporary or portable in nature. (Ord. 042214, 5-27-2014)

B. Advertising: No special use shall be approved for a premises which:

1. Has more than one outdoor sign advertising its existence or location. (2000 Code § 8.01; amd. 2010 Code)

2. Has an outdoor sign exceeding the limits established under subsection 7-6-9C of this code. (Ord. 062513A, 8-27-2013)

3. Has an outdoor sign which contains any emphasis, either by wording or picture or otherwise, of matters relating to sexual activities.

4. Displays the stock in trade of adult entertainment establishments to the public view from outside the establishment.

C. Notice Regarding Minors: No special use shall be approved for a premises which fails to post a notice at the door that entry by persons under eighteen (18) is forbidden.

D. Buffer: There shall be a five foot (5') buffer zone existing between any and all topless or nude dancers, strippers, male or female impersonators, or other similar live entertainers and the nearest customer.

E. Alcoholic Beverages: The sale or consumption of alcoholic beverages on the premises is prohibited. (2000 Code § 8.01; amd. 2010 Code)

2-7-5: EXISTING BUSINESSES:

All business establishments operating one or more of the

activities regulated by this chapter shall be required to obtain a special use permit in conformity with this chapter within one year of the effective date hereof or cease operations. (2000 Code § 8.01; amd. 2010 Code)

2-7-6: PROHIBITED ACTS; PENALTY:

A. Violations: Violation of any conditions as set forth in this subsection shall be deemed a violation of this chapter:

1. No owner, operator, employee of an operator, or customer shall, on the premises, engage in or permit the occurrence of human masturbation, sexual intercourse, oral sex, sodomy, or other contact stimulation of the genitalia or engage in or permit the occurrence of any act constituting the offense of the obscenity under the Illinois criminal code¹.

2. No owner, operator, employee of an operator, or customer shall allow, permit or authorize the physical contact between any employee, entertainer, or agent of the establishment and a customer. (2000 Code § 8.01)

B. Penalty: Any person found guilty of violating any of the provisions of this section shall be fined as provided in section 1-4-1 of this code, and each day of the violation shall constitute a separate offense. (2000 Code § 8.01; amd. 2010 Code)

1. 720 ILCS 5/1-1 et seq.

CHAPTER 8
VIDEO GAMING

SECTION:

- 2-8-1: Definitions
- 2-8-2: Inspection Of Premises
- 2-8-3: Disturbing Public Peace
- 2-8-4: License Required
- 2-8-5: Application
- 2-8-6: Fee
- 2-8-7: Expiration
- 2-8-8: Display
- 2-8-9: Revocation; Hearing
- 2-8-10: Appeal Procedure

2-8-1: **DEFINITIONS:**

Unless the context otherwise requires, all words and phrases used in this chapter shall be given the same definition as in the Illinois video gaming act¹. (Ord. 072412, 8-28-2012)

2-8-2: **INSPECTION OF PREMISES:**

Every place where a video gaming terminal is kept shall be subject to inspection by the chief of police or his or her authorized agent or agents at any time the chief of police or his or her agent or agents may deem it necessary to inspect the premises. It shall be unlawful for any person to hinder, resist, oppose or attempt to hinder, resist or oppose the chief of police or his or her respective agent or agents in the course of any such inspection. (Ord. 072412, 8-28-2012)

2-8-3: **DISTURBING PUBLIC PEACE:**

No licensee under this chapter shall permit the operation of any video gaming terminal at any place or in any manner which will disturb the peace and quiet of the persons outside the licensed premises. (Ord. 072412, 8-28-2012)

¹ 230 ILCS 40/1 et seq.

2-8-4: LICENSE REQUIRED:

- A. The owner of a video gaming terminal shall obtain a license for such device issued by the village.
- B. It shall be unlawful for any person to install, keep, maintain or use or permit the installation, keeping, maintenance or use upon his or her premises of any video gaming terminal unless a valid license issued under this chapter for the video gaming terminal is in effect.
- C. It shall be unlawful for any person to deliver video gaming terminals within the city for use by any other person for gain or profit from the operation thereof unless a license therefor has been issued by the village and the license fee has been paid for the current year. (Ord. 072412, 8-28-2012)

2-8-5: APPLICATION:

Applications for the license required by this chapter shall be filed with the village clerk and shall contain the following information:

- A. The name, address, age and date of birth of the owner of the video gaming terminal and of the owner of the establishment where the video gaming terminal shall be located.
- B. Prior convictions of the owner of the video gaming terminal and the owner of the establishment, if any.
- C. The place where the video gaming terminal is to be displayed or operated and the business conducted at that place.
- D. A description of the video gaming terminal to be covered by the license.
- E. Evidence that licenses have been issued by the Illinois gaming board to the owner of the video gaming terminal and the owner of the establishment.
- F. Evidence that the appropriate license has been issued by the village to the owner of the licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veteran establishment as required by chapter 1 of this title. (Ord. 072412, 8-28-2012)

2-8-6: FEE:

The annual fee for the license required by this chapter shall be fifty dollars (\$50.00) per machine. The fee shall be nonrefundable. (Ord. 072412, 8-28-2012; amd. Ord. 22-0125A, 1-25-2022)

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2-8-7: EXPIRATION:

Licenses issued pursuant to this chapter shall terminate on the next July 1 following issuance. (Ord. 072412, 8-28-2012)

2-8-8: DISPLAY:

The license required by this chapter shall be prominently displayed next to the video gaming terminal. (Ord. 072412, 8-28-2012)

2-8-9: REVOCATION; HEARING:

- A. **Authority To Revoke:** The village president may revoke any license issued pursuant to this chapter for any violation of any provision of this chapter or for any violation of any state law pertaining to video gaming or gambling or any cause listed in this section, and such revocation shall be in addition to any fine or penalty imposed for the violation.
- B. **Hearing:** The village president shall call a hearing for the purpose of determining whether or not the license should be revoked.
- C. **Notice Of Hearing:** Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent to the licensee by certified mail at his or her last known address or personally served at least five (5) days prior to the date of the hearing.
- D. **Hearing Procedures:** At the hearing, the village attorney shall represent the complaint and shall represent the village. The licensee shall be permitted counsel and shall have the right to submit evidence and cross examine witnesses. The village president shall preside and shall render the decision.
- E. **Causes For Revocation:** Licenses issued under this chapter, unless otherwise provided, may be revoked by the village president after notice and hearing as provided in subsections C and D of this section for any of the following causes:
 - 1. Any fraud, misrepresentation or false statement contained in the application for the license.
 - 2. Any violation by the licensee of ordinance provisions or state law relating to the license, the subject matter of the license, or the premises occupied.
 - 3. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.

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4. Failure of the licensee to pay any fine or penalty owing to the village.
5. Refusal to permit an inspection or investigation or any interference with a duly authorized village officer or employee while in the performance of his or her duties in making such inspection, as provided in this chapter. (Ord. 072412, 8-28-2012)

2-8-10: **APPEAL PROCEDURE:**

- A. **Right To Appeal:** Any applicant aggrieved by the refusal of the village to issue a license or by the revocation of a license shall have the right to appeal the village decision to the village board of trustees. Such appeal shall be taken by filing with the village clerk within five (5) days of the action of the village which is being appealed, a written statement under oath, setting forth specifically the grounds for appeal.
- B. **Village Board Of Trustees Consideration:** The village board of trustees shall consider the appeal at its next regularly scheduled meeting, at which time the applicant shall be entitled to present his or her appeal orally or in writing. The village board of trustees shall act on the appeal within seven (7) days of the hearing and shall either uphold the action of the village or shall direct the issuance of a license which the village has denied or the reissuance of a license which the village has revoked. (Ord. 072412, 8-28-2012)

CHAPTER 9

BUSINESS REGULATIONS

SECTION:

- 2-9-1: License Required
- 2-9-2: Exemption
- 2-9-3: Application
- 2-9-4: Fees
- 2-9-5: License Approval
- 2-9-6: Appeal
- 2-9-7: Inspection
- 2-9-8: Change Of Location
- 2-9-9: Nuisances Prohibited !2R!

2-9-1: LICENSE REQUIRED:

It shall be unlawful for any person to conduct, engage in, maintain, operate, carry on, or manage a business, occupation, activity, or offer for use by the public, equipment, devices or machines, without a license first having been procured for such business or occupation, except this chapter shall not apply to "home based business" as defined in the village zoning regulations. (Ord. 022613C, 3-26-2013)

2-9-2: EXEMPTION:

The provisions of this chapter shall not apply to any business which presently is in operation prior to the effective date hereof. (Ord. 022613C, 3-26-2013)

2-9-3: APPLICATION:

Applications for licenses shall be made in writing, under oath, to the village clerk on the form provided. Each application shall contain information as may be needed for the proper guidance of the village officials in the issuing of the license. (Ord. 022613C, 3-26-2013)

2-9-4: FEES:

All fees for licenses shall be paid in advance at the time of application to the village clerk in the amount of twenty five dollars (\$25.00). The fee is a onetime fee unless the owner of the business changes. Any change in ownership of a business shall require a new license. Except as otherwise provided, all license fees shall become a part of the village's general fund. In no event shall any rebate or refund be made of any license fee, or part thereof, by reason of death or departure of the licensee; nor shall any rebate or refund be made by reason of nonuse of the license or discontinuance of the operation or conduct or change

of ownership of the licensed establishment, business, or activity. (Ord. 022613C, 3-26-2013)

2-9-5: LICENSE APPROVAL:

The village of Ashmore ordinances committee shall approve applications for licenses. (Ord. 022613C, 3-26-2013)

2-9-6: APPEAL:

Any person aggrieved by the decision of the village of Ashmore ordinances committee in regard to the denial of an application for a business license, shall have the right to appeal to the board of trustees. Such appeal shall be taken by filing with the village clerk, within ten (10) days' notice of a denial of an application, a written statement setting forth specifically the grounds for appeal. The board of trustees shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant. The decision of the board of trustees on such appeal shall be final. (Ord. 022613C, 3-26-2013)

2-9-7: INSPECTION:

It shall be the duty of the village president, or his duly authorized agent, to examine or cause to be examined all persons and places of business subject to a license for the purpose of ascertaining whether or not such licenses have been procured. In case of the neglect or refusal of any person to procure a license as required by any section of this code or ordinance, the village president shall have the authority, and it shall be his duty, to take such action as deemed necessary to enforce said license requirement. (Ord. 022613C, 3-26-2013)

2-9-8: CHANGE OF LOCATION:

The location of any permitted business or occupation, or the location of any permitted act, may be changed provided that ten (10) days' notice thereof is given to the village clerk in the absence of any provision to the contrary; provided however, that all applicable ordinances and regulations of the village shall be complied with. (Ord. 022613C, 3-26-2013)

2-9-9: NUISANCES PROHIBITED:

No business or establishment, whether or not licensed, shall be so conducted or operated as to constitute a nuisance in fact; and no building, vehicle, structure, yard, lot, premises, or part thereof, shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to

health. (Ord. 022613C, 3-26-2013)

!TITLE! 3

HEALTH, SANITATION AND ENVIRONMENT

Nuisances.	1
Fire Control And Hazards; Garbage And Rubbish; Sewage And Surface Waters.	2
Private Sewage Disposal Systems.	3
Weeds And Brush; Traffic Visibility.	4
Open Burning.	5

CHAPTER 1

NUISANCES

SECTION:

- 3-1--1: Purpose
- 3-1--2: Definitions
- 3-1--3: Nuisances Enumerated
- 3-1--4: Unlawful Disposal Of Materials
- 3-1--5: Responsibilities Of Owner Or Occupant
- 3-1--6: Abatement Procedures
- 3-1--7: Lien Provisions
- 3-1--8: Inspections
- 3-1--9: Complaint Or Citation For Violation; Penalties
- 3-1-10: Forms !2R!

3-1-1: PURPOSE:

The purpose of the chapter is to identify and deal within a timely manner certain public nuisances. (2000 Code § 3.07)

3-1-2: DEFINITIONS:

!DEF! BULK WASTE: A. Appliances, including, but not limited to, washers, dryers, refrigerators, freezers, stoves, televisions, and water heaters; or

B. Indoor furniture, including, but not limited to, bed springs, mattresses, carpet, couches, chairs, and cushions; or

C. Other items exposed to the elements not designed for exterior use.

FRONT YARD: The yard extending across the full width of a lot that lies adjacent to the public or private street or road and extends from the front property line of said lot to the front of the structure on the lot.

GARBAGE: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

JUNK: Scrap and old iron, steel, chain, brass, copper, magnesium, aluminum, tin, lead or other base metals; scraps of woollens, clippings, bagging, rubber and glass and empty bottles of different kinds and sizes, when the number of each kind or size is less than one gross; wrecked or dilapidated motor vehicles, engines, and machinery stored or held; and all articles and things discarded or no longer used as a manufactured article composed of or consisting of any one or more of the materials or articles herein mentioned.

PERSON: Any person, firm, partnership, association,

corporation, company or organization of any kind.

PREMISES: Any real property or improvements thereon as the case may be.

PROPERTY: Premises.

RUBBISH: Combustible or noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

WEEDS: Includes noxious weeds such as buckhorn, bull nettle, burdock, Canada thistle, cockleburs, curled dock, dodders, field bindweed, giant foxtail, hoary cress, jimson, Johnson grass, leafy spurge, ox-eye daisy, perennial sow thistle, quack grass, ragweed, Russian knapweed, sweet clover, wild carrot, wild garlic, and wild mustard. (2000 Code § 3.07)
!DEFEND!

3-1-3: NUISANCES ENUMERATED:

It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the village to maintain such premises in such manner that any one or more of the following subsections are found to exist:

A. Junk, Garbage And Rubbish: The keeping, storage, depositing or accumulation on the premises of any junk, garbage or rubbish, including, but not limited to, abandoned, wrecked, dismantled, unlicensed¹ or inoperative vehicles, automotive parts and equipment, appliances, furniture, containers, packing materials, scrap metal, wood, building materials or debris which is within view of persons on adjacent property or the public right of way and which constitutes visual blight, or reduces the aesthetic appearance of the neighborhood, or is offensive to the senses, or is detrimental to nearby property or property values; provided, however, that wood and building materials being used for a project or construction or repair or renovation for which a building permit has been obtained may be stored for such period of time as is necessary expeditiously to complete the project.

B. Dirt, Gravel And Concrete: The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials for an unreasonable period, which constitutes visual blight or reduces the aesthetic appearance of the neighborhood, or is offensive to the senses, or is detrimental to nearby property and property values.

1. See also subsection D of this section and subsection 7-6-10B of this code.

C. Parking In Front Yards: The parking of one or more motor vehicles in the front yard of premises.

D. Parking Unlicensed Vehicles¹: The parking of any semitruck, trailer, tractor, or vehicle on any public place or right of way or on any street or alley in the village without a license for that vehicle displayed thereon.

E. Fire Hazards, Rubbish, Sewage And Pollution Of Waters: Any condition in violation of chapter 2 of this title. (2000 Code § 3.07)

F. Grass, Weeds And Noxious Matter: Any premises or village right of way adjacent to that premises on which the owner or person having control or the agent of the person having control permits any grass (except decorative grass used for landscaping purposes) or weeds over eight inches (8") in height, or deleterious, unhealthful growth, or other noxious matter to grow, lie or locate thereon. (2000 Code § 3.07; amd. 2010 Code)

G. Bulk Waste: The keeping, storage, depositing or accumulation of bulk waste. The keeping of bulk waste shall not be permitted on open porches, carports, open garages, pavilions or similar structures.

H. Nonmaintained Property: Any premises which is not maintained so as not to pose a threat to the health, safety or welfare of the public, is littered with animal feces, or which has improperly maintained trees, shrubs or vegetation that poses a threat to the health, safety or welfare of the public or has conditions which constitute a mosquito harborage. (2000 Code § 3.07)

3-1-4: UNLAWFUL DISPOSAL OF MATERIALS:

A. Bodies Of Water: It is unlawful to dump or empty garbage, rubbish or refuse of any kind or the washings from any tank, truck, car or building into any running stream, swamp or pool of stagnant water within the village limits.

B. Vacant Lots: The deposition of any garbage, rubbish, combustible material, or junk on any vacant lot within the village limits is unlawful.

C. Public Property: The dumping or spreading of any garbage, rubbish, combustible material, or junk on any street, street right of way, parkway, or publicly owned property is strictly forbidden by law. (2000 Code § 3.07)

3-1-5: RESPONSIBILITIES OF OWNER OR OCCUPANT:

1. See also subsection A of this section and subsection 7-6-10B of this code.

A. Every owner of real property within the village is required to maintain such property in a manner so as not to violate the provisions of this chapter, and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

B. Every occupant, lessee, or holder of any interest in property other than as owner thereof is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed by this section on the owner thereof shall in no instance relieve those persons herein referred to from similar duty. (2000 Code § 3.07)

3-1-6: ABATEMENT PROCEDURES:

The village shall cause the owner who violates any provision of this chapter to abate such violation on his property. If any owner fails to abate said violation on his properties within ten (10) days of notice by certified mail or personal service, the village may order the abatement of the violation. The costs thereof shall be charged against the real estate upon which the violation is located, and there shall be a lien against said real estate. In addition to the filing of a lien upon such real estate, the village shall have authority to collect the costs by filing a personal collection action against the owner in court. (2000 Code § 3.07)

3-1-7: LIEN PROVISIONS:

A. Charges for the cost incurred by the village for the abatement of a violation from any property pursuant to this chapter shall be a lien upon the premises. At any time after a bill has been sent to the owner for abatement of the violation, a lien against the real estate involved may be filed with the recorder of the deeds. The failure of the village to record such lien claim or to mail notice or the failure of the owner to receive notice of such lien shall not affect the right to foreclose on the lien for such charges as provided by state law. For the purpose of this section, the village shall be deemed to incur the cost of the abatement. (2000 Code § 3.07; amd. 2010 Code)

B. If the abatement is done by village personnel, the cost of the employee(s) which performs the abatement shall be calculated by the number of hours required to do the abatement by those employees times the hourly wage of said employee, plus the cost of benefits of employees per hour. The fair market rental of all pieces of equipment necessary to perform the abatement, plus the cost of disposal of all materials removed shall also be charged.

C. If the abatement is done by private contractor, the amount said contractor invoices the village for work, plus disposal of materials removed, shall be charged. (2000 Code § 3.07)

3-1-8: INSPECTIONS:

A. Authority: In order to safeguard the safety, health and welfare of the public, a duly authorized agent of the village is authorized to access any property at any reasonable time for the purpose of making inspections and performing duties under this chapter.

B. Right Of Entry: If any owner, occupant, or other person in charge of a structure or premises subject to the provisions of this chapter refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this chapter is sought, the village shall seek, in a court of competent jurisdiction, an order that such owner, occupant, or other person in charge shall permit an inspection of his or her premises. (2000 Code § 3.07)

3-1-9: COMPLAINT OR CITATION FOR VIOLATION; PENALTIES:

A. Complaint Or Citation: Any violation of this chapter will, unless otherwise specified, result in the issuance of a complaint or citation for an ordinance violation by an officer of the village. (2000 Code § 3.07)

B. Penalties: Any person violating the provisions of this chapter shall be subject to a fine of not less than twenty five dollars (\$25.00) nor greater than seven hundred fifty dollars (\$750.00), plus all costs of the village in prosecuting the ordinance violation including the village attorney fees and expenses and court costs both before and after filing such complaint or citation. A separate offense may be deemed committed on each day during or on which violation occurs or continues. (2000 Code § 3.07; amd. 2010 Code)

C. Temporary Restraining Order Or Injunction: In any action or proceeding brought pursuant to the provisions of this chapter, the circuit court shall have the power and, in its discretion, may issue a temporary restraining order or a temporary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the provisions of this chapter.

D. Nuisance Abatement: In addition to the foregoing, the village shall have such powers to abate nuisances as may be provided by law. (2000 Code § 3.07)

3-1-10: FORMS:

!!!

A. Variance Request - Treated Sewage Discharge:

FORM: 01A-3/85

Date: _____

VARIANCE REQUEST

Permission for Properly Treated Sewage Discharge into Road Tile

I, _____, as a representative for _____
(Township or Village)

give permission to:

Name _____

Address _____

Legal Description of Property _____
to discharge effluent from an approved, properly designed, constructed and maintained private sewage disposal system into the road tile along township or village road _____. It is the understanding that this system complies with Illinois Environmental Protection Agency, Illinois Department of Public Health and the Coles County Private Sewage Disposal Ordinance effluent standards. Furthermore this permission is contingent upon:

1. The private sewage installation contractor properly installs the system;
2. The homeowner provides proper maintenance and upkeep of the private sewage disposal system;
3. The discharge effluent meet IEPA's BOD (Biochemical Oxygen Demand) and SS (Suspended Solids) standards;
4. The discharge does not create any public health hazard or nuisance; and
5. The discharge does not create a traffic safety hazard or damages to the road tile.

If one or more contingent is not met, as determined by the Township or Village and/or Health Department, the variance request is considered void and it will be necessary for the homeowner to tile the effluent discharge to:

1. A receiving stream, lake, or pond, which provides greater than one to one dilution of the effluent.
2. To a common drain provided that the drain does not discharge within a mile upstream from a public water supply intake, public bathing beach, or to a public use area.

Corrective action, including necessary easements, must take place within thirty (30) days upon receipt of written notice for noncompliance.

Homeowner

Township or Village Representative

Date

Date

(To be signed by the homeowner as acknowledgment of the permission and responsibilities involved with this variance request.)

B. Nuisance Violation:

FORM: 01-4/95
Date: _____

Notice of Violation of Nuisance Ordinance
Village of Ashmore, Illinois

Premises in Violation - Street Address and Legal Description (if known):

Responsible Party - Name and Address: (If you are not the responsible party, please return this notice with the name and address of the responsible party to the Village Clerk)

An inspection of the above premises revealed a violation of the Village of Ashmore Nuisance Ordinance No. C32895, as listed below. Compliance with the Village of Ashmore Nuisance Ordinance must be completed by (date) _____

Discrepancies/Corrective Action Required: _____

THIS NOTICE IS NOT REQUIRED TO BE GIVEN TO YOU BY THE VILLAGE OF ASHMORE NUISANCE ORDINANCE. IT IS GIVEN TO YOU AS A COURTESY TO PERMIT YOU TO BRING YOUR PROPERTY INTO COMPLIANCE WITH THE NUISANCE ORDINANCE.

YOU ARE FURTHER NOTIFIED THAT UPON YOUR FAILURE TO ABATE THE DISCREPANCIES WHICH ARE IN VIOLATION OF THE VILLAGE OF ASHMORE NUISANCE ORDINANCE WITHIN THE TIME INDICATED, THE VILLAGE MAY CAUSE A COMPLAINT TO BE FILED AGAINST YOU FOR VIOLATIONS OF SAID ORDINANCE.

In the event that such a Complaint is filed against you and in the event that you are found guilty of violating the provisions of said Ordinance, you will be subject to a fine of not less than \$25.00 nor more than \$750.00 for each day your property is in violation of said Ordinance, both before and after this Notice is served upon you, plus the Village's attorney's fees and expenses and court costs, both before and after filing of such complaint.

In the event the Village decides to abate the nuisance on your property and does so abate it, it has the right to file a lien against your property and enforce the lien against your property for the costs of abating the nuisance.

If you have any questions concerning this notice, contact the Building Commissioner during the business hours at _____.

*Signed: _____
Representative of the Village of Ashmore*

*Served on the above-named responsible party by ordinary mail on this ____
day of _____, 20__.*

(2000 Code § 3.07; amd. 2010 Code)
!SETLRM!!SETFNT!!SETTAB!

CHAPTER 2

FIRE CONTROL AND HAZARDS; GARBAGE AND RUBBISH; SEWAGE AND SURFACE WATERS

SECTION:

3-2-1: Fire Control And Fire Hazards

3-2-2: Garbage And Rubbish Accumulation Prohibited; Disposal Required

3-2-3: Sewage And Surface Water Discharges

3-2-4: Penalties !2R!

3-2-1: FIRE CONTROL AND FIRE HAZARDS:

A. Fire Hazards Prohibited: No person, within the limits of the village, shall establish, maintain, keep, harbor, or create in any manner any rubbish, trash, hay, straw, or any other inflammable or combustible materials in such a manner as to create a fire hazard.

B. Storage Of Flammable Materials: No person shall store or have within the village limits any paints, gasoline, oil, or any other highly inflammable materials unless the same is properly stored to eliminate all hazard of fire.

C. Hindering Fire Extinguishment:

1. No person shall do or cause to be done any act in any way hampering or hindering the extinguishing of a fire.

2. It shall be expressly unlawful for any person to run or cause to be run any vehicle across, over or upon any fire hose or other fire apparatus being employed in the extinguishing of a fire, or during any test or in use for any other purpose. (2000 Code § 3.01; amd. 2010 Code)

3-2-2: GARBAGE AND RUBBISH ACCUMULATION PROHIBITED; DISPOSAL REQUIRED:

All trash, rubbish, garbage or wastes shall be hauled away or otherwise safely disposed of and shall not be stored or allowed to accumulate within the village limits. (2000 Code § 3.01)

3-2-3: SEWAGE AND SURFACE WATER DISCHARGES:

A. Definitions: The following definitions shall be incorporated into this section:

!DEF! DISINFECTION: 1. General: Surface discharges shall be disinfected with a chlorine solution under the following conditions:

a. When individual private sewage disposal system effluent discharges to a village maintained common drain line or to a pond, lake, or stream in which swimming, water skiing, or other water contact recreation occurs.

b. When effluent is discharged to the ground surface in accordance with permitted surface discharges, it shall be disinfected if it leaves the property or discharges to an area where ponding of the effluent is likely to occur.

2. Chlorine Feeders: Chlorination equipment shall have a means of removal of solids. All chlorine feeders shall meet the requirement of the Illinois public health department. Other feeders which meet the requirement of this definition are also acceptable.

3. Chlorine Contact Tanks: Chlorine contact tanks shall be baffled and shall provide a contact time of at least thirty (30) minutes based on two and one-half ($2\frac{1}{2}$) times the average flow. The minimum contact capacity shall be thirty (30) gallons. Access to the distribution feeder shall extend to the ground surface.

4. Sample Port: A sampling port at least four inches (4") in diameter shall be provided on the effluent line or into the chlorine contact tank, unless a free fall discharge from the system is easily accessible within two hundred feet (200') of the system.

5. Chlorine Residual: A final effluent free chlorine residual of 0.2 to 1.5 milligrams per liter shall be maintained.

EFFLUENT STANDARDS: All surface discharges from private sewage disposal systems which shall comply with United States environmental protection agency treatment guidelines for BOD₅ and suspended solids.

IMPROPERLY TREATED SEWAGE: Sewage that does not meet the effluent requirements of 77 Illinois administrative code section 905.110(d) or sewage which comes directly from a septic tank or building sewer.

PERMITTED SURFACE DISCHARGES: Buried sand filters, recirculating sand filters, lagoons, and aerobic treatment plants, and any plant approved by the National Sanitation Foundation for class I effluent may be discharged to one of the following:

1. A receiving stream, lake, or pond which provides greater than one to one (1:1) dilution of the effluent.

2. A common drain; provided, that the drain does not discharge within one mile upstream from a public water supply intake, public bathing beach or to any public use area. A "public use area" is any area which is frequently used by the public. Examples of a public use are playgrounds and picnic areas.

3. The ground surface in areas where the density of private sewage disposal systems with surface discharges does not exceed one per acre or create a public nuisance.

PROHIBITED DISCHARGES: 1. There shall be no discharge of raw or improperly treated sewage to the surface of the ground or to farm tiles, streams, rivers, ponds, lakes, common tiles or other collectors of water.

2. Domestic sewage or effluent from any private sewage disposal system or component shall not be discharged into any well or into any underground mine, cave, or tunnel.

RAW SEWAGE: Untreated sewage. (2000 Code § 3.01; amd. 2010 Code) !DEFEND!

B. Discharges Restricted: No person shall be permitted to discharge any sewage or effluent to any natural outlet, storm drainage system, tile or any surface drain of the village unless the discharge is a permitted discharge as defined in this section. (2000 Code § 3.01)

C. Defects; Repairs, Remedies: Defective septic systems or waste discharges that do not meet effluent standards must be repaired or otherwise remedied within thirty (30) days. (Ord. 092716A, 10-25-2016)

3-2-4: PENALTIES:

A. Any person violating any provision of this chapter shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for the first offense and for a second offense within a twelve (12) month period, by a fine not less than twenty five dollars (\$25.00) nor more than two hundred dollars (\$200.00).

B. If any improperly treated sewage or any other discharge that does not meet effluent standards is considered by the village to have an adverse effect on the receiving stream or may otherwise endanger life, limb, public health, public property, or constitute a nuisance, then the village reserves

the right to shut off water service in an effort to minimize said discharge. Shutting off water service will be in addition to any other remedy or penalty defined in this chapter, and it will remain shut off until such time as the defect, fault, or violation is corrected. (Ord. 092716A, 10-25-2016)

CHAPTER 3

PRIVATE SEWAGE DISPOSAL SYSTEMS

SECTION:

- 3-3-1: Definition
- 3-3-2: Application Of Provisions
- 3-3-3: Administrative Authority
- 3-3-4: Permit Requirements
- 3-3-5: Licensed Contractor Required; Exception
- 3-3-6: Violation; Penalties !2R!

3-3-1: DEFINITION:

The term "private sewage disposal system", when used in this chapter, shall mean all construction, repair, and reconstruction of private sewage disposal systems or sewers, maintenance of private sewage disposal systems or sewers requiring digging and installation of tile, or additions to the private sewage disposal system. (2000 Code § 3.04)

3-3-2: APPLICATION OF PROVISIONS:

All owners of real estate, contractors, employees, plumbers, and homeowners performing work within the corporate limits involving the construction, repair, and maintenance of private sewage disposal systems and septic tanks shall be and are liable under this chapter. (2000 Code § 3.04)

3-3-3: ADMINISTRATIVE AUTHORITY:

The county public health department is authorized to implement provisions of this chapter. (2000 Code § 3.04)

3-3-4: PERMIT REQUIREMENTS:

A. Permit Required; Compliance With County Regulations:
Permits for all such work as defined in section 3-3-1 of this chapter shall be secured from the county public health department prior to commencement of said work. All permit holders shall be bound by the rules and regulations of the county public health department.

B. Permit Fees: Permit fees shall be assessed and collected by the county public health department as required by the county sewage ordinance, as amended. (2000 Code § 3.04)

3-3-5: LICENSED CONTRACTOR REQUIRED; EXCEPTION:

No person, contractor, owner, plumber, or employee shall begin

construction or addition to any private sewage disposal system unless he or she is an Illinois licensed private sewage disposal installer or contractor who is registered in the county, or a homeowner installing or repairing his or her own private sewage disposal system. (2000 Code § 3.04)

3-3-6: VIOLATION; PENALTIES:

The use and occupancy of any parcel of real estate upon which compliance with this chapter has not been met shall constitute a violation, the same being a continuing offense from day to day. Any person or corporation convicted of violating this chapter, whether owner, contractor, plumber, employee, or user of the premises, shall be fined a sum of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for any one offense and, upon conviction, shall further be subject to the cost of correction of such work to comply with this chapter. Nothing in this section shall release the person or corporation from penalties which are authorized in applicable county, state, or federal regulations. (2000 Code § 3.04; amd. 2010 Code)

CHAPTER 4

WEEDS AND BRUSH; TRAFFIC VISIBILITY

SECTION:

- 3-4-1: Height Of Weeds And Plants
- 3-4-2: Traffic Visibility At Intersections
- 3-4-3: Abatement Procedures !2R!

3-4-1: HEIGHT OF WEEDS AND PLANTS:

It shall be the duty of all owners, tenants, and persons in possession of property located within the village to keep said property free and clear of all weeds, noxious weeds, brush or other growth exceeding eight inches (8") in height, other than windbreaks, ornamental hedges or other growth for the beautification of real estate. (2000 Code § 3.03; amd. 2010 Code)

3-4-2: TRAFFIC VISIBILITY AT INTERSECTIONS¹:

All fences, hedge fences, trees, shrubs, temporary buildings, equipment, and all other property shall not be placed nor allowed to grow within twenty five feet (25') of any corner where traffic interconnects. All such structures, growth, trees, and fences above enumerated, except buildings of a permanent nature existing on the effective date hereof, shall be removed within thirty (30) days of said effective date. (2000 Code § 3.03; amd. 2010 Code)

3-4-3: ABATEMENT PROCEDURES:

Ten (10) days after written notice by the village president sent by first class mail to the last known address of the owner, tenant, or person in possession of any property on which any condition as set forth in sections 3-4-1 and 3-4-2 of this chapter exists, or after posting such notice at the property involved in case such owner, tenant, or person in possession cannot be determined, the village shall have the right to remove such condition hereinabove provided, and the cost shall be assessed against the property owner and, upon nonpayment, shall, upon recording notice in the county recorder's office, become a lien on the premises. (2000 Code § 3.03; amd. 2010 Code)

1. See also section 7-6-7 of this code.

CHAPTER 5

OPEN BURNING

SECTION:

3-5-1: Definitions

3-5-2: Open Fires Restricted

3-5-3: Burning Of Landscape Waste¹ (Rep. by Ord. 062513B,
8-27-2013)

3-5-4: Provisions Additional To State Regulations !2R!

3-5-1: DEFINITIONS:

!DEF! LANDSCAPE WASTE: All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

OPEN BURNING: The combustion of any matter in the open or in an open dump. (2010 Code) !DEFEND!

3-5-2: OPEN FIRES RESTRICTED:

No person shall cause or allow open burning of any combustible material or refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse or combustible material in any chamber not specifically designed for the purpose and approved by the Illinois environmental protection agency pursuant to regulations adopted by the Illinois air pollution control board; except that it shall be lawful for any person to burn landscape waste upon the premises where it is produced or at sites provided and supervised by the city, when such burning shall take place between sunup and sundown and not during school hours and two (2) hours prior to the start of the school day, and when such burning is conducted in a manner and under such conditions as will create the least visibility hazards on adjacent roadways, walkways and railroad tracks, and will create the least amount of pollutants reasonably possible at such time. The burning of landscape waste shall not be in conflict with the provisions of the acts of the state and its subsidiary agencies relative to the burning of landscape wastes in open air. Further, it shall also be lawful for any person to set fire to, ignite or burn any combustible material except trash, refuse, or garbage, in any outdoor fireplace, grill or barbecue pit if:

A. Such fire is used solely for the purpose of cooking; and

B. Such fire is kept under competent and continuous supervision; and

1. See section 3-5-2 of this chapter.

C. All flammable and combustible material is removed a distance of thirty feet (30') from the fireplace, grill or barbecue pit so as not to constitute a fire hazard; and

D. All such burning is a distance of thirty feet (30') from other residences and properties so as to not be a nuisance, constitute a fire hazard or impair the breathing of free air to adjacent persons or property owners; and

E. All fires or coals in said fireplace, grill or barbecue pit are thoroughly extinguished after the use thereof has been completed. (Ord. 062513B, 8-27-2013)

3-5-3: BURNING OF LANDSCAPE WASTE¹:

(Rep. by Ord. 062513B, 8-27-2013)

3-5-4: PROVISIONS ADDITIONAL TO STATE REGULATIONS:

This chapter shall embrace, but not be in conflict with, the provisions of an act to protect the environment of the state, and to repeal certain acts therein named, being 415 Illinois Compiled Statutes 5/1 et seq. (2010 Code)

1. See section 3-5-2 of this chapter.

!TITLE! 4

POLICE AND PUBLIC SAFETY

General Offenses.	1
Animal Control.	2
Minors.	3
Graffiti.	4
Discrimination In Housing.	5

CHAPTER 1

GENERAL OFFENSES

SECTION:

- 4-1--1: State Criminal Code Adopted
- 4-1--2: Assault And Battery
- 4-1--3: Breach Of The Peace
- 4-1--4: Disturbing The Peace
- 4-1--5: Disturbing Assemblies
- 4-1--6: False Fire Alarms
- 4-1--7: Public Indecency
- 4-1--8: Gambling
- 4-1--9: Weapons
- 4-1-10: Obstructing, Resisting Officials
- 4-1-11: Vagrants
- 4-1-12: Penalty !2R!

4-1-1: STATE CRIMINAL CODE ADOPTED:

Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, provisions and sections of the Illinois criminal code, 720 Illinois Compiled Statutes 5/1-1 et seq., as amended, are hereby adopted by the village. Any and all violations thereof shall be considered violations of this chapter, and each such violation shall subject the violator thereof to penalty provisions under this chapter. (2010 Code)

4-1-2: ASSAULT AND BATTERY:

It shall be unlawful for any person to commit an assault or an assault and battery upon the person of another, or be guilty of an affray within the limits of the village. (2000 Code § 2.01; amd. 2010 Code)

4-1-3: BREACH OF THE PEACE:

It shall be unlawful for any person in the village to provoke a breach of the peace or use any violent, threatening, profane or indecent language to the annoyance, disturbance or vexation of any person; or use any threatening or abusive language tending to provoke a breach of the peace; or engage in any immoral or disorderly conduct calculated to provoke a breach of the peace; or permit any loud, boisterous or indecent language or any disorderly conduct upon the premises owned or controlled by him or her so that the peace and quiet of the neighborhood shall be disturbed. (2000 Code § 2.01; amd. 2010 Code)

4-1-4: DISTURBING THE PEACE:

It shall be unlawful for any person to make, continue to make, or cause to be made, by threats, loud and boisterous language, or profane or indecent language, or by disorderly conduct any loud, disturbing, unusual or unnecessary noises which either annoy, disturb, threaten, injure or endanger the comfort, repose, convenience, health, peace, or safety of others within the limits of the village. The following acts are declared to be loud, disturbing, and unnecessary noises, in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

A. **Blowing Horns:** Causing the sounding of any horn or signal device on any automobile, motorcycle, or other vehicle, so as to create an unreasonably loud or harsh sound, and/or the sounding of such device for an unnecessary and unreasonable period of time.

B. **Yelling And Shouting:** Yelling and shouting, particularly on the public streets or any other place so as to unreasonably annoy or disturb the quiet, comfort, or repose of any person in the vicinity.

C. **Exhaust Discharge:** The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other device, which effectively prevents loud or explosive noises therefrom between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. Sunday through Saturday.

D. **Building Operations:** The erection (including excavation), demolition, alteration or repair of any building, or the excavation of streets or public spaces, in any residential area between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. Sunday through Saturday, except in the case of urgent necessity in the interest of public health and safety, and then only with a written permission from the village superintendent or mayor.

E. **Noises Near Schools And Churches:** The creation of any excessive noise on any street adjacent to any school, institution of learning or church while the same are in session, which unreasonably interferes with the workings or sessions thereof.

F. **Noises To Attract Attention:** The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise which may unreasonably annoy or disturb the quiet, comfort or repose of the village or of any citizen of the village.

G. **Noises From Devices Using Internal Combustion Engines:** Noises from all-terrain vehicles, off highway motorcycles, snowmobiles, lawn mowers, stock cars, and devices using

internal combustion engines with the exception of loading or unloading of such vehicles onto another vehicle or transporting the vehicle from one place of storage to another between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. Sunday through Saturday.

H. Additional Noise Regulations: For additional noise regulations refer to subsection 2-1-21B, "Noise Restrictions", of this code; and section 4-2-4, "Nuisance Dogs And Cats", of this title. (Ord. 082614A, 10-28-2014)

4-1-5: DISTURBING ASSEMBLIES:

It shall be unlawful for any person in the village to wilfully interrupt or disturb any school or any assembly of people met for religious worship, or any assembly of people met for a lawful purpose. (2000 Code § 2.01; amd. 2010 Code)

4-1-6: FALSE FIRE ALARMS:

It shall be unlawful for any person to cry out or otherwise give a false alarm of fire in the village. (2000 Code § 2.01; amd. 2010 Code)

4-1-7: PUBLIC INDECENCY:

It shall be unlawful for any person in the village to appear in any public place in a state of nudity, or indecently expose his or her person, or notoriously commit any other act of public indecency tending to debauch the public morals. (2000 Code § 2.01; amd. 2010 Code)

4-1-8: GAMBLING:

It shall be unlawful for any person in the village to keep a common gaming house; or in any building, place, booth, yard or garden by him or her or his or her agent used and occupied, procure or permit any persons to frequent or come together to play for money or other valuable thing at any game; or keep or suffer to be kept any tables or other apparatus for the purposes of playing at any game or sport for money, or any valuable thing, or anything intended to represent value; or keep or rent any such place for any such purpose; or play for money or other valuable thing at any game with cards, dice, or checks, or at billiards, or with any other article, instrument or device whatsoever that may be used for the purpose of playing or betting upon; or bet on any game others are playing. Gambling or gaming authorized and regulated by the state of Illinois is excluded from the provisions of this section. (Ord. 072412, 8-28-2012)

4-1-9: WEAPONS:

A. Discharge Of Firearms: No person shall, in the village, fire or discharge any gun, pistol, or other firearms, except when authorized by law, or by ordinance, or by permission of the president.

B. Concealed Weapons; Displaying In Threatening Manner: No person shall, in the village, carry or wear under clothing, or conceal about his person, any pistol or handgun, without being the holder of an Illinois concealed carry license, or in a threatening manner, display or flourish any gun, pistol, revolver, knife, slingshot, metal knuckles or other dangerous or deadly weapon; provided, that the provisions of this subsection shall not apply to peace officers when on duty in the village. (Ord. 092314B, 10-28-2014)

4-1-10: OBSTRUCTING, RESISTING OFFICIALS:

It shall be unlawful for any person in the village to hinder, obstruct, resist, or otherwise interfere with a village officer in the discharge of his duties, or attempt to prevent any such officer from arresting any person, or attempt to rescue from such officer any person in his custody. (2000 Code § 2.01; amd. 2010 Code)

4-1-11: VAGRANTS:

All tramps, beggars, and vagrants are prohibited from begging and loitering in the village. (2000 Code § 2.01; amd. 2010 Code)

4-1-12: PENALTY:

Any person violating any provisions of this chapter shall be fined as provided in section 1-4-1 of this code. (2010 Code)

CHAPTER 2

ANIMAL CONTROL

SECTION:

- 4-2--1: Definitions
- 4-2--2: Restraint Of Dog Required
- 4-2--3: Cruelty To Animals
- 4-2--4: Nuisance Dogs And Cats
- 4-2--5: Removal Of Excrement
- 4-2--6: Dangerous Dogs And Vicious Dogs
- 4-2--7: Diseased Animals
- 4-2--8: Number Of Dogs And Cats
- 4-2--9: Animal Houses And Fences
- 4-2-10: Rabies Control
- 4-2-11: Impoundment And Redemption Of Dogs And Cats
- 4-2-12: Livestock
- 4-2-13: Methods Of Enforcement
- 4-2-14: Interference With Enforcement Official Prohibited
- 4-2-15: Penalties !2R!

4-2-1: DEFINITIONS:

!DEF! AT LARGE: Any dog shall be deemed to be "at large" when it is off the property of its owner and not under the restraint of a responsible person.

CAT: Any feline, regardless of age or sex.

DANGEROUS DOG: A. Any individual dog anywhere, other than upon the property of the owner or custodian of the dog, and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal; or

B. A dog that, without justification, bites a person and does not cause serious physical injury.

DEPARTMENT OF AGRICULTURE: The department of agriculture of the state of Illinois.

DOG: All members of the family Canidae.

INOCULATION AGAINST RABIES: The injection of a dog or cat with a vaccine approved by a licensed veterinarian or antirabies clinic for use in the prevention of rabies.

KEEP OR HARBOR/KEEPING OR HARBORING: Habitually permitting to remain or to be lodged or to be fed within the house, store, yard, enclosure or other place.

LEASH: A cord, thong or chain, not more than ten feet (10') in length, by which a dog is controlled by the person accompanying

it.

LIVESTOCK: Any one or more cows, horses, sheep, swine, goats, chickens, ducks, turkeys, rabbits, geese, and/or bees.

MINOR: Any person under the age of eighteen (18) years.

OWN/OWNING: Unless otherwise indicated in the text, shall be deemed to mean and include own, keep, harbor, or have charge, custody or control of a dog or cat.

OWNER OR KEEPER: A person having a right of property in a dog or cat, or keeps or harbors a dog or cat, or who has a dog or cat in his care, or who acts as its custodian, or who knowingly permits a dog or cat to remain on or about any premises occupied by him or her. "Owner or keeper" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program.

PARENT: Means and includes stepparent and natural parent or guardian.

PERSON: Any individual, firm, corporation, association, or partnership.

RESTRAINT: A dog is under "restraint" within the meaning of this chapter if he is controlled by a "leash", as defined in this section; within a vehicle being driven or parked on the streets; or within the property limits of his owner or keeper.

SERIOUS PHYSICAL INJURY: A physical injury that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

VACCINATED OR VACCINATION: The inoculation of a dog or cat with a vaccine approved by a licensed veterinarian or antirabies clinic for use in the prevention of rabies.

VICIOUS DOG: A dog that, without justification, attacks a person and causes a serious physical injury or death.

VILLAGE: The village of Ashmore, Coles County, Illinois. (2010 Code) !DEFEND!

4-2-2: RESTRAINT OF DOG REQUIRED:

The owner or keeper of a dog shall keep the dog under restraint at all times and shall not permit such dog to be at large, off the premises of the property of the owner or keeper, unless the dog is under complete "restraint" as defined in section 4-2-1 of this chapter. (2010 Code)

4-2-3: CRUELTY TO ANIMALS:

No person shall cruelly treat any animal in the village. Any person guilty of any of the following acts shall be guilty of a violation of this section.

A. Overloading, overdriving, overworking, beating, torturing, tormenting, mutilating or cruelly killing any animal or causing or knowingly allowing the same to be done.

B. Cruelly working any animal, or causing or knowingly allowing the same to be done.

C. Unnecessarily failing to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shelter, air, veterinary care when needed to prevent suffering, and humane care and treatment.

D. Abandoning any animal.

E. Driving, or causing to be driven or kept, any animal in an unnecessarily cruel manner.

F. Carrying or causing to be kept, any animal bound or tied by its legs, or bound down by the neck, so that it cannot freely stand in an upright position while being transported or by carrying or causing to be carried. Keeping or causing to be kept any animal, in any crate or cage, so constructed as to permit such animal to push its head between the slats, wires or other openings of such crate or cage, unless the space between such slats or wires is sufficient to permit such animal to freely withdraw its head therefrom. (2010 Code)

4-2-4: NUISANCE DOGS AND CATS:

A. Any dog or cat which may, in any manner, continually disturb the quiet of any person or neighborhood or shall destroy or in any manner injure any animal, plant, shrub or other property not on the premises of its owner or keeper is hereby declared to be a nuisance, and in addition thereto, any such dog may be taken up and impounded and may be redeemed or disposed of in the manner provided under this chapter.

B. It shall be unlawful for any owner or keeper to knowingly keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. (2010 Code)

4-2-5: REMOVAL OF EXCREMENT:

It shall be unlawful for any person to cause or permit a dog to be on any property, public or private, not owned or possessed by such person unless such person has in his immediate possession a

device for the removal of excrement and a depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. Further, it shall be unlawful for any person in control of, causing or permitting any dog to be on any property, public or private, not owned or possessed by such person, to fail to remove excrement left by such dog to a proper receptacle located on property owned or possessed by such person. (2010 Code)

4-2-6: DANGEROUS DOGS AND VICIOUS DOGS:

A. Any dangerous dog or vicious dog running at large in the streets or public places of the village or upon private premises of any other person than the dog owner or keeper is declared a nuisance, and such dog may be taken up and impounded in the manner provided by this chapter for the impounding of dogs; provided, however, that if any dangerous dog or vicious dog so found at large cannot be safely taken up or impounded, such dog may be slain.

B. After a dangerous dog or a vicious dog has been impounded and redeemed, it shall thereafter be unlawful for the owner or keeper of such dog to keep or maintain such dog anywhere within the corporate limits of the village unless such dog is: 1) kept in a fenced enclosure of at least six feet (6') in height that is securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent such dog from escaping from such enclosure; or 2) when such dog is not within such fenced enclosure, such dog is securely muzzled and restrained with a leash not exceeding six feet (6') in length and shall be under the direct control and supervision of the owner or keeper of such dog.

C. Upon a violation of subsection B of this section, the owner or keeper of such dog shall permanently remove such dog from the corporate limits of the village, and it shall be unlawful for any owner or keeper to keep or maintain such dog anywhere within the corporate limits of the village. (2010 Code)

4-2-7: DISEASED ANIMALS:

A. No domestic animal afflicted with a contagious disease or an infectious disease shall 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 premises of the owner thereof, except under the supervision of the county or state veterinarian.

B. It is hereby made the duty of the village to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread contagion or infection, except in cases where the state or county veterinarian is empowered to act. (2010 Code)

4-2-8: NUMBER OF DOGS AND CATS:

A. Number Of Dogs And Cats Restricted:

1. Number Restricted: It shall be unlawful for any person to keep more than five (5) dogs and five (5) cats within the village, with the exception that a litter of pups or a litter of kittens or a portion of a litter may be kept for a period of time not exceeding four (4) months from birth.

2. Exemptions: The provisions of this subsection shall not apply to any business establishment wherein dogs or cats are regularly kept for commercial breeding, sale, sporting purposes, or boarding.

B. Nuisance Declared: The keeping of an unlimited number of dogs and cats in the village for a considerable period of time detracts from and in many instances is detrimental to the healthful and comfortable life of residents of the village. The keeping of an unlimited number of dogs or cats is, therefore, declared to be a public nuisance. (2010 Code)

4-2-9: ANIMAL HOUSES AND FENCES:

A. Pens, Yards And Runs: All pens, yards, runs, or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.

B. Fences: Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly. (2010 Code)

4-2-10: RABIES CONTROL:

A. Vaccination Required: Every owner of a dog or cat four (4) months or more of age, not confined at all times to an enclosed area, shall have the dog or cat vaccinated against rabies by a licensed veterinarian as may be required by regulations promulgated in the Illinois animal control act¹. Evidence of the rabies vaccination shall be a certificate signed by the licensed veterinarian administering the vaccine. (2000 Code § 2.02; amd. 2010 Code)

B. Quarantine Provisions For Dogs:

1. Dog That Has Bitten A Person: All dogs as are shown to have bitten any person shall be quarantined at the direction of the village for a period of ten (10) days after the date of the bite. Quarantine may be accomplished by placing the dog or dogs in the custody of the dog owner, keeper or other responsible party who

shall keep the dog or dogs confined at all times during the quarantine period, either in an enclosure from which escape is impossible or on a leash or chain of indestructible material. In the event the dog or dogs are not so confined, then such dog or dogs shall be impounded for a period of ten (10) days. Such a dog may be redeemed at the end of the ten (10) day quarantine period by its owner or keeper after paying all impoundment fees.

2. Rabies Outbreak: Whenever there is a proven case of rabies within the village, the village president may determine that danger from rabies exists in the village. A quarantine of all dogs within the village may be declared. During the period of quarantine, all dog owners or keepers shall keep their dog or dogs confined in an enclosure from which escape is impossible or on a leash or chain of indestructible material. In the event a dog or dogs are not confined, then they may be impounded for the period of the quarantine and may be recovered only after paying all impoundment fees. The quarantine period may be terminated by the village president at any time after which it is determined there is no danger from rabies, and the termination of such quarantine period is mandatory after any six (6) month period during which time no rabies has existed in the village. (2010 Code)

C. Cat Rabies Suspects:

1. Observation: When any parson owning a cat has been notified by any person injured, or by someone in his or her behalf, or by someone with knowledge of said injury, that said person has been bitten or attacked by said cat, or when any person owning a cat has been notified by any person that said cat has been bitten by a rabid animal, the owner shall immediately place the cat under the care and observation of a licensed veterinarian with the expense thereof to be borne by the owner of such cat, and failure of the owner to submit said cat within twenty four (24) hours after notice of said bite or attack to a licensed veterinarian constitutes a violation of this section. The owner of such cat shall cause said cat to be impounded for such care and observation for a period of ten (10) days.

2. Destruction Of Rabid Cat: If the cat is determined by the licensed veterinarian to have rabies, then the owner shall cause such cat to be destroyed by the licensed veterinarian and shall permit the licensed veterinarian to dispose of the cat's remains as required by law.

3. Release Of Cat: Before any such cat shall be released, the person to whom it is released shall submit proof, in the form of a certificate issued by a licensed veterinarian or other person authorized by law to administer rabies inoculation, that such cat does not have rabies and has been properly inoculated for rabies. The impounded cat may then be released by a licensed veterinarian.

4. Liability Of Parent Or Guardian: The parent, custodian or guardian of any minor claiming ownership of any cat shall be

deemed to be the owner of such cat and shall be charged for all penalties, fees, and fines imposed by this subsection.

5. Penalty: Any person violating any provision of this subsection shall be fined as provided in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (2010 Code)

4-2-11: IMPOUNDMENT AND REDEMPTION OF DOGS AND CATS:

The village designates the county animal shelter as its authorized agent for animal control within the village. Village residents shall observe rules and regulations promulgated by the agent. (2000 Code § 2.02)

4-2-12: LIVESTOCK:

A. Prohibited; Exceptions: Except as may be permitted under the circumstances set forth in subsections B, C and D of this section, no person shall keep within the village any livestock.

B. Chickens And Rabbits:

1. Any person may keep any chicken and/or rabbit, for nonbusiness purposes only, within the village, subject to the following conditions:

a. The combined total of chickens and/or rabbits on any person's premises shall not exceed twenty (20) at any one time; and

b. Such chickens and/or rabbits shall be kept and contained in an outside enclosed cage which shall be maintained in a clean and healthy manner; and

c. No neighbor owning or occupying any property within a one square block area of the premises where such chickens and/or rabbits are kept objects, in writing, to the presence of such chickens and/or rabbits; provided, however, if any neighbor objects, in writing, and said objection is found to be reasonable by a review committee established by the village board from time to time, then such chickens and/or rabbits will not be allowed. The decision of such review committee shall be final and binding.

2. It shall be deemed a violation of this section if any such chicken and/or rabbit is kept contrary hereto.

C. Existing Horses And Cows:

1. Any person who is keeping any horse or cow on his or her premises shall be permitted to keep any horse or cow during the remaining life of such horse or cow, subject to the following conditions:

- a. Such horse and/or cow shall be kept and contained in an outside enclosure on such person's premises; and
 - b. The premises where such horse and/or cow is kept shall be maintained in a clean and healthy manner; and
 - c. No additional horses and/or cows shall be brought into or kept within the village by such person or persons; and
 - d. No neighbor owning or occupying any property within one square block area of the premises where such horse and/or cow is kept objects, in writing, to the presence of such horse and/or cow; provided, however, if any neighbor objects, in writing, and said objection is found to be reasonable by a review committee established by the village board from time to time, then such horse and/or cow will not be allowed. The decision of such review committee shall be final and binding.
2. It shall be deemed a violation of this section if any such horse or cow is kept contrary to this subsection.

D. Special Events: Livestock may be temporarily kept within the village for special events such as rodeos, 4-H projects, labor day celebrations, fairs, etc., but only for the duration of such special event. (2010 Code)

4-2-13: METHODS OF ENFORCEMENT:

A. Tranquilizer Gun, Traps And Cages: Village officials are authorized to use an animal tranquilizer gun or animal traps or cages in the furtherance of enforcing the provisions of this chapter.

B. Killing Dangerous Animal: Village officials are authorized to kill any dangerous animal or reptile of any kind when necessary for the protection of any person. (2010 Code)

4-2-14: INTERFERENCE WITH ENFORCEMENT OFFICIAL PROHIBITED:

No person shall resist or molest any enforcement official while engaged in the discharge of any duty required thereof by any of the provisions of this chapter. (2010 Code)

4-2-15: PENALTIES:

A. Any person violating any provision of this chapter shall, upon conviction thereof, be fined in accordance with the following schedule:

1. One hundred dollars (\$100.00) for the first offense;
2. One hundred fifty dollars (\$150.00) for the second offense;

3. Two hundred dollars (\$200.00) for the third offense; and

4. A sum of not less than two hundred fifty dollars (\$250.00), nor more than seven hundred fifty dollars (\$750.00) for the fourth offense and each offense thereafter.

B. A separate violation shall be deemed committed on each day during which a violation occurs or continues.

C. Any person issued a citation pursuant to this chapter shall pay the village treasurer a fine for each violation of this chapter, in accordance with the fine schedule set forth in subsections A and B of this section. If such person fails to pay same within fourteen (14) days of the date of said citation, then the village may prosecute such person through a complaint for ordinance violation filed with a court of competent jurisdiction. (2010 Code)

CHAPTER 3

MINORS

SECTION:

4-3-1: Curfew

4-3-2: Parent And Guardian Responsibility !2R!

4-3-1: CURFEW:

A. Definitions: Whenever used in this section, the following terms shall have the meanings ascribed to them in this subsection:

!DEF! CURFEW HOURS: The "curfew hours" shall be as follows:

1. Ten thirty o'clock (10:30) P.M. on any Sunday, Monday, Tuesday, Wednesday, and Thursday until six o'clock (6:00) A.M. of the following day; and
2. Eleven thirty o'clock (11:30) P.M. on any Friday and Saturday and until six o'clock (6:00) A.M. of the following day.

EMERGENCY: An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT: Any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

GUARDIAN: 1. A person who, under court order, is the legal guardian of the person of a minor; or

2. A public or private agency with which a minor has been placed by a court.

MINOR: Any person under seventeen (17) years of age.

OPERATOR: Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

PARENT: A person who is:

1. A natural parent, adoptive parent, or stepparent of another person; or

2. At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

PUBLIC PLACE: Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

REMAIN: To:

1. Linger or stay; or
2. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

SERIOUS BODILY INJURY: Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ. !DEFEND!

B. Offenses:

1. A minor commits an offense if he remains in any public place or on the premises of any establishment within the village during curfew hours.
2. A parent or guardian of a minor or other person in custody or control of a minor commits an offense if he knowingly permits or, by insufficient control, allows the minor to remain in any public place or on the premises of any establishment within the village during curfew hours.
3. The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

C. Defenses:

1. It is a defense to prosecution under subsection B of this section that the minor was:
 - a. Accompanied by the minor's parent or guardian or other person in custody or control of the minor;
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. Involved in an emergency;

f. On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the appropriate law enforcement officer about the minor's presence;

g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the village, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the village, a civic organization, or another similar entity that takes responsibility for the minor;

h. Exercising first amendment rights protected by the United States constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

i. Married or had been married or is an emancipated minor under the emancipation of minors act, as amended¹.

2. It is a defense to prosecution under subsection B3 of this section that the owner, operator, or employee of an establishment promptly notified the appropriate law enforcement officer that a minor was present on the premises of the establishment during curfew hours and refused to leave.

D. Enforcement: Before taking any enforcement action under this section, the law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection C of this section is present.

E. Penalties: A person convicted of a violation of any provision of this section shall be guilty of a petty offense and shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00); except, that neither a person who has been made a ward of the court under the juvenile court act of 1987², nor that person's guardian, shall be subject to any fine. In addition to or instead of the fine imposed by this subsection, the court may order a parent, guardian, or other person convicted of a violation of subsection B of this section to perform community service as determined by the court; except, that the guardian of a person who has been made a ward of the court under the juvenile court act of 1987 may not be ordered to perform community service. The dates and times established for the performance of community service by the parent, guardian, or other person

1. 750 ILCS 30/1 et seq.

2. 705 ILCS 405/1-1 et seq.

convicted of a violation of subsection B of this section shall not conflict with the dates and times that the person is employed in his or her regular occupation. (2010 Code)

4-3-2: PARENT AND GUARDIAN RESPONSIBILITY:

A. Definitions: For the purpose of this section, the following definitions shall apply:

!DEF! LEGAL GUARDIAN: A person appointed guardian or given custody of a minor by court order, but shall not include a person appointed guardian only of the estate of a minor, or appointed guardian or given custody of a minor under the Illinois juvenile court act¹.

MINOR: A person who shall not have reached eighteen (18) years of age and has not been emancipated. Otherwise referred to as a "ward".

PARENT: The lawful father or mother of a minor child, whether by birth or adoption.

PERSON: Any individual, partnership, corporation or organization of any kind.

UNEMANCIPATED MINOR: A minor still under the care and custody of his or her parents.

WILFUL: Proceeding from a conscious and voluntary intentional motion of the will. **!DEFEND!**

B. Permitting Juveniles To Violate Laws: It shall be unlawful for any parent or legal guardian of an unemancipated minor residing with said parent or legal guardian to knowingly allow or to knowingly permit said minor to violate or attempt to violate any state law or village ordinance or to knowingly or negligently act, or fail to act, in such a manner as to facilitate or contribute to any violation or attempted violation of any state law or village ordinance by said minor.

C. Liability For Penalties: Subject to the conditions contained in subsection B of this section, the parent or legal guardian of an unemancipated minor who has custody of such minor shall be jointly and severally liable with said minor for any fine, condition or reparation imposed by a court and for full restitution to any injured or damaged party or parties for the wilful or malicious acts of said minor child; provided, however, that said parent or legal guardian has been served, at least ten (10) days prior to the scheduled hearing date, with a summons or notice to appear and written notice setting forth the charges against said minor child in the original cause as provided by law. (2010 Code)

CHAPTER 4

GRAFFITI

SECTION:

- 4-4-1: Prohibited
- 4-4-2: Defense To Violation
- 4-4-3: Penalties
- 4-4-4: Removal By Owner Required !2R!

4-4-1: PROHIBITED:

It is unlawful for any person to inscribe, draw or otherwise place upon the surface of any structure or wall that is privately or publicly owned any word, phrase, diagram, symbol, sketch, or letters, where the contents thereof are visible to any member of the general public and contain references to sexual activity, to any portion of the human anatomy, to gang or criminal activities, to personal relationships or to defamatory material about public or private persons. (2010 Code)

4-4-2: DEFENSE TO VIOLATION:

It shall be a defense to an alleged violation of section 4-4-1 of this chapter if such activity was undertaken with the prior written consent of the owner of the property demonstrating that the owner was aware of the content and the method by which the inscription was to be placed upon the structure or wall. (2010 Code)

4-4-3: PENALTIES:

Upon a conviction for the violation of the prohibited conduct in section 4-4-1 of this chapter, there shall be imposed a fine of not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00). Additionally, a mandatory requirement shall be imposed by any court finding a person guilty of violating the provisions of section 4-4-1 of this chapter, as a condition to any probation or supervision, that full and complete restitution be made to the owner of the property for expenses incurred in the removal of the material and repair of the structure or wall. (2010 Code)

4-4-4: REMOVAL BY OWNER REQUIRED:

It shall be the duty the owner of the structure or wall upon which any inscription or representation prohibited in section 4-4-1 of this chapter is made to remove such inscription or representation and to otherwise repair or restore the structure or wall to its prior condition within five (5) days from the occurrence of the offense. The owner of the property shall be

entitled to restitution and compensation for the direct costs incurred in the repair and restoration of his property from any person convicted of the prohibited activity upon the submission of receipts evidencing payment of such costs and provided the court entering the finding or conviction for the offense shall so order. (2010 Code)

CHAPTER 5

DISCRIMINATION IN HOUSING

SECTION:

- 4-5-1: Declaration Of Policy
- 4-5-2: Definitions
- 4-5-3: Prohibited Acts
- 4-5-4: Penalty !2R!

4-5-1: DECLARATION OF POLICY:

A. In furthering the policy of the state of Illinois 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 assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap 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 persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed or physical or mental handicap 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. (Ord. 082200C, 8-22-2000)

4-5-2: DEFINITIONS:

As used in this chapter, unless a different meaning clearly appears from the context, the following terms shall have the meanings ascribed to them in this section:

!DEF! DECENT, SANITARY, HEALTHFUL, STANDARD LIVING QUARTERS:

Housing which is in sound, clean, and weathertight condition in conformance with applicable local, state, and national codes.

DISCRIMINATE OR DISCRIMINATION: Any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodations and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of such person.

FINANCIAL INSTITUTION: Any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

HOUSING ACCOMMODATION: Includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one or more human beings, or any real estate so used, designed or intended for such use.

OWNER: Any person/persons who hold legal or equitable title to, or own any beneficial interest in, any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

REAL ESTATE BROKER: Any person, partnership, association, or corporation, and/or agent thereof, who, for a fee or other valuable consideration, offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of a housing accommodation and/or real property of another.

REAL PROPERTY: Any real estate, vacant land, building, structure of housing accommodation within the corporate limits of the village of Ashmore, Illinois. (Ord. 082200C, 8-22-2000)
!DEFEND!

4-5-3: PROHIBITED ACTS:

A. It shall be unlawful for any owner of real estate, lessee, sublessee, real estate broker or salesman, financial institution, or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

B. In addition to subsection A of this section, it shall also

be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property in the village:

1. To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the village or in furnishing of any facilities or services in connection therewith.
2. To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses, directly or indirectly, any discrimination as to race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of any person.
3. To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.
4. To solicit for sale, lease, or listing for the sale or lease of any housing accommodation and/or real property on the ground of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap.
5. To distribute or cause to be distributed written material or statements designed to induce any owner of any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of persons in the neighborhood.
6. To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.
7. For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing

accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap.

8. For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of the proposed buyer or tenant. (Ord. 082200C, 8-22-2000)

4-5-4: PENALTY:

Any person convicted of violating any of the provisions of this chapter shall be punished by a fine of not less than ten dollars (\$10.00) nor more than seven hundred fifty dollars (\$750.00). Each day a violation continues shall constitute a separate violation. 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 chapter. (Ord. 082200C, 8-22-2000; amd. 2010 Code)

!TITLE! 5

MOTOR VEHICLES AND TRAFFIC

Traffic Code And Penalty.	1
Traffic Schedules.	2
Parking Regulations.	3
Nonhighway Vehicles.	4

CHAPTER 1

TRAFFIC CODE AND PENALTY

SECTION:

- 5-1-1: Adoption Of State Traffic Code
- 5-1-2: Compliance With Rules Of The Road
- 5-1-3: Penalty !2R!

5-1-1: ADOPTION OF STATE TRAFFIC CODE:

All vehicles shall comply with the Illinois motor vehicle code, 625 Illinois Compiled Statutes 5/1-101 et seq. (2000 Code § 4.01(4); amd. 2010 Code)

5-1-2: COMPLIANCE WITH RULES OF THE ROAD:

Operators of vehicles using public streets, public rights of way or authorized parking areas in the village shall follow state provisions on rules of the road outlined in 625 Illinois Compiled Statutes 5/11-100 et seq., as amended. (2000 Code § 4.01(1))

5-1-3: PENALTY:

Violators of this title shall be subject to fines and penalties as specified in the motor vehicle code, 625 Illinois Compiled Statutes 5/1-101 et seq. (2000 Code § 4.01(5); amd. 2010 Code)

CHAPTER 2

TRAFFIC SCHEDULES

SECTION:

- 5-2--1: Stop Intersections
- 5-2--2: Yield Right Of Way Intersections
- 5-2--3: Speed Limits
- 5-2--4: School Zones
- 5-2--5: Parking
- 5-2--6: No Outlet Streets
- 5-2--7: Weight Limit Streets
- 5-2--8: One-Way Streets
- 5-2--9: Do Not Enter Streets
- 5-2-10: No Turn Streets
- 5-2-11: Sign Specifications
- 5-2-12: Obedience To Signs !2R!

5-2-1: STOP INTERSECTIONS:

A. Stop Ahead Streets: The following locations are identified for "Stop Ahead" signs posted in the village:

Street	Direction	Approaching The Intersection Of
Charleston	Eastbound	Indiana
	Eastbound	Iowa
	Westbound	Indiana
	Westbound	Iowa

!SETLRM!!SETFNT!!SETTAB!
 (2000 Code § 4.01(2))

B. Stop Intersections: The following locations are identified for "Stop" signs posted in the village:

Street	Direction	Stops At
Cedar	Westbound	Indiana
West Cedar	Eastbound	Iowa
	Eastbound	Oakland
	Westbound	Iowa
Charleston	Eastbound	Iowa
	Westbound	Indiana
	Westbound	Iowa
Court Lane	Northbound	Charleston
Illinois	Northbound	Elm
	Southbound	Charleston
Indiana	Northbound	Charleston
	Northbound	Westfield
	Southbound	Charleston
Iowa	Northbound	Buckeye
	Northbound	Charleston
	Southbound	Charleston
East Linden	Eastbound	Indiana
	Westbound	Indiana
	Westbound	Ohio
West Linden	Eastbound	Illinois
	Eastbound	Ohio
	Eastbound	Ohio (north side of left lane)
	Westbound	Oakland

Street	Direction	Stops At
Locust	Westbound	Indiana
West Locust	Eastbound	Illinois
	Westbound	Oakland
Maple	Eastbound	Indiana
	Westbound	Iowa
Missouri	Northbound	Westfield
Oak	Eastbound	Indiana
	Eastbound	Westfield
	Westbound	Iowa
Oakland	Southbound	Charleston
Ohio	Northbound	Walnut
	Southbound	Walnut
Park Avenue	Eastbound	Indiana
Park Street	Eastbound	Indiana
Pine	Westbound	Indiana
Poplar	Eastbound	Illinois
	Eastbound	Ohio
	Westbound	Illinois
Robertson Circle	Westbound	Iowa
Shoot Circle	Eastbound	Tennessee
Sycamore	Eastbound	Illinois
	Eastbound	Ohio
	Westbound	Illinois
Tulip	Westbound	Oakland
Walnut	Eastbound	Indiana
	Westbound	Indiana
West Walnut	Eastbound	Illinois
	Eastbound	Oakland
	Westbound	Illinois
	Westbound	Oakland
Water Circle	Northbound	East Oak

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(2000 Code § 4.01(2); amd. Ord. 022409, 3-24-2009; 2010 Code; Ord. 052411A, 6-28-2011; Ord. 082311, 9-27-2011)

5-2-2: YIELD RIGHT-OF-WAY INTERSECTIONS:

The following locations are identified for "Yield" signs posted in the Village:

Street	Direction	Yield At
Iowa	Southbound	Buckeye

!SETLRM!!SETFNT!!SETTAB!

(2000 Code § 4.01(2); amd. 2010 Code; Ord. 052411A, 6-28-2011; Ord. 082311, 9-27-2011)

5-2-3: SPEED LIMITS:

Unless otherwise posted, the speed limit for all streets within the Village limits shall be thirty (30) miles per hour. (Ord. 052212A, 6-26-2012)

5-2-4: SCHOOL ZONES:

A. Speed Limits: The following streets are identified for "School Speed Limit" signs and they shall have speed limits posted as follows:

Street	Direction	Location	Speed/MPH
South Illinois	Northbound	Between Charleston and West Locust	20
Indiana	Northbound	Between Charleston and East Pine	20
	Southbound	Between East Cedar and East Locust	20
South Oakland	Northbound	Between Charleston and West Locust	20
	Southbound	Between West Cedar and West Locust	20

!SETLRM!!SETFNT!!SETTAB!
 (2000 Code § 4.01(2); amd. 2010 Code)

B. School Advance Streets: The following locations are identified for "School Advance" signs posted in the Village:

Street	Direction	Location
South Illinois	Northbound	North of Charleston intersection
	Southbound	South of West Walnut intersection
Indiana	Northbound	North of Charleston intersection
	Southbound	South of West Walnut intersection
South Oakland	Northbound	North of Charleston intersection
	Southbound	South of West Walnut intersection
South Ohio	Southbound	South of West Walnut intersection

!SETLRM!!SETFNT!!SETTAB!
 (2000 Code § 4.01(2))

C. School Crossings: The following locations are identified for "School Crossing" signs posted in the Village:

Street	Direction	Location
South Illinois	Northbound	South of West Locust intersection
	Southbound	Between West Walnut and West Locust
Indiana	Southbound	Between East Cedar and East Pine
	Southbound	Between East Cedar and East Pine
South Oakland	Northbound	Between Charleston and West Locust
	Southbound	South of West Cedar intersection

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 (2000 Code § 4.01(2); amd. 2010 Code)

5-2-5: PARKING:

The following streets are identified for parking restrictions and should be marked with signs accordingly:

A. No parking any time:

Street Name	Side	Location
West Ashmore Street	North	Between North Ohio Street and South Indiana Street
South Illinois Street	East	Between West Linden Street and West Walnut Street
South Indiana Street	Both	Between Ashmore Street and West Linden Street

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B. No parking this side:

Street Name	Side	Location
West Linden Street	South	Between South Illinois Street and South Ohio Street
West Maple Street	Both	Between South Iowa Street and South Indiana Street

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C. No parking - fire lane:

Street Name	Side	Location
South Illinois Street	West	Between West Linden Street and West Walnut Street

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D. No parking here to corner:

Street Name	Side	Location
West Ashmore Street	South	In front of 113 West Ashmore Street to South Illinois Street
	South	In front of 101 West Ashmore Street to South Ohio Street
West Linden Street	South	Between South Oakland Road and South Illinois Street to include the span of the Ashmore Maintenance Building

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E. 2-hour parking - eight o'clock (8:00) A.M. to five o'clock (5:00) P.M:

Street Name	Side	Location
South Ohio Street	West	Between West Ashmore Street and West Linden Street with northernmost space to be designated for handicapped use

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F. Fifteen (15) minute parking:

Street Name	Side	Location
West Ashmore Street	North	Between North Oakland Road and Indiana Street
	South	Between Oakland Road and South Illinois Street
	South	Between South Ohio Street and South Indiana Street

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(Ord. 022718A, 3-27-2018, eff. 4-7-2018)

5-2-6: NO OUTLET STREETS:

The following locations are identified for "No Outlet" signs in the Village:

Street	Direction	Location
Cedar	Westbound	West of Iowa intersection
Indiana	Southbound	South of Oak intersection
Iowa	Southbound	North of Oak intersection
Waters Circle	Southbound	Waters Circle entrance
Westfield Road	Southbound	Missouri entrance

!SETLRM!!SETFNT!!SETTAB!

(2000 Code § 4.01(2))

5-2-7: WEIGHT LIMIT STREETS:

The following locations are identified for "Weight Limit" signs posted in the Village:

Street	Direction	Location
Indiana	Southbound	Westfield intersection
Oak	Westbound	Westfield intersection
		East entrance to Buckeye off of Iowa

!SETLRM!!SETFNT!!SETTAB!

(2000 Code § 4.01(2); amd. 2010 Code)

5-2-8: ONE-WAY STREETS:

A. Streets Designated: The Village hereby designates the following streets as one-way streets:

West Linden Street, between North Illinois Street on the west and North Ohio Street on the east, eastbound one-way street.

B. Signs Posted: One-way street signs shall be posted as follows:

1. Two (2) one-way signs, one each on the north and south sides of West Linden Street, east side of South Illinois intersection. (Ord. 022409, 3-24-2009)

5-2-9: DO NOT ENTER STREETS:

Do not enter signs shall be posted as follows:

A. Two (2) do not enter signs, one each on the north and south sides of West Linden Street, west side of South Ohio intersection. (Ord. 022409, 3-24-2009)

5-2-10: NO TURN STREETS:

A. No Left Turn Signs: No left turn signs shall be posted as follows:

1. One no left turn sign, east side of North Ohio Street between West Linden Street and West Walnut Street.

B. No Right Turn Signs: No right turn signs shall be posted as follows:

1. One no right turn sign, west side of North Ohio Street between West Linden Street and Ashmore Road (Route 16). (Ord. 022409, 3-24-2009)

5-2-11: SIGN SPECIFICATIONS:

All signs shall be placed in conformity with the system set forth in the most recent edition of the National Manual On Uniform Traffic Control Devices for Streets and Highways and consistent with 625 Illinois Compiled Statutes 5/11-304, as amended. (2000 Code § 4.01(2))

5-2-12: OBEDIENCE TO SIGNS:

It is unlawful for the driver or operator of a vehicle or for a pedestrian to disobey any traffic control device or sign officially erected in and upon any street or public

thoroughfare within the Village, and any such traffic control device or sign shall be considered as officially erected when placed and erected upon the direction or order of the appropriate officials or authority having charge and supervision thereof. (2000 Code § 4.01(2))

CHAPTER 3

PARKING REGULATIONS

SECTION:

5-3-1: Definitions

5-3-2: Parking Restricted And Prohibited Generally; Compliance Required

5-3-3: Parking In Alleys

5-3-4: Parking Tractor, Tractor And/Or Semitrailer, Or Trailer

5-3-5: Towing Unlawful Or Hazardous Vehicles

5-3-6: Parking During Snow Removal

5-3-7: Penalties !2R!

5-3-1: DEFINITIONS:

!DEF! HAZARDOUS VEHICLE: A. A vehicle that has been involved in an accident and is disabled or cannot be immediately moved by the owner or operator of the vehicle to a nonhazardous location; or

B. A vehicle that presents an immediate danger to the health or welfare of the members of the public; or

C. A vehicle abandoned or disabled on a public street, way or alley that is impeding the orderly flow of traffic or poses a potential danger to pedestrians and other operators of vehicles either by its location, condition or appearance; or

D. A vehicle that must be moved to allow for proper Municipal snow removal from a public street, way or alley; or

E. A vehicle parked in a fire lane where signs are erected giving notice of a fire lane with the designation of a tow away zone, or otherwise obstructing a fire hydrant wherever parked.

OWNER: A person who holds legal title to the vehicle, or the right of possession of the vehicle.

POLE TRAILER: Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

SEMITRAILER: Every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and

for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

TRAILER: Every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of it rests upon the towing vehicle.

TRUCK-TRACTOR: Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

UNLAWFUL VEHICLE: A vehicle parked in violation of the statutes of the State of Illinois or the ordinances of the Village which prohibit parking at the location in question or for the period of time for which the vehicle has been parked, and where either such statute or ordinance authorizes the vehicle to be towed and signs advising of the same are posted at or near the general location of the vehicle so parked.

VEHICLE: Any device in, upon or by which any person or property is or may be transported or drawn upon a street, highway or any public way, except devices moved by human power or devices used exclusively upon stationary rails or tracks.

VILLAGE: The Village of Ashmore, Coles County, Illinois. (2000 Code § 4.01(3); amd. 2010 Code; Ord. 052510A, 7-27-2010; Ord. 032817A, 5-23-2017) !DEFEND!

5-3-2: PARKING RESTRICTED AND PROHIBITED GENERALLY; COMPLIANCE REQUIRED:

A. Parking of any truck-tractor, trailer and semitrailer or other vehicle is permitted anywhere on the streets of the Village unless prohibited by this chapter or by some other ordinance of the Village or by signs officially posted or marked to be placed in the area where the parking is prohibited. (2000 Code § 4.01(3); amd. 2010 Code)

B. It is hereby declared to be unlawful to park a vehicle in and upon any street, sidewalk or other public thoroughfare or any public place within the Village contrary to the provisions of this chapter and/or signs officially posted prohibiting parking in the area in question. (2000 Code § 4.01(3))

5-3-3: PARKING IN ALLEYS:

On the streets of the Village commonly called "alleys", no vehicle shall be parked except for the purpose of actually loading or unloading, and in no case shall a vehicle be parked so as to obstruct traffic in any alley. (2000 Code § 4.01(3))

5-3-4: PARKING TRACTOR, TRACTOR AND/OR SEMITRAILER, OR TRAILER:

It shall be unlawful for any person to park a tractor, tractor and semitrailer or trailer, whether legally licensed or otherwise, on the public streets, sidewalks, or rights-of-way of the Village of Ashmore in any residential district for a period in excess of thirty (30) minutes unless the vehicle is being loaded or unloaded. (Ord. 052510A, 7-27-2010)

5-3-5: TOWING UNLAWFUL OR HAZARDOUS VEHICLES:

A. Authority: All law enforcement officers, Village officials, and employees of the Village are hereby authorized and empowered to remove and tow away or have removed and towed away by a commercial towing service any unlawful or hazardous vehicle. Said towing and enforcement power of the Village shall apply to any vehicle in violation of any of the ordinances or provisions of this Code.

1. Towing With Prior Notice - Unlawful Vehicles: In cases of unlawful vehicles, the Village or law enforcement shall issue an abatement notice to the vehicle owner in accordance with the abatement procedures defined in title 3, chapter 1 of this Code prior to removing or towing of the vehicle.

2. Towing Without Notice; Immediate Tows - Hazardous Vehicles: Hazardous vehicles may be towed by Village officials or law enforcement without prior notice. However, the owner should be, when practicable, notified by telephone or other means and given the opportunity to claim or move the vehicle.

B. Storage And Redemption: Towed vehicles shall be impounded at a storage facility provided by the service which towed the vehicle until lawfully claimed or disposed of pursuant to the Illinois Vehicle Code. The vehicle owner shall be responsible for and pay fees for towing and storage of towed vehicles.

C. Presumption Of Responsibility: The fact that a vehicle which is unlawful or hazardous is registered in the name of a person shall be considered prima facie proof that such person was in control of the motor vehicle at the time of such parking, and that person is subject to the penalty provided herein. (Ord. 032817A, 5-23-2017)

5-3-6: PARKING DURING SNOW REMOVAL:

A. It shall be unlawful for any person to stand or park any vehicle on any public street or public right-of-way of the Village at any time when snow and/or ice accumulates to a depth of two inches (2") or more until the snow and ice has been plowed and removed from curb to curb.

B. The Village President and/or Superintendent of Public Works

shall be in general charge of all snow removal from the Village streets. When it is necessary to move or tow any parked vehicles from the Village streets to facilitate snow removal, the Village President and/or Superintendent of Public Works may declare said vehicle to be hazardous. Hazardous vehicles may be removed in compliance with the provisions of this chapter. (Ord. 042517, 6-27-2017)

5-3-7: PENALTIES:

Violation of the provisions of this chapter shall constitute a misdemeanor. Any person charged with violation of this chapter may be fined not more than seven hundred fifty dollars (\$750.00) nor less than twenty five dollars (\$25.00), plus costs and expenses involved in the case. Each day such violation continues after receipt of a notice of violation shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation. (2000 Code § 4.01(3); amd. 2010 Code; Ord. 042517, 6-27-2017)

CHAPTER 4

NONHIGHWAY VEHICLES

SECTION:

- 5-4-1: Purpose; Intent
- 5-4-2: Definitions
- 5-4-3: Requirements
- 5-4-4: Permits
- 5-4-5: Golf Carts
- 5-4-6: Penalty !2R!

5-4-1: PURPOSE; INTENT:

The purpose of this chapter is to protect, maintain, and enhance health, safety and general welfare of citizens of the village of Ashmore. The use of nonhighway vehicles on village streets creates a potential traffic hazard for occupants of both highway and nonhighway vehicles. After consideration of the volume, speed and character of traffic on the village streets, the village board has determined that nonhighway vehicles may safely travel on village streets.

Therefore, the intent of this chapter is to regulate the use of motorized nonhighway vehicles within the corporate limits of the village of Ashmore as authorized by 625 Illinois Compiled Statutes 5/11-1426.1, operation of nonhighway vehicles on streets, roads, and highways. (Ord. 062612A, 8-7-2012)

5-4-2: DEFINITIONS:

!DEF! NONHIGHWAY VEHICLE: As used in 625 Illinois Compiled Statutes section 5/11-1426.1, operation of nonhighway vehicles on streets, roads, and highways, a "nonhighway vehicle" means a motor vehicle not specifically designed to be used on a public highway, including:

- A. An all-terrain vehicle, as defined by section 1-101.8 of the Illinois vehicle code;
- B. A golf cart, as defined by section 1-123.9 of the Illinois vehicle code;
- C. An off highway motorcycle, as defined by section 1-153.1 of the Illinois vehicle code; and
- D. A recreational off highway vehicle, as defined by section 1-168.8 of the Illinois vehicle code.

STATE ROADS: Include Illinois Route 16 and Oakland Road.

VILLAGE STREETS: Any of the streets within the boundaries of the village of Ashmore except for state and county roads. (Ord.

062612A, 8-7-2012) !DEFEND!

5-4-3: REQUIREMENTS:

All persons wishing to operate a nonhighway vehicle on the streets of the village of Ashmore must ensure compliance with the following requirements:

- A. Must have liability insurance.
- B. Proof of liability insurance, must be with the nonhighway vehicle at all times.
- C. Must display a village decal.
- D. Must be inspected by designated representative approved by the village board.
- E. Must have a valid driver's license.
- F. Must be equipped with brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem¹ on the rear of the nonhighway vehicle, a headlight that emits a white light visible from a distance of five hundred feet (500') to the front, a taillamp that emits a red light visible from at least one hundred feet (100') from the rear, brake lights, and turn signals. When operated on a roadway, a nonhighway vehicle shall have its headlight and taillamps lighted as required by section 12-201 of the Illinois vehicle code.
- G. Must obey all traffic laws of the state of Illinois and village of Ashmore.
- H. Side street use only.
- I. No modification of nonhighway suspension.
- J. Must not exceed village speed limit.
- K. May only operate on village streets with the exception of authorized crossings of state or county roads.
- L. Nonhighway vehicles shall not be operated in inclement weather nor when visibility is impaired by weather, smoke, fog, or other conditions.
- M. A person who drives or is in actual physical control of a nonhighway vehicle on a roadway while under the influence is subject to 625 Illinois Compiled Statutes 5/11-500 through 11-502.

1. As required of other vehicles in 625 ILCS 5/12-709.

N. Nonhighway vehicles shall not be operated on sidewalks or in village parks other than on roads or parking areas. (Ord. 062612A, 8-7-2012)

O. Nonhighway vehicles may not be operated on streets, highways, and roads under the jurisdiction of the Illinois department of transportation (Illinois Route 16 and Oakland Road) except to cross Illinois Route 16 directly at the intersection of Illinois Street. Nonhighway vehicles must come to a complete stop before attempting to cross and must yield the right of way to all pedestrian and vehicular traffic which constitutes a hazard. The village of Ashmore will place and maintain W11-11 golf cart traffic signs at the intersection of Illinois Street and Illinois Route 16. (Ord. 012814C, 3-25-2014)

P. Nonhighway vehicles may not be operated on state or county roads. (Ord. 062612A, 8-7-2012)

5-4-4: PERMITS:

A. No person shall operate a nonhighway vehicle without obtaining a permit from the village clerk as provided herein. Permits shall be granted for a period of one year and may be renewed annually. The cost of a permit is twenty five dollars (\$25.00) for a village resident and fifty dollars (\$50.00) for a nonresident. Insurance coverage is to be verified by the village clerk when renewing the permit.

B. Every application for a permit shall be made on a form supplied by the village and shall contain the following information:

1. The name and address of the applicant.
2. Certificate of insurance showing coverage for the nonhighway vehicle(s) being permitted (serial number or VIN number on insurance must match number on application).
3. The serial number, make, model, and description of the nonhighway vehicle.
4. Such other information as the village may require.

C. No permit shall be granted unless the following conditions are met:

1. The nonhighway vehicle must be inspected by the designated representative to ensure that the vehicle is safe to operate on village streets and is in compliance with the requirements of this chapter.
2. The applicant must provide evidence of insurance in compliance with the provisions of Illinois statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the state of Illinois.

3. A disclaimer releasing the village of liability must be signed and attached to the application.

D. The village board may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this chapter or if there is evidence that the permittee cannot safely operate the motorized nonhighway vehicle on the designated roadways. (Ord. 062612A, 8-7-2012)

5-4-5: GOLF CARTS:

Every person operating a golf cart pursuant to permit hereunder on designated village streets has all the rights and duties applicable to a driver of any vehicle pursuant to the state highway traffic laws and regulations except when those provisions cannot reasonably be applied to nonhighway vehicles. (Ord. 062612A, 8-7-2012)

5-4-6: PENALTY:

Any person who violates any provisions of this chapter shall be guilty of a petty offense and shall be punished by a fine of not less than twenty dollars (\$20.00) per offense and not more than one hundred dollars (\$100.00) per offense. (Ord. 062612A, 8-7-2012)

!TITLE! 6

PUBLIC WAYS AND PROPERTY

Street Names And Building Numbers.	1
Village Park.	2
Water Use And Service.	3
Cross Connection Control.	3A

CHAPTER 1

STREET NAMES AND BUILDING NUMBERS

SECTION:

6-1-1: Master Street Address Guide

6-1-2: Grid Numbering System !2R!

6-1-1: MASTER STREET ADDRESS GUIDE:

The "Village Of Ashmore Master Street Address Guide" (MSAG, for street names and address ranges only), as set forth in exhibit A attached to ordinance passed March 26, 1996, and incorporated herein, is recognized and adopted as the official address guide of the village. The assignment of address numbers to structures within the village MSAG (for street names and address ranges only) shall be assigned using the village grid system as established in section 6-1-2 of this chapter. (2000 Code § 7.01)

6-1-2: GRID NUMBERING SYSTEM:

A. System Established: A grid numbering system is enacted as the official numbering system for the village. All houses shall be numbered in accordance with this grid numbering system. (2000 Code § 6.03; amd. 2010 Code)

B. Address Showing: It shall be the duty of the owner and occupant of every residence and place of business in the village to have placed thereon, in a place visible from the street, numbers and/or letters showing the proper address. (Ord. 062414B, 8-26-2014)

C. Grid Numbering Map: The clerk is authorized to make the grid numbering map part of the official maps of the village. (2000 Code § 6.03; amd. 2010 Code)

CHAPTER 2

VILLAGE PARK

SECTION:

- 6-2-1: Legal Description
- 6-2-2: Streets Within Park Designated
- 6-2-3: Hours Park Closed
- 6-2-4: Penalties !2R!

6-2-1: LEGAL DESCRIPTION:

Part of Lot 40 of Assessor's Subdivision of Section 31, Township 13 North, Range 11 East of the Third principle Meridian, in the Village of Ashmore, Coles County, Illinois, described as follows:

Beginning on the East line of said Lot 40 at a point 288 feet South of the Northeast corner of said Lot 40; thence Southerly along the East line of said Lot 40 for 380.2 feet; thence deflect 76 degrees 29'15" to the right. Southwesterly for 683.18 feet; thence deflect 104 degrees 30'45" to the right Northerly along the West line of said Lot 40 for 549.5 feet; thence deflect 89 degrees 50'20" to the right Easterly for 654.75 feet to the place of beginning, containing 5.94 acres, more or less;

Except beginning on the East line of said Lot 40 at a point 288 feet South of the Northeast corner of said Lot 40, thence Southerly along the East line of said Lot 40 for 300.2 feet to the place of beginning, thence continue Southerly along the East line for 80 feet, thence deflect 76 degrees 29'15" to the right Southwesterly for 120 feet, thence Northerly parallel with the East line of Lot 40 for 80 feet, thence Northeasterly for 120 feet to the place of beginning,

is named *THE ASHMORE VILLAGE PARK*. (2000 Code § 6.04)

6-2-2: STREETS WITHIN PARK DESIGNATED:

The street located in the village park running east and west is hereby named and designated as "Park Street". The street located in said park running north and south which curves back to the east is hereby designated as "Park Avenue". (2000 Code § 6.04)

6-2-3: HOURS PARK CLOSED:

The park is hereby ordered to be closed and will be closed to all persons, except officials of the village whose duties require them to be physically present in said park, after ten

o'clock (10:00) P.M. each day and prior to sunrise on the following day. (2000 Code § 6.04)

6-2-4: PENALTIES:

Violation of the provisions of this chapter shall constitute a misdemeanor. Any person charged with violation of this chapter may be fined not less than twenty five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00), plus costs and expenses involved in the case, including village attorney fees. Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation. (2000 Code § 6.04; amd. 2010 Code)

CHAPTER 3

WATER USE AND SERVICE

SECTION:

- 6-3-1: Village Responsibility And Liability
- 6-3-2: User Responsibility
- 6-3-3: Application For Service; Deposit Required
- 6-3-4: Resale Of Water Prohibited
- 6-3-5: Meters
- 6-3-6: Connection Charges
- 6-3-7: User Rates And Charges
- 6-3-8: Water Billing; Penalties And Procedures For Nonpayment; Debt Retention Schedule
- 6-3-9: Revenues
- 6-3-10: Accounting
- 6-3-11: Tampering With, Damage To System
- 6-3-12: Extension Of Mains

6-3-1: **VILLAGE RESPONSIBILITY AND LIABILITY:**

- A. Ownership, Installation And Maintenance: The Village shall install, own and maintain the complete water system, water mains, and service lines to the property lines or a mutually agreed upon point subject to the determination of the Board of Trustees that a particular service is economically feasible to install. The Village shall furnish, install and maintain a meter and appurtenances including a shutoff valve.
- B. Refusal Of Service: The Village may at any time refuse or postpone service(s) to any applicant if, in the judgment of the Board of Trustees, either of the following applies:
 - 1. The capacity of the system will not permit such use,
 - 2. Providing such service would compromise the integrity of the system or any portion thereof.
- C. Liability: All water service supplied by the Village shall be upon the express condition that the Village shall not be liable nor shall any claim be made against it for damages or injury caused by reason of shutting off of water for repair, relocation, or expansion of any part of the system, or failure of any part of the system or for concentration of water for such purposes as firefighting or restricted use of water. The Village and its representatives shall not be liable nor shall any claim be made against it for disturbance, removal, or minor damage to private property, landscape, or vehicles resulting from efforts to access the water infrastructure and/or execute emergency repairs. The Village

will, whenever possible, attempt to contact property/vehicle owners in advance, allowing them the opportunity to move vehicles or otherwise accommodate repair crews.

- D. Use Of Water On User's Premises: The Village shall reserve the right to use the water from the user's facilities at any time deemed necessary. No charge shall be made by the user for the use of these facilities, and no charge shall be made by the Village for the water used by the Village. (Ord. 022817A, 4-25-2017, eff. 5-5-2017)

6-3-2: USER RESPONSIBILITY:

- A. Installing And Maintaining Service Lines: The user shall be responsible for installation and maintenance of service lines. The user will not connect any service line or any plumbing connected with the service line to any other water source. The service line must meet any requirements of the State Environmental Protection Agency.
- B. Provisions For Location Of Meter: All meters shall be located on Village owned property; however, the user shall permit the meter to be located upon his property.
- C. Easements: The user shall give such easements and rights-of-way as necessary to the Village and allow access for the purposes of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the Board of Trustees. Additionally, users have an obligation to keep all water main and water meter areas clear of personal property and vehicles including that of guests. If personal property must be moved or if vehicles must be towed in order to perform emergency repairs to the water system, the user must indemnify and hold the Village harmless for any resulting damage. (Ord. 022817A, 4-25-2017, eff. 5-5-2017)

6-3-3: APPLICATION FOR SERVICE; DEPOSIT REQUIRED:

- A. Application For Service: Water service shall be furnished only upon the filing of an application therefor with the Village Clerk upon a form to be supplied by the Clerk. Such application shall state the name of the applicant, the premises to be served and the basis for which the water is to be supplied. (2000 Code § 3.05)
- B. Deposit: A deposit of sixty dollars (\$60.00) shall be required of all water customers who submit an application for new water service. Such deposit shall be applied to any delinquent bill. Upon the disconnection of water service, any balance of such deposit shall be returned to the applicant without interest. (Ord. 092716B, 10-25-2016)

- C. Responsibility For Rates And Charges: Upon connection of any meter for service, the owner, consumer or user shall pay the established rates and charges for the use of water supplied by the waterworks system in accordance with the rates established in section 6-3-7 of this chapter. Provided however, that at the request of owner, consumer or user, the meter shall be disconnected. (2000 Code § 3.05)

6-3-4: RESALE OF WATER PROHIBITED:

No water supplied by the waterworks system of the Village shall be resold by any user, and such resale shall be grounds for discontinuance of water service to the user so reselling water. (2000 Code § 3.05)

6-3-5: METERS:

- A. Metered Water Required; Number Of Users Per Meter: Each user of water supplied by the Village shall be required to have a separate meter properly installed. A user of water shall be and is one individual family or business building. In no event shall two (2) units, such as a home and trailer, two (2) apartments, a home and business building, or such other dual users be on one meter unless with express permission of the Village Board. In such cases, the user in whose name the meter is registered shall pay a minimum water charge for each user as stated in section 6-3-7 of this chapter, plus the regular water charge upon all water used through said meter in excess of two thousand (2,000) gallons. Any person violating this subsection shall be given five (5) weekdays' (excluding holidays) notice to install separate meters or pay additional water rent as specified. If the new meter is not so installed, the additional charges shall be made, and if not paid, water service shall be immediately disconnected. (2000 Code § 3.05)
- B. Location: All meters shall be located on Village owned property. (2000 Code § 3.05; amd. 2010 Code)

6-3-6: CONNECTION CHARGES:

- A. For a standard three-fourths inch ($\frac{3}{4}$ ") meter yoke and standard connection made to the waterworks system, a charge of five hundred dollars (\$500.00) shall be made. Larger connections and parts will be an extra charge of the cost difference. All materials must be approved by the Village Water Superintendent. The owner or user is responsible for any repairs from the meter yoke and beyond.

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B. A standard installation shall involve:

- 1. Crossing a street of porous material (i.e., blacktop, gravel or similar easily movable material).
- 2. Connection of the water line to a meter placed on Village property.

However, the Village will not absorb the cost of connecting a water line if such action requires the use of a boring instrument or machine under the surface (i.e., concrete or like material) or any other situation which would be cost prohibitive for the Village (i.e., crossing historical sites where an archaeological survey is necessary or any like situation). (2000 Code § 3.05; amd. 2010 Code)

6-3-7: **USER RATES AND CHARGES:**

A. Rates And Charges Established¹: The following shall be the rates for water supplied by the Village. The rates as shown in this subsection shall be paid by each customer, beginning at the time the Village makes the service connection to the customer.

1. Within The Village: The monthly bill for services within the Village will be computed on the following rate schedule:

Billing for January 2023 billing cycle:

First 2,000 gallons per month (minimum)	\$26.00
Over 2,000 gallons per month	\$0.013 per gallon

Billing for January 2024 billing cycle:

First 2,000 gallons per month (minimum)	\$26.00
Over 2,000 gallons per month	\$0.01335 per gallon

2. Outside The Village: The monthly bill for services outside the Village will be computed on the following rate schedule:

Billing for January 2023 billing cycle:

First 2,000 gallons per month (minimum)	\$33.60
Over 2,000 gallons per month	\$0.0168 per gallon

Billing for January 2024 billing cycle:

First 2,000 gallons per month (minimum)	\$33.60
Over 2,000 gallons per month	\$0.01715 per gallon

¹ Rates and charges shall be effective with the January 2019 billing cycle.

3. Bulk Water: \$0.015 per gallon, distributed in increments of twenty five cents (\$0.25).
- B. Returned Check Fee: A returned check fee of twenty dollars (\$20.00) will be applied to any account where the check does not clear the bank. (2010 Code)
- C. Special Circumstances: The board of trustees reserves the right to make special arrangements fixing rates and charges for services to properties for which the above rates are not, in its opinion, equitable or proper. This shall occur by special ordinance.
- D. Leak Adjustment: One leak adjustment is allowed per meter, per twelve (12) month period based on a customer's twelve (12) month average (excluding estimates and the month following an estimate). A six (6) to eleven (11) month average may be used if there are not twelve (12) actual meter readings. A bill may be adjusted if there are less than six (6) actual meter readings, but should be calculated using the rate structure for five thousand (5,000) gallons. Only one leak adjustment is allowed for a leak that spans more than two (2) billing cycles. Failure to promptly repair a known water leak may result in the loss of an adjustment. A date of repair must be provided to the water collector prior to any adjustment being made. A customer that is ineligible for a leak adjustment, due to a prior adjustment within the twelve (12) month period, may go back and pay for a prior leak adjustment (including dollar credits and gallon credits) in order to receive an adjustment for the larger leak. The twelve (12) month adjustment period will start over with the most recent adjustment. Customers with extenuating circumstances which do not allow for the water collector to adjust for a leak may be directed to the village board. (2000 Code § 3.05; amd. Ord. 062414A, 8-26-2014; Ord. 18-1023, 11-27-2018; Ord. 21-0928A, 10-26-2021; Ord. 22-0927A, 11-22-2022)

6-3-8: WATER BILLING; PENALTIES AND PROCEDURES FOR NONPAYMENT; DEBT RETENTION SCHEDULE:

- A. Meter Reading: Water meters shall be read at or near the end of each month as weather and circumstances permit.
- B. Billing Schedule: Water bills shall be rendered during the first week of each month.
- C. Late Penalty: A late fee equal to ten percent (10%) of any bill shall be added to all bills not paid by the twentieth calendar day of the month.
- D. Late Notices: Shutoff notices are then sent out and must be paid by the first business day after month-end.

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E. Service Disconnection And Fees:

1. Service accounts which are not paid in entirety by the due date on the shutoff notice shall be subject to a twenty five dollar (\$25.00) disconnect fee and service disconnection without further warning.
2. At the time of disconnection, a "notice of delinquent balance and shutoff" will be left at the service address.
3. Reconnection or resumption of service during other than normal village maintenance business hours shall require a twenty five dollar (\$25.00) fee.

F. Padlocking: The village may padlock any meter (preventing usage) which is delinquent in payment of the water usage bill and leave it padlocked until the account for that meter is brought current.

G. Account Deactivation And Notice Of Collections: If the balance remains unpaid and service remains disconnected at the time the subsequent billing cycle is due, then:

1. Any service deposit on file for the water account shall be applied toward the outstanding receivable, and
2. The water service account shall be deactivated to prevent further service charges, and
3. A "notice of collections" shall be sent, and
4. The water user must pay the balance in full, reapply for water service, and submit a new water service deposit before water service will be reinstated at the same or any other Ashmore water service address.

H. Collections and Liens Upon Real Estate for Unpaid Charges:

1. Outstanding receivables shall be submitted for collections against the individual(s) whose name is listed on the water service application for any account not paid in full by the date on the "Notice of Collections" letter or forty (40) days after the initial due date, whichever is later.
2. Any unpaid water charges shall be placed as a lien against the property as provided by law, until said charges are paid in full.

I. Debt Retention Schedule: Outstanding receivables shall be pursued until the debt is seven (7) years old, with the following exceptions:

1. Outstanding receivables that are less than ten dollars (\$10.00) shall be pursued until the debt is twelve (12) months old, and

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2. Individuals who become deceased after water service has been canceled or otherwise disconnected shall be pursued seven (7) years or until the time of death, whichever is sooner.

- J. Uncollectible Debts: Outstanding receivables exceeding these time limits shall be considered uncollectible and shall be purged from the database. (Ord. 072616, 8-23-2016)

6-3-9: REVENUES:

The village clerk shall receive all revenues from the waterworks system and all other funds and monies incident to the operation of such system, and the same may be delivered to him/her, and deposit the same in a separate fund designated as the "waterworks fund" of the village, which fund shall be administered in conformity with the provisions of the water revenue bond ordinance adopted June 20, 1955, paying part of the cost of constructing the waterworks. (2000 Code § 3.05; amd. Ord. 072616, 8-23-2016)

6-3-10: ACCOUNTING:

The village treasurer 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 waterworks system, and he/she shall cause an annual audit thereof to be made. (2000 Code § 3.05; amd. Ord. 072616, 8-23-2016)

6-3-11: TAMPERING WITH, DAMAGE TO SYSTEM:

- A. It is illegal for anyone, except a licensed plumber, to tamper with or turn on/off water meters without permission of the village superintendent, clerk or mayor. (2000 Code § 3.05; amd. 2010 Code; Ord. 072616, 8-23-2016)
- B. No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the village water system.
- C. Any person violating this section shall be subject to a fine of fifty dollars (\$50.00), plus the costs of repairs, for the first offense, and a fine of one hundred dollars (\$100.00), plus the cost of repairs, for repeat offenses. (2010 Code; amd. Ord. 072616, 8-23-2016)

6-3-12: EXTENSION OF MAINS:

- A. Determination Of Payment For Extension: The board of trustees shall first determine if an extension of water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that

will use water along the extension. If the extension is economically feasible, then the village may install and pay the cost of the extension at the discretion of the board of trustees. If the village elects not to pay the cost of extending the water main, then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the board of trustees. The village shall not pay for any extensions to an undeveloped area such as a subdivision being developed unless there are sufficient existing residences or businesses to make the extension economically feasible.

B. Installation By Other Than The Village:

1. The village must approve all plans and specifications for any extensions.
2. Before any extensions are installed, the plans and specifications must be reviewed and approved by the state environmental protection agency.
3. Should the village choose ownership, rights of way and title must be conveyed to the village for all extensions installed by anyone other than the village. The village will maintain the mains thereafter.
4. No extension will be permitted if, in the opinion of the board of trustees, the system does not have the necessary capacity to serve the proposed extension. (Ord. 032310B, 4-27-2010; amd. Ord. 072616, 8-23-2016)

CHAPTER 3

WATER USE AND SERVICE

ARTICLE A. CROSS CONNECTION CONTROL

SECTION:

- 6-3A-1: Cross Connections Restricted
- 6-3A-2: Compliance With State Plumbing Code; Backflow Prevention Device Required
- 6-3A-3: Surveys And Investigations
- 6-3A-4: Entry Powers
- 6-3A-5: Violations; Discontinuance Of Water Service; Disconnection Fee
- 6-3A-6: Responsibility Of Consumer For Cleanup Costs !2R!

6-3A-1: CROSS CONNECTIONS RESTRICTED:

No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the village enters the supply or distribution system of the village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the superintendent of water and the Illinois environmental protection agency. (2000 Code § 3.06)

6-3A-2: COMPLIANCE WITH STATE PLUMBING CODE; BACKFLOW PREVENTION DEVICE REQUIRED:

All plumbing installed within the village shall be installed in accordance with the Illinois plumbing code, 77 Illinois administrative code 890. If, in accordance with the Illinois plumbing code or in the judgment of the superintendent of water, an approved backflow prevention device is necessary for the safety of the public water supply system, the superintendent of water will give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such approved device at a location and in a manner in accordance with the Illinois plumbing code and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois plumbing code and local regulations. (2000 Code § 3.06)

6-3A-3: SURVEYS AND INVESTIGATIONS:

It shall be the duty of the superintendent of water 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 (2) years or as often as the superintendent of water shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five (5) years. (2000 Code § 3.06)

6-3A-4: ENTRY POWERS:

The approved cross connection control device inspector 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 superintendent 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 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 superintendent of water any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the superintendent of water, be deemed evidence of the presence of improper connections as provided in this article. (2000 Code § 3.06)

6-3A-5: VIOLATIONS; DISCONTINUANCE OF WATER SERVICE; DISCONNECTION FEE:

The village superintendent of water is hereby authorized and directed to discontinue, after the reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this article is known to exist, and to take such other precautionary measures as he 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 article, and until a disconnection fee is paid to the village, through the village clerk's office. Immediate disconnection with verbal notice can be effected when the superintendent of water is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply; provided, that, in the reasonable opinion of the superintendent of water or the Illinois 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 superintendent of water, or their agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this article, whether or not said termination was with or without notice. (2000 Code § 3.06; amd. 2010 Code)

6-3A-6: RESPONSIBILITY OF CONSUMER FOR CLEANUP COSTS:

The consumer responsible for backsiphoned 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. (2000 Code § 3.06)

!TITLE! 7

ZONING REGULATIONS

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CHAPTER 1

INTENT; COMPLIANCE; INTERPRETATION

SECTION:

- 7-1-1: Intent And Purpose
- 7-1-2: Compliance With Provisions
- 7-1-3: Interpretation And Application Of Provisions
- 7-1-4: Agricultural Exemption !2R!

7-1-1: INTENT AND PURPOSE:

It is the intent and purpose of this title to:

- A. Promote and protect the public health, safety, morals and general welfare of the people.
- B. Serve as an implementing tool for comprehensive planning.
- C. Fix reasonable standards to which buildings or structures shall conform.
- D. Encourage the development and arrangement of land uses and structures that will yield the greatest social and economic benefits for its citizens.
- E. Provide adequate light, air, privacy and convenience of access to property including solar access.
- F. Monitor development extending one and one-half ($1\frac{1}{2}$) miles outside the village limits as provided by Illinois state law. (2000 Code § 6.01(1.01))

7-1-2: COMPLIANCE WITH PROVISIONS:

- A. Use Of Buildings And Land: No building, structure or premises shall be used or occupied, and no buildings or parts thereof or other structures shall be erected, razed, moved, placed, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the zone in which it is located and as otherwise regulated, except as otherwise specifically provided by this title.
- B. Bulk Of Buildings: No building, structure or premises shall be erected, altered or used so as to produce greater heights, smaller yards or less unoccupied area, and no building shall be occupied by more families and/or persons than prescribed for such building, structure or premises for the zone in which it is located and as otherwise regulated herein, except as otherwise specifically provided by this title.
- C. Open Spaces: No yard, court or open space, or part thereof, shall be included as a part of the yard, court or open space

similarly required for any other building, structure or dwelling, except as otherwise specifically provided by this title. (2000 Code § 6.01(1.03))

7-1-3: INTERPRETATION AND APPLICATION OF PROVISIONS:

A. **Conflicting Provisions:** This title shall supersede such other ordinances or parts of other ordinances of the village in conflict with the provisions of this title; provided, that nothing herein shall in any way excuse or prevent prosecution of any previous or existing violation of any ordinance superseded hereby. (2000 Code § 6.01(1.04); amd. 2010 Code)

B. Abrogation And Greater Restrictions:

1. **Existing Restrictions:** Where this title imposes a greater restriction upon land, buildings or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this title shall govern.

2. **Existing Permits:** This title is not intended to abrogate or annul any building permits, certificates of occupancy, variances or other lawful permits issued before the effective date hereof.

C. **Building Under Construction:** Any building or structure for which a building permit has been issued prior to the effective date hereof may be completed and used in accordance with the plans, specifications, and permits on which said building permit was granted, provided construction commences within one hundred eighty (180) days of said effective date and is diligently prosecuted to completion. (2000 Code § 6.01(1.05))

D. **Separability:** If any part or provision of this title or the application thereof to any person, property, or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation and direction to the part, provision, section or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the integrity or validity of the remainder of this title or the application thereof to other persons, property or circumstances. The village board hereby declares that it would have enacted the remainder of this title even without any such part, provision, section or application. (2000 Code § 6.01(1.06))

7-1-4: AGRICULTURAL EXEMPTION:

The provisions of this title shall not be exercised so as to impose regulations with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or intended to be used for agricultural purposes upon such land; except, that such

buildings or structures for agricultural purposes shall be required to conform to building setback lines. In the event that the land ceases to be used solely for agricultural purposes, then and only then shall the provisions of this title apply. (2000 Code § 6.01(1.02); amd. 2010 Code)

CHAPTER 2

RULES AND DEFINITIONS

SECTION:

- 7-2-1: Scope
- 7-2-2: Rules Of Word Construction
- 7-2-3: Definitions !2R!

7-2-1: SCOPE:

In the construction of this title, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise. (2000 Code § 6.01(1.07))

7-2-2: RULES OF WORD CONSTRUCTION:

- A. Words used in the present tense shall include the future.
- B. Words used in the singular number shall include the plural number, and the plural number shall include the singular.
- C. The word "shall" is mandatory and not discretionary; the word "may" is permissive.
- D. The word "lot" shall include the words "plot", "piece", and "parcel".
- E. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "occupied for", and "maintained for".
- F. The word "village" shall refer to and be interpreted to mean Ashmore, Illinois.
- G. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
- H. The masculine includes the feminine.
- I. All other words not defined in this chapter shall be defined according to any recent edition of a dictionary of the English language. (2000 Code § 6.01(1.07))

7-2-3: DEFINITIONS:

!DEF! ACCESSORY BUILDING OR USE: A subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building

or main use.

AGRICULTURE: The use of land for farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing produce; provided, however, that:

A. The operation of any such accessory uses shall be secondary to that of normal agricultural activities.

B. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one thousand feet (1,000') of any adjoining zone.

C. The agricultural use does not include the operation or maintenance of a commercial stockyard or feedlot (confined feeding operation) where large numbers of livestock are fed concentrated feeds, particularly for the purpose of fattening for market. "Confined feeding operation" means any confined feeding of five (5) or more cattle, five (5) or more swine, five (5) or more sheep, or five (5) or more fowl.

ALTERATION: Any change, addition, or modification in construction, or any change in the structural members of a building, such as load bearing walls, columns, beams, or girders.

APARTMENT: A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen, bath and toilet facilities permanently installed must always be included for each apartment.

AUTO WRECKING OR JUNKYARD: Any place where two (2) or more motor vehicles not in operating condition, including stock cars and antique car restoration, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structures used for wrecking or storing of such motor vehicles or parts thereof; and including any farm machinery or farm vehicles, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging and scavenging of any other goods, articles or merchandise.

AUTOMOBILE REPAIR: General repair, engine rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; overall painting of motor vehicles.

AUTOMOBILE SERVICE STATION: A place where gasoline is stored

only in underground tanks, kerosene or motor oil and lubricants or grease for operation of automobiles are retailed directly to the public on the premises, and including minor accessories and services for automobiles, but not including automobile repairs and rebuilding. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a "public garage".

AUTOMOTIVE MOBILE HOME, TRAVEL TRAILER, FARM IMPLEMENT, AND CONSTRUCTION MACHINERY SALES: The sale or rental of new or used motor homes, travel trailers, farm implements, and construction machinery, but not including major repair work, except warranty and incidental repair of same, to be displayed and sold on the premises.

BASEMENT: A story partly or wholly underground. Where more than one-half ($1/2$) its height is above the average level of the adjoining ground, a "basement" shall be counted as a story for purposes of height measurement.

BILLBOARD: Any structure or portion thereof upon which are signs or advertisements used on an outdoor display. This definition does not include any bulletin boards to display official court or public office notices, or signs advertising the sale or lease of the premises on which the sign is located.

BLOCK: A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights of way, shorelines of waterways, or boundary lines of municipalities.

BOARD: The board of zoning appeals (BZA) or the village board.

BOARDING HOUSE: A building, other than a hotel or restaurant, where meals are provided for compensation to three (3) or more persons, but not more than ten (10), who are not members of the keeper's family, but not open on a daily, overnight or per meal basis to transient guests.

BUILDING: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind, and includes any structure.

BUILDING, ACCESSORY: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building or use.

BUILDING COMMISSIONER: The officer or individual designated by the village and charged with the responsibility of administering this title.

BUILDING, HEIGHT OF: The vertical measurement from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to

the deck lines of mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING SETBACK LINE: The line established by this title beyond which a building shall not extend unless varied according to procedures in this title; also called a "building line". This term may be applicable to the front, side and/or rear yard.

CARPORT: A structure attached or made a part of the main structure, and which is open to the weather on at least two (2) sides, intended for the use of sheltering not more than two (2) motor driven vehicles.

CEMETERY: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

CHANNEL: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

DENSITY: A unit of measurement. The number of dwelling units per acre of land.

Gross Density: The number of dwelling units per acre of the total land to be developed, including public right of way.

Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public right of way and other public lands.

DRAINAGEWAY: A watercourse, gully, dry stream, creek, or ditch which carries stormwater runoff, which is subject to flooding or ponding, which is fed by street or building gutters or by stormwater sewers, or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek or ditch.

DRIVEWAY: A private road which provides access to a lot, or to a use located on such lot, from a public way.

DUMP: A lot or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DWELLING: Any building or portion thereof used exclusively for

residential purposes.

DWELLING, INDUSTRIAL UNIT: An assembly, off site, of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient, and when installed, constitutes a complete dwelling unit except for necessary preparations for its placement. This term includes modular or sectional units but not mobile homes.

DWELLING, MULTI-FAMILY: A dwelling consisting of three (3) or more dwelling units, including condominiums, with varying arrangements of entrances and party walls.

DWELLING, SINGLE-FAMILY: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space. A "single-family dwelling" shall include modular homes and may include mobile homes (see definitions of "modular home" and "mobile home").

DWELLING, TWO-FAMILY: A dwelling consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances. The term includes condominiums.

DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as living quarters for only one family and its household employees, including provisions for living, sleeping, cooking, and eating. The term shall include travel trailers or recreational vehicles.

ENCLOSED BUILDING: A building separated on all sides from adjacent open space or other buildings by fixed exterior walls or party walls, with openings only for windows and doors, and covered by a permanent roof.

ESSENTIAL GOVERNMENTAL OR PUBLIC UTILITY SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal departments of equipment and accessories reasonably necessary for the furnishing of adequate service. Such services may include underground or overhead gas, electrical, steam, water, collection, communication, supply, disposal, transmission or distribution systems. The term includes poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment but does not include buildings.

FAMILY: A. A single individual living upon the premises as a separate housekeeping unit; or

B. A collective body of persons living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment as

domestic servants; or

C. A group of not more than three (3) unrelated persons living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity, or hotel).

FARM: See definition of Agriculture.

FENCE: A structure, including entrance and exit gates, designed and constructed for enclosure or screening.

FLOOD (OR FLOODWATER): The temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water; defined as "the water of any river or stream which is above the bank and/or outside the channel and banks of such river or stream; and also means the water of any lake which is above and outside the banks thereof".

FLOOD CONTROL: The prevention of floods; the control, regulation, diversion or confinement of floodwater or flood flow; and the protection therefrom, according to sound and accepted engineering practice, to minimize the extent of floods, and the death, damage and destruction caused thereby, and all things incidental thereto or connected therewith.

FLOOD HAZARD AREA: A floodplain, or portion thereof, which has not been adequately protected from floodwater by means of dikes, levees, reservoirs, or other works approved by the Illinois department of natural resources, office of water resources.

FLOOD, REGULATORY (OR REGIONAL): A flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a 100-year period, as calculated by a method and procedure which is acceptable to and approved by the office of water resources. The 100-year frequency flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year (a flood magnitude which has a 1 percent chance of being equaled or exceeded in any given year).

FLOODPLAIN: The relatively flat or low land adjoining the channel of a river or stream which has been or may be covered by floodwater. The "floodplain" includes the channel, floodway and floodway fringe.

FLOODWAY: The channel of a river or stream and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater or flood flow of any river or stream.

FLOOR AREA, GROSS: The sum, in square feet, of the floor areas

of all roofed portions of a building, as measured from the interior walls. The term includes the total of all space on all floors of a building. The term does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or other such incidental uses. The "gross floor area" is generally applied in residential use.

FLOOR AREA, NET: The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, etc., in a nonresidential building. The net area is used in calculating parking requirements.

FLOOR AREA RATIO: The floor area of the building divided by the area of the lot(s) on which such building is located.

GARAGE: An accessory building or an accessory portion of the principal building used for storing or parking of automobiles, recreational vehicles and/or boats of the occupants of the premises.

GOVERNING BODY: The president and board of trustees of the village of Ashmore.

GRADE: The average level of the finished surface of ground adjacent to the exterior walls of the building.

HAZARDOUS OPERATIONS: Creation of unreasonable physical hazard by fire, explosion, radiation or other cause to persons or property.

HOME OCCUPATION: Any occupation carried on by a member of the family residing on a premises which located in a residential zone, in connection with which there is used no sign other than a nameplate, not more than one square foot in area, that will indicate from the exterior that the building is being used in part for any other purpose than that of a dwelling; there is kept no stock in trade, no commodity is sold on the premises; no person is employed other than a member of the family residing on the premises; and no mechanical equipment is used except such as is permissible for domestic, household, or office purposes. Off street parking is available for all vehicles relating to the resident and occupation uses. A permit may be issued if the above requirements are met and approved by the superintendent and mayor.

HOTEL, MOTEL, APARTMENT HOUSE: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a "boarding house" which is herein separately defined.

IMPROVEMENT LOCATION PERMIT: A certificate issued by the zoning administrator permitting a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve,

remove, convert, or demolish any building or structure within the village, or cause the same to be done.

INSTITUTION: Building(s) and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

JUNK BUILDINGS, JUNK SHOPS, JUNKYARDS¹: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk; or for the maintenance or operation of any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motorboats or motor vehicle or motorboat parts; or any establishment having facilities for processing iron, steel, nonferrous scrap, mineral wastes or slag, whether by remelting or otherwise; but said term shall not include any garbage dump or toxic waste dump or sanitary fill.

KENNEL: Any premises where four (4) or more animals over four (4) months of age, and not personally owned by the resident, are housed, groomed, bred, boarded, trained and/or sold and which may offer provisions for minor medical treatment of animals.

LAUNDRIES:

Commercial Industrial Laundry: A business that provides washing, drying and ironing services operated by the employees on the premises.

Laundromat: A business that provides home type washing, drying, and ironing machines for hire to be used by the customer on the premises.

LOADING SPACE, OFF STREET: Space logically and conveniently located for bulk pick ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off street parking spaces are filled. Required off street loading space is not to be included as off street parking space in computation of required off street parking space. All off street loading spaces shall be located totally outside of any street or alley right of way.

LOT: A parcel of land occupied or suitable for occupancy by one main building or use, with accessory buildings, including the open spaces required by this title, and having its principal frontage upon a public street or highway.

LOT, CORNER: A lot situated at the intersection of two (2) or more streets.

1. See also section 2-2-1 of this code.

LOT DEPTH: The horizontal distance between the front and rear lot lines measured in the mean direction on the side lot lines.

LOT FRONTAGE: The front of a lot shall be that boundary of a lot along a public street; and for a corner lot, the front shall be determined by the location of the main entrance of the lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT WIDTH: The horizontal distances between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

MOBILE HOME: A. Mobile Home Located Within Mobile Home Park: A factory constructed, transportable structure designed for permanent residential use when placed upon a foundation and connected to utilities. The minimum length of a "mobile home" located within a mobile home park shall not be less than sixty five feet (65'), excluding the hitch and other transporting mechanisms, with a total floor area of not less than nine hundred fifty (950) square feet. "Mobile homes" located within mobile home parks must meet or exceed federal and state mobile home construction codes, and be constructed after June 1976.

B. Mobile Home Located In Other Than Mobile Home Park: A factory constructed, transportable structure designed for permanent residential use when placed upon a foundation and connected to utilities, with an outside masonry or brick foundation to be placed below and around the outside perimeter of the "mobile home" located in other than a mobile home park, with the drawbar, hitch and transporting wheels to be removed therefrom. The minimum length of a "mobile home" located in other than a mobile home park shall not be less than sixty five feet (65'), excluding the hitch and other transporting mechanisms, with a total floor area of not less than nine hundred fifty (950) square feet. "Mobile homes" located in other than mobile home parks must meet or exceed federal and state mobile home construction codes and be constructed within three (3) years prior to the time the mobile home is moved onto a lot in the village of Ashmore, Coles County, Illinois.

MOBILE HOME PARK: An area of land upon which five (5) or more mobile homes are harbored for the purpose of being occupied as principal residences and includes all real and personal property used in the operation of the "mobile home park". An area of land that is subdivided and contains individual lots which are leased or otherwise contracted for is a "mobile home park" if five (5) or more mobile homes are harbored there for

the purpose of being occupied as principal residences.

MODULAR HOME: An off site (factory) constructed, transportable structure designed for permanent residential occupancy when placed on a foundation and connected to utilities. "Modular homes" shall be constructed utilizing two (2) or more units and joined on site to create one whole structure. Modular units shall not be less than forty feet (40') in length. "Modular homes" must meet or exceed the international residential code. Prefabricated homes and other such implied terms shall be deemed to be the same as "modular homes".

MOTOR HOME: A self-propelled vehicle containing living accommodations, used for recreational purposes primarily.

NONCONFORMING USE: Any building, structure or land lawfully occupied by a use or lawfully situated at the effective date hereof or amendments hereto, which does not conform with the regulations of this title or amendments after said effective date.

NURSING HOME OR REST HOME: A private hospital for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders but not including facilities for the treatment of sickness or injuries or for surgical care.

OFFICE: A room or suite of rooms in which are offered services such as real estate agents, insurance agents, attorneys, physicians, or others trained and qualified to offer or perform services of a professional nature.

PARKING LOT, OFF STREET: Shall consist of an area adequate for parking sufficient automobiles to meet the optimum need of each appropriate land use, together with properly related access to a public street or alley and maneuvering room, and shall be located totally off a public right of way. As a rule, the area provided for an "off street parking lot" should be at least one and one-half ($1\frac{1}{2}$) times the space required for the number of parking spaces anticipated.

PARKING SPACE OR STALL: The area required for parking one automobile, with its attendant maneuvering room. The area required for a parked car should be ten feet (10') wide and twenty two feet (22') long; however, for lots designed for the exclusive use of compact or subcompact cars, the space may be designed appropriately smaller.

RESIDENCE: A stationary, detached principal building designed for or used as a dwelling as distinguished from a mobile home. A mobile home with the wheels and towing device removed and placed on a permanent foundation shall be deemed a stationary "residence".

SCREENING: A structure erected or vegetation planted which eventually is of sufficient height and density for concealing an area from view.

SERVICE STATION, AUTOMOBILE: Any land, building, structure, or premises used for the sale, at retail, of motor vehicle fuels, oils or accessories, or for servicing or lubricating motor vehicles, or for installing or repairing parts and accessories, but not including: the repairing or replacing of motors, bodies or fenders of motor vehicles; painting of motor vehicles; public garages; and the open storage of rental vehicles or trailers.

SETBACK: The distance in linear feet measured on a horizontal plane from the lot line to the foundation of a building or structure on the lot and perpendicular to the lot line.

SETBACK LINE: A line established by the this title, generally parallel with and measured from the lot line (property line) defining the limits of a yard in which no building, other than a permitted accessory building or structure, may be located aboveground, except as may be provided in this title.

SEWER, ON SITE: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SEWERS, CENTRAL OR GROUP: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

SIDEWALK: That portion of the road right of way which is improved for the use of pedestrian traffic.

SIGN: An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land, and which directs attention to a product, place, activity, service, person, institution or business.

SIGN, ILLUMINATED: Any sign illuminated by electricity, gas, or other artificial light, including reflecting or phosphorescent light.

SIGN, LIGHTING DEVICE: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

SIGN, OFF PREMISES: Any sign unrelated to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.

SIGN, PROJECTING: Any sign which projects from the exterior of a building.

SPECIAL USE: A use permitted within a zone, other than a

principally permitted use, requiring approval of the board of zoning appeals because of its unusual nature.

STORY: That part of a building between the surface of a floor and the ceiling immediately above, or if there is a floor above, the portion of a building between the surface of any floor and the surface of the floor next above. A basement shall be counted as a "story", and a cellar shall not be counted as a "story".

STREET: A general term denoting a public way for purposes of vehicular travel, including the entire area within the right of way. The term "street" also includes the terms "highway", "parkway", "road", "thoroughfare", "avenue", "boulevard", "lane", "court", "place", and other such terms. The recommended usage is:

- A. Highway or street in urban areas.
- B. Highway or road in rural areas.

Alley: A street intended to provide a secondary means of access to the rear or side of lots or to buildings in urban areas and not intended for the purpose of through vehicular traffic.

Arterial: A system of streets and roads which form an integrated network of continuous routes primarily for through traffic. The "arterial" system is stratified into principal or "major" and "minor" categories.

Collector: A system of streets and roads which generally serves travel of primarily intra-area and intra-county importance with approximately equal emphasis to traffic circulation and land access service. The "collector" system is generally further stratified into "major" and "minor" categories. The system collects and distributes traffic between the arterial and local systems.

Cul-De-Sac: A local street open at one end only and with a special provision for vehicles turning around.

Dead End: A local street open at one end only and without a special provision for vehicles turning around.

Local: A system of streets and roads which primarily provides access to residential and other abutting property.

Perimeter: Any existing street that is neither accepted nor offered for public use or maintenance, which provides vehicular and pedestrian access.

Private: A local street that is neither accepted nor offered for public use or maintenance, which provides vehicular and pedestrian access.

Public: A street owned and maintained by a public entity to provide vehicular and pedestrian access.

STRUCTURE: Anything 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, walls, fences, and signs.

SUPPLY YARD: A commercial establishment storing and offering for sale building supplies, steel, coal, heavy equipment, feed and grain, and similar goods.

SWIMMING POOL: A pool, pond, lake, or open tank containing at least eighteen inches (18") of water at any point and maintained by the owner or manager.

SWIMMING POOL, COMMUNITY: A swimming pool for the benefit of the general public, usually operated with a charge for admission; a principal use.

TRAVEL TRAILER: An automobile trailer, camper, or similar vehicle or device designed and constructed to permit temporary occupancy as sleeping and living quarters.

TRAVEL TRAILER PARK: Any park, court, camp or site of land designed, maintained, or intended for the purpose of providing a temporary location or accommodations for any travel trailer or similar device upon which any travel trailers or similar devices are parked or located, including all buildings used or intended for use as a part of the equipment or accessories thereof, whether or not the same or any part is held or operated for gain; excepting automobile or travel trailer sales lots on which unoccupied units are parked for inspection and sale.

USE: The specific purpose for which land or a building is designed, arranged, or intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent is not deemed to include any nonconforming use.

VARIANCE: A permit granted by the board of zoning appeals varying specific area/bulk regulations due to unusual circumstances. A "variance" is not the same as a rezoning.

WALKWAY: A public way, three feet (3') or more in width, for pedestrian use only, whether along the side of a street or not.

YARD: An open space on a lot, other than a court, occupied and unobstructed from the ground upward, except as otherwise provided in this title.

YARD, FRONT: A yard across the full width of the lot extending from the front lot line of the principal building to the front of the lot. On corner lots, the front yard shall be determined by the location of the main entrance of the structure.

YARD, REAR: A yard extending the full width of the lot between a principal building and the rear lot line or lines.

YARD, SIDE: A yard between the principal building and side lot line, and extending from the front yard line of said building to the rear line of said building.

ZONE: An area restricted by law for a particular use.

ZONING: A police power measure, enacted by the village president and board of trustees, in which the village is divided into zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from zone to zone, but they must be uniform within zones. This title consists of two (2) parts: a text and a map. (2000 Code § 6.01(1.08); amd. 2010 Code; Ord. 062513A, 8-27-2013)
!DEFEND!

CHAPTER 3

VILLAGE PLAN

SECTION:

7-3-1: Contents Of Plan

7-3-2: Compliance Required !2R!

7-3-1: CONTENTS OF PLAN:

The official plan of the village consists of the following:

A. The village improvement plan approved by the village on the effective date hereof consisting of the map of the village, diagrams of water systems, parks, schools, and street lighting system; also referred to herein as the "zoning map".

B. The contents of this title.

C. The control plan of the area adjacent to and contiguous to the village limits for a distance of one and one-half ($1\frac{1}{2}$) miles comprising the country estates zone. (2000 Code § 6.01(2.01))

7-3-2: COMPLIANCE REQUIRED:

No plat of a subdivision, plan for construction of water lines, or streets shall be approved by the village president and board of trustees unless the same complies with the requirements of the village plan. (2000 Code § 6.01(2.03))

CHAPTER 4

ADMINISTRATION AND ENFORCEMENT

SECTION:

- 7-4--1: Building Commissioner
- 7-4--2: Board Of Zoning Appeals
- 7-4--3: Building Permit And Certificate Of Compliance
- 7-4--4: Administration And Enforcement Procedures Generally
- 7-4--5: Appeals
- 7-4--6: Variances
- 7-4--7: Amendments
- 7-4--8: Notice Of Public Hearings
- 7-4--9: Fees, Charges And Expenses
- 7-4-10: Complaints
- 7-4-11: Violation; Penalties

7-4-1: BUILDING COMMISSIONER:

Appointment: The title and duties of building commissioner shall default to the acting Village Superintendent. (2000 Code § 6.01(3.01); amd. 2010 Code; Ord. 19-0625A, 7-23-2019)

7-4-2: BOARD OF ZONING APPEALS:

- A. Rules: The board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this title.
- B. Meetings: Meetings shall be held at the call of the chair and such other times as the board may determine. The chair, or in his absence the acting chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. A majority of the entire board shall constitute a quorum.
- C. Minutes And Records: The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing

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to vote, indicating such fact. The board shall also keep records of its examinations and other official actions, all of which shall be public record and filed in the town hall with the village clerk. (2000 Code § 6.01(3.02))

- D. Duties: In exercising its duties, the board may, as long as such action is in conformity with the terms of this title, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the building commissioner from whom the appeal is taken. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision, or determination of the building commissioner, or to decide in favor of the applicant on any matter upon which it is required to

pass under this title or to effect any variation in the application of this title. For the purpose of this title, the board has the following specific responsibilities: (2000 Code § 6.01(3.03); amd. 2010 Code)

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the building commissioner.

2. To authorize such variances from the terms of this title as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this title will result in unnecessary hardship, and so that the spirit of this title shall be observed and substantial justice done.

3. To grant special uses as specified in the applicable zone's schedule of regulations, chapters 7, 8, 9, 10 and 11 of this title, and such additional safeguards as will uphold the intent of this title. (2000 Code § 6.01(3.03))

7-4-3: BUILDING PERMIT AND CERTIFICATE OF COMPLIANCE:

A. Building Permit:

1. Permit Required: No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure, or land be established or changed in use without a building permit issued by the building commissioner. Building permits shall be issued by the building commissioner upon finding that the proposed use complies with the requirements of the appeal, special use, or variance. (2000 Code § 6.01(3.19); amd. 2010 Code)

2. Application For Permit: The application for a building permit shall be made in duplicate and signed by the owner or applicant attesting to the accuracy of all information supplied in the application. Each application shall clearly state that the permit shall expire and be revoked if work has not begun within one year. See subsection 7-14-2A of this title for copy of building permit, form 01-3/85. (2000 Code § 6.01(3.20))

3. Approval Of Permit: Within thirty (30) days after the receipt of an application, the building commissioner shall either approve or disapprove the application. One set of the plans shall be returned to the applicant by the building commissioner and will be marked either "approved" or "disapproved" with the building commissioner's signature on the copy to attest. One set of the plans, similarly marked, shall be retained by the village. If the application is approved, a copy of the permit shall be conspicuously placed. If disapproved, the building commissioner shall indicate the reasons in writing. (2000 Code § 6.01(3.21))

4. Changes To Plans And Applications: Building permits are issued on the basis of plans and applications approved by the building commissioner. Changes to plans and applications must be approved by the building commissioner prior to construction. Any changes made without the building commissioner's approval will be considered a violation punishable under section 7-4-11 of this chapter. (2000 Code § 6.01(3.26))

5. Expiration And Revocation Of Permit: If work has not begun one year from the date of issuance of the building permit application, that permit shall expire and be revoked by the building commissioner. (2000 Code § 6.01(3.22); amd. 2010 Code)

6. Failure To Obtain Permit: Failure to obtain a building permit shall be a violation of this title and be punishable under the provisions of section 7-4-11 of this chapter. (2000 Code § 6.01(3.25))

B. Certificate Of Compliance:

1. Certificate Required: No building or structure hereinafter erected or structurally altered shall be occupied and used until a certificate of compliance has been issued by the building commissioner. The certificate of compliance shall be issued only after the building commissioner makes a finding that the building or structure has been erected or structurally altered in conformance with the provisions of this title and other health and building laws and in accordance with the building permit.

2. Application For Certificate: The certificate of compliance shall be applied for coincidental with the application for a building permit and shall be issued within ten (10) days after the erection or alteration of such building shall have been satisfactorily completed.

3. Building Under Construction: Nothing in this title shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the effective date hereof and upon which building actual construction has been diligently carried on, and provided, further, that such building shall be completed within one year from the effective date hereof. (2000 Code § 6.01(3.23); amd. 2010 Code)

C. Record Of Permits And Certificates: The village clerk shall maintain a complete record of all building permits and certificates of compliance, and copies shall be furnished after payment of copy fee, or presented for review to any person upon request to the village clerk. (2000 Code § 6.01(3.24); amd. 2010 Code)

7-4-4: **ADMINISTRATION AND ENFORCEMENT PROCEDURES
GENERALLY:**

It is the intent of this title that all questions of interpretation and enforcement shall be:

A. First presented to the building commissioner, and that such questions shall be presented to the board only on appeal from the decision of the building commissioner, and that such recourse from the decisions of the board shall be to the courts as provided by law.

B. The duties of the building commissioner in connection with this title shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this chapter. (2000 Code § 6.01(3.04))

- C. The village board shall have only the duties of considering and adopting or rejecting proposed amendments to or the repeal of this title as provided by law, and of establishing a schedule of fees and charges as stated in section 7-4-9 of this chapter. Nothing in this title shall be interpreted to prevent any official of the village from appealing a decision of the board to the courts as provided by Illinois law. Any such appeal shall be made within forty five (45) days of the board's written decision. (2000 Code § 6.01(3.04); amd. 2010 Code)

7-4-5: APPEALS:

Appeals to the board of zoning appeals concerning interpretation or administration of this title may be taken by any person aggrieved or by any officer or bureau of legislative authority of the village affected by any decision of the building commissioner. Such appeal shall be taken within forty five (45) days after the decision of the building commissioner and with the board of zoning appeals. The building commissioner shall transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed was taken. (2000 Code § 6.01(3.05); amd. 2010 Code)

7-4-6: VARIANCES:

- A. Authority; Restrictions: The board of zoning appeals may authorize, upon appeal in specific cases, such variances from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same zone and no permitted or nonconforming use of lands, structures, or buildings in other zones shall be considered on the grounds of convenience or profit, but only where strict application of the provisions of this title would result in unnecessary hardship. (2000 Code § 6.01(3.06))
- B. Application For Variance: A variance from the terms of this title shall not be granted by the board of zoning appeals unless and until a written application for a variance is submitted to the building commissioner and the board of zoning appeals. See subsection 7-14-2B of this title for copy of the application to be submitted for variances and special uses, form 02-3/85.
- C. Standards For Variance: As a part of the application, a written statement is to be submitted to demonstrate that the requested variance conforms to each of the following standards: (2000 Code § 6.01(3.07))
1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zone. (2000 Code § 6.01(3.07); amd. 2010 Code)
 2. That a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zone under the terms of this title.
 3. That special conditions and circumstances do not result from the action of

the applicant.

4. That granting the variance requested would not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings. (2000 Code § 6.01(3.07))

- D. Action By Board Of Zoning Appeals: Within a reasonable time after the public hearing required, the board of zoning appeals shall either approve, approve with supplementary conditions, or disapprove the request for variance. The board of zoning appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. The Board of Zoning Appeals shall also require evidence and make a finding that: 1) the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and 2) the plight of the owner is due to unique circumstances; and 3) the variation, if granted, will not alter the essential character of the locality. A variation shall be permitted only if evidence, in the judgment of the Board of Appeals, sustains each of the three (3) conditions enumerated.
- E. Appeals: Appeals from Board's decision shall be made in the manner specified in section 7-4-5 of this chapter and in compliance with 65 Illinois Compiled Statutes 5/11-13-12. The decision of the Board of Appeals shall not be subject to review, reversal, or modification by the Village Board, but shall be judicially reviewable in the Circuit Court. (2000 Code § 6.01(3.09); amd. 2010 Code)

7-4-7: **AMENDMENTS:**

- A. Authority; Manner Of Amendment: Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Village Board may, by ordinance and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property. Amendments to this title may be initiated by resolution of the Village Board. (2000 Code § 6.01(3.16); amd. 2010 Code)
- B. Application For Amendment: Applications for amendments to this title shall contain at least the following information:
1. Name, address, and telephone number of the applicant.
 2. Present use.
 3. Present zone.
 4. Proposed zone.
 5. A vicinity map at a scale approved by the Building Commissioner showing property lines, thoroughfares, existing and proposed zoning and such other items as the Building Commissioner may require.
 6. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be

rezoned, and others that may have a substantial interest in the case.

- C. Notice Of Hearing: Petitioner(s) for zoning changes to this title shall comply with section 7-4-8 of this chapter. (2000 Code § 6.01(3.17))

7-4-8: NOTICE OF PUBLIC HEARINGS:

The petitioner(s) for variance, special use permit, and zoning change shall present his application to the Building Commissioner and the Board of Zoning Appeals, and shall publish an official notice of public hearing in a newspaper of general circulation within the Village which is published within the Coles County. The notice shall be published at least once, not less than fifteen (15) days nor more than thirty (30) days, before the meeting of the Board of Zoning Appeals at which the petition is to be heard. The public notice shall state the following:

- A. Purpose of the public hearing.
- B. The name(s) of the petitioner(s).
- C. The address of the property named in the petition, both legal description and street address.
- D. The date, time, and place of the Board of Zoning Appeals' meeting at which the public hearing will be held.
- E. A brief statement of the proposed variation, special use, or zoning change. (2000 Code § 6.01(3.08))

7-4-9: FEES, CHARGES AND EXPENSES:

- A. Schedule And Amounts Established: The Village Board shall, by ordinance or resolution, establish a schedule of fees, charges, and expenses, along with a collection procedure for building permits, amendments, appeals, variances, special use permits, plan approvals, and other matters pertaining to the administration and enforcement of this title requiring investigations, legal expenses, advertising, postage, and other expenses. The schedule of fees shall be posted in the Office of the Village Clerk and may be altered or amended only by the Village Board. The following fees, charges, and expenses have been hereby established as a part of this title:

1. Rezoning and zoning amendments: Fifty dollars (\$50.00) plus legal fees.
 2. Application for special use or variance: Seventy five dollars (\$75.00).
 3. Building permits for new buildings or building additions up to two hundred (200) square feet: Fifty dollars (\$50.00).
 4. Building permits for buildings or building additions over two hundred (200) square feet: Seventy-five dollars (\$75.00).
- B. Failure To Pay: Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal. (2000 Code § 6.01(3.29); amd. 2010 Code; Ord. 19-0625A, 7-23-2019)

7-4-10: COMPLAINTS:

Any person may file a written complaint whenever a violation of this title occurs or is alleged to have occurred. The complaint shall state fully and accurately the causes and bases thereof, and be filed with and recorded by the Building Commissioner. The Building Commissioner shall investigate and take action upon such complaint as provided within this title within thirty (30) days. See subsection 7-14-2C of this title for copy of complaint, form 03-3/85. (2000 Code § 6.01(3.27))

7-4-11: VIOLATION; PENALTIES:

Violation of the provisions of this title or failure to comply with any of its requirements shall constitute a common nuisance or misdemeanor. Any person charged with a violation of this title or failure to comply with any of its requirements may be fined not more than seven hundred fifty dollars (\$750.00) nor less than twenty five dollars (\$25.00), and may be expected to pay all costs and expenses involved in the case. Each day such violation continues after receipt of a notice of violation shall be considered a separate offense. The owner or tenant of any building, structure or premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation. (2000 Code § 6.01(3.28); amd. 2010 Code)

March 2021

CHAPTER 4

ADMINISTRATION AND ENFORCEMENT

ARTICLE A. SPECIAL USES

SECTION:

- 7-4A-1: Special Uses Authorized
- 7-4A-2: Application For Special Use Permit
- 7-4A-3: Standards Applicable To All Special Uses
- 7-4A-4: Supplementary Conditions And Safeguards
- 7-4A-5: Action By Board Of Zoning Appeals
- 7-4A-6: Expiration, Revocation And Nontransferability Of Special Use Permit
- 7-4A-7: Special Uses Not Nonconforming Uses
- 7-4A-8: Conditions For Specific Special Uses !2R!

7-4A-1: SPECIAL USES AUTHORIZED:

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These special uses as they are conditionally permitted under the provisions of this title shall follow the procedures and requirements set forth in this article. Special exceptions shall require consideration by the board of zoning appeals after a public hearing as specified in section 7-4-8 of this chapter. (2000 Code § 6.01(3.10))

7-4A-2: APPLICATION FOR SPECIAL USE PERMIT:

An application for a special use permit shall be filed with the building commissioner and board of zoning appeals by at least one owner or lessee of property for which such special use is proposed. (2000 Code § 6.01(3.11))

7-4A-3: STANDARDS APPLICABLE TO ALL SPECIAL USES:

The board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Is in fact a special use as established under the provisions of the applicable zone's schedule of regulations, chapters 7, 8, 9, 10 and 11 of this title.
- B. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the village

overall development plan and/or this title.

C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such will not change the essential character of the same area.

D. Will not be hazardous or disturbing to existing or future neighboring uses.

E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

F. Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community.

G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. (2000 Code § 6.01(3.12))

7-4A-4: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

In granting any special use, the board may prescribe appropriate conditions and safeguards in conformity with this title. Violations of such conditions and safeguards, when made a part of the terms upon which the special use is granted, shall be deemed a violation of this title and punishable under section 7-4-11 of this chapter. (2000 Code § 6.01(3.13))

7-4A-5: ACTION BY BOARD OF ZONING APPEALS:

Within thirty (30) days after the public hearing, the board shall either approve with supplementary conditions, as specified in section 7-4A-4 of this article, or disapprove the application as presented. If the application is approved with modifications, the board shall direct the building commissioner to issue a special use permit listing the specific conditions specified by the board. If the application

is disapproved by the board, the applicant may seek relief through the circuit court. (2000 Code § 6.01(3.14); amd. 2010 Code)

7-4A-6: EXPIRATION, REVOCATION AND NONTRANSFERABILITY OF SPECIAL USE PERMIT:

A special use permit shall be deemed to authorize only one particular use, and said permit shall automatically expire if for any reason the use has not commenced within one year. Further, the special use is a conditional use and subject to revocation and/or fine if the conditions are not met. In addition, the special use is not transferable. (2000 Code § 6.01(3.15))

7-4A-7: SPECIAL USES NOT NONCONFORMING USES:

Any use which is permitted as a special use in a zone under the terms of this title (other than a change through the board of zoning appeals action from a nonconforming use to another use not generally permitted in the zone) shall not be deemed a nonconforming use in such zone, but shall, without further action, be considered a conforming use. (2000 Code § 6.01(2.13))

7-4A-8: CONDITIONS FOR SPECIFIC SPECIAL USES:

A. Home Occupations: Home occupations are permitted, provided the following restrictions are satisfied and are approved by the board:

1. No more than one person, other than members of the family residing on the premises, shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five percent (25%) of floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four (4) square feet in area, nonilluminated, and mounted flat against the wall of the principal building.
4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off street parking requirements as specified in this title, and shall not be located in a required front yard.

5. No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, fumes, or odors detectable to the normal sense, or electrical interference off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

B. Religious Quarters: Religious quarters are permitted by approval of the board, provided parking lots shall be placed behind or alongside the principal building.

C. Public/Quasi-Public Uses: Various public and quasi-public utility buildings or facilities, excluding transmission lines, are permitted by the board, provided:

1. No structure shall be placed within eight feet (8') of any lot line.

2. All facilities erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven feet (7') high and in compliance with national safety codes governing such structures.

3. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.

4. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within eight feet (8') of a lot line. (2000 Code § 6.01(4.08); amd. 2010 Code)

CHAPTER 5

ZONES AND MAP

SECTION:

- 7-5-1: Zones Established
- 7-5-2: Zoning Map
- 7-5-3: Determination Of Zone Boundaries
- 7-5-4: Zoning Of Annexed Land !2R!

7-5-1: ZONES ESTABLISHED:

There shall be five (5) zones as established by this title, and they are as follows:

Residential.

Business/commercial.

Industrial.

Floodplain/open space.

Country estates.

(2000 Code § 6.01(5); amd. 2010 Code)

7-5-2: ZONING MAP:

The zone boundaries are shown upon the zoning map made a part of this title, which map is designated as the "Zoning Map Of The Village". Said zoning map, and all notations, references and other information shown thereon, is a part of this title and shall have the same force and effect as if the zoning map and all such notations, references, and other information were fully set forth or described herein. (2000 Code § 6.01(4.04))

7-5-3: DETERMINATION OF ZONE BOUNDARIES:

All streets, alleys, and railroad rights of way, unless otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, or railroad rights of way. Where the centerline of a street or alley serves as a zone boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline. (2000 Code § 6.01(4.04))

7-5-4: ZONING OF ANNEXED LAND:

Any area annexed to the village shall, upon annexation, be automatically zoned residential, until otherwise zoned. (2000 Code § 6.01(3.18))

CHAPTER 6

GENERAL ZONING PROVISIONS

SECTION:

- 7-6--1: Compliance Required; Height Limit Exceptions
- 7-6--2: Antenna And Satellite Dish Location
- 7-6--3: Area Regulations
- 7-6--4: Open Space And Yards
- 7-6--5: One Building Per Lot; Exceptions
- 7-6--6: Substandard Existing Recorded Lots
- 7-6--7: Visibility At Intersections
- 7-6--8: Existing Mobile Homes
- 7-6--9: Signs
- 7-6-10: Off Street Parking Requirements And Regulations !2R!

7-6-1: COMPLIANCE REQUIRED; HEIGHT LIMIT EXCEPTIONS:

No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the zone in which the building or land is located. Further, the height limits established for the zone shall not be exceeded except as provided herein for television antennas and chimneys and other accessory items determined appropriate by the board. The board may grant a variance of at most five feet (5') above the height limits of neighboring buildings in an area extending five hundred feet (500') out from the property in all directions. (2000 Code § 6.01(4.01))

7-6-2: ANTENNA AND SATELLITE DISH LOCATION:

Antennas and satellite dish antennas shall not encroach upon any building line setbacks established for the zone. (2000 Code § 6.01(4.01); amd. 2010 Code)

7-6-3: AREA REGULATIONS:

No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the zone in which the building is located. (2000 Code § 6.01(4.01))

7-6-4: OPEN SPACE AND YARDS:

A. No space which, for the purpose of a building or dwelling group, has been counted or calculated as part of a side yard, rear yard, front yard, court, or other open space required by this title, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard, court, or other open space requirement of or for any

other building.

B. An open terrace, but not including a roofed over porch or terrace, may occupy a front yard, provided the unoccupied portion of the front yard has a depth of not less than fifteen feet (15'). A one-story bay window may project into a front yard not more than three feet (3'). Overhanging eaves, including gutters, may project over the minimum required side yard not more than eighteen inches (18").

C. The minimum yards or other open spaces, including lot areas per family required by this title for each and every building existing at the effective date hereof or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building. (2000 Code § 6.01(4.01))

7-6-5: ONE BUILDING PER LOT; EXCEPTIONS:

A. Every building hereafter erected or structurally altered to provide dwelling units shall be located on a "lot", as defined in section 7-2-3 of this title, and in no case shall there be more than one such building on one lot unless otherwise provided in this title.

B. No residential structure shall be erected upon the rear of a lot nor upon a lot with another dwelling unless said lot is of sufficient size to be divided into two (2) lots of minimum size hereinafter set forth. Further, no building shall be constructed or erected upon a lot or parcel of land which does not abut upon a public street or permanent easement of access to a public street, which easement shall have a minimum width of twenty five feet (25') unless an easement of lesser width was recorded prior to the effective date hereof. (2000 Code § 6.01(4.01))

7-6-6: SUBSTANDARD EXISTING RECORDED LOTS:

Any separate tract which was recorded prior to the effective date hereof that does not meet the requirements of this title for yards, courts, or other area of open space may be utilized for single residence purposes, provided the requirements for such yard or court area, width, depth or open space is within seventy five percent (75%) of that required by the terms of this title. The purpose of this section is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided. (2000 Code § 6.01(4.01))

7-6-7: VISIBILITY AT INTERSECTIONS¹:

Visibility at intersections shall not be impeded materially by anything erected, placed, or allowed to grow which restricts vision between a height of three feet (3') and ten feet (10') above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty five feet (25') from the corner. (2000 Code § 6.01(4.02); amd. 2010 Code)

7-6-8: EXISTING MOBILE HOMES:

Any mobile home legally existing on a lot in the village under current ordinances of the village as they now exist or as they may be amended in the future containing a mobile home, either as a nonconforming use, a special use or a variance use, may be replaced by a mobile home of like or better quality and value without the loss of the nonconforming use, special use or variance use of the lot involved. This section applies to all zoning zones in the village and to the ordinances of the village, including this title as it now exists, and it also applies to all future amendments to this title. (2000 Code § 6.01(2.14))

7-6-9: SIGNS:

Signs intended to be seen outside lot lines shall comply with the following:

A. Nonilluminated Business Signs: Nonilluminated business signs are permitted.

B. Location: No sign shall project beyond a lot line, obstruct in any way a driver's vision of the road or hinder his passage in any way. Further, no sign shall be placed so as to hinder or obstruct any pedestrian path. (2000 Code § 6.01(4.05))

C. Size: No sign shall be larger than thirty two (32) square feet with the exception of permanent real estate signs. New signs must be approved by the ordinances committee. (Ord. 062513A, 8-27-2013)

D. Temporary Signs: Temporary signs such as real estate "for sale/rent" yard signs, election signs, and garage/rummage sale signs shall be no larger than eight (8) square feet per side. (2000 Code § 6.01(4.05))

7-6-10: OFF STREET PARKING AND LOADING REQUIREMENTS AND REGULATIONS:

1. See also section 3-4-2 of this code.

A. Schedule Of Off Street Parking And Loading Requirements:

1. Residential uses: Each dwelling unit shall have two (2) off street parking spaces.

2. Commercial uses: Each business shall provide one off street parking space for every full time employee and one parking space for every one hundred (100) square feet for the first five hundred (500) square feet of floor area. Thereafter, one space will be required for every additional two hundred fifty (250) square feet of floor area.

3. Industrial uses¹: Each industry shall provide one off street parking space for each full time employee. Adequate loading areas shall be provided on the property so as to eliminate any traffic congestion caused by loading or unloading. (2000 Code § 6.01(4.06))

B. Vehicles Without Current License Plates²: Automotive vehicles, including campers and motor homes of any kind or type, without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or on any location not approved for such use. (2000 Code § 6.01(4.06); amd. 2010 Code)

1. See also section 7-9-3 of this title.

2. See also subsections 3-1-3A and D of this code.

CHAPTER 8

BUSINESS/COMMERCIAL ZONE

SECTION:

- 7-8-1: General Requirements
- 7-8-2: Uses
- 7-8-3: Lot And Building Specifications
- 7-8-4: Additional Regulations
- 7-8-5: Fence Specifications !2R!

7-8-1: GENERAL REQUIREMENTS:

Uses in the business/commercial zone are restricted to primarily businesses serving the needs of the village and the surrounding rural area. Residential uses, although allowed, are discouraged except for apartments in upper stories. The provisions for off street parking and loading facilities are intended to avoid congestion and traffic hazards resulting from cars and trucks parked along the major thoroughfares. (2000 Code § 6.01(5.02); amd. 2010 Code)

7-8-2: USES:

A. Principal uses and structures:

- Amusement centers.
- Appliance repair.
- Banks and other financial institutions.
- Barber and beauty shops.
- Cleaners.
- Drugstores.
- Furniture stores.
- Grocery stores.
- Hardware stores.
- Hobby shops.
- Libraries.
- Locksmiths.
- Offices and supply stores.
- Pet grooming.

Post office.

Restaurants.

Shoe repair. (Ord. 062513A, 8-27-2013)

B. Special uses: After notice and appropriate safeguards, the board may permit the following uses:

Agricultural implement sales.

Apartments.

Bowling alleys.

Chemical supplies.

Clubs or lodges.

Drive-in businesses.

Extermination services.

Motels.

Pet shops.

Places of worship.

Rental equipment.

Residences.

Other uses determined to be appropriate. (Ord. 052212C, 6-26-2012)

C. Prohibited uses:

Junkyards.

Kennels.

Manufacturing or industrial operations.

Mobile/manufacturing home sales and services.

Moving and storage operations.

Semitruck and semitrailer sales and service. (Ord. 062513A, 8-27-2013)

D. Accessory uses:

Off street parking and loading.

Warehousing or storage in conjunction with and subsidiary

to principal uses. (2000 Code § 6.01(5.02))

7-8-3: LOT AND BUILDING SPECIFICATIONS:

- A. Minimum lot area: Ten thousand (10,000) square feet.
- B. Minimum front/side yards: One hundred (100) square feet.
- C. Minimum floor area: n/a.
- D. Maximum height: Forty five feet (45').
- E. Maximum stories: Three (3).
- F. Maximum floor area ratio: 0.8. (2000 Code § 6.01(5.02); amd. 2010 Code)

7-8-4: ADDITIONAL REGULATIONS:

- A. Off Street Parking: See section 7-6-10 of this title for off street parking regulations.
- B. Signs: See section 7-6-9 of this title for sign regulations.
- C. Environmental Standards: See chapter 13 of this title for environmental standards.
- D. Special Uses: See section 7-4A-8 of this title for conditions for specific special uses. (2000 Code § 6.01(5.02))

7-8-5: FENCE SPECIFICATIONS:

- A. Visibility At Intersections: See section 7-6-7 of this title and section 3-4-2 of this code.
- B. Setback: Other than visibility at intersections, there are no setback requirements as long as visibility is not impeded to the detriment of the health and safety of motorists and pedestrians.
- C. Permit: The building commissioner will determine whether or not visibility is impeded as stated above and will either issue or deny the permit.
- D. First Appeal: If the permit is denied by the building commissioner, the property owner has thirty (30) days to appeal by submitting a written request for appeal to the clerk. The clerk will schedule an ordinance committee meeting in order to review the building permit application within thirty (30) days of receiving the written appeal.
- E. Notice Of First Hearing: Notice of the hearing will be

provided to the applicant of the denied permit at least seven (7) days prior to the hearing. The notice shall be mailed to the applicant at the address provided on the building permit application.

F. Hearing Procedures: The applicant shall have the right to submit evidence regarding the application for a building permit. The ordinance committee chairperson will preside over the hearing. If the committee determines that visibility is not impeded to the detriment of the health and safety of motorists and pedestrians, the building permit will be granted and signed by the committee chairperson. If the committee determines that visibility is impeded as stated above, a second hearing will be held with the full village board.

G. Second Appeal: If the permit is denied by the ordinance committee, the property owner has thirty (30) days to appeal by submitting a written request for appeal to the clerk. The clerk will place the item on the agenda of the next regularly scheduled board meeting.

H. Notice Of Second Hearing: The applicant will be given notice of the next regularly scheduled board meeting during the first hearing.

I. Hearing Procedures: The applicant shall have the right to submit evidence regarding the application for a building permit. The mayor, or his/her designee, will preside over the hearing. Following submission of evidence, and necessary discussion, a roll call vote will be taken in order to determine whether the permit should be granted based on whether or not visibility is not impeded to the detriment of the health and safety of motorists and pedestrians. If the majority votes in favor of granting the building permit, it will be signed by the mayor. If the majority votes against granting the building permit, it will be denied. The board's decision is final. (Ord. 012715A, 3-24-2015)

CHAPTER 9

INDUSTRIAL ZONE

SECTION:

- 7-9-1: Purpose; General Requirements
- 7-9-2: Uses
- 7-9-3: Off Street Parking And Loading
- 7-9-4: Lot And Building Specifications
- 7-9-5: Fence Specifications !2R!

7-9-1: PURPOSE; GENERAL REQUIREMENTS:

The industrial zone is established to provide space for certain types of industrial and/or manufacturing and/or warehousing or storage operations which are compatible to adjoining zones. Such uses generally require open storage of materials or goods either before, during or after the manufacturing process, but are of a low noise or nuisance level. Such uses shall be conducted entirely within an enclosed building or substantial construction. Land designated for the industrial zone should be located in relation to the thoroughfare network of the community and so as to not disrupt normal traffic flow. Because of increased technological developments, extensive lists of permitted and prohibited uses is impractical. Therefore, to safeguard the public interests, performance standards are established herein as criteria for the board of appeals in permitting any special uses. (2000 Code § 6.01(5.03))

7-9-2: USES:

A. Principal Uses And Structures: Principal and accessory uses and structures are permitted if the performance standards are met and certified as being met by a registered professional engineer of the state of Illinois. (See environmental standards in chapter 13 of this title.)

B. Special Uses: After notice and appropriate safeguards, the board of appeals may permit special uses as determined to be appropriate¹. (2000 Code § 6.01(5.03))

C. Prohibited Uses: Residential uses of any kind, including dwelling units, hotels, motels, mobile homes, etc., are prohibited. Also schools, places of worship, clubs, lodges, hospitals, abandoned automobiles, and kennels are prohibited. (2000 Code § 6.01(5.03); amd. 2010 Code)

1. See subsection 2-7-4A3 of this code, adult entertainment establishments a special use in the industrial district.

7-9-3: OFF STREET PARKING AND LOADING:

Graded, paved, marked, lighted and drained off street parking and loading areas shall be provided as follows:

A. For industrial or manufacturing operations:

One auto parking space per full time employee.

Minimum of one off street loading space. Additional off street loading spaces may be required by the nature and size of anticipated operations.

B. For nonindustrial or manufacturing operations as required in more restricted zones, see section 7-6-10 of this title. (2000 Code § 6.01(5.03))

C. Common parking and loading areas are permitted, provided parking requirements for all uses are met. See subsection 7-6-10A3 of this title. (2000 Code § 6.01(5.03); amd. 2010 Code)

7-9-4: LOT AND BUILDING SPECIFICATIONS:

A. Minimum lot area: One-half ($1/2$) acre.

B. Minimum lot width: One hundred twenty five feet (125').

C. Minimum front yard depth: Twenty feet (20').

D. Minimum rear yard depth: Twenty feet (20').

E. Minimum side yard width: Twenty feet (20').

F. Minimum floor area: Five hundred (500) square feet.

G. Maximum stories: Three (3). (2000 Code § 6.01(5.03); amd. 2010 Code)

7-9-5: FENCE SPECIFICATIONS:

A. Visibility At Intersections: See section 7-6-7 of this title and section 3-4-2 of this code.

B. Setback: Other than visibility at intersections, there are no setback requirements as long as visibility is not impeded to the detriment of the health and safety of motorists and pedestrians.

C. Permit: The building commissioner will determine whether or not visibility is impeded as stated above and will either issue or deny the permit.

D. First Appeal: If the permit is denied by the building

commissioner, the property owner has thirty (30) days to appeal by submitting a written request for appeal to the clerk. The clerk will schedule an ordinance committee meeting in order to review the building permit application within thirty (30) days of receiving the written appeal.

E. Notice Of First Hearing: Notice of the hearing will be provided to the applicant of the denied permit at least seven (7) days prior to the hearing. The notice shall be mailed to the applicant at the address provided on the building permit application.

F. Hearing Procedures: The applicant shall have the right to submit evidence regarding the application for a building permit. The ordinance committee chairperson will preside over the hearing. If the committee determines that visibility is not impeded to the detriment of the health and safety of motorists and pedestrians, the building permit will be granted and signed by the committee chairperson. If the committee determines that visibility is impeded as stated above, a second hearing will be held with the full village board.

G. Second Appeal: If the permit is denied by the ordinance committee, the property owner has thirty (30) days to appeal by submitting a written request for appeal to the clerk. The clerk will place the item on the agenda of the next regularly scheduled board meeting.

H. Notice Of Second Hearing: The applicant will be given notice of the next regularly scheduled board meeting during the first hearing.

I. Hearing Procedures: The applicant shall have the right to submit evidence regarding the application for a building permit. The mayor, or his/her designee, will preside over the hearing. Following submission of evidence, and necessary discussion, a roll call vote will be taken in order to determine whether the permit should be granted based on whether or not visibility is not impeded to the detriment of the health and safety of motorists and pedestrians. If the majority votes in favor of granting the building permit, it will be signed by the mayor. If the majority votes against granting the building permit, it will be denied. The board's decision is final. (Ord. 012715A, 3-24-2015)

CHAPTER 10

FLOODPLAIN/OPEN SPACE ZONE

SECTION:

- 7-10-1: Purpose
- 7-10-2: Uses
- 7-10-3: Location Above Flood Elevation
- 7-10-4: Signs !2R!

7-10-1: PURPOSE:

For reasons of health, safety, and the general welfare of the public, it is in the public interest to permit only limited types of uses within areas subject to flooding. As urban land use increases, stormwater runoff increases also. It is important that the floodplain be kept clear of development so that it is capable of carrying the increased runoff. Even development of roads, streets, highways, water and sewer lines is discouraged in the floodplain, as such improvements would tend to encourage further developments. (2000 Code § 6.01(5.04))

7-10-2: USES:

A. Principal Uses And Structures:

Agriculture and customary agricultural buildings and structures (see subsection E1 of this section).

Artificial lakes.

Parks and playgrounds.

B. Special Uses: After notice and appropriate safeguards, the board of zoning appeals may permit the following uses:

Golf courses (see subsection E2 of this section).

Mineral extraction.

Mineral storage facilities.

Parking lots.

Other appropriate uses.

C. Prohibited Uses:

Commercial structures.

Mobile/manufactured homes.

Residential dwellings.

D. Accessory Uses And Structures: Accessory uses and structures incidental to permitted uses and structures and on the same parcel.

E. Notes:

1. Building and enclosed pens for confined feeding operations shall not be closer than one thousand feet (1,000') from any adjoining zone.

2. Principal, accessory buildings and operations shall not be closer than five hundred feet (500') from any adjoining parcel. (2000 Code § 6.01(5.04))

7-10-3: LOCATION ABOVE FLOOD ELEVATION:

Structures must be two feet (2') above the 100-year flood elevation. Check with the Illinois department of natural resources, office of water resources prior to construction. (2000 Code § 6.01(5.04); amd. 2010 Code)

7-10-4: SIGNS:

For sign regulations, see section 7-6-9 of this title. (2000 Code § 6.01(5.04))

CHAPTER 11

COUNTRY ESTATES ZONE

SECTION:

- 7-11-1: Location; Purpose; Authority To Control Development
- 7-11-2: Uses
- 7-11-3: Lot And Building Specifications
- 7-11-4: Signs !2R!

7-11-1: LOCATION; PURPOSE; AUTHORITY TO CONTROL DEVELOPMENT:

The country estates zone covers the area extending up to one and one-half (1^{1/2}) miles from the incorporated limits of the village. The purpose of this zone is to discourage incompatible uses which may be incorporated into the village at some future date. The village has authority to control development in this area pursuant to 65 Illinois Compiled Statutes 5/11-13-1. (2000 Code § 6.01(5.05))

7-11-2: USES:

A. Principal Uses And Structures:

Agriculture and agricultural buildings in connection with a bona fide farm operation (see subsection D1 of this section).

Artificial lakes.

Country clubs, golf courses, swimming pools, and similar uses.

Essential services.

Forest preserves.

Funeral homes.

Parks and playgrounds.

Places of worship (see subsection D2 of this section).

Public and private schools and closely related uses.

Single-family homes.

Veterinarians.

B. Special Uses: After notice and appropriate safeguards, the board may permit special uses as follows:

Airport runway (see subsection D5 of this section).

Cemeteries (see subsection D5 of this section).

Commercial agricultural storage operations (see subsection D3 of this section).

Confined feedlot operation (see subsection D1 of this section).

Fishing, hunting, lodge, gun club, or related operation (see subsection D4 of this section).

Hospital or nursing home (see subsection D2 of this section).

Mineral extractive operations, including, but not limited to, coal, oil, rock, gravel, sand and such other minerals (see subsections D3, D4 and D5 of this section).

Nonfarm dwellings.

Penal or correctional institution (see subsection D4 of this section).

Public sewage disposal plant or public water plant (see subsection D4 of this section).

Public utility substation (see subsection D4 of this section).

Raising, breeding, and boarding of nonfarm fowl and animals (see subsection D1 of this section).

Riding stables (see subsection D4 of this section).

Veterinary hospital (see subsection D4 of this section).

Any use more appropriate to another zone or zones including, but not limited to, the following:

Abandoned vehicles.

Junkyards.

Travel trailers as permanent dwellings. (2000 Code § 6.01(5.05); amd. 2010 Code)

C. Accessory Uses And Structures: Accessory uses and structures customarily incidental to permitted principal uses and on the same parcel, including:

Home occupations (see subsection D6 of this section).

Kennel (see subsection D4 of this section).

Living quarters of persons permitted on the premises.

Mobile/manufactured homes.

Residential garages.

Roadside produce stands in conjunction with a bona fide farm operation on the premises.

Sale of greenhouse products grown on the premises (see subsection D2 of this section).

Travel trailers in storage.

Truck or equipment terminal.

D. Notes:

1. Building and enclosed pens for livestock, fowl, and animals shall not be closer than one thousand feet (1,000') to an adjoining zone boundary.
2. Principal and accessory buildings shall not be closer than one hundred feet (100') to an adjoining parcel.
3. See chapter 13 of this title for environmental standards.
4. Principal, accessory buildings and operations shall not be closer than five hundred feet (500') to an adjoining parcel.
5. See state law.
6. See definition of "home occupation" in section 7-2-3 of this title and conditions for special uses in section 7-4A-8 of this title. (2000 Code § 6.01(5.05))

7-11-3: LOT AND BUILDING SPECIFICATIONS:

!!! None. (2000 Code § 6.01(5.05); amd. 2010 Code)

7-11-4: SIGNS:

For sign regulations, see section 7-6-9 of this title. (2000 Code § 6.01(5.05))

CHAPTER 12

NONCONFORMING USES, STRUCTURES AND LAND

SECTION:

- 7-12-1: Existing Nonconformities; Intent Of Provisions
- 7-12-2: Existing Illegal Uses
- 7-12-3: Building Or Development Under Construction
- 7-12-4: Incompatibility Of Nonconforming Uses; Extension Or Enlargement
- 7-12-5: Nonconforming Lots Of Record In Combination
- 7-12-6: Nonconforming Uses Of Land
- 7-12-7: Nonconforming Structures
- 7-12-8: Nonconforming Uses Of Structures
- 7-12-9: Repairs And Maintenance !2R!

7-12-1: EXISTING NONCONFORMITIES; INTENT OF PROVISIONS:

Within the zones established by this title or by amendments that may later be adopted, there exist:

- A. Nonconforming lots;
- B. Nonconforming structures;
- C. Nonconforming uses of land;
- D. Nonconforming uses of land and structures in combination; and
- E. Nonconforming characteristics of use,

all of which were lawful before the effective date hereof or amendment hereto but which would be prohibited, regulated or restricted under the terms of this title or future amendments hereto. It is the intent of this title to permit these nonconforming uses to continue until they are removed, but not to encourage their survival. It is further the intent of this title that nonconforming uses shall not be enlarged upon, expanded or extended and shall not be used as grounds for adding other structures or uses which are prohibited elsewhere in the same zone. (2000 Code § 6.01(2.05))

7-12-2: EXISTING ILLEGAL USES:

Illegal uses existing at the enactment of this title shall not be validated by virtue of its enactment. (2000 Code § 6.01(2.05))

7-12-3: BUILDING OR DEVELOPMENT UNDER CONSTRUCTION:

To avoid undue hardship, nothing in this title shall be deemed

to require a change in the plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date hereof or amendment hereto and upon which actual building construction has been carried on diligently. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction; provided, that the work shall be carried on diligently. "Actual construction" is hereby defined as work done which is beyond the preparation stage and into that stage where the changes or additions are made permanent. (2000 Code § 6.01(2.07))

7-12-4: INCOMPATIBILITY OF NONCONFORMING USES; EXTENSION OR ENLARGEMENT:

Nonconforming uses are declared by this title to be incompatible with permitted uses in the zones in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after the effective date hereof by attachment on a building or premises of additional signs intended to be seen from off the premises in the zone in which such use is located. (2000 Code § 6.01(2.06); amd. 2010 Code)

7-12-5: NONCONFORMING LOTS OF RECORD IN COMBINATION:

If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the effective date hereof or amendment hereto, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title. (2000 Code § 6.01(2.08))

7-12-6: NONCONFORMING USES OF LAND:

Where, at the effective date hereof, lawful uses of land exist which would not be permitted by the regulations imposed by this title, the uses may be continued so long as they remain otherwise, provided:

A. No such nonconforming uses shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date hereof or amendment hereto.

B. No such nonconforming uses shall be moved in whole or in

part to any portion of the lot or parcel other than that occupied by such uses at the effective date hereof or amendment hereto.

C. If any such nonconforming uses of land are discontinued or abandoned for more than one year (except where government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this title for the zone in which such land is located.

D. No additional structure not conforming to the requirements of this title shall be erected in connection with such nonconforming use of land. (2000 Code § 6.01(2.09))

7-12-7: NONCONFORMING STRUCTURES:

When a lawful structure exists at the effective date hereof or amendment hereto that could not now be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

B. The method for determining the extent of damage to nonconforming structures and allowing for their repair will be limited to reconstruction of no more than fifty percent (50%) of the insured value of the structure and to require the review and approval of the board of zoning appeals for reconstruction.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved. (2000 Code § 6.01(2.10))

7-12-8: NONCONFORMING USES OF STRUCTURES:

If a lawful use involving individual structures, or if a structure and land in combination exists at the effective date hereof or amendment hereto that would not now be allowed in the zone under the terms of this title, the lawful use may be continued so long as it remains otherwise unlawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this title in the zone in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the

structure to a use permitted in the zone in which it is located.

B. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date hereof or amendment hereto, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure or structure and land may, upon appeal to the board of zoning appeals, be changed to another nonconforming use; provided, that the board of zoning appeals shall find that the proposed use is equally appropriate or more appropriate to the zone than the existing nonconforming use. In permitting such change, the board of zoning appeals may require appropriate conditions and safeguards in accordance with other provisions of this title.

D. Any structure or structure and land in combination in or on which a nonconforming use is followed by a permitted use shall thereafter conform to the regulations for the zone, and the nonconforming use may not be reestablished.

E. When a nonconforming use of a structure or structure and land in combination is discontinued or abandoned for more than one year, except when government action impeded access to the premises, the structure or structure and land in combination shall not thereafter be used except in conformity with the regulations of the zone in which it is located.

F. When nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. (2000 Code § 6.01(2.11))

7-12-9: REPAIRS AND MAINTENANCE:

A. On a nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding twenty five percent (25%) of the current replacement cost of the nonconforming structure and market value of real estate, or nonconforming portion of the structure, whichever the case may be; provided, that the cubic content existing when it became nonconforming shall not be increased.

B. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

C. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zone in which it is located. (2000 Code § 6.01(2.12))

CHAPTER 13

ENVIRONMENTAL STANDARDS

SECTION:

- 7-13-1: Fire And Explosion Hazards
- 7-13-2: Toxic Or Noxious Matter
- 7-13-3: Noise
- 7-13-4: Odors
- 7-13-5: Smoke And Particulate Matter
- 7-13-6: Glare And Heat
- 7-13-7: Vibrations !2R!

7-13-1: FIRE AND EXPLOSION HAZARDS:

A. The storage, utilization, or manufacture of materials or products, ranging from incombustible to moderate burning, as determined for liquids by a closed cup flash point of not less than one hundred eighty seven degrees Fahrenheit (187°F) is permitted subject to compliance with all other performance standards of this title.

B. The storage, utilization, or manufacture of materials or products ranging from free or active burning to intense burning, as determined for liquids by a closed cup flash point of less than one hundred eighty seven degrees Fahrenheit (187°F) but not less than one hundred five degrees Fahrenheit (105°F), is permitted subject to compliance with all other performance standards of this title, and provided the following conditions are met: (2000 Code § 6.01(4.07); amd. 2010 Code)

1. Said materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls.

2. All such buildings or structures shall be set back at least fifty feet (50') from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the American Insurance Association; or if the materials, goods, or products are liquids, the protection thereof shall be in conformity with standards prescribed by the American Insurance Association. (2000 Code § 6.01(4.07))

7-13-2: TOXIC OR NOXIOUS MATTER:

No use of toxic or noxious matter of any sort in such concentrations as to be detrimental to public health, safety, comfort, or welfare shall, for any period of time, discharge across the boundaries of the lot wherein it is located. (2000 Code § 6.01(4.07))

7-13-3: NOISE:

At the option of the village board, at such date as the situation may arise, noise buffers may be required to shield adjacent residences from undue noise pollution. (2000 Code § 6.01(4.07))

7-13-4: ODORS:

The emission of odorous matter in such quantity as to be readily detectable at any point along lot lines, or as to produce a public nuisance or hazard beyond lot lines, is prohibited. (2000 Code § 6.01(4.07))

7-13-5: SMOKE AND PARTICULATE MATTER:

The emission of smoke or particulate matter, other than for home heating purposes, in such a manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall be prohibited. Particulate matter emissions caused by the wind from open storage areas, yards, or roads within the lot lines shall be kept to a minimum by appropriate landscaping, paving, wetting, and other means, or shall be eliminated. (2010 Code)

7-13-6: GLARE AND HEAT:

Operations producing intense light or heat shall be performed within a completely enclosed building and shall not create a public nuisance beyond the lot lines. (2010 Code)

7-13-7: VIBRATIONS:

No use shall create any earthborne vibrations which are noticeable across any adjacent zoning district. (2010 Code)

CHAPTER 14

DIAGRAMS AND FORMS

SECTION:

- 7-14-1: Map Of Village
- 7-14-2: Forms !2R!

7-14-1: MAP OF VILLAGE:

The official zoning map is on file in the village. (2010 Code)

7-14-2: FORMS:

A. Building Permit:

FORM: 01-3/85
Date: _____

**Village of Ashmore, IL
Building Permit**

Name: _____
Telephone: _____

Physical Address: _____

Mailing Address (if different): _____

Existing Use: _____
Zone: _____

Proposed Use: _____

Legal Description (required): _____

Proposed Improvement: Provide a sketch to illustrate the site and the proposed improvement. Draw to scale the dimensions of structures, including building height, and the shape of the lot to be built upon. Indicate distances (in feet) from the proposed improvement and the lot lines. Add other information which may be necessary to determine conformance with, and provide for the enforcement of this ordinance. Note: This permit expires, and is hereby revoked if work has not begun within one (1) year of issuance.

I hereby attest to the accuracy of all information I have provided in requesting this permit.

Signature of Applicant

B. Variances And Special Uses:

FORM: 01-2/85

Date: _____

**VARIANCES & SPECIAL USES
Village of Ashmore, IL**

Name: _____ Telephone: _____

Address: _____

Existing Use: _____

Zone: _____

Proposed Use: _____

Legal Description (from abstract): _____

Provide a sketch of the proposed site showing the location of all buildings, working and loading area, traffic access and traffic circulation, open space, landscaping, refuse and service area, utilities, signs, yards, and other such information as the Board of Zoning Appeals may required. Also include a statement evaluating the effects of such elements as noise, glare, odor, fumes and vibration on adjoining property; and a brief discussion of the general compatibility with adjacent properties in the neighboring area.

C. Complaints:

FORM: 03-3/85

Date: _____

**COMPLAINT FORM
Village of Ashmore, IL**

Name: _____

Telephone: _____

Address: _____

Nature of Complaint: (Please write clearly and use additional paper if necessary)

Signature: _____

Follow-up of Building Commissioner:

(2000 Code § 6.01)

D. Violation:

FORM: 04-3/85

Date: _____

**NOTICE OF VIOLATION
Village of Ashmore, IL**

Premises in Violation: _____

Responsible Party: _____

(If you are not the responsible party, please return this notice with the name and address of the responsible party to the Village Clerk.)

An inspection of the above premises revealed violation(s) of the Ashmore Village Code as listed below. Compliance with the provision of the code cited must be completed by (date).

Code Section Cited: _____

Discrepancies/Corrective Action Required: _____

Failure to comply with the required corrective action by the deadline stated, will result in the issuance of a citation that could subject you to a fine of \$25 or more for each day that any violation continues, and court action for failure to pay the fine and correct the violation.

Any appeal of this violation notice claiming that the true intent of the Code has been misconstrued, must be submitted within forty five (45) days after the issuance of this notice with the Clerk in the Ashmore Village Hall for review.

If future inspections determine you are responsible for a recurrence of the violation(s) cited above at this location, citation subjecting you to payment of a fine may be issued without further notice with a prescribed graduated increase to be assessed for a continuation of the violation(s) cited above.

If you have any questions concerning this notice, contact the Building Commissioner during business hours at _____

Signed: _____

(2000 Code § 6.01; amd. 2010 Code)

E. Certificate Of Compliance/Occupancy:

FORM: 05-3/85

Date: _____

**CERTIFICATE OF COMPLIANCE/OCCUPANCY
Village of Ashmore, IL**

Address of Location: _____

Village Clerk/Building Commissioner/Public Health Checklist

Meets Requirements For:

Zoning _____

Building Codes _____

Setbacks _____

Plumbing Codes _____

Front _____

Electrical Codes _____

Side _____

Water Connections _____

Rear _____

Sanitary Disposal _____

Corner _____

Sight Prism Y/N _____

Height _____

Bulk _____

Environmental Standards: _____

Off Street Parking/Loading Y/N

Has met all other requirements of the Village Y/N

Has paid all required fees and has acquired all required
permits/conditions for variance/special use: _____

Comments: _____

Signature:

Building Commissioner

(2000 Code § 6.01)

F. Off Street Parking Violations:

FORM: 06-3/85

Date: _____

**VILLAGE OF ASHMORE,
COLES COUNTY, ILLINOIS**

**NOTICE OF VIOLATION OF OFF STREET PARKING
REQUIREMENTS OF ZONING ORDINANCE**

TO: _____ D A T E :

WHEREAS, Subsection 7-6-10B of the Zoning Title of the Ashmore Village Code provides as follows:

"B. Vehicles Without Current License Plates: Automotive vehicles, including campers and motor homes of any kind or type, without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or on any location not approved for such use."

WHEREAS, you appear to be in violation of said subsection 7-6-10B; and,

WHEREAS, YOU ARE HEREBY NOTIFIED to take action to correct said violation within (30) days after the date of this Notice.

YOU ARE HEREBY NOTIFIED that the following are penalties for violation of subsection 7-6-10B.

"7-4-11: Violation; Penalties: Violation of the provision of this title or failure to comply with any of its requirements shall constitute a common nuisance or misdemeanor. Any person charged with violation of this title or failure to comply with any of its requirements may be fined no more than seven hundred fifty dollars (\$750.00) nor less than twenty five dollars (\$25.00), and may be expected to pay all costs and expenses involved in the case. Each day such violation continues after receipt of a notice of violation shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent any violation."

YOU ARE FURTHER NOTIFIED that upon your failure to correct the violation noted above and before mentioned, you may be prosecuted by the Village of Ashmore and in that event you may be fined as provided therein.

Dated this _____ day of _____, 20__.

By Order Of The:

VILLAGE OF ASHMORE

BOARD OF TRUSTEES

(2000 Code § 6.01; amd. 2010 Code)

!SETLRM!! SETFNT!! SETTAB!

!TITLE! 8

SUBDIVISION REGULATIONS

Intent; Jurisdiction; Application.	1
Rules And Definitions.	2
Administration And Enforcement.	3
Subdivision Plats And Procedures.	4
Design Standards And Improvements.	5

CHAPTER 1

INTENT; JURISDICTION; APPLICATION¹

SECTION:

- 8-1-1: Title
- 8-1-2: Intent; Minimum Standards
- 8-1-3: Jurisdiction
- 8-1-4: Exemptions From Provisions
- 8-1-5: Severability !2R!

8-1-1: TITLE:

This title shall be known and referred to and may be cited as *THE SUBDIVISION REGULATIONS FOR ASHMORE* and shall hereinafter be referred to as "this title". (2000 Code § 6.02(1.01))

8-1-2: INTENT; MINIMUM STANDARDS:

It is the intent of this title that subdivisions may be conceived and developed within the incorporated limits of the village and outside the village boundaries but within one and one-half (1¹/₂) miles of the village limits that will be in the best interest, health, and safety of the citizens of the village. This title prescribes procedures and presents standards for the subdivision of land within the aforementioned areas of the village. The standards presented are minimum, and the developer may use alternative designs, after receiving village approval of such designs, which surpass said minimum standards. (2000 Code § 6.02(1.02))

8-1-3: JURISDICTION:

This title shall be applicable to any and all subdivisions of land within the boundaries of the village and outside the village boundaries but within one and one-half (1¹/₂) miles of the village limits. (2000 Code § 6.02(1.04))

8-1-4: EXEMPTIONS FROM PROVISIONS:

Exemptions found in section 1(b) of the plat act, 765 Illinois Compiled Statutes 205/1(b), are exempt from the regulations herein contained, and shall include the following: (2000 Code § 6.02(1.08); amd. 2010 Code)

A. The division of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access.

1. See section 7-3-2 of this code, subdivisions to comply with village plan.

B. The division of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.

C. The sale or exchange of parcels of land between owners of adjoining and contiguous land.

D. The conveyance of parcels of land or interests therein for use as a right of way for railroads or other public utility facilities and other pipelines which does not involve any new streets or easements of access.

E. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.

F. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land with a public use.

G. Conveyances made to correct descriptions in prior conveyances.

H. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access.

I. The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973; and provided also, that this exemption does not invalidate any local requirements applicable to the subdivision of land. (2000 Code § 6.02(1.08))

J. The preparation of a plat for wind energy devices under 35 Illinois Compiled Statutes 200/10-620. (2010 Code)

8-1-5: SEVERABILITY:

This title shall be deemed to be separable, and the validity of any portion of this title shall not affect the validity of the remainder. (2000 Code § 6.02(1.07))

CHAPTER 2

RULES AND DEFINITIONS

SECTION:

- 8-2-1: Rules Of Word Construction
- 8-2-2: Definitions
- 8-2-3: Functional Street Classifications
- 8-2-4: Other Thoroughfare, Road And Street Terms !2R!

8-2-1: RULES OF WORD CONSTRUCTION:

A. Words used in the present tense shall include the future; words in the singular number shall include the plural; and use of the masculine gender shall include the feminine gender, and vice versa in these cases.

B. The word "shall" is mandatory and unconditional, not discretionary.

C. The word "may" is permissive and conditional.

D. Any statute or other publication referenced in this title shall refer to the latest edition or amendment of such. (2000 Code § 6.02(2.01))

8-2-2: DEFINITIONS:

!DEF! ALLEY: A street intended to provide a secondary means of access to the rear or side of lots or to buildings in urban areas and not intended for the purpose of through vehicular traffic.

BLOCK: A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights of way, shorelines of waterways, or boundary lines of municipalities.

BUILDING SETBACK LINE: The line established by this title beyond which a building shall not extend unless varied according to procedures in this title; also called a "building line". This term may be applicable to the front, side and/or rear yard.

CAPPED SEWERS: Unused pipes that are installed and ready for use when the time comes to tap onto an available community sanitary sewer system.

COMMISSION: The Coles County regional planning commission.

CONSTRUCTION: The building of a home, garage or other structure; the moving of earth; the laying of culverts or tile; and other similar manmade improvements.

DEVELOPER: Any person, individual, subdivider, trust, or other legal entity commencing proceedings under this title to effect a subdivision of land thereunder for himself or another.

DEVELOPMENT: See definition of Subdivision.

EASEMENT: A grant by the property owner for the use of a strip of land by the public, a corporation, or persons, for specific purposes.

FLAG LOT: A tract of land not having sufficient width on a road to create more than one lot abutting said road but having sufficient area and depth to be divided into more than one buildable lot that will meet all other requirements of this title.

IMPROVEMENT: Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, streetlights, flood control and drainage facilities, utility lines, landscaping and other related things normally associated with land development.

LOT: A parcel of land occupied or suitable for occupancy by one main building or use, with accessory buildings, including the open spaces required by the zoning ordinance and having its principal frontage upon a public street or highway.

MINOR SUBDIVISION: Shall be considered a subdivision of not more than three (3) lots which shall require no new right of way dedications, easements of access or variations from this title. Such "minor subdivision" shall be processed for preliminary and final plat approval simultaneously.

MONUMENT: An object set in the earth to mark a boundary and conforming to state statutory requirements.

PERSON: A natural person, corporation, firm, partnership, association, organization, or any other entity acting as a unit.

PLAT: A map or chart indicating the subdivision or resubdivision of land intended to be filed for record in compliance with this title and the Illinois Compiled Statutes.

PUBLIC IMPROVEMENT: Shall include streets, water systems, ditches, tile, sidewalks, parks, sewage systems, drainage systems, and other items of construction dedicated to the public.

REVIEWING AUTHORITIES: The village board and any individual or agency designated by the board or this title.

SPITE STRIP: A piece of land, other than a lot legally meeting the minimum requirements of this title, used to separate a public street or road right of way from adjoining property and whose primary purpose is to preclude access to such right of

way.

STREET: A general term denoting a public way for purposes of vehicular travel, including the entire area within the right of way. The term "street" also includes the terms "highway", "parkway", "road", "thoroughfare", "avenue", "boulevard", "lane", "court", "place", and other such terms.

SUBDIVIDER: See definition of Developer.

SUBDIVISION: At a minimum, those expressed conditions found in the plat act, 765 Illinois Compiled Statutes 205/0.01 et seq., latest amended edition and inclusive of any subdivision or resubdivision of a tract, parcel, or lot of land into two (2) or more parts by means of mapping, platting, conveyance, change or rearrangement of boundaries or otherwise, and shall also relate to the process of subdividing or to the land subdivided where appropriate to the text. The use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading this title shall not be permitted. Any devise or mechanism intended to evade this title including, but not limited to, the sale, transfer or lease of a parcel or tract of land containing five (5) or more acres to another party where it is intended to sell or transfer back to the seller any part of the parcel or tract which would thereby create a parcel or tract of land containing less than five (5) acres is an evasion of this title and shall not be permitted.

SURETY BOND: A bond safeguarding performance of a contract or obligation. The specific amount of the bond shall be determined in accordance with applicable state statutes and this title. See also section 8-5-17 of this title.

THOROUGHFARE: A right of way, other than an alley, dedicated or otherwise legally established for the public use, usually affording the principal means of access to abutting property. A "thoroughfare" may be designated as a highway, parkway, boulevard, road, avenue, street, lane, drive, or other appropriate name.

VARIANCE: A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to such conditions peculiar to the property and not the result of action of the applicant, enforcement of the regulations would result in unnecessary and undue hardship. (2000 Code § 6.02(2.02); amd. 2010 Code) !DEFEND!

8-2-3: FUNCTIONAL STREET CLASSIFICATIONS:

!DEF! **ARTERIAL:** As that term is defined by the Illinois department of transportation and utilized in the "Federal Functional Classification System". Standards for arterials, when necessary, are to be determined on a case by case basis and by the county superintendent of highways and designed to

follow standards of the Illinois department of transportation's bureau of design, "Design Manual", latest amended edition.

COLLECTOR: Also called "feeder". A street or road planned to facilitate the collection of traffic from local streets, linking larger population concentrations to cities and villages, or feeding arterial routes while accommodating shorter trips.

LOCAL: Connects minor population concentrations as found in subdivisions with arterials and collectors; local roads are the minimum class of roads or thoroughfares not considered alleys or driveways and providing frontage or marginal access serving localized commercial, industrial or residential traffic. (2000 Code § 6.02(2.03)) !DEFEND!

8-2-4: OTHER THOROUGHFARE, ROAD AND STREET TERMS:

!DEF! AGRICULTURAL: Roads and thoroughfares intended to provide access primarily between farms and farms and urban centers for the transportation of crops to market or service to the farm; to local public services benefiting the farm population (i.e., rural schools, fire district buildings); and agricultural businesses and farms. These roads and thoroughfares were developed primarily for agricultural use and are not designed for general purpose, nonagricultural commercial or industrial use nor for nonagricultural residential use.

CUL-DE-SAC: Also called "court" or "dead end". A short street having one end open to traffic and being permanently terminated by some type of vehicle turnaround.

MARGINAL ACCESS: Also called "frontage". A local or collector road constructed adjacent and parallel to an arterial or collector which provides access to abutting property and ways for traffic to reach controlled or limited points of access onto arterials or primary collectors.

SUBDIVISION: Those thoroughfares constructed within a subdivision and intended to primarily carry internal traffic. These thoroughfares are the lowest class intended to serve individual residential lots. For purposes of this title, "subdivision thoroughfares" shall, at a minimum, meet the requirements for local roads. (2000 Code § 6.02(2.04)) !DEFEND!

CHAPTER 3

ADMINISTRATION AND ENFORCEMENT

SECTION:

- 8-3-1: Administrative Officials
- 8-3-2: Disclosure Of Beneficial Interest
- 8-3-3: Variances
- 8-3-4: Amendments
- 8-3-5: Required Certificates
- 8-3-6: Violations; Penalties !2R!

8-3-1: ADMINISTRATIVE OFFICIALS:

The following are concerned with the administration of this title:

A. Village Board Of Trustees: The village board of trustees administers regulations, exercises authority and fulfills responsibilities as required by this title. The board shall maintain all necessary records, administer this title, be the final authority in cases of appeal, and review the preliminary and final plats. Specifically, with regard to subdivision review, the role of the board shall be to consider the proposal in regard to: the regulations and standards within this title; reports of other bodies and agencies as they pertain to design standards and specifications herein contained; all other village regulations and ordinances, state statutes and codes and federal codes and regulations deemed to be applicable minimum requirements in the interests of health, safety and convenience of the public of the village and not in conflict with the intent and purpose of this title. (2000 Code § 6.02(3.01))

B. County Regional Planning Commission:

1. Upon request, the county regional planning commission will review and examine this title and recommend to the board such changes as may be necessary.

2. Upon request, and as a part of a service agreement between the planning commission and the village, the commission will review preliminary and final plat applications and make recommendations as applicable and necessary. (2000 Code § 6.02(3.02))

C. County Soil And Water Conservation District: The county soil and water conservation district reviews the preliminary plat; makes all natural resource information available to the village board, the county health department, and the developer/owner; and issues a written opinion concerning the plat to the same not more than thirty (30) days from the time of receipt of the plat. The district maintains these powers specifically and those additional powers derived from the soil

and water conservation districts act, as amended¹. Use of district reviews will be for general guidance purposes. (2000 Code § 6.02(3.03))

D. County Health Department: The county health department reviews the preliminary and final plats of subdivision and all related materials required by this title and gives professional advice and information to the village in those matters pertaining to sanitation and public health. Such advice and information may include, but is not limited to, prevention of environmental damage; potential for air, water and other resource pollution; sewage disposal; and water supply quality and quantity. The department observes and enforces all parts of this title pertaining to the preservation of health and environmental welfare. (2000 Code § 6.02(3.04))

8-3-2: DISCLOSURE OF BENEFICIAL INTEREST:

Pursuant to Illinois statutes, whenever any trustee or beneficiary or beneficiaries of a land trust make application for a subdivision relating to land which is the subject of such trust, any interest therein, improvements thereto, or use thereof, such applicant shall identify his interest therein. All such applications shall be verified by the applicant in his capacity as trustee, or by the beneficiary as a beneficial owner of an interest in such land trust. Failure to make such disclosure shall be reason enough to deny a request for subdivision. Making a false statement as to the identification or interest in such trust shall also be reason enough for the denial of a request for subdivision and makes the person making such statement subject to penalties provided by said state statutes. (2000 Code § 6.02(1.09))

8-3-3: VARIANCES:

A. Authority And Conditions: Where the developer can show that a provision of this title would cause unnecessary hardship and where, in the opinion of the village board, a departure may be made without destroying the intent of such provision, the village board may authorize a variance. In the event the board finds that extraordinary hardship or injustice will result from compliance with this title, it may vary the terms thereof to the extent necessary to grant relief; provided:

1. That special conditions or circumstances exist which are peculiar to the tract or tracts to be subdivided;
2. That granting the variance requested will not confer on the developer any special privilege that is denied by this title to other developers; and

3. The board determines that the variance requested is:

a. The least deviation from this title which will mitigate the hardship;

b. Not detrimental to the general public interest, health, and welfare, and is in keeping with the general intent and purpose of this title; and

c. Not applicable to other subdivisions or developers.

B. Request For Variance: The developer shall make requests for variations in writing, and the requests shall accompany the submission of the preliminary plat. Requests for approval of variations by the board shall be considered separately from approval of the final plat of subdivision.

C. Grant Of Variance: The granting of variations shall be by action of the board and after review and comment according to this title. Variations shall be in the form of a resolution and will require approval by a simple majority of board members in attendance at a regular board meeting. (2000 Code § 6.02(1.10))

8-3-4: AMENDMENTS:

The village board may, by approval of a simple majority of all board members present at a regular board meeting and by resolution, amend this title. (2000 Code § 6.02(1.06))

8-3-5: REQUIRED CERTIFICATES:

The following certificates are to be used as a guide to indicate that the developer or his representative is in agreement with the intent of this title. Substitutions of alternative wording may be used where the intent is not changed. (2000 Code § 6.02(25))

A. Village Board Certificate For Final Plat: The village board certificate for final plat shall be signed by the president of the village board and by the village clerk following an affirmative vote by the village board to accept the final plat of subdivision. This certificate shall be incorporated upon the face of the final plat as approved:

VILLAGE BOARD CERTIFICATE OF FINAL APPROVAL

Under the authority of the Village of Ashmore Subdivision Regulations this plat was given approval by the Village Board of Ashmore, Illinois at a meeting held on the ___ day of ____, 20__.

BY: _____

ATTEST: _____
Village President

Village Clerk

(SEAL)

!SETLRM!!SETFNT!!SETTAB!
(2000 Code § 6.02(25.01))

B. Deed Of Dedication: The deed of dedication certificate shall set forth covenants and dedicate identified easements for public and semipublic use. It shall be a part of the final plat and so recorded:

DEED OF DEDICATION

We, the undersigned _____, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat, and subdivide said real estate in accordance with the subdivided plat. This subdivision shall be known and designated as _____. Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure. There are strips of ground marked "easement" reserved for the use of public utilities for the installation of water and sewer mains, surface drainage, poles, ducts, lines and wires subject at all times to the proper authorities and to the easements herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall make their titles subject to the right of the public utilities or entities holding vested rights.

(Additional dedications and protective covenants, or private restrictions shall be inserted here upon the developer's initiative, requirements contained in this title, or upon the recommendation of the County Board. Important provisions are those specifying the use to be made of the property and construction and design restrictions.)

The foregoing covenants (or restrictions) are to run with the land and shall be binding upon all parties and persons claiming under them until January 1, ___ (a minimum twenty-five year period is suggested), at which time said covenants shall be automatically extended for successive periods of ten (10) years unless changed by vote of a majority of the then owners of the building sites covered by these covenants in whole or in part, and where affecting special rights assigned to public protection, by approval of a majority of the Village Board. Invalidation of any one of the foregoing covenants (or restrictions) by judgment or court order shall in no way affect any of the other covenants (or restrictions) which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal by due process, of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public and reserved to the several owners of the several lots in this subdivision and to their heirs, successors, and assigns, as well as to any entity having interest in said included easements.

Witness Our Hands and Seals this ___ day of _____, 20__.

Owner's signature

Owner's signature

(SEAL)

Before me the undersigned Notary Public, in and for the Village and State personally appeared: (name of owner) and each separately and severally acknowledged the execution of the foregoing instrument of his or her other voluntary act and deed, for the purposes therein expressed.

Witness My Hand and Notary Seal this __ day of ____, 20__.

Notary's signature

!SETLRM!!SETFNT!!SETTAB!
(2000 Code § 6.02(25.02))

C. Topographic And Drainage Certificate: An Illinois registered professional engineer and the owner(s) of the subdivision shall submit a signed topographic and drainage certificate with the plans which accompany the plat to certify that the drainage of surface waters will not be changed, or if changed, will not harm adjacent properties.

TOPOGRAPHIC AND DRAINAGE STATEMENT

We, the undersigned, respectively a registered professional engineer and the owner(s) of the land subdivided, hereby state that to the best of our knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision, or that if surface water drainage is changed, adequate provision has been made for the collection and diversion of surface waters into public areas or drains which the subdivider has the right to use, and such surface water practices will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to adjoining property because of the construction of the subdivision.

(SEAL)
Engineer's Signature
Engineer's registration no.

(SEAL)

Owner's Signature

!SETLRM!!SETFNT!!SETTAB!
(2000 Code § 6.02(25.03))

D. Surveyor's Certificate: The surveyor's certificate shall be

Dated this ___ day of _____, 20__.

Surveyor's signature *Surveyor's registration no.* (SEAL)

!SETLRM!!SETFNT!!SETTAB!
(2000 Code § 6.02(25.06))

G. Acceptance Of Streets And Roads: The acceptance of streets and roads certificate shall be signed by the road authority who accepts the streets and roads, as applicable under Illinois state statutes. It will be submitted after the final plat; as built engineer's certificate accompanied by the as built plans; and surveyor's monument and pin certificate have been received and upon completion, inspection and approval by said authorized jurisdiction.

ACCEPTANCE OF STREETS AND ROADS

The Village of Ashmore hereby agrees to accept the streets and roads in _____ (name of subdivision) located in _____ (name of subdivision) located in Section ____, Township _____, Range _____ (East or West) of the _____ Principal Meridian, said subdivision consisting of approximately _____ miles of streets and roads.

The Village of Ashmore will maintain the streets and roads, including snow removal from the traveled way, surface drainage of the streets and roads as it exists at the time of acceptance, existing culverts and surface of the streets and roads constructed according to approved plans and specifications.

Dated this ___ day of _____, 20__.

Signature of Village Board President

Signature of Village Clerk

!SETLRM!!SETFNT!!SETTAB!
(2000 Code § 6.02(25.07))

8-3-6: VIOLATIONS; PENALTIES:

A. The following violations shall carry a penalty of twenty five dollars (\$25.00) per day per offense:

1. Recording of any plat or document portending subdivision, or a portion thereof not in conformity with this title;
2. The sale, offering for sale, or other transfer of ownership of any or all lots, without prior recording of an approved subdivision, as set forth in this title; and
3. Construction in a recorded subdivision which is not in conformance with the recorded plat and approved engineering plans and specifications.

B. For purposes of this section, a similar violation occurring on more than one lot or affecting more than one lot shall be deemed to be a separate offense for each such violation on each such lot. (2000 Code § 6.02(24))

CHAPTER 4

SUBDIVISION PLATS AND PROCEDURES

SECTION:

- 8-4-1: Preliminary Consultation
- 8-4-2: Preliminary Plat
- 8-4-3: Final Plat
- 8-4-4: Fees !2R!

8-4-1: PRELIMINARY CONSULTATION:

In order to make the most of the opportunities related to the subdivision and to conserve time, effort and expense, the owner should consult with the board prior to the preparation of the preliminary plat of the subdivision. The zoning ordinance should be reviewed to determine how the proposed subdivision will fit into the ordinance requirements for thoroughfares, school and recreational sites, shopping centers, community facilities, sanitation, water supply and drainage, and relationship to other developments, existing and proposed, in the vicinity should be determined in advance of the preparation of the subdivision plan. A thorough estimate of the situation will result in sound decisions with respect to the form, character and extent of the proposed subdivision. No land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, or if such land is considered by the board to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography or any other feature harmful to the health and safety of possible residents and the community as a whole. (2000 Code § 6.02(4); amd. 2010 Code)

8-4-2: PRELIMINARY PLAT:

A. Application:

1. A person or corporation desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the board shall submit a written application therefor to the board at least thirty (30) days prior to the date of a regular or special board meeting. In addition, the applicant will also send a copy of the plat contents to:

- a. The county health department;
- b. The county soil and water conservation district;
- c. The applicable fire protection district; and
- d. The township road commissioner if applicable.

2. The developer or his representative shall submit the following: The plat drawn or printed upon tracing paper, tracing cloth, or a similar reproducible medium. The plat shall be drawn at a scale of one inch equals one hundred feet (1" = 100'). All materials shall contain information concerning the name of the subdivision; the name, address, and telephone number of the firm and person preparing the material and, if appropriate, signature and certification; and the date of material preparation with reference to any changes made. There shall be one common scale for all maps and plans presented for each subdivision, unless otherwise stated herein. The plat may be prepared, at the developer's discretion, so as to contain items required in both the preliminary and final plats. Note: "Adjacent" shall mean, for these specifications and at a minimum, the area lying outside of but contiguous to the subdivision site and extending a distance of one hundred feet (100'), or to such a further distance as may be necessary. (2000 Code § 6.02(4.01))

B. Contents: The preliminary plat shall include the following information: (2010 Code)

1. The proposed subdivision name, which shall not duplicate the name of any platted subdivision previously recorded in the county;
2. Date, bar scale and north arrow;
3. Location by distances and bearings from true north or grid north, as established by the Illinois state plane coordinate system, east zone, and angles with reference to a corner or corners established in the United States public land survey;
4. All angular and linear data along the exterior boundary of the tract, which meets the criteria for a "second order" accuracy survey, by Illinois registered land surveyor's standards;
5. The width, course and extent of all existing and proposed on site and adjacent roads, streets, and other thoroughfares, and railroad rights of way, if present;
6. The names of all existing and proposed roads, streets, and other thoroughfares;
7. The location, dimensions and easements of all existing and proposed public utilities (surface and subsurface) and private utilities affecting the site or proposed for extension thereupon, including, but not limited to, water lines, sanitary sewers, storm sewers, and drainage tile lines;
8. Locations and dimensions for any other easements and any limitations upon each easement;
9. All existing adjacent and developer proposed on site tracts, parcels, lots or blocks, giving their precise

dimensions where existent, and approximate dimensions where proposed, including square footage for proposed parcels and lots;

10. The progressive numbering of all proposed tracts, parcels, lots and blocks;

11. Existing and proposed building setback lines and dimensions;

12. All existing and proposed adjacent and on site parks, playgrounds, school grounds or other grounds to be dedicated or reserved for public, semipublic, common or community use;

13. The locations and widths of any proposed walkways and easements, clearly indicating any connections to present or proposed public lands or facilities and/or private walkways and easements;

14. The identification of all civil and/or political divisions within which the proposed subdivision is wholly or partially located. And where applicable, the location of the division's boundary lines if within or adjacent to the site. Such divisions shall include, but are not limited to, school districts, fire protection districts, incorporated municipalities, soil and water conservation districts, park districts, and water districts;

15. The location and direction of flow, as applicable, of natural drainageways, streams, rivers and lakes, and similar natural flows or impoundments;

16. The location and identification of all existing manmade features including, but not limited to, buildings, excavations, bridges, impoundments, drainage improvements and tiles within and adjacent to the site;

17. Present zoning of the site and the authority of that zoning, if applicable;

18. The name(s), address(es) and telephone number(s) of the owner(s) and developer(s) of the subdivision or their duly authorized representative; and

19. The name(s), address(es) and telephone number(s) of the surveyor, engineer, or planner preparing the preliminary plat. Note: The final plat must be prepared by an Illinois registered land surveyor. (2000 Code § 6.02(4.02))

C. Supplementary Information:

1. Vicinity Map: A small scale map at a scale of not less than one inch equals two thousand feet (1" = 2,000') shall be provided, which may be shown on or accompany the preliminary plat. The map shall indicate the site's relationship to boundaries, traffic arteries, community facilities, railroads

and other nonresidential land uses for adverse influences. The map itself must include a minimum one thousand foot (1,000') radius surrounding the site;

2. Water Supply And Sewage Disposal: Preliminary plans for water supply and sewage disposal facilities shall be presented, including:

a. The location of the nearest public water supply and fire hydrant with a statement from the controlling authority indicating the ability to serve the site as well as available capacity. Requests will be in writing by the developer with notice that reply be made within fourteen (14) calendar days of receipt. In addition, if the site is to be served by private wells, a statement of the adequacy and usability of the proposed water supply available on site. Such statement shall include available well logs of the area;

b. The location of the nearest public or private sewer system shall be shown with information concerning the possibility of connection, and the capacity of the system will be required where this information is necessary. If the subdivision lots are to be served with individual wastewater systems, the plans shall be reviewed by the county public health department for conformance to the county private sewage disposal ordinance, as amended, as well as any other applicable state or local ordinances;

3. Drainage And Stormwater Management: Preliminary plans for site drainage surface, subsurface and stormwater management shall be presented. Also to be included is a statement of whether the proposed subdivision is located in a drainage district and identifying any agreements that have been made with the drainage district in which the subdivision is located, if any;

4. Watercourse And Impoundments: Preliminary plans for any proposed watercourse changes or impoundments to be developed shall be provided. Existing and proposed impoundments shall indicate points of discharge, design capacities and calculations, and shall indicate normal pool elevations. Watercourses shall show direction of flow. Both impoundments and watercourses shall indicate elevations of the 100-year flood;

5. Soil Information Plan: A soil information plan shall be provided which shall contain delineation of the subdivision by soil types utilizing the most recent soil survey techniques and classification information system in use by the United States department of agriculture, soil and water conservation service, any information known and relating to the site's water table elevation, and any such additional information as may be required by the reviewing authorities, including further soil tests conducted as to ASTM (American Society For Testing Material) standards when indicated by soil type;

6. **Percolation Report:** A report prepared by an Illinois registered professional engineer shall be required which shall contain a representative number of percolation tests as selected by the county health department. Tests need not exceed one test per five (5) lots or one test per change in soil type, whichever is greater. These tests shall be provided where on site wastewater disposal is contemplated. Percolation tests presented with the preliminary plat shall be witnessed by the county health department. The developer or his engineer shall properly notify the county health department in advance of testing. Such notification and requests for observation shall conform to the applicable rules and procedures of the department. The county health department, after witnessing the percolation tests, shall sign the results indicating that the percolation tests were conducted as to proper standards and procedures. The location of each test hole shall be plotted and numbered on a map of the same scale as the preliminary plat and a typewritten text of the results are to accompany the plan. A minimum of one copy of all such information shall be provided by the project engineer for review and comment by the county health department;

7. **Topographic And Profile Studies:** There shall be submitted simultaneously with the plat a study which shows topographically and by profile the elevation of the land prior to the commencement of any change in elevations as part of any phase of subdividing as well as a study which shows topographically and by profile any changes contemplated in the elevation, including the flow of surface water from such land when change is contemplated. Topography of the site shall be identified with contour lines at two feet (2') (one meter if the plat is metric) vertical intervals on grades of less than five percent (5%) and with five foot (5') (2 meters if the plat is metric) contours elsewhere. Contours and elevations shall be based on sea level datum, USGS standards, where possible. Further, the topographical studies shall be prepared in such a manner as will permit the studies to be used as overlays to the subdivision plat. The studies shall have on their face a certification of an Illinois registered professional engineer and the owner of the land or his duly authorized representative confirming the topographic and drainage certificate in this title;

8. **Road And Thoroughfare Design Plan:** Such preliminary plan shall contain information as to right of way widths, pavement design, standards and specifications, cross sections and profile drawings of roads, streets, thoroughfares and other public ways, all conforming to the design requirements herein contained including standard detail and culvert sizes for each entrance;

9. **Special Studies:** Where required by site conditions or this title, such other special studies shall be provided as may be necessary and which may include, but need not be limited to, preliminary erosion control plans and specifications; landscaping plans and specifications; and fill plan with

location, depth and fill type where added;

10. Variance Narrative: If a variation or variations are to be requested from the standards herein contained, a narrative for each variation the developer is requesting shall accompany all other documents; and

11. Covenants, Restrictions, Homeowners' Information: One copy of the preliminary covenants, deed restrictions, and/or homeowners' association charter and bylaws, if a homeowners' association is intended, shall be provided. Note: Within the covenant, statements shall be included, as applicable, which identify subsequent lot owners as responsible for the placement of driveway culverts in accordance with approved engineering plans and which identify subsequent lot owners as responsible for contacting the county health department for review and approval of individual (nonmunicipal type) septic systems and well locations prior to construction of any permanent improvements or structures upon the individual lot. All restrictions are to be reviewed as part of the plat review process and must be recorded, as approved, with the approved plat. (2000 Code § 6.02(4.03))

D. Approval Or Disapproval: After an application for approval of a plat of a subdivision, together with two (2) copies of all maps and data, has been filed, the board shall review the application and shall approve the plat proposed in the application, subject to its receipt of an acceptable final plat, as described in section 8-4-3 of this chapter, or disapprove the plat, setting forth its reasons in its own records and providing the applicant with a copy. An approval shall be effective for a period of twelve (12) months, unless, upon request of the applicant, the board grants an extension. If the final plat is not received by the board within the period of time specified, all previous actions by the board with respect to the plat shall be deemed to be null and void. (2000 Code § 6.02(5))

E. Appeals: Any party aggrieved by a decision of the board may, within fifteen (15) days thereafter, appeal therefrom to the village board, and he shall file with the board a written notice of appeal specifying the decision from which such appeal is taken. Procedure for appeal shall be provided by the board. (2000 Code § 6.02(6); amd. 2010 Code)

8-4-3: FINAL PLAT:

A. Specifications: Following the approval of the plat, the board will notify the applicant in writing that it is ready to receive the final plat. The final plat shall meet the following specifications: The final plat shall be prepared by an Illinois registered land surveyor and drawn in India ink on tracing cloth or reproducible Mylar at the same scale as the preliminary plat. When more than one sheet is used for any plat, they shall be numbered consecutively, and each sheet

shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets. (2000 Code § 6.02(7))

B. Contents: The final plat shall include the following information: (2010 Code)

1. Name of subdivision;
2. Date, bar scale, and north arrow;
3. Location by distances and bearings from true north or grid north, as established by the Illinois state plane coordinate system, east zone, and angles with reference to a corner or corners established in the United States public land survey;
4. All angular and linear data along the exterior boundary of the tract which meets the criteria for a "second order" accuracy survey by Illinois registered land surveyor's standards;
5. The width, course and extent of all existing and recorded roads, streets, thoroughfares and other rights of way intersecting the boundaries of the subdivision with accurate dimensions in feet and decimal parts of feet (or metric equivalents if utilized in the preliminary plat) and accurate angles to streets, thoroughfares, alleys and property lines;
6. The width, course and extent of all proposed roads, streets, thoroughfares and other rights of way with accurate dimensions in feet and decimal parts of feet (or metric equivalents if utilized in the preliminary plat) and accurate angles for all curves included in the plat;
7. Complete curve notes for all curves included in the plat;
8. Location, type and size of all monuments and lot markers;
9. The names of all existing and proposed roads, streets, and other thoroughfares;
10. The location and dimensions for all easements and any limitations thereon;
11. Accurate location of all existing abutting tracts, parcels, lots or blocks;
12. All tracts, parcels, lots and blocks contained within the subdivision shall be precisely dimensioned including any property to be dedicated or reserved for public, semipublic, common, or community use;
13. All tracts, parcels, lots and blocks contained within the subdivision shall be consecutively numbered;
14. All setback lines required by this title or fixed within

approved protective covenants shall be shown and dimensioned upon the plat;

15. The centerlines of streams, rivers, or other similar flows; the normal pool elevation of any lake or impoundment; and an elevation line indicating the elevation of the 100-year flood, if applicable;

16. The name(s), address(es) and signature(s) of the owner(s) and developer(s) of the subdivision or their duly authorized representatives;

17. The name, address, registration number and seal and signature of the Illinois registered land surveyor preparing the final plat;

18. Certificates required by this title to be included upon the final plat; and

19. A statement of maintenance responsibility for any public improvements. (2000 Code § 6.02(7.01))

C. Supplementary Information: The following supplementary information shall be included with the final plat: (2010 Code)

1. Final water and sewage disposal engineering plans;

2. Final drainage and stormwater management engineering plans;

3. Final watercourse and impoundment engineering plans. Complete plans shall be required for improvements, minimally, where impoundments or watercourses affect the subdivision, elevations shall be included for the 100-year floodplain;

4. Final topographic and profile studies, certified by the engineer and the owner for the entire site, where topographical change is contemplated;

5. Final road and thoroughfare engineering design plans, profiles and cross sections;

6. Special studies and engineering plans in final form as required in the preliminary plat presentation or as required to provide supporting information for final plat approval;

7. Final copies of all covenants, restrictions and homeowners' association charters and bylaws as intended to be filed simultaneously with the final plat of subdivision; and

8. Applicable certificates as required by this title for final plat approval. (2000 Code § 6.02(7.02))

D. Approval: Upon full compliance with this chapter, and the receipt of a written agreement by the owner wherein he agrees to make and install the improvements herein provided for, all in accordance with the requirements of this chapter, the board

shall affix its seal upon the final plat, together with the certifying signature of its president and clerk.

E. Recording Final Plat: Following final approval by the board, the final plat may be legally recorded in compliance with the laws of the state of Illinois. Such final approval shall be null and void if the said plat is not recorded within ninety (90) days after the approval, unless application for an extension of time to so record is made in writing during said ninety (90) day period to the village board and by it granted. (2000 Code § 6.02(8))

8-4-4: FEES:

Subdivision recording fees shall be and plat review fees may be established by the village board, all in accordance with applicable Illinois Compiled Statutes. (2000 Code § 6.02(8.01); amd. 2010 Code)

CHAPTER 5

DESIGN STANDARDS AND IMPROVEMENTS

SECTION:

- 8-5--1: General Requirements
- 8-5--2: Improvements Required
- 8-5--3: Natural Features
- 8-5--4: Roads, Streets And Other Thoroughfares
- 8-5--5: Curbs And Gutters
- 8-5--6: Sidewalks And Pedestrian Walkways
- 8-5--7: Easements
- 8-5--8: Blocks
- 8-5--9: Lots
- 8-5-10: Calculation Of Required Setbacks
- 8-5-11: Drainage
- 8-5-12: Monuments
- 8-5-13: Culverts And Private Entrances
- 8-5-14: Water Supply
- 8-5-15: Sanitary Sewers, Septic Systems And On Site Disposal
- 8-5-16: Required Engineering Plans And Certificates
- 8-5-17: Guarantee Of Performance
- 8-5-18: Inspection Of Improvements
- 8-5-19: Tables And Plates !2R!

8-5-1: GENERAL REQUIREMENTS:

Every subdivision plat shall be prepared in conformance with:

- A. The statutes of the state of Illinois;
- B. This title;
- C. All applicable codes and ordinances as adopted by the village;
- D. All applicable federal codes and regulations; and
- E. Modern and best available planning and design practices.
(2000 Code § 6.02(9.01))

8-5-2: IMPROVEMENTS REQUIRED:

The developer shall provide, at no cost in any form to the taxpayers of local, state, or federal units of government, all public improvements required by this title. The developer shall further include the previous statement in the covenants of the plat in order to ensure buyer protection at the time of purchase. Improvements shall be provided and installed in accordance with the standards and requirements adopted by other local, state, and federal authorities which may have jurisdiction of the area being subdivided. In any case, where two (2) or more authorities have differing standards governing

the same improvement, the most restrictive standard shall apply. Improvements which would place financial burden upon the village or adversely affect adjacent property owners may not be instituted for the benefit of a proposed subdivision which has not been approved and recorded. (2000 Code § 6.02(1.03))

8-5-3: NATURAL FEATURES:

All subdivisions and all areas contained therein shall be planned to take advantage of the natural topography of the land and to reduce the overall amount of grading and disruption of surrounding drainage. The village board reserves the authority to deny or require modification of any subdivision or part thereof which, because of its natural characteristics or positions, cannot be developed to provide an environmentally sound location. Some conditions which may make land unsuitable for subdivision or development are as follows:

A. Lands lying within or less than one vertical foot above flood level. The "flood level" is the elevation produced from a storm of 100-year frequency, or in the absence of this information, from the best possible information available from the Illinois floodplain information repository of the Illinois state water survey. Floodplains are prohibited from receiving fill which raises the 100-year storm flood stage more than one-tenth foot (0.1');

B. Land areas with high permanent water tables, swamps, highly organic soils subject to overflows, soils subject to extreme erosion, and soils which in other ways present hazards to public and private construction;

C. Subdivisions planned for development with septic systems which contain areas with soils which show a high seasonal water table or slow or excessive permeability or soils subject to excessive frost action. However, a lot will not be denied for subdivision under this subsection when the developer provides proof that a nonconventional sewage and waste system can be developed which is both effective and efficient for the lot or lots in question. Any lot or lots requiring or having the potential need for nonconventional sewage and waste systems shall be noted upon the face of the plat;

D. Lands lying on a general overall slope in excess of fifty percent (50%) shall be excluded from development and may be placed in a conservation easement. Nonpublic systems for sewage and waste disposal intended to be located on lands lying on more than twelve percent (12%) slope shall require special engineering and shall require approval of a system for each such lot prior to approval of the subdivision. Public or private improvements on lands containing more than twelve percent (12%) slope will be considered for approval; provided, that the developer's evidence conclusively indicates no damage

will occur to the environment; the approval of the subdivision will not create or intensify negative conditions relating to public health, safety or welfare; and there will be no increase in replacement or maintenance costs of public facilities when compared to an area of lesser slope. Meeting these conditions, the board may approve the subdivision; and

E. Lack of adequate and readily available water supply for the domestic and fire protection needs of the inhabitants of the subdivision. (2000 Code § 6.02(9.02))

8-5-4: ROADS, STREETS AND OTHER THOROUGHFARES:

A. Access; T-Intersections: The thoroughfare and street layout, and alley layout where permitted, shall provide access to all lots and parcels of land within the subdivision. When two (2) roads or streets intersect the same street (T-intersection), offsets less than one hundred twenty five feet (125') shall not be permitted.

B. Dedication Of Streets: Whenever a tract of land, proposed to be subdivided or developed, includes a proposed public road, street or other thoroughfare, or embraces any part of a road, street or other thoroughfare, designated on the county official road plan, such street shall be shown, constructed, and dedicated in the location indicated on said plan and to the right of way.

C. Right Of Way Widths: See table 1, subsection 8-5-19A of this chapter.

D. Partial Right Of Way Width: In those instances in which the owner or owners of a new subdivision own land on only one side of an existing road or street and the right of way is narrower than that required by this title, the owner shall dedicate additional right of way lying between the centerline of the existing right of way and the outside edge of the additional right of way at least equal to one-half ($1/2$) of the required right of way width.

E. Intersections:

1. The angle of intersection between local roads and streets and collector and arterial roads shall not vary by more than ten degrees (10°) from the right angle. All other local roads and streets shall intersect each other as near to a right angle as possible, and in no case shall an angle of less than seventy degrees (70°) be permitted.

2. Intersections of three (3) or more roads or streets at any one point shall be prohibited.

F. Curved Streets:

1. Horizontal visibility on curved streets and vertical

visibility on all roads and streets shall be maintained along the centerline. See table 1, subsection 8-5-19A of this chapter.

2. Curvature measured along the centerline shall have a minimum radius. See table 1, subsection 8-5-19A of this chapter.

G. Grades: Maximum grades for roads, streets and thoroughfares are herein established. See table 1, subsection 8-5-19A of this chapter.

H. Design And Construction Specifications:

1. Roads, streets, alleys where permitted, and other thoroughfares shall be designed in consideration to their relation to existing and planned roads, streets and thoroughfares; to reasonable circulation of traffic; to topographical conditions; to runoff of storm water; to public convenience and safety; to soil conditions; to extraordinary future public maintenance and replacement costs; and in their appropriate relation to the proposed uses of the land to be served by such roads, streets and thoroughfares.

2. Stormwater systems, roads, streets, alleys where permitted, and other thoroughfares shall have complete plans, profiles, and cross sections provided by the subdivider and prepared by an Illinois registered professional engineer.

3. Roads, streets, alleys where permitted, and other thoroughfares shall be graded, surfaced and improved to the dimensions as indicated upon the plans, profiles, and cross sections approved by the applicable township road commissioner, and work shall be performed in the manner prescribed in "Standard Specifications For Road And Bridge Construction", latest amended edition, adopted by the department of transportation of the state of Illinois.

4. Minimum road surface widths are hereby established by this title. See table 1, subsection 8-5-19A of this chapter. Where a subdivision is being platted upon an existing road, such road must be improved by the developer to meet the minimum standards established for the classification of that road and herein contained. Where use of an existing road or thoroughfare is to be shared between subdivision use and any general public use, required improvements above the minimum standards will be considered on a cost sharing basis between the developer and the road or thoroughfare authority.

5. All roads, streets, alleys where permitted, and other thoroughfares in any subdivision shall have a drainage plan conforming to all state, county, local and federal laws and regulations applicable and shall represent best modern engineering practices.

6. The diameter of the paved surface of a permanent turnaround

shall not be less than one hundred feet (100').

I. **Adjacent Railroads Or Limited Access Highways:** Whenever the proposed subdivision contains or is adjacent to a railroad right of way or a highway designated as a limited access highway by the appropriate highway authorities, provisions shall be made for a parallel thoroughfare.

J. **Parkways:** Where parkways or special types of roads or streets are involved, the reviewing authorities may apply special standards to be followed in their design.

K. **Half Streets:** Half streets are prohibited; except, when a half street has been previously platted abutting the tract boundary line, the remaining half street shall be platted and improved within the tract. In cases where the platting of a half street is approved, it shall not be constructed or used for access to any lot until such time as the adjoining half street is platted, approved, and the entire street is constructed.

L. **Spite Or Reserve Strips:** Spite or reserve strips controlling access to public roads, streets, and rights of way, actual or proposed, shall be prohibited.

M. **Dead End Or Stub End Streets:** Dead end or stub end streets are prohibited. A road or street permanently ending in a cul-de-sac shall not be considered "dead end" for purposes of this title.

N. **Cul-De-Sacs:** Maximum length of permanent cul-de-sac streets shall be six hundred feet (600') measured from the centerline of the intersection of the street to the center of the turning circle. Each cul-de-sac shall be provided at the closed end with a turnaround having a minimum diameter of one hundred feet (100') and a minimum street right of way line diameter of one hundred twenty feet (120'). No cul-de-sac may intersect with another cul-de-sac. (2000 Code § 6.02(10))

O. **Names Of Streets; Signs Posted:** All streets, roads, and other thoroughfares providing primary means of access to property shall be named. Names of streets, roads and thoroughfares in the proposed plat shall be chosen to avoid confusion and duplication with existing names, especially with such names located within the jurisdiction supplying fire protection to the site. The developer shall be responsible for the purchase and erection of road and street name signs resulting from the development and shall construct and locate such signs according to the direction of the applicable township road commissioner and village superintendent. (2000 Code § 6.02(10); amd. 2010 Code)

P. **Traffic Control And Warning Devices:** Traffic control and warning devices whose need is created by the subdivision shall be purchased and erected by the developer.

Q. Alleys And Service Roadways:

1. Alleys shall not be permitted in those parts of the plat proposed for single-family and two-family residential use. Service roadways may be required in commercial and industrial developments, except where other provisions for suitable access and off street loading and unloading is assured. No dead end alleys shall be permitted.

2. Pavement construction for service roadways, and alleys where permitted, shall be established by the township road commissioner on a case by case basis using best engineering practices applicable. (2000 Code § 6.02(10))

8-5-5: CURBS AND GUTTERS:

A. Whenever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with curbs and gutters, the subdivider shall install curbs and gutters on each side of the street or road surface.

B. Subdivisions having a lot area of less than ten thousand (10,000) square feet, or whose average lot width is less than one hundred feet (100') at the building setback line, or when the authority duly designated for the acceptance of the roadway requires for reasons of drainage or public safety, shall have curbs and gutters. Determination of need shall be based on pavement drainage, access control, and highway appurtenances design standards of the Illinois department of transportation's bureau of design, "Design Manual", latest amended edition.

C. Gutters and combination gutters shall be Portland cement concrete of not less than twenty four inches (24") in overall width and not less than six inches (6") thick, as shown on plate 1, subsection 8-5-19B of this chapter. The curbs and gutters shall conform to one of the construction types shown in standard specifications number 1790F, as amended, of the Illinois department of transportation or as shown on plate 1, subsection 8-5-19B of this chapter, and shall be constructed according to the following specifications:

1. The base for the curbs and gutters shall be well compacted on the existing base or grade;

2. The minimum specifications shall be as shown for the types of cross sections in the standard specifications; and

3. All concrete used in the curbs and gutters shall meet or exceed the specifications of the Illinois department of transportation.

D. Integral or monolithic curbs of the same dimensions as shown in the standard specifications or on plate 1, subsection 8-5-19B of this chapter, may be constructed with concrete

pavement, provided the curb widths meet the requirements shown on said plate 1.

E. The minimum grade of any road or street gutter or drainage swale shall not be less than three-tenths percent (0.3%) and, where open ditches or swales are permitted, shall be designed in conformance with section 8-5-11 of this chapter. (2000 Code § 6.02(10.01))

8-5-6: SIDEWALKS AND PEDESTRIAN WALKWAYS:

A. Whenever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with sidewalks, the subdivider shall install sidewalks on each side of the street.

B. Subdivisions having an average lot area of less than ten thousand (10,000) square feet or an average lot width at the building setback line of one hundred feet (100') or less shall have sidewalks installed on both sides of the street or road. Subdivisions with lots in excess of ten thousand (10,000) square feet or wider than one hundred feet (100') at the building setback line may be required to install sidewalks where it is deemed necessary to provide for the safety of pedestrians.

C. Sidewalks shall have a minimum width of three feet (3') and a minimum thickness of four inches (4"). Sidewalks shall be constructed of Portland cement concrete or an approved equivalent.

D. Pedestrian walkway easements, not less than ten feet (10') in width, may be required through the center of blocks more than one thousand two hundred feet (1,200') in length, where deemed necessary for improved circulation or access to schools, playgrounds, or other community facilities. They shall be surfaced with a Portland cement concrete walk not less than five feet (5') in width and meeting all other requirements of public sidewalks.

E. Sidewalks and walkways shall be of a continuing common surface, not interrupted by abrupt changes in level. Joints shall not exceed one-half inch (0.5") in width and shall be flush with adjoining surfaces. The cross slope or crowning shall be between 1:50 and 1:100, and where vehicular driveways intersect walks, design priority shall be given to the pedestrian and not the vehicle.

F. Sidewalks and walkways with gradients steeper than 1:20 shall not be permitted without the addition of features providing safeguards against slipping and falling hazards.

G. Whenever walks and sidewalks intersect with other walks and sidewalks, parking lots, driveways, roads, and streets, the surface shall blend to a common level to allow smooth passage.

Specific ramp criteria as indicated in "Accessibility Standards-Illustrated", as amended, and as developed by the capital development board of Illinois shall and are hereby incorporated into this title. (2000 Code § 6.02(10.02))

8-5-7: EASEMENTS:

A. Utilities Easements:

1. Required: Easements shall be provided for any overhead or underground utilities including, but not limited to, sanitary sewer, storm sewer, water, gas, telephone, electricity, and cable television. Such easements shall have a minimum width of twelve feet (12'). Where it is intended that both overhead and underground utilities shall share the same easement, additional width sufficient to avoid conflict shall be provided. No surface drainage easement shall be permitted to be contained in an easement intended for underground utilities where drainage creates problems of seepage or coverage of the underground utilities. To the extent possible, easements shall be established along rear lot lines to provide continuity of alignment through the subdivision.

2. Obstructions Prohibited: Land subject to a public or private easement shall be restricted to prohibit within such easement structures, plantings or other materials from being placed or permitted to remain which may damage or interfere with the installation or maintenance of utilities, which change the direction of flow or drainage channels in the easement, or which may obstruct or retain the flow of water through drainage channels in the easement.

3. Underground Utilities: All utilities providing service within a subdivision as well as services providing connections between transmission lines or pipes and individual structure services shall be placed underground and within the easement.

B. Conservation Easements: Conservation easements may be required to protect natural areas of excessive slope or areas subject to flooding in order to prevent erosion, changes of stream quality or flooding characteristics.

C. Drainage Easements: Drainage easements may be required as specified by section 8-5-11 of this chapter.

D. Plat Requirements: Any public or private utilities or drainage systems traversing any part of a proposed subdivision and not heretofore possessing a recorded easement shall have an easement indicated upon the plat and meeting the minimum criteria of this section. (2000 Code § 6.02(11))

8-5-8: BLOCKS:

A. Length:

1. In any subdivision in which the average width of lots is less than fifty feet (50'), no block shall exceed one thousand three hundred twenty feet (1,320') in length.

2. In any subdivision in which the average width of lots equals or exceeds one hundred fifty feet (150'), no block shall exceed two thousand feet (2,000') in length.

B. Commercial And Industrial Uses; Off Street Parking And Loading Facilities Required: Blocks or portions thereof intended for commercial or industrial use shall be designed as such, and the plan shall show adequate off street areas to provide for parking, loading facilities, and other such facilities. (2000 Code § 6.02(12))

8-5-9: LOTS:

Refer to title 7, chapters 7, 8, 9, 10 and 11 of this code for lot specifications. (2010 Code)

8-5-10: CALCULATION OF REQUIRED SETBACKS:

A. Required setbacks shall be measured from the right of way line of the road, street or other thoroughfare to the front foundation.

B. Minimum lot widths shall be calculated at the minimum setback requirement.

C. In cases where the actual foundation is located at a point further than the required setback, the lot width minimum shall be applicable to both the required setback as well as the actual foundation setback. See table 1, subsection 8-5-19A of this chapter, for minimum setbacks. (2000 Code § 6.02(14))

8-5-11: DRAINAGE:

A. All subdivisions shall have an engineer designed and village approved drainage system plan which shall include full details of all surface and/or subsurface improvements. Design of the drainage system plan and stormwater management facilities shall be in accordance with current and best engineering practices. The standards for the design shall be adequate for the soils within the site as well as meet applicable local, state, and federal requirements in existence at the time of subdivision approval. No permanent structures or hazardous materials shall be permitted within the floodplain of a drainageway for a 100-year, 24-hour storm.

B. Drainage systems shall have adequate capacity to bypass through the subdivision the flow from all upstream areas currently accepted upon the subdivision site and for that volume of water generated by a storm of 100-year frequency for

Coles County, Illinois. See plate 3, subsection 8-5-19D of this chapter.

C. Internal drainage of the subdivision shall adequately drain all portions of the subdivision and shall be designed for a storm of 100-year frequency with a release rate from the site not to exceed the stormwater runoff rate in its natural undeveloped state, as otherwise herein indicated. Runoff concentrations shall not be permitted which cause erosion or other hazards to life and property within, adjacent to, or downstream from the subdivision.

D. Whenever agricultural tiles are located within a subdivision which drains an area outside of the subdivision, the developer shall dedicate an easement not less than ten feet (10') in width along each side of the agricultural drainage for the purposes of maintenance, improvement or replacement of the tile. Tiles may be relocated but shall be placed in easements or contained within public rights of way. The developer shall be responsible for relocating all agricultural field tiles in the subdivision that service any area located outside the subdivision. New tile must replace all disturbed agricultural tile. Relocated tile shall retain the design flow of the original tile. Agricultural drainage tiles which drain an area outside of the subdivision shall remain a separate system and not incorporated into the subdivision surface and/or subsurface system; except, that a connection may be permitted where the flow entering the agricultural tile system is not increased beyond the flow of the site in its present, natural, undeveloped state. There shall be no connection between a septic system, storm sewer, road drainage system, or sink to any agricultural field tile. The board may require the subdivider to take those actions necessary for the purpose of discovery of the agricultural drainage tile. Agricultural drainage tiles shall, where possible, be aligned in easements located along property lines. Tiles crossing potential building pads and septic system locations shall be relocated or the lot designed to avoid such potential conflict.

E. Design flows for roadside ditches shall conform to the requirements of the Illinois department of transportation's bureau of design, "Design Manual", latest amended edition; however, at a minimum, such ditches shall be designed to accommodate the maximum discharge from a storm of 20-year frequency. Stormwater sewers which serve as main or terminal collectors shall be of sufficient design to accommodate a maximum discharge from a storm of 10-year frequency. Those storm sewers which serve as laterals shall be of sufficient design to accommodate a maximum discharge from a storm of 5-year frequency.

F. The filling, alteration, widening or any other restriction or alteration of a natural stream and flood basis shall be permitted only as shown upon the final approved engineering drawings. Where erosion occurs along stream side slopes,

whether caused by alteration or natural occurrence, suitable erosion controls shall be instituted by the developer. All disturbed areas will be seeded, fertilized, and mulched to prevent soil loss in excess of tolerable soil loss limits as defined by the U.S. soil conservation service. Temporary erosion control measures will be used during the time of development to control excess soil erosion caused by development activities. Permanent measures will be installed as well where needed. Where such occurrences exist on stream slopes exceeding twelve percent (12%), said slopes shall be contained and dedicated in a natural easement.

G. Where roadway ditches or swales are permitted, such ditches or swales shall be completely included within the road right of way. Where ditch or swale integrity requires additional protection, additional easements may be required either permanently or during construction. Unless lesser standards are approved due to special circumstances, drainage shall be improved as follows:

1. Slopes: Both front slopes and back slopes shall not exceed a four to one ratio (4:1) slope; and

2. Grades: With grades to four percent (4%), ditches may have sod bottoms and banks; where ditch grades of four (4) to eight percent (8%) occur, gradient control structures shall be used to maintain the ditch slope at four percent (4%) or less; with greater than eight percent (8%) grades, ditches or swales shall have riprap or be paved.

H. Where crossroad culverts occur, the right of way shall be sufficient to include any headwall or similar structure.

I. Floodplain data used in all design work shall be the best possible information available from the Illinois floodplain information repository of the Illinois state water survey. (2000 Code § 6.02(15))

8-5-12: MONUMENTS:

A. Permanent Monument: A permanent monument shall consist of a ferrous metal pin, one-half inch ($\frac{1}{2}$ ") in diameter, thirty six inches (36") long, set in a concrete post four inches (4") in diameter or equivalent.

B. Corner Pin: A corner pin shall consist of a ferrous metal pin, one-half inch ($\frac{1}{2}$ ") in diameter and twenty four inches (24") long. (2000 Code § 6.02(16))

C. Number Of Monuments Required: All subdivisions shall contain a minimum of two (2) permanent monuments made of stone or reinforced concrete, plus additional monuments as may be required. Such monuments shall be located at points of curvature and points of tangency. (2000 Code § 6.02(16); amd. 2010 Code)

8-5-13: CULVERTS AND PRIVATE ENTRANCES:

A. Entrance Culverts: Entrance culverts shall be constructed by the developer or subsequent owner at the same time of construction upon the lot and shall be as shown upon the final approved engineering plans and laid to the flow line of the existing ditch. At no time shall such culvert pipe be less than twelve inches (12") in diameter nor less than twenty four feet (24') in length for private drives, or fifteen inches (15") in diameter and thirty two feet (32') in length for crossroads. Larger culvert pipe may be required if necessary for adequate drainage. The standards and requirements shall be included in the covenants.

B. Entrance Driveways:

1. Entrance driveways shall be constructed upon the lots as shown in the approved street design plans or in such a manner as to not interfere with or measurably alter the approved drainage, create traffic hazards, or interfere with public improvement plans.

2. All entrance driveways shall be flared with minimum radius dimensions as follows: residential land uses, ten foot (10') radius; commercial land uses, fifteen foot (15') radius; and industrial land uses, twenty five foot (25') radius minimums.

3. Where lots are subdivided upon an existing thoroughfare and driveway entrances are to have access upon such thoroughfare, engineering plans shall be presented which shall conform to subsection 8-5-11G of this chapter, and the developer or person initiating driveway construction shall be responsible for conformance to the approved plans. Responsibility and conformance concerning this requirement shall be noted within the covenants.

C. Permit Required To Connect To Public Street: Permits shall be required of all persons, developers and commercial, industrial or residential interests seeking the connection of a road, street, alley, driveway, or other means of vehicular access to any public road or thoroughfare located within the incorporated area of the village. The authority having maintenance responsibility over the public road or thoroughfare shall be the authority responsible for the issuance of such a permit. (2000 Code § 6.02(17))

8-5-14: WATER SUPPLY:

A. The developer shall provide the subdivision with a complete and state approved water main supply system, which shall be connected to an existing state approved municipal or community water supply; except, that when such municipal or community water supply is not available, the developer shall provide one of the following:

1. A water supply system which will serve the whole development is to be provided in accordance with the minimum requirements of the state of Illinois; or

2. An individual water supply system on each lot in the subdivision is to be provided in accordance with the minimum requirements and recommendations of the state of Illinois and any local ordinances. Private restrictions are to be filed with the final plat and incorporated in each deed so that as soon as a public water supply system is available, connections to the system shall be made at the property owner's expense within one year, and owners shall bear their full, proportionate share of the cost of the public water main as determined by agreement, special assessment proceedings, or other means authorized by law or regulations established by the public water supply system. A water system shall be deemed available when the distance between the subdivision and the water line is fifty (50) times the total number of lots platted in the subdivision, or less, and the capacity is available in the existing water system.

B. The plans and specifications for the installation of a water supply system and a statement of responsibility for maintaining the same shall be provided by the developer and approved by the state of Illinois. Upon completion of the water supply installation, the plans for the system "as built" shall be filed with the county health department. (2000 Code § 6.02(18))

8-5-15: SANITARY SEWERS, SEPTIC SYSTEMS AND ON SITE DISPOSAL:

A. No plat of any new subdivision shall be approved by the board unless the same provides for and assures the construction by the developer of a sanitary sewer system adequate to serve the needs of the entire subdivision when the same is fully developed. The sanitary sewer system shall be connected to a state approved sewage disposal system. In no case shall effluent be allowed to flow into ditches or swales, highway or otherwise. The requirement for a sanitary sewer system is subject to exceptions below.

B. If the subdivision is farther than two hundred feet (200') from the nearest sanitary sewer, each developed lot shall be of adequate size to accommodate individual sanitary sewage disposal. Such disposal shall be in accordance with the rules and regulations established by the Illinois department of health, the Illinois environmental protection agency, and the county health department, and based upon soil limitations. However, if there is disagreement between standards, the more restrictive standard shall apply. Where the method of performance or the results of on site percolation tests are in discrepancy with other information, the board may designate one or more qualified entities to reconduct or conduct additional tests upon the site.

C. Private restrictions shall be filed with the final plat and incorporated in each deed requiring that as soon as public sewers are available, connections to the public sewers shall be made within one year at the property owner's expense, and owners shall bear their fair and proportionate share of the cost of the public sewer as determined by agreement, special assessment proceedings, or other means authorized to finance construction of sewer systems.

D. The plans for the installation of a sanitary sewer system and a statement of responsibility for maintaining the same shall be provided by the developer and approved by the state of Illinois and the board. Such approval shall also be required when the sewer system connects directly to an interceptor constructed and maintained by such sanitary district or community. Upon the completion of the sanitary sewer installation, the plans for such system "as built" shall be filed with the county health department and shall be accompanied by an Illinois registered professional engineer's certificate which states that the system has been constructed in accordance with the plans and specifications as set forth herein. In no case shall sanitary sewers be allowed to connect to any other system providing for agricultural or similar land drainage or storm sewer disposal. (2000 Code § 6.02(19))

8-5-16: REQUIRED ENGINEERING PLANS AND CERTIFICATES:

A. The developer shall prepare and file at least two (2) copies of the engineering drawings and specifications for the subdivision with the village clerk simultaneously with the final plat of subdivision.

B. In addition to the required engineering drawings, the developer shall submit to the reviewing authorities additional exhibits illustrating the type and location of additional improvements as required by this title.

C. The engineering drawings, as required by this title, shall be prepared by an Illinois registered professional engineer, bearing his name, address, telephone number, seal, registration number and signature.

D. The developer shall obtain written approval of the engineering drawings from the reviewing authorities before required physical improvements are installed in the subdivision.

E. If the developer wishes to modify the size, type, quantity, quality and/or location of any or all of the required physical improvements during construction of the subdivision, he shall first obtain approval of the modifications from the reviewing authorities before proceeding with the installation of the modified improvements. In those cases involving departure from engineering plans and specifications approved by the board, the board shall have sole power to allow for any engineering

related changes, provided such changes conform to the intent and purpose of this title. (2000 Code § 6.02(21))

8-5-17: GUARANTEE OF PERFORMANCE:

A. The developer's engineer shall make, and the village engineer shall review for content and accuracy, an estimate of the probable expenditures necessary to enable the developer to conform with the standards of construction and the required improvements contained in this title. Each developer or subdivider who seeks the board's approval of a map, plat, or subdivision shall post a surety bond when seeking final approval, such bond being posted with the village clerk in a penal sum sufficient to cover the estimate of expenditures approved by the village engineer for all work required by this title of the developer or subdivider. The surety bond shall be in the form of a performance bond; however, in special circumstances and where approved, an irrevocable letter of credit, escrow account, or similar acceptable means of surety may be authorized. The bond shall be conditioned upon adherence to the rules and regulations of this title and upon the construction of the improvements and full conformity with the approved engineering plans and specifications, within twelve (12) months from the date thereof and with surety thereon satisfactory to the village clerk. The board, at its discretion, may extend the time of the performance bond for not more than an additional twelve (12) months to allow for completion. When such an extension is at the request of the developer or subdivider or his legal representative, the board may require an increase in the value of the bond to cover the cost of inflation. The surety bond shall guarantee that the owner of the land shall be one of the principals under said bond and that the surety shall be responsible for the completion of the work within a reasonable time after being notified of default. The board shall determine the length of reasonable time.

B. Upon completion of the bonded improvements, one copy of the as built plans, profiles, cross sections, and any special provisions shall be filed with the board and accompanied by an Illinois registered professional engineer's certificate which states that the improvements have been constructed in accordance with the plans and specifications as set forth herein.

C. Any surety bond so given to guarantee the construction of all such improvements may be released by the village clerk only after receiving a written statement from the board that all improvements have been constructed and that the certificates required in this title have been submitted. No portion of the surety bond may be released until after all work is so completed. (2000 Code § 6.02(22))

8-5-18: INSPECTION OF IMPROVEMENTS:

A. Before beginning the construction of any improvements, the subdivider shall receive from the village engineer a list of inspections required and shall comply with all the rules, regulations, and instructions pertaining to such required inspections. The number and time of said inspections shall be determined by the village engineer after he has had an opportunity to study the size and complexity of the proposed subdivision, plat, or map. Regardless of the contracts, agreements, or inspections performed, responsibility for the supervision and inspection of the construction and installation of all improvements in accordance with this title shall rest with the developer.

B. When authorized road, street, and drainage improvements have been constructed or installed and have passed the required inspections and the road authority having maintenance jurisdiction has previously indicated an intent to accept the same upon satisfactory completion, the streets, roads and drainage improvements so intended shall be tendered by the developer to the road authority for acceptance. The power to include or not to include nonmunicipal roads for public dedication shall be that of the township road commissioner, as applicable under state statutes. This power is not negated nor standards acceptable which are less restrictive than those herein contained simply by municipal action approving such a plat of subdivision. All responsibility for streets and roads not so accepted for public dedication by the proper authorities remain the responsibility of the developer and his successors.

C. The board may establish fees for the providing of inspections. (2000 Code § 6.02(23))

8-5-19: TABLES AND PLATES:

A. Table 1, Street Design Characteristics:

TABLE 1
DESIGN CHARACTERISTICS FOR STREETS

* = where permitted

Pavement Type And ² Materials Used	Surface Characteristics ¹			
	Minimum Thickness			
	Arterial	Collector	Local/ Subdivision	Alley*
Portland cement concrete (uniform thickness)	7 inches	7 inches	6 inches	6 inches
Soil-cement base	7 inches	7 inches	6 inches	6 inches
Bituminous material surface (not mix)	2 inches	2 inches	2 inches	2 inches
Flexible base (gravel or crushed stone)	3 inches	3 inches	3 inches	3 inches
Bituminous surface treatment	Subclass A3 or equivalent			
Bituminous aggregate mixture (BAM) base	7 inches	7 inches	7 inches	-
Bituminous concrete class I	1.5 inches	1.5 inches	1.5 inches	-
Flexible base (gravel or crushed stone)	3 inches	3 inches	3 inches	-
Bituminous concrete class I	2 inches	2 inches	2 inches	-
Distances, Grades And Dimensions				
	Arterial	Collector	Local/ Subdivision	Alley*
Right of way (minimum)	30 feet	50 feet	30 feet	20 feet
Horizontal and vertical visibility ³	500 feet	350 feet	200 feet	-

Minimum radius (on curves)	1,200 feet	800 feet	250 feet	-
Maximum grades	5 percent ⁴	6 percent ⁵	3 percent ⁶	-
Minimum setbacks ⁷	45 feet ₇	35 feet ₇	25 feet ₇	10 feet
Pavement width	a	a	a	-
Curb and gutter requirement				-

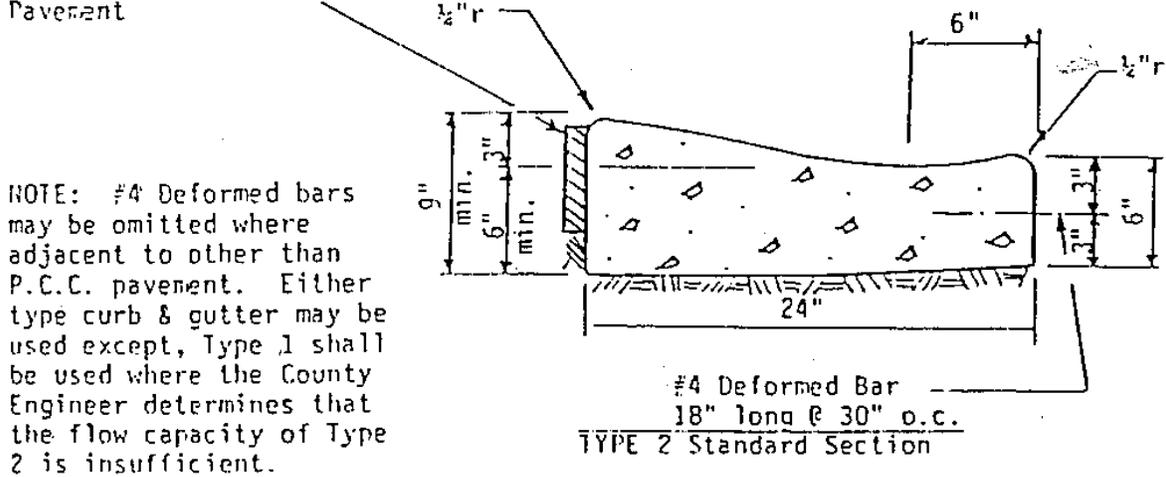
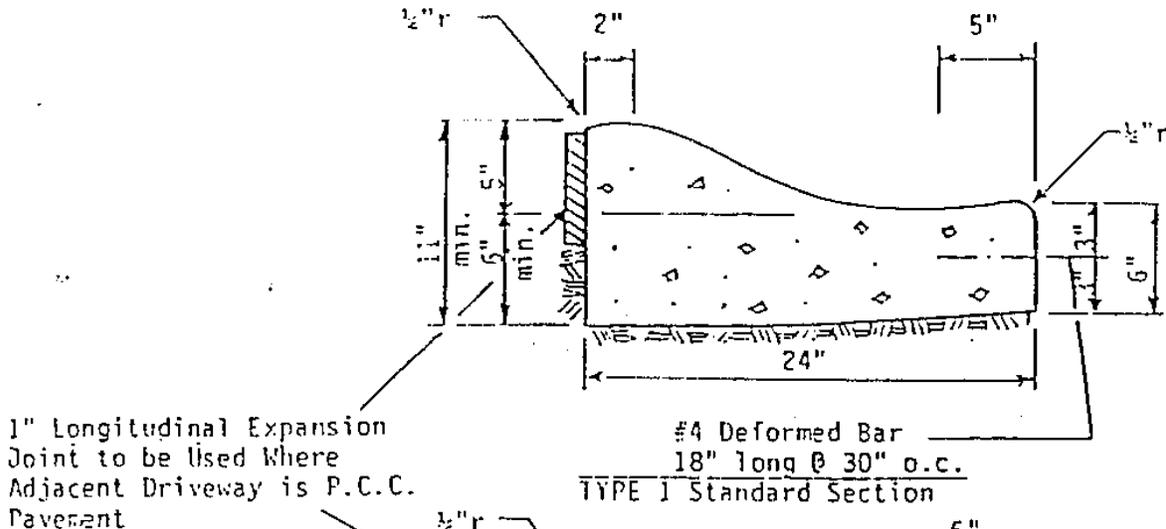
Notes:

1. Pavement design shall conform to the design standards established by the "Design Manual", as amended, of the Illinois department of transportation, bureau of design; except, that standards shown in this table represent absolute minimums.
2. All definitions and descriptions of paving materials shall conform to Illinois department of transportation specifications.
3. As measured along the road pavement.
4. The gradient within 100 feet of a street or road intersection shall not exceed 2 percent.
5. The gradient within 100 feet of a street or road intersection shall not exceed 3 percent.
6. As measured from the road right of way to the building setback line.
7. For 2-lane undivided pavements, minimum pavement driving surfaces (pavement edge to pavement edge) shall be not less than 24 feet in width; except, that when lot width averages, as measured at the building setback line, is less than 100 feet in width or the average lot area is 10,000 square feet or less, the pavement shall not be less than 36 feet in width (pavement edge to pavement edge); further provided, that when lot width averages at the building setback line are equal to or greater than 100 feet but less than 150 feet and the lot area is greater than 10,000 square feet but less than 15,000 square feet, the pavement width shall be not less than 26 feet in width (pavement edge to pavement edge).
8. Curb and gutters shall be required as specified in section 8-5-5 of this chapter.

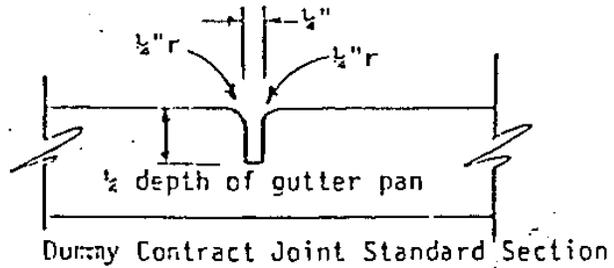
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B. Plate 1, Curb And Gutter Standards:

PLATE 1
CURB AND GUTTER STANDARDS

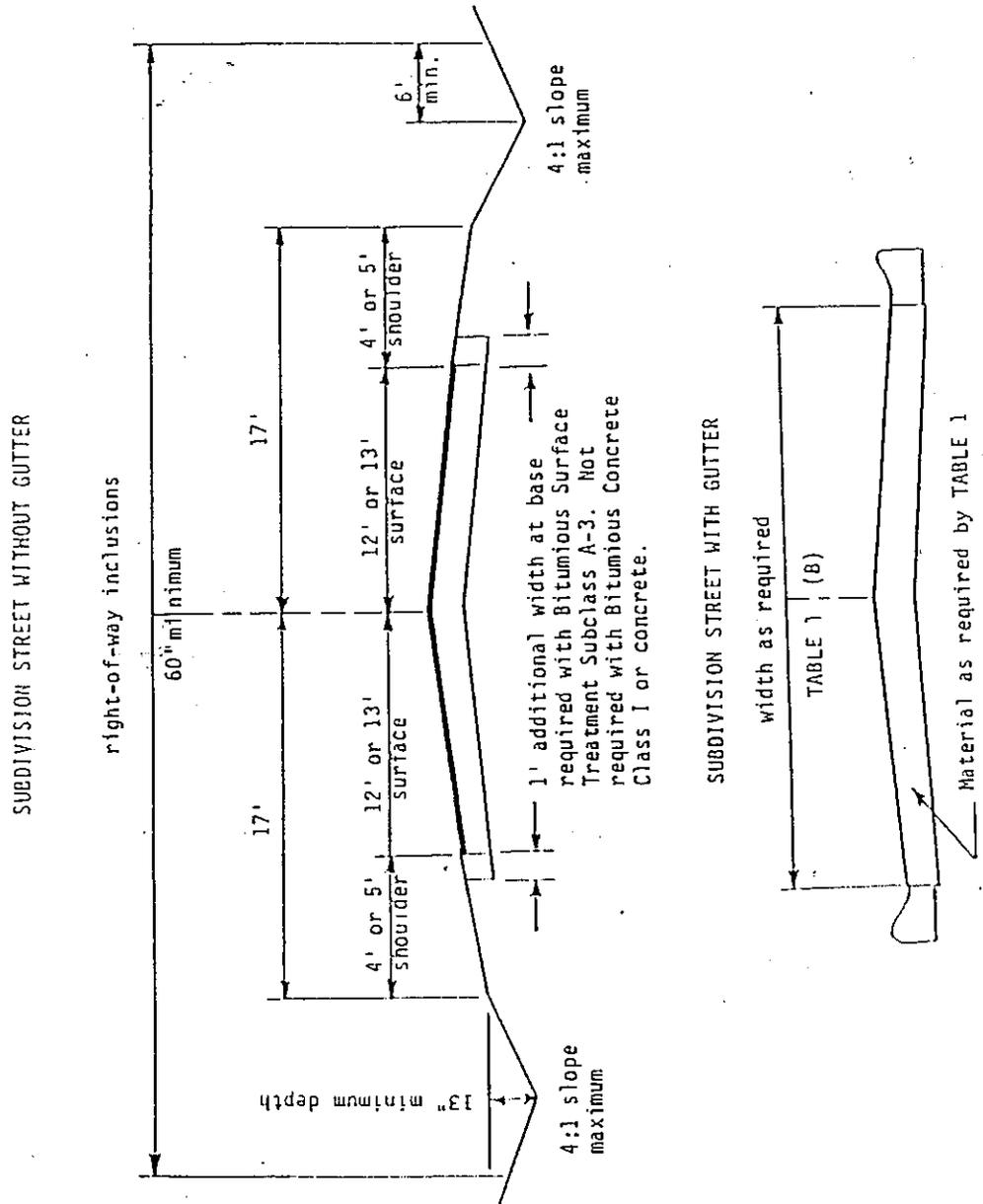


NOTE: Dummy contraction joints shall be spaced at a maximum distance between joints of 30'. The joint shall be filled with P.A.F.2 joint filler or ready mixed concrete joint sealing compound applied according to manufactures specifications.



C. Plate 2, Rigid Pavement Design:

PLATE 2
RIGID PAVEMENT DESIGN



D. Plate 3, Rainfall Frequencies:

**PLATE 3
RAINFALL FREQUENCIES FOR COLES COUNTY, ILLINOIS**

Return Period (Years)	Depth (Inches) For Given Storm Period (Minutes)				
	5	10	15	30	60
1	0.3	0.5	0.6	0.8	1.1
2	0.4	0.6	0.9	1.1	1.4
5	0.5	0.7	1.0	1.3	1.8
10	0.6	0.9	1.1	1.5	2.0
25	0.7	1.1	1.4	1.9	2.5
50	0.8	1.3	1.6	2.3	3.1
100	0.9	1.5	1.9	2.7	3.6

Return Period (Years)	Depth (Inches) For Given Storm Period (Minutes)					
	2	3	6	12	18	24
1	1.3	1.5	1.7	2.0	2.2	2.3
2	1.7	1.9	2.3	2.6	2.8	3.1
5	2.0	2.3	2.7	3.3	3.6	3.9
10	2.3	2.6	3.1	3.7	4.1	4.5
25	2.9	3.3	4.0	4.8	5.3	5.8
50	3.7	4.1	4.9	5.8	6.4	7.0
100	4.4	4.9	5.9	7.0	7.8	8.4

Return Period (Years)	Depth (Inches) For Given Storm Period (Minutes)			
	2	3	5	10
1	2.6	2.8	3.3	3.9
2	3.4	3.7	4.2	5.0
5	4.2	4.6	5.5	6.6
10	4.9	5.5	6.4	7.8
25	6.3	7.0	8.0	9.8
50	7.5	8.4	9.5	11.7
100	9.1	10.0	11.5	13.9

Information Prepared By:
 Illinois Institute of Natural Resources
 State Water Survey Division
 Atmospheric Sciences Division

!SETLRM!!SETFNT!!SETTAB!
 (2000 Code § 6.02)

!TITLE! 9

FLOOD CONTROL

Development In Floodplain Areas. 1

CHAPTER 1

DEVELOPMENT IN FLOODPLAIN AREAS

SECTION:

- 9-1--1: Purpose
- 9-1--2: Definitions
- 9-1--3: Base Flood Elevation
- 9-1--4: Duties Of The Building Commissioner
- 9-1--5: Development Permit
- 9-1--6: Preventing Increased Flood Heights And Resulting Damages
- 9-1--7: Protecting Buildings
- 9-1--8: Subdivision Requirements
- 9-1--9: Public Health And Other Standards
- 9-1-10: Carrying Capacity And Notification
- 9-1-11: Variances
- 9-1-12: Disclaimer Of Liability
- 9-1-13: Penalty
- 9-1-14: Abrogation And Greater Restrictions !2R!

9-1-1: PURPOSE:

This chapter is enacted pursuant to the police powers granted to this village of Ashmore by the Illinois municipal code¹ in order to accomplish the following purposes:

- A. To prevent unwise developments from increasing flood or drainage hazards to others;
- B. To protect new buildings and major improvements to buildings from flood damage;
- C. To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- D. To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- E. To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- F. To make federally subsidized flood insurance available; and
- G. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development. (Ord. 022211,

1. 65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, 5/11-31-2.

4-26-2011)

9-1-2: DEFINITIONS:

For the purposes of this chapter, the following definitions are adopted:

!DEF! BASE FLOOD: The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in section 9-1-3 of this chapter.

BASE FLOOD ELEVATION (BFE): The elevation in relation to mean sea level of the crest of the base flood.

BASEMENT: That portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING: A walled and roofed structure, including gas or liquid storage tank that is principally aboveground including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

CRITICAL FACILITY: Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

DEVELOPMENT: Any manmade change to real estate including, but not necessarily limited to:

- A. Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- B. Substantial improvement of an existing building;
- C. Installation of a manufactured home on a

site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;

D. Installation of utilities, construction of roads, bridges, culverts or similar projects;

E. Construction or erection of levees, dams, walls or fences;

F. Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

G. Storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings are to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA: Federal emergency management agency.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOOD FRINGE: That portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP: A map prepared by the federal

emergency management agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

FLOOD INSURANCE STUDY: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD PROTECTION ELEVATION (FPE): The elevation of the base flood plus one foot (1') of freeboard at any given location in the floodplain.

FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA): These two (2) terms are synonymous. Those lands within the jurisdiction of the village of Ashmore, the extraterritorial jurisdiction of the village of Ashmore, or that may be annexed into the village of Ashmore, that are subject to inundation by the base flood. The floodplains of the village of Ashmore are generally identified as such on panel number(s) 225 of the countywide flood insurance rate map of Coles County prepared by the federal emergency management agency and dated July 18, 2011. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts of unincorporated Coles County that are within the extraterritorial jurisdiction of the village of Ashmore or that may be annexed into the village of Ashmore are generally identified as such on the flood insurance rate map prepared for Coles County by the federal emergency management agency and dated July 18, 2011.

FLOODPROOFING: Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

FLOODPROOFING CERTIFICATE: A form published by the federal emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

FLOODWAY: That portion of the floodplain required to store and convey the base flood. The floodways for each of the floodplains of the village of Ashmore shall be according to the best data available from federal, state, or other sources.

FREEBOARD: An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

HISTORIC STRUCTURE: Any structure that is:

A. Listed individually in the national register of historic places or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register.

B. Certified or preliminarily determined by the secretary of the interior as contributing to the historic district or a district preliminarily determined by the secretary to qualify as a registered historic district.

C. Individually listed on the state inventory of historic places by the Illinois historic preservation agency.

D. Individually listed on a local inventory of historic places that has been certified by the Illinois historic preservation agency.

IDNR/OWR: Illinois department of natural resources/office of water resources.

IDNR/OWR JURISDICTIONAL STREAM: Illinois department of natural resources/office of water resources has jurisdiction over any stream serving a tributary area of six hundred forty (640) acres or more in an urban area, or in the floodway of any stream serving a tributary area of six thousand four hundred (6,400) acres or more in a rural area. Construction on these streams requires a permit from the department (Ill. adm. code title 17, part 3700.30). The department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in section 9-1-6 of this chapter.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of section 9-1-7 of this chapter.

MANUFACTURED HOME: A structure transportable in one or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more lots for rent or sale.

NFIP: National flood insurance program.

NEW CONSTRUCTION: Structures for which the start of

construction commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE OR TRAVEL TRAILER: A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less in size;
- C. Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REPETITIVE LOSS: Flood related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty five percent (25%) of the market value of the structure before the damage occurred.

SFHA: See definition of Floodplain And Special Flood Hazard Area (SFHA).

START OF CONSTRUCTION: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

STRUCTURE: See definition of Building.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this chapter equals or exceeds

fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "repetitive loss buildings" (see definition of Repetitive Loss).

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this chapter in which the cumulative percentage of improvements:

A. Equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or

B. Increases the floor area by more than twenty percent (20%).

"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

A. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

B. Any alteration of a structure listed on the national register of historic places or the Illinois register of historic places.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided. (Ord. 022211, 4-26-2011)
!DEFEND!

9-1-3: BASE FLOOD ELEVATION:

This chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and

IDNR/OWR for approval prior to any development of the site.

A. The base flood elevation for each of the floodplains delineated as an "A zone" on the countywide flood insurance rate map of Coles County shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

B. The base flood elevation for the floodplains of those parts of unincorporated Coles County that are within the extraterritorial jurisdiction of the village of Ashmore, or that may be annexed into the village of Ashmore, shall be as delineated on the 100-year flood profiles in the flood insurance study of Coles County prepared by the federal emergency management agency and dated July 18, 2011. (Ord. 022211, 4-26-2011)

9-1-4: DUTIES OF THE BUILDING COMMISSIONER:

The building commissioner shall be responsible for the general administration of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the village of Ashmore meet the requirements of this chapter. Specifically, the building commissioner shall:

A. Process development permits in accordance with section 9-1-5 of this chapter;

B. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of section 9-1-6 of this chapter;

C. Ensure that the building protection requirements for all buildings subject to section 9-1-7 of this chapter are met and maintain a record of the "as built" elevation of the lowest floor (including basement) or floodproof certificate;

D. Assure that all subdivisions and annexations meet the requirements of section 9-1-8 of this chapter;

E. Ensure that water supply and waste disposal systems meet the public health standards of section 9-1-9 of this chapter;

F. If a variance is requested, ensure that the requirements of section 9-1-11 of this chapter are met and maintain documentation of any variances granted;

G. Inspect all development projects and take any and all penalty actions outlined in section 9-1-13 of this chapter as necessary to ensure compliance with this chapter;

H. Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;

- I. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- J. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- K. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this chapter;
- L. Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this chapter;
- M. Perform site inspections to ensure compliance with this chapter and make substantial damage determinations for structures within the floodplain; and
- N. Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six (6) months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map. (Ord. 022211, 4-26-2011)

9-1-5: DEVELOPMENT PERMIT:

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the building commissioner. The building commissioner shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

A. The application for development permit shall be accompanied by:

1. Drawings of the site, drawn to scale showing property line dimensions;
2. Existing grade elevations and all changes in grade resulting from excavation or filling;
3. The location and dimensions of all buildings and additions to buildings;
4. The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of section 9-1-7 of this chapter; and
5. Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

B. Upon receipt of an application for a development permit, the building commissioner shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first flood insurance rate map is not in the floodplain and therefore not subject to the requirements of this chapter. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current flood insurance rate map, is subject to the provisions of this chapter.

The building commissioner shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification.

The building commissioner shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit not required letters that may be required for this type of activity. The building commissioner shall not issue a permit unless all other federal, state, and local permits have been obtained. (Ord. 022211, 4-26-2011)

9-1-6: PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES:

Within any floodway identified on the countywide flood insurance rate map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

A. Except as provided in subsection B of this section, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

1. Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois department of natural resources, office of water resources statewide permit number 2;
2. Barge fleeting facilities meeting the conditions of IDNR/OWR statewide permit number 3;
3. Aerial utility crossings meeting the conditions of IDNR/OWR statewide permit number 4;
4. Minor boat docks meeting the conditions of IDNR/OWR statewide permit number 5;

5. Minor, nonobstructive activities such as underground utility lines, light poles, signposts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding seventy (70) square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR statewide permit number 6;
 6. Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR statewide permit number 7;
 7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR statewide permit number 8;
 8. Bank stabilization projects meeting the conditions of IDNR/OWR statewide permit number 9;
 9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR statewide permit number 10;
 10. Minor maintenance dredging activities meeting the conditions of IDNR/OWR statewide permit number 11;
 11. Bridge and culvert replacement structures and bridge widening meeting the conditions of IDNR/OWR statewide permit number 12;
 12. Temporary construction activities meeting the conditions of IDNR/OWR statewide permit number 13;
 13. Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from state floodway permit requirements.
- B. Other development activities not listed in subsection A of this section may be permitted only if:
1. Permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or
 2. Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation. (Ord. 022211, 4-26-2011)

9-1-7: PROTECTING BUILDINGS:

A. In addition to the state permit and damage prevention requirements of section 9-1-6 of this chapter, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000.00) or seventy (70) square feet.
2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively subsequent to the adoption of this chapter. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this chapter. If substantially damaged the entire structure must meet the flood protection standards of this section within twenty four (24) months of the date the damage occurred.
4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.)
5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
6. "Repetitive loss" to an existing building as defined in section 9-1-2 of this chapter.

B. Residential or nonresidential buildings can meet the building protection requirements by one of the following methods:

1. The building may be constructed on permanent land fill in accordance with the following:
 - a. The lowest floor (including basement) shall be at or above the flood protection elevation.
 - b. The fill shall be placed in layers no greater than six inches (6") before compaction and should extend at least ten feet (10') beyond the foundation before sloping below the flood protection elevation.
 - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
 - d. The fill shall be composed of rock or soil and not incorporated debris or refuse material, and
 - e. Shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins

shall be incorporated.

2. The building may be elevated on solid walls in accordance with the following:

a. The building or improvements shall be elevated on stilts, piles, walls, crawl space, or other foundation that is permanently open to floodwaters.

b. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.

c. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of floodwaters. Designs must either be certified by a licensed professional engineer or by having a minimum of one permanent opening on each wall no more than one foot (1') above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation, and

d. The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.

(1) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.

(2) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.

(3) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or

(4) In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

3. The building may be constructed with a crawl space located below the flood protection elevation provided that the following conditions are met:

a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. Any enclosed area below the flood protection elevation

shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot (1') above grade.

c. The interior grade of the crawl space below the flood protection elevation must not be more than two feet (2') below the lowest adjacent exterior grade.

d. The interior height of the crawl space measured from the interior grade of the crawl to the top of the foundation's wall must not exceed four feet (4') at any point.

e. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event.

f. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and

g. Utility systems within the crawl space must be elevated above the flood protection elevation.

C. Nonresidential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

1. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.

2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.

3. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

4. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

D. Manufactured homes or travel trailers to be permanently installed on site shall be:

1. Elevated to or above the flood protection elevation in accordance with subsection B of this section, and

2. Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois mobile home tie-down act issued pursuant to 77 Illinois administrative code section 870.

E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of subsection D of this section unless the following conditions are met:

1. The vehicle must be either self-propelled or towable by a light duty truck.
2. The hitch must remain on the vehicle at all times.
3. The vehicle must not be attached to external structures such as decks and porches.
4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
5. The vehicle's largest horizontal projections must be no larger than four hundred (400) square feet.
6. The vehicle's wheels must remain on axles and inflated.
7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
8. Propane tanks as well as electrical and sewage connections must be quick disconnect.
9. The vehicle must be licensed and titled as a recreational vehicle or park model, and
10. Must either:
 - a. Entirely be supported by jacks, or
 - b. Have a hitch jack permanently mounted, have the tires touching the ground and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

F. Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

1. The garage or shed must be nonhabitable.
2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
3. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
4. The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot.

5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
7. The garage or shed must have at least one permanent opening on each wall not more than one foot (1') above grade with one square inch of opening for every one square foot of floor area.
8. The garage or shed must be less than fifteen thousand dollars (\$15,000.00) in market value or replacement cost whichever is greater or less than five hundred seventy six (576) square feet (24 feet x 24 feet).
9. The structure shall be anchored to resist flotation and overturning.
10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications. (Ord. 022211, 4-26-2011)

9-1-8: SUBDIVISION REQUIREMENTS:

The village of Ashmore shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

A. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of sections 9-1-6 and 9-1-7 of this chapter. Any proposal for such development shall include the following data:

1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
2. The boundary of the floodway when applicable; and
3. A signed statement by a licensed professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the plat act¹.

Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds. (Ord. 022211, 4-26-2011)

9-1-9: PUBLIC HEALTH AND OTHER STANDARDS:

A. Public health standards must be met for all floodplain development. In addition to the requirements of sections 9-1-6 and 9-1-7 of this chapter the following standards apply:

1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of section 9-1-7 of this chapter.

2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

4. New and replacement on site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other aboveground openings located below the flood protection elevation shall be watertight.

5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet (3') above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

B. All other activities defined as "development" shall be designed so as not to alter flood flows or increase potential flood damages. (Ord. 022211, 4-26-2011)

9-1-10: CARRYING CAPACITY AND NOTIFICATION:

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, the village of Ashmore shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse. (Ord. 022211, 4-26-2011)

9-1-11: VARIANCES:

Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the village of Ashmore drainage committee for a variance. The village of Ashmore drainage committee shall review the applicant's request for a variance and shall submit its recommendation to the Ashmore village board. The Ashmore village board may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

A. Variance Conditions: No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

1. The development activity cannot be located outside the floodplain.
2. An exceptional hardship would result if the variance were not granted.
3. The relief requested is the minimum necessary.
4. There will be no additional threat to public health, safety or creation of a nuisance.
5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
7. All other state and federal permits have been obtained.

B. Notification Of Variance: Village of Ashmore drainage committee shall notify an applicant in writing that a variance from the requirements of the building protections standards of section 9-1-7 of this chapter that would lessen the degree of protection to a building will:

1. Result in increased premium rates for flood insurance up to twenty five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage;
2. Increase the risk to life and property; and
3. Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

C. Historic Structures:

1. Variances to the building protection requirements of section 9-1-7 of this chapter which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "historic structures", may be granted using criteria more permissive than the requirements of sections 9-1-6 and 9-1-7 of this chapter subject to the conditions that:

a. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.

b. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

D. Agriculture: Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this chapter.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at grade and wet floodproofed:

1. All agricultural structures considered for a variance from the floodplain management regulations of this chapter shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farmhouses, cannot be considered agricultural structures.

2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's flood insurance rate map (FIRM).

3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood resistant materials in

accordance with section 9-1-7 of this chapter.

4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with section 9-1-7 of this chapter. All of the building's structural components must be capable of resisting specific flood related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with section 9-1-7 of this chapter.

6. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with subsection 9-1-7B of this chapter.

7. The agricultural structures must comply with the floodplain management floodway provisions of section 9-1-6 of this chapter. No variances may be issued for agricultural structures within any designated floodway.

8. Wet floodproofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. (Ord. 022211, 4-26-2011)

9-1-12: DISCLAIMER OF LIABILITY:

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by manmade or natural causes. This chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter does not create liability on the part of the village of Ashmore or any officer or employee thereof for any flood damage that results from proper reliance on this chapter or any administrative decision made lawfully thereunder. (Ord. 022211, 4-26-2011)

9-1-13: PENALTY:

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this chapter. Upon due investigation, the village of Ashmore may determine that a violation of the minimum standards of this chapter exists. The mayor, building commissioner, or village attorney

shall notify the owner in writing of such violation.

A. If such owner fails after ten (10) days' notice to correct the violation:

1. The village of Ashmore shall make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with this chapter.

2. Any person who violates this chapter shall upon conviction thereof be fined not less than fifty dollars (\$50.00) or more than seven hundred fifty dollars (\$750.00) for each offense.

3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and

4. The village of Ashmore shall record a notice of violation on the title of the property.

B. The mayor, building commissioner, or village attorney shall inform the owner that any such violation is considered a wilful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

The mayor, building commissioner, or village attorney are authorized to issue an order requiring the suspension of the subject development. The stop work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop work order. The stop work order constitutes a suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the village of Ashmore drainage committee. Written notice of such hearing shall be served on the permittee and shall state:

1. The grounds for the complaint, reasons for suspension or revocation, and

2. The time and place of the hearing.

At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the village of Ashmore drainage committee shall determine whether the permit shall be suspended or revoked.

C. Nothing herein shall prevent the village of Ashmore from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible. (Ord. 022211, 4-26-2011)

9-1-14: ABROGATION AND GREATER RESTRICTIONS:

This chapter repeals and replaces other ordinances adopted by the village of Ashmore to fulfill the requirements of the national flood insurance program including: ordinance 082608B dated October 28, 2008. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this chapter and other ordinances, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 022211, 4-26-2011)

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