

THE MUNICIPAL CODE

OF BRIMFIELD OF 2001

**Published by Order of the President and
Board of Trustees of the Village of Brimfield, Illinois,
in Book Form September 4, 2001**

Adopted September 4, 2001

Published in Book Form September 4, 2001

ORDINANCE NO. 2001 – 7

ADOPTING ORDINANCE

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE VILLAGE OF BRIMFIELD, PEORIA COUNTY, ILLINOIS; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING A GENERAL PENALTY FOR VIOLATIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRIMFIELD, ILLINOIS:

SECTION 1. That a code consisting of Chapters 1 through 26 inclusive, is hereby adopted and enacted as “The Municipal Code of Brimfield of 2001”, and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

SECTION 2. That all provisions of such Code shall be in full force and effect from and after September 4, 2001, its passage and publication in book form as provided by statute.

SECTION 3. That any and all additions or amendments to such Code, when passed in such form as to indicate the intention to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to “The Municipal Code of Brimfield of 2001”, shall be understood and intended to include such additions and amendments.

SECTION 4. That a copy of such Code shall be kept on file in the office of the Village Clerk, preserved in loose leaf form and shall be maintained in accordance with the provisions of the Code.

SECTION 5. That unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not less than \$25.00, nor more than \$500.00. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this Section, unless another penalty is expressly provided by this Code, shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Village may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

SECTION 6. That it shall be unlawful for any person, firm or corporation in the Village to change or amend by additions or deletions, any section or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law

of the Village of Brimfield to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Section 5 of this Ordinance.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF BRIMFIELD, PEORIA COUNTY, ILLINOIS, THIS 4TH DAY OF SEPTEMBER, 2001, AND APPROVED BY ITS PRESIDENT ON THE SAME DATE:

President of the Board of Trustees,
Village of Brimfield

ATTEST:

Village Clerk

AYES: Wyman, Short, Rogers, Porter, Hasselbacher, Peck

NAYS: None

ABSENT: None

Passed: September 4, 2001

Approved: September 4, 2001

Recorded: September 4, 2001

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THE MUNICIPAL CODE OF BRIMFIELD OF 2001

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CHAPTER 1

THE VILLAGE PRESIDENT

Sec. 1.1	Election/Term of Office
Sec. 1.2	Duties
Sec. 1.3	Designation of Duties
Sec. 1.4	Bond/Oath/Salary
Sec. 1.5	President Pro-Tem

Sec. 1.1 Election/Term of Office

The Village President shall be elected for a term of four years, and shall be the President of the Board of Trustees, as provided by statute.

Sec. 1.2 Duties

The President shall be the chief executive officer of the Village, and shall perform all such duties as may be required by statute or ordinance. The President shall have supervision over all the executive officers of the Village and over all of the employees of the Village. The President shall have the power and authority to inspect all books and records kept by any Village officer or employee at any reasonable time.

Sec. 1.3 Designation of Duties

Whenever there is a question as to the respective powers or duties of any appointed officer of the Village, this shall be settled by the President, and he/she shall have the power to delegate to any such officer any duty which is performed when no specific officer has been directed to perform the duty.

Sec. 1.4 Bond/Oath/Salary

Before entering upon the duties of his/her office, the President shall give a bond with sureties to be approved by the Board of Trustees conditioned upon his/her faithful performance of his/her duties in the sum of Three Thousand Dollars (\$3,000.00). The President shall take the oath of office as prescribed by statute and shall receive such compensation as may be set from time to time by the Board.

Sec. 1.5 President Pro-Tem

During the temporary absence or disability of the Village President, the Board of Trustees shall elect one of its members to act as President Pro-Tem, who, during the absence or disability of the President, shall perform the duties pertaining to the office.

CHAPTER 2

THE BOARD OF TRUSTEES

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Sec. 2.37	Committees
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ARTICLE I. GENERAL PROVISIONS

Sec. 2.1 Election/Functions

The Board of Trustees, consisting of six members, shall be elected to office for a four-year term, according to the method provided by statute. This Board shall be the legislative department of the Village government and shall perform such duties and have such powers as may be delegated by statute to it.

Sec. 2.2 Oath/Salary

The members of the Board of Trustees shall take the oath of office prescribed by statute and shall receive such compensation as may be provided by ordinance.

Sec. 2.3 Meetings

The Village Board shall hold its regular meetings monthly on such days and time as the Village Board shall determine. The meeting place of the Board shall be at the Village Hall, unless otherwise ordered by the Board. Special meetings may be called by the President of the Village or any three Trustees upon at least twenty-four (24) hours notice to all members and the President, provided that if all of the Trustees are present at a special meeting, no notice of the meeting shall be necessary, and such notice shall be deemed waived.

Sec. 2.4 President

The Village President shall be the presiding officer of all regular and special meetings of the Board of Trustees and at all times when the Board meets as a committee of the whole.

The Village President shall not vote on any ordinance, resolution or motion except: (1) where the vote of the Trustees has resulted in a tie, or (2) where one-half of the Trustees elected have voted in favor of an ordinance, resolution or motion even though there is no tie vote, or (3) where a vote greater than a majority of the corporate authorities is required to adopt an ordinance, resolution or motion. In each instance specified, the President shall vote. Nothing in this section shall deprive an acting President or President Pro-Tem from voting his/her capacity as Trustee, but he/she shall not be entitled to another vote in his capacity as acting President or President Pro-Tem.

Sec. 2.5 – 2.29 Reserved

ARTICLE II. RULES OF ORDER

Sec. 2.30 Order of Business

The Order of Business of the Board of Trustees of the Village of Brimfield shall be substantially as follows:

- a. Minutes of the preceding meeting.
- b. Treasurer's Report and monthly bills.
- c. Reports of officers and committees.
- d. Old business.
- e. New business.

Sec. 2.31 Rescinded Action

No vote or action of the Board of Trustees shall be rescinded at any special meeting of the Board of Trustees unless there be present at such special meeting as many members of the Board of Trustees as were present at the meeting when such vote or action was taken, as provided by statute.

Sec. 2.32 Resolutions

Any resolutions submitted to the Board of Trustees shall be reduced to writing before being voted upon on request of any two members of the Board.

Sec. 2.33 Addressing Meetings

No person other than the President or a member of the Board shall address that body at any regular or special meeting except upon consent of a majority of the members present.

Sec. 2.34 Suspension of Rules

The Rules of Order, other than those prescribed by statute, may be suspended at any time by the consent of a majority of the members present at any meeting.

Sec. 2.35 Robert's Rules of Order

Robert's Rules of Order shall govern the deliberations of the Board of Trustees except when in conflict with any of the foregoing rules.

Sec. 2.36 Quorum

A majority of the Trustees shall constitute a Quorum to do business, but no ordinance shall be passed except upon the favorable vote of a majority of the elected members, as provided by statute.

Sec. 2.37 **Committees**

The following shall be the standing committees of the Board of Trustees:

- a. Finance
- b. Streets and Public Property
- c. Water
- d. Health
- e. Buildings and Electric Lights
- f. Licenses and Parks

Special committees shall be created from time to time as directed by the Board of Trustees. All standing and special committees shall consist of three members each, including the chairman, unless the Board shall direct otherwise. All committees shall be appointed by the President.

Sec. 2.38 **Disturbing Meetings**

It shall be unlawful for any person to disturb any meeting of the Board of Trustees or any committee thereof. Any person violating the provisions of this Section shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

CHAPTER 3

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Sec. 3.8	Documents
Sec. 3.9	Indices
Sec. 3.10	Additional Duties
Sec. 3.11	Vacancies

Sec. 3.1 Appointment/Term

The Village Clerk shall be appointed by the President with the concurrence of the Board of Trustees. Such appointment shall be made in May of each year. The Village Clerk shall serve for one (1) year and until a successor is appointed and qualified.

Sec. 3.2 Bond

The Village Clerk shall give a bond before entering the duties of the office in a sum required by the Board of Trustees, but in any event not less than Three Thousand Dollars (\$3,000.00). Such bond shall be conditioned upon the faithful performance of his/her duties as Village Clerk.

Sec. 3.3 Signatures

The Village Clerk shall seal and attest all contracts of the Village and all licenses, permits and such other documents as shall require this formality.

Sec. 3.4 Money Collected

The Village Clerk shall turn over all money received by him/her on behalf of the Village to the Village Treasurer promptly upon receipt of the same, and with such money he/she shall give a statement as to the source thereof.

Sec. 3.5 Accounts

The Village Clerk shall keep accounts showing all money received by him/her and the source and disposition thereof and such other accounts as may be required by statute or ordinance.

Sec. 3.6 Records

In addition to the record of ordinances and other records which the Village Clerk is required by statute to keep, he/she shall keep a register of all licenses and permits issued and the payments thereof, a record showing all of the officers and regular employees of the Village and such other records as may be required by the Board of Trustees.

Sec. 3.7 Seal

The Village Clerk shall be the custodian of the Village Seal and shall affix its impression on documents whenever this is required.

Sec. 3.8 Documents

The Village Clerk shall be the custodian of all documents belonging to the Village which are not assigned to the custody of some other officer.

Sec. 3.9 **Indices**

The Village Clerk shall keep and maintain a proper index to all documents and records kept by him/her so that ready access thereto and use thereof may be had.

Sec. 3.10 **Additional Duties**

In addition to the duties herein provided, the Village Clerk shall perform such other duties and functions as may be required by the Board of Trustees, statute or ordinance.

Sec. 3.11 **Vacancies**

In case the office of Village Clerk becomes vacant for any reason, a successor shall be appointed in the manner set forth in Section 3.1.

CHAPTER 4

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Sec. 4.7	Special Assessment Fund
Sec. 4.8	Warrants – Transfer of Funds
Sec. 4.9	Investment Policies

Sec. 4.1 Appointment

There is hereby created the Office of Village Treasurer who shall be appointed by the President and Board of Trustees, as provided by statute. The Treasurer shall serve for one year.

Sec. 4.2 Bond

The Treasurer shall give a bond before entering upon the duties of the office in the sum required by the Board of Trustees, but the amount shall not be less than ten percent (10%) of the highest amount of taxes and special assessments received by him/her or his/her predecessors during any fiscal year in the preceding five fiscal years, nor less than one and one-half times the largest amount which the corporate authorities estimate will be in his/her custody at any one time. This bond shall be conditioned upon the faithful performance of his/her duties as Treasurer and shall be conditioned to indemnify the Village for any loss by reason of any neglect of duty or any act of the Treasurer.

Sec. 4.3 General Duties

The Treasurer shall perform such duties as may be prescribed by statute or ordinance. The Treasurer shall receive all money paid into the Village whether directly from the person paying the money or from the hands of such other officer or employee as may receive it, and shall pay out money only on vouchers or orders properly signed by the President and Clerk.

Sec. 4.4 Deposit of Funds

The Treasurer shall deposit the Village funds in such depositories as may be selected from time to time as provided by law, and he/she shall keep the deposit of the Village money separate and distinct from his/her own money and shall not make private or personal use of any Village money.

Sec. 4.5 Records

The Treasurer shall keep records showing all money received by him/her, showing the source from which it is received and the purpose for which it is paid, and he/she shall keep records at all times showing the financial status of the Village.

Sec. 4.6 Accounting

The Treasurer shall keep such books and accounts as may be required by statute or ordinance and he/she shall keep them in the manner required by the Board of Trustees.

Sec. 4.7 Special Assessment Fund

All monies received on any special assessment shall be held by the Treasurer as a special fund to be applied only to the payment of the improvement or bonds and vouchers issued therefore, together with interest thereon, for which the assessment was made, and said money shall be used for no other purpose unless to reimburse the Village for money expended for such improvements. Payment on bonds or vouchers shall be made in accordance with the statutes and the law, and the Treasurer shall keep his/her

books and accounts in such a manner so that proper prorations in payments of principal and interest can be made and ascertained.

Sec. 4.8 Warrants – Transfer of Funds

All warrants drawn on the Treasurer must be signed by the President and countersigned by the Clerk stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable, and no money shall be otherwise paid except as may be provided by statute. Money shall not be transferred by the Treasurer from one fund to another after it has been received by him/her nor appropriated to any other purpose than that for which it has been collected or paid, except as may be ordered by the President and Board of Trustees in manner and form prescribed by statute.

Sec. 4.9 Investment Policies

The Treasurer shall abide by and implement any and all investment policies and procedures adopted by the Board of Trustees.

CHAPTER 5

THE VILLAGE COLLECTOR

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Sec. 5.2	Duties
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Sec. 5.4	Records
Sec. 5.5	Payment of Monies
Sec. 5.6	Written Reports
Sec. 5.7	Compensation
Sec. 5.8	Vacancy
Sec. 5.9	Clerk to be Collector
Sec. 5.10	Bond – Filing

Sec. 5.1 Creation of Office

There is hereby created the Office of Village Collector, an executive office of the Village. The Village Collector shall be appointed by the President and Board of Trustees, voting jointly, and shall serve for one year.

Sec. 5.2 Duties

The Village Collector shall perform such duties as may be required by statute or ordinance, and shall have general supervision over the collection of all monies due the Village from all sources.

Sec. 5.3 Bond

Before entering upon the duties of the office, the Village Collector shall execute a bond in the amount of Three Thousand Dollars (\$3,000.00), conditioned upon the faithful performance of his/her duties, which bond shall also be conditioned to indemnify the Village for any loss by reason of any neglect of duty or any act of said Collector. Such bond, after approval by the Board of Trustees, shall be filed in the Office of the Village Clerk, as hereinafter provided.

Sec. 5.4 Records

The Village Collector shall keep records showing all money received by him/her on behalf of the Village, showing the source from which it is received and the purpose for which it is paid. The Village Collector shall keep such books and accounts as may be required by statute or ordinance, and shall keep them in the manner required by the Board of Trustees.

Sec. 5.5 Payment of Monies

The Village Collector shall pay over to the Village Treasurer all monies collected by him/her from any source whatsoever within one (1) business day of the receipt of same, and with such monies he/she shall give a statement as to the source thereof.

Sec. 5.6 Written Reports

The Village Collector shall make such written reports concerning his/her office as shall be required by the Village Board, statute or ordinance.

Sec. 5.7 Compensation

The Village Collector shall receive such compensation as may be set from time to time by the Board of Trustees.

Sec. 5.8 Vacancy

In case the office of the Village Collector shall become vacant for any reason, the President and Board of Trustees shall appoint a successor, as provided by statute.

Sec. 5.9 **Clerk to be Collector**

The Village Clerk shall hold the office of Village Collector unless some other qualified person is appointed to said office as hereinbefore provided.

Sec. 5.10 **Bond – Filing**

The bond which shall be required of the Village Collector shall be filed in the Office of the Village Treasurer when the Village Collector appointed by the President and Board of Trustees also holds the Office of the Village Clerk.

CHAPTER 6

THE POLICE DEPARTMENT

Sec. 6.1

Peoria County Sheriff's Department

Sec. 6.1 Peoria County Sheriff's Department

In lieu of the creation of a police department, the Village has entered into contracts and/or agreements with the Peoria County Sheriff's Department for police protection and service to the Village. Changes to or extensions of any such contract and/or agreement shall be approved by the President and the Board of Trustees.

CHAPTER 7

OTHER APPOINTIVE OFFICERS

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Article III. Zoning Officer

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Sec. 7.44	Penalty

ARTICLE I. SUPERINTENDENT OF PUBLIC WORKS

Sec. 7.1 Office Created

There is hereby created the Office of Superintendent of Public Works, an executive office of the Village. The Superintendent of Public Works shall be appointed by the President with the advice and consent of the Board of Trustees.

Sec. 7.2 Streets

The Superintendent of Public Works shall have charge of the construction and care of all public streets, alleys and driveways in the Village and with the keeping of same clean. He/she shall see to it that all gutters and drains therein function properly and that the same are kept free from defects.

Sec. 7.3 Lighting

The Superintendent of Public Works shall supervise the lighting of the public streets and alleys and shall keep the lighting system in efficient operation and good repair.

Sec. 7.4 Waterworks/Sewers

The Superintendent of Public Works shall have charge of the operation and maintenance of the municipal water distribution system and of any sewer system and facilities owned by the Village.

Sec. 7.5 Employees

All officers and employees assigned to the Department of Public Works shall perform their duties subject to the order and under the supervision of the Superintendent of Public Works.

Sec. 7.6 Property

The Superintendent of Public Works shall be the custodian of all property of the Village which is not assigned to the care of custody of any other officer.

Sec. 7.7 – 7.29 Reserved

ARTICLE II. HEALTH INSPECTOR

Sec. 7.30 Office Created

There is hereby created the Office of the Health Inspector, an executive office of the Village. The Health Inspector shall be appointed by the President by and with the advice and consent of the Board of Trustees. Appointment is not mandatory.

Sec. 7.31 Duties

The Health Inspector shall enforce ordinances containing provisions for the protection of public health; he/she shall make inspections of food stuffs and of the premises used for storing or selling of provisions as may be provided by ordinance; and he/she shall perform such other duties and functions as may be required by statute or ordinance.

Sec. 7.32 Reports

The Health Inspector shall make such reports to the Board of Trustees as may be required. He/she shall also make recommendations for rulings, orders or ordinances respecting the public health whenever he/she is requested to do so or whenever he/she deems it advisable or necessary.

Sec. 7.33 County Health Department

In the event that there is no appointment of a Health Inspector by the President, matters regarding health and safety may be referred to the County Health Department, or its successor, for enforcement of its Ordinances, rules and regulations. Such referral does not prohibit the Village from pursuing concurrent enforcement of its Ordinances, rules and regulations if such enforcement is deemed appropriate by the Village.

Sec. 7.34 – 7.39 Reserved

ARTICLE III. ZONING OFFICER

Sec. 7.40 Appointment

There is hereby created the position of Zoning Officer who shall be appointed by the President with the advice and consent of the Board of Trustees. The Zoning Officer shall serve for one (1) year and until a successor is appointed and approved.

Sec. 7.41 Duties

It shall be the duty of the Zoning Officer to see to the enforcement of all ordinance provisions relating to building, plumbing or zoning and to inspect all buildings or structures being erected or altered, as frequently as may be necessary to insure compliance with the Village ordinances. The Zoning Officer shall also see to the enforcement of all other matters and Ordinances assigned to him by the President or provisions of this Code.

Sec. 7.42 Stop-Order

The Zoning Officer shall have the power to order all work stopped on construction, alteration or repair of buildings in the Village when such work is being done in violation of any provision of any ordinance relating thereto, or in violation of the zoning ordinance, if any. Work shall not be resumed after the issuance of such order except on the written permission of the Zoning Officer; provided, however, that if the stop-order is an oral one, it shall be followed by a written stop-order within an hour. Such stop-order may be served by the Zoning Officer, any policeman or any other person designated by the Zoning Officer.

Sec. 7.43 Entry Powers

The Zoning Officer shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing of any building or structure is going on for the purpose of making inspections at any reasonable hour.

Sec. 7.44 Penalty

Penalties for violation of this Article shall be those set forth in the Chapter to this Code entitled Zoning.

CHAPTER 8

PLANNING COMMISSION/COMPREHENSIVE PLAN

Sec. 8.1	Creation
Sec. 8.2	Membership/Appointment/Terms
Sec. 8.3	Officers
Sec. 8.4	Authority
Sec. 8.5	Comprehensive Planning Map
Sec. 8.6	Procedure as to Plans, Plats, Etc.

Sec. 8.1 Creation

A Planning Commission in and for the Village is hereby created, pursuant to the authority and provisions of the Illinois Municipal Code (65 ILCS 5/11-12-4 et seq.).

Sec. 8.2 Membership/Appointment/Terms

The Commission shall consist of nine (9) members, two of whom shall be the Village President and President of the Zoning Board. The members shall be appointed by the Village President subject to confirmation by the Board of Trustees; however, the appointed members shall at no time consist of more than six (6) members residing within the corporate limits of the Village, which number includes the Village President and the President of the Zoning Board of the Village, and no more than three (3) members from a one and one-half mile area outside of the Village. Two (2) members of the Commission shall be appointed for a term of one year; two (2) members shall be appointed for a term of two years; three (3) members shall be appointed for a term of three years. Upon the expiration of the term of each member, all further appointments shall be for a term of three (3) years. The terms of the President of the Village and the President of the Zoning Board shall run concurrent with their terms as President of the Village and President of the Zoning Board, as the case may be.

Sec. 8.3 Officers

At the first meeting of the Commission the members shall elect a chairman and secretary, who shall act as chairman and secretary of the Commission for a term of one year.

Sec. 8.4 Authority

The Commission has the Power:

- a. To prepare and recommend to the Village Board a comprehensive plan of public improvements looking to the present and future development of the Village. After its adoption by the Village Board, this plan shall be known as the official comprehensive plan of the Village of Brimfield. Thereafter from time to time the Planning Commission may recommend changes in the official comprehensive plan. This plan may include reasonable requirements with reference to streets, alleys, and public grounds in unsubdivided land situated within the corporate limits or in contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any municipality. These requirements shall be effective whenever this unsubdivided land is subdivided after the adoption of the official comprehensive plan.
- b. To prepare and recommend from time to time, changes to the official comprehensive plan, and for specific improvements in pursuance of the official comprehensive plan.
- c. To give aid to the municipal officials charged with the direction of projects for improvements embraced within the official comprehensive plan, to further the making of these projects, and generally to promote the realization of the official comprehensive plan.
- d. To exercise such other powers, germane to the powers granted by this Chapter, as may be conferred by the Village Board.”

Sec. 8.5 Comprehensive Planning Map

The “Village of Brimfield, Illinois Comprehensive Planning Map” presented by the Planning

Commission to the Village Board at its meeting on November 8, 2004, as may be amended from time to time, be and it is hereby approved and adopted as the comprehensive plan of the Village.

Sec. 8.6 Procedure as to Plans, Plats, Etc.

- a. No plans, plats or replats of land in contiguous territory outside of and distant not more than 1½ miles from the corporate limits of the Village shall be entitled to record or shall be valid unless the subdivision shown thereon shall provide for streets, alleys and public grounds in conformity with the requirements of the official Village plan or recommendation of the Village Planning Commission in the absence of such plans.
- b. In the case of the disapproval by the Planning Commission of any such plat, the reasons for such disapproval shall be submitted to the Village Board which may overrule such disapproval by majority vote of its members. The approval of the Planning Commission, confirmed by the Village Board, shall be deemed an acceptance of the proposed plat or dedication of land. No sewers, water or gas mains or pipes or other improvements shall be voted or made, nor shall any public money be expended for such improvement, until the plat is approved in the manner prescribed. In case both bodies join in the approval of such plan or plat, or if in any case the Village Board shall overrule the Planning Commission's disapproval of a plan or plat, the approval of the Village Board shall be sufficient to entitle the plan or plat to be received for record. It shall be unlawful to receive for record such plan or plat in any public office, unless the same shall bear thereon, by endorsement, the approval of the Village Planning Commission and the Village. The failure of the Planning Commission to disapprove any properly submitted plat within a period of 60 days from the date of its filing shall be deemed acceptance of such plat.
- c. These provisions shall not apply to tract surveys.
- d. Any plat approved by the Village shall be signed by the Village Plat Officer in the manner for signing plats as contained in Chapter 19 of this Code.

CHAPTER 9

OTHER PROVISIONS PERTAINING TO THE VILLAGE GOVERNMENT

Article I. Officers and Employees

Sec. 9.1	Effect
Sec. 9.2	Appointment
Sec. 9.3	Term of Office – Vacancies
Sec. 9.4	Monies Received
Sec. 9.5	Oath
Sec. 9.6	Salaries
Sec. 9.7	Assignment of Duties
Sec. 9.8	Records
Sec. 9.9	Bond
Sec. 9.10	Arrests
Sec. 9.11	Delivery of Books and Records
Sec. 9.12	Impersonation
Sec. 9.13	Penalty
Sec. 9.14 – 9.39	Reserved

Article II. State Officials and Employees Ethics Act

Sec. 9.40	Effective Provisions
Sec. 9.41 – 9.69	Reserved

Article III. Other Regulations

Sec. 9.70	Corporate Seal
Sec. 9.71	Fiscal Year
Sec. 9.72	Injury to Public Property
Sec. 9.73	Elections
Sec. 9.74	Surety Bonds
Sec. 9.75	Official Time

ARTICLE I. OFFICERS AND EMPLOYEES

Sec. 9.1 Effect

The provisions of this Article shall apply alike to all officers and employees of the Village regardless of the time of the creation of the office or position or the time of the appointment of the office or employee.

Sec. 9.2 Appointment

All officers other than elective officers shall be appointed by the President and Board of Trustees, as is provided by statute; provided that all employees shall, in the absence of any provisions to the contrary, be appointed or selected by the President.

Sec. 9.3 Term of Office – Vacancies

Every appointive officer of the Village shall hold office until the first day of May following his appointment or until his successor is appointed and qualified, unless it is otherwise provided by ordinance. In case of a vacancy in any such office, it shall be filled in the same manner in which appointments or selections are made in the absence of provision to the contrary.

Sec. 9.4 Monies Received

Every officer of the Village shall at least every other day turn over all money received by him in his official capacity to the Treasurer with a statement showing the source from which the same was received.

Sec. 9.5 Oath

Every officer of the Village shall, before entering upon his/her duties, take the oath prescribed by statute.

Sec. 9.6 Salaries

All officers and employees of the Village shall receive such salary as may be from time to time provided by action of the Board of Trustees.

Sec. 9.7 Assignment of Duties

The Board of Trustees shall have the power to assign to any appointive officer any duty which is not assigned by ordinance to some other specific officer.

Sec. 9.8 Records

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

Sec. 9.9 Bond

Every officer and employee shall, if required by the Board of Trustees, upon entering upon the duties of his/her office, give a bond in such amount and with such sureties as may be determined by said Board, conditioned upon the faithful performance of the duties of his office or position.

Sec. 9.10 Arrests

The President and members of the Board of Trustees are hereby declared to be conservators of the peace with such powers to make arrests as are given to conservators of the peace by statute.

Sec. 9.11 Delivery of Books and Records

Every officer and employee of the Village, upon the expiration of his/her term for any cause whatsoever, shall deliver to his/her successor all books and records which may be the property of the Village, and if no successor has been appointed within one week after the termination of office, such property shall be delivered to the Village Clerk or Village Treasurer.

Sec. 9.12 Impersonation

It shall be unlawful for any person to impersonate without lawful authority any Village officer or employee.

Sec. 9.13 Penalty

Any person, firm or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provisions of this Article, shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00) for each offense, and said person, firm or corporation shall pay all costs and expenses involved in the case. Each day a violation continues shall constitute a separate offense. Nothing herein contained shall prevent the Village from taking such lawful action as is necessary to prevent or remedy any violation.

Sec. 9.14 – 9.39 Reserved

ARTICLE II. STATE OFFICIALS AND EMPLOYEES ETHICS ACT

Sec. 9.40 Effective Provisions

- a. The regulations of Section 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the “Act” in this Section) are hereby adopted by reference and made applicable to the officers and employees of the Village to the extent required by 5 ILCS 430/70-5.
- b. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the Village, is hereby prohibited.
- c. The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village under the Act, is hereby prohibited.
- d. The participation in political activities prohibited under the Act, by any officer or employee of the Village, is hereby prohibited.
- e. For purposes of this Section, the terms “officer” and “employee” shall be defined as set forth in 5 ILCS 430/70-5(c).
- f. The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.
- g. This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).
- h. Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated in to this Section by reference without formal action by the corporate authorities of the Village.
- i. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court’s decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

- j. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village.

(Note: Sec. 9.40 added per Ordinance 2004-4; 5/3/04)

Sec. 9.41 – 9.69 Reserved

ARTICLE III. OTHER REGULATIONS

Sec. 9.70 Corporate Seal

The Corporate Seal of the Village shall be as follows: A circular disc with the words “Village of Brimfield” inscribed therein.

Sec. 9.71 Fiscal Year

The fiscal year for the Village shall begin on the first day of May of each year and end on the last day of April of the following year.

Sec. 9.72 Injury to Public Property

It shall be unlawful for anyone to injure, deface or interfere with any property belonging to, or under the control of, the Village, without proper authority from the Board of Trustees. Any person violating the provisions of this Section shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; and any firm, person, corporation or organization shall be deemed guilty of a separate offense for each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 9.73 Elections

Elections for municipal offices shall be held as provided by statute and at the time prescribed by statute.

Sec. 9.74 Surety Bonds

Whenever a surety bond to indemnify the Village is required as prerequisite to exercising the duties of any office or position or to the issuance of a license or permit or for the exercise of any special privilege, the surety or sureties on such bond must be approved by the President and Board of Trustees in the absence of specific provisions to the contrary by ordinance. Whenever in its opinion additional sureties or an additional surety may be needed on any bond to indemnify the Village against loss or liability because of the insolvency of the existing surety or sureties or for any other reason, the Village may order a new surety or sureties to be secured for such bond. If such new surety or sureties are not procured within ten days from the time such order is transmitted to the principal on the bond, or his/her assignee, the Board shall declare the bond to be void and thereupon such principal or assignee shall be deemed to have surrendered the privilege or position as condition of which the bond was required.

Sec. 9.75**Official Time**

Central Standard Time shall be the official time for the transaction of the Village business, except that from 2:00 A.M. on the last Sunday in April of each year the official time shall be advanced one hour until 2:00 A.M. of the last Sunday in October of each year, at which time the official time shall be Central Standard Time. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the Village shall be set and run at the official time prescribed by this section.

CHAPTER 10

STREETS AND SIDEWALKS

Article I. General Provisions

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Sec. 10.3	Bond
Sec. 10.4	Specifications
Sec. 10.5	Injury to Pavements
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Sec. 10.7	Defects
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Sec. 10.19	Deposits on Streets
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Article II. Trees and Shrubs

Sec. 10.70	Planting
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Article III. Street Numbering

Sec. 10.100	Numbering
Sec. 10.101	Chart
Sec. 10.102	Penalty

ARTICLE I. GENERAL PROVISIONS

Sec. 10.1 Supervision

All public streets, alleys, sidewalks and other public ways shall be under the supervision of the Superintendent of Public Works. The Superintendent shall have supervision over all work thereon and the cleaning thereof and shall be charged with the enforcement of all ordinance provisions relating to such public places (except the traffic ordinances) and is hereby authorized to enforce such ordinances.

Sec. 10.2 Construction

It shall be unlawful to construct or lay any pavement on any public street, sidewalk, alley or other public way or to repair the same without having first secured a permit therefore. Applications for such permits shall be made to the Village Clerk and shall state the location of the intended pavement or repair, the extent thereof and the person or firm who is to do the actual construction work. No such permits shall be issued except on order of the President or his/her designee.

Sec. 10.3 Bond

Each applicant shall file a bond in the amount of Ten Thousand Dollars (\$10,000.00) with sureties to be approved by the President or his/her designee, conditioned to indemnify the Village from any loss or damage resulting from the work undertaken or the manner of doing the same.

Sec. 10.4 Specifications

All street and sidewalk pavement shall be made in conformity with the specifications laid down from time to time by the President and Board of Trustees.

Sec. 10.5 Injury to Pavements

It shall be unlawful to walk upon or drive any vehicle or animal upon or injure any newly laid street or alley pavement while the same is guarded by a warning signal or barricade, or to knowingly injure any street, sidewalk or alley pavement at any time.

Sec. 10.6 Repairs

All public streets, alley and sidewalk pavement shall be in good repair. Such repair work, whether done by the Village or the abutting owner, shall be under the supervision of the Superintendent of Public Works.

Sec. 10.7 Defects

It shall be the duty of every Village Officer or employee becoming cognizant of any defect in any street, alley or sidewalk, or any obstruction thereof, to report the same to the Superintendent of Public Works as soon as possible.

Sec. 10.8 Obstructions

It shall be unlawful for any person, firm or corporation to cause, create or maintain any obstruction on any street, alley, sidewalk or other public way, except as may be specifically authorized by ordinance or by the Superintendent of Public Works.

Sec. 10.9 Barricades

Any person, firm or corporation laying or repairing any pavement on a street, sidewalk or other public place or making excavation in the same shall maintain suitable barricades to prevent injury of any person or vehicle by reason of the work. Such barricades shall be protected by suitable lights at night time. Any defect in such pavement shall be barricaded to prevent injury, and any person, firm or corporation properly maintaining any opening or excavation in any such place shall guard such opening or excavation while the same remains open by proper barricades and lights.

Sec. 10.10 Disturbing Barricades

It shall be unlawful to disturb or interfere with any barricade or lights lawfully placed to protect or mark any new pavement or excavation or opening in any public street, alley or sidewalk.

Sec. 10.11 Private Use

It shall be unlawful for any person, firm or corporation to use any street, sidewalk or other public place as space for the display of goods and merchandise for sale or to write or mark any signs or advertisements on such pavement.

Sec. 10.12 Encroachments

It shall be unlawful for any person, firm, corporation or other entity to erect or cause to be erected, to retain or cause to be retained, any Encroachment upon any public street, Roadway Right-of-Way, Project Right-of-Way, public property (specifically including U.S. Route 150/Knoxville Street right-of-way), except for Permissible Encroachments. The following definitions shall apply to this Section: *Roadway Right-of-Way* is defined as those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect; *Project Right-of-Way* is defined as those areas within project right-of-way lines established jointly by the Village and State which will be free of encroachments except as hereinafter defined; *Encroachment* is defined as any building, fence, sign or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained in, on, under or over any portion of the Project Right-of-Way where no project right-of-way line has been established, or which is placed, located or maintained upon any public street or public property; *Permissible Encroachment* is defined as any existing awning, marquee, sign advertising activity on the property or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of traffic on the highway or street, the permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right-of-way line and not confined to adjacent buildings.

Sec. 10.13 Drains

It shall be unlawful to construct any drain in any public street or alley.

Sec. 10.14 Poles and Wires

It shall be unlawful to erect any poles or wires or maintain any poles or wires over any public place, street, alley, or other public way without having first secured permission from the President and Board of Trustees.

Sec. 10.15 Gas Pumps

It shall be unlawful to maintain or erect any gasoline pump or tank in any public street, alley or sidewalk.

Sec. 10.16 Excavations

It shall be unlawful to make any excavation in or tunnel under any public street, alley, sidewalk or other public place in the Village without having first secured a permit therefor. Applications for such permits shall be made to the Village Clerk and shall specify the intended location and purpose of the excavation. No person shall make any such excavation or tunnel without first having secured and furnished the Village with a copy of or certificate of a bond or policy conditioned to indemnify and hold the Village harmless from any loss, damage or liability resulting from the work done or any acts or omissions in connection therewith. Any such person making any such excavation shall refill the same properly and shall restore the surface to its condition before the excavation was made as soon as possible. All such excavations, refills and resurfacing shall be made subject to the supervision and under the direction of the Superintendent of Public Works.

Sec. 10.17 Openings

It shall be unlawful to construct or maintain any opening or stairway in any public street, alley, sidewalk or other public place without a permit therefore. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing to the approval of the Superintendent of Public Works.

Sec. 10.18 Barb Wire Fences – Electric Current Fences

It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar materials designed to cause injury to person, or any wire charged with electrical current, anywhere within the Village except to protect industrial property, in which case barbed wire must be at least six feet above sidewalk and extend inward of property.

Sec. 10.19 Deposits on Streets

It shall be unlawful to deposit on any street any material which may be harmful to the pavement thereof or any glass or other articles which may cause injury to any person, animal or property. Materials may be deposited in streets preparatory to delivery for use, provided that such deposit does not reduce the

usable width of the street or roadway at that point to less than eighteen feet, and provided that such material shall not be permitted to remain in such street for more than three hours. Any such material shall be guarded by lights if the same remains upon any street after night time.

Sec. 10.20 Deposits on Sidewalks

It shall be unlawful to deposit on any public sidewalk any material which may be harmful to the pavement thereof or any waste material or any glass or other articles which might cause injury to persons, animals or property. Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width of the sidewalk is not thereby reduced to less than four feet and provided that no such article shall remain on such walk for more than one-half hour.

Sec. 10.21 Snow Removal

It shall be unlawful for the owner or occupant of the premises abutting any public sidewalk to allow snow to accumulate on such sidewalk to such an extent that a hazardous condition likely to contribute to the injury of those lawfully using said sidewalk results.

Sec. 10.22 Burning Leaves and Rubbish

It shall be unlawful for any person, firm or corporation to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks or alleys in the Village.

Sec. 10.23 Driveways

It shall be unlawful to construct or maintain any driveway in or across any public walk in the Village where this necessitates any interference with or change in the grade of any public sidewalk, curb or parkway without having first obtained a permit therefor. Applications for such permits shall state the size, location and material to be used in such driveway, and it shall be unlawful to depart from such specifications or vary from them without permission from the President and Board of Trustees. It shall be the duty of the person, firm or corporation maintaining such driveway to keep the same free from snow and ice or any obstruction and to keep the same in good repair where the same crosses a public sidewalk.

Sec. 10.24 Penalty

Any person, firm or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provisions of this Article, shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00) for each offense, and said person, firm or corporation shall pay all costs and expenses involved in the case. Each day a violation continues shall constitute a separate offense. Nothing herein contained shall prevent the Village from taking such lawful action as is necessary to prevent or remedy any violation.

Sec. 10.25 **Fee**

A fee of Twenty-five Dollars (\$25.00) shall be paid for any permit issued under this Article. Such fee is nonrefundable and shall be paid with an application for the permit on forms to be provided by the Village.

Sec. 10.26 – 10.69 **Reserved**

ARTICLE II. TREES AND SHRUBS

Sec. 10.70 Planting

It shall be unlawful to plant any tree or shrub in any public street or parkway or other public place without having first secured a permit therefor. Applications for such permits shall be made to the Village Clerk and shall be referred to the Clerk by the President and Board of Trustees of the Village. All trees and shrubs so planted shall be placed subject to the requirements of such permit.

Sec. 10.71 Removals

It shall be unlawful to remove or cut down any tree or shrub in any street, parkway or other public place without having first secured a permit therefor. Applications for such permits shall be made to the Village Clerk and shall be referred by the Clerk to the President and Board of Trustees for approval before permission shall be granted.

Sec. 10.72 Injury

It shall be unlawful to injure any tree or shrub planted in any such public place.

Sec. 10.73 Advertisements or Notices

It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway, or other public place.

Sec. 10.74 Dangerous Trees

Any tree or shrub which overhangs any sidewalk, street or other public place in the Village in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises on which such trees or shrub grow so that obstruction will cease. Any limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

Sec. 10.75 Wires

It shall be unlawful to attach any wire or other rope to any tree in any public street or parkway or other public place without permission of the President and Board of Trustees. Any person or company given the right to maintain poles and wires in the streets, alleys or other public places in the Village shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places, so far as may be possible, and shall keep all such trees and shrubs properly trimmed (subject to the supervision of the Superintendent of Public Works) so that no injury shall be done to the poles or wires or shrubs and trees by contact.

Sec. 10.76 Gas Pipes

Any person, firm or corporation maintaining any gas pipe in the Village shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks.

Sec. 10.77 Excavations

In making excavations in streets or other public places proper care shall be taken to avoid injury to the roots of any tree or shrub wherever possible.

Sec. 10.78 Penalty

Any person, firm or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provisions of this Article, shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00) for each offense, and said person, firm or corporation shall pay all costs and expenses involved in the case. Each day a violation continues shall constitute a separate offense. Nothing herein contained shall prevent the Village from taking such lawful action as is necessary to prevent or remedy any violation.

Sec. 10.79 Fee

A nonrefundable fee of Twenty-five Dollars (\$25.00) shall be paid at the time of application for a permit under this Article.

Sec. 10.80 – 10.99 Reserved

ARTICLE III. STREET NUMBERING

Sec. 10.100 Numbering

All lots, houses, buildings and structures in the Village shall be numbered in accordance with the following plan:

The base line for streets running North and South shall be Knoxville Street, and numbers lying North or South thereof shall be designated North or South, as the case may be; the base line for streets running East and West shall be Galena Avenue, and numbers lying East and West of this line shall be designated East or West, as the case may be. Numbering shall begin with the base lines with the number 100, and one unit shall be allowed for each 10 feet of frontage. Provided that the numbers at each block shall begin with one hundred or a multiple thereof.

Odd numbers shall be on the North and West sides of the street.

It shall be the duty of the owner and occupant of every building, except outbuildings or accessory buildings, in the Village to have placed thereon in a place visible from the street, figures at least two and one-half inches high showing the number of the building.

Sec. 10.101 Chart

The Village Clerk shall keep a chart showing the proper street number of every lot in the Village, which chart shall be open to inspection by anyone interested.

Sec. 10.102 Penalty

Any person, firm or corporation violating any provision of this article shall be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Provided that no such person shall be liable for the penalty herein provided until after he/she has received from the Clerk a notice sent him/her by mail, or by personal service, of the fact that a building owned or occupied by him/her does not have the proper number to comply with this Article.

CHAPTER 11

MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE

Sec. 11.1	Definitions
Sec. 11.2	Registration of Telecommunications Providers
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Sec. 11.1

Definitions

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

- a. *Gross Charges* means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the Village, and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. *Gross Charges* for private line service shall include charges imposed at each channel point within the Village, charges for the channel mileage between each channel point within the Village, and charges for that portion of the interstate inter-office channel provided within the Village. However, *Gross Charges* shall not include:
 - (1) Any amounts added to a purchaser's bill because of a charge made under: (i) the fee imposed by this Section, (ii) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act, (iii) amounts collected under Section 8-11-17 of the Illinois Municipal Code, (iv) the tax imposed by the Telecommunications Excise Tax Act, (v) 911 surcharges, or (vi) the tax imposed by Section 4251 of the Internal Revenue Code;
 - (2) Charges for a sent collect telecommunications received outside the Village;
 - (3) Charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;
 - (4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;
 - (5) Charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Village;
 - (6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not

the generation of profit other than a regulatory required profit for the corporation rendering such services;

- (7) Bad debts (*bad debt* means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);
 - (8) Charges paid by inserting coins in coin-operated telecommunications devices; or
 - (9) Charges for telecommunications and all services and equipment provided to the Village.
- b. *Public Right-of-Way* means any municipal street, alley, water or public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein the Village has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. *Public Right-of-Way* shall not include any real or personal Village property that is not specifically described in the previous sentence and shall not include Village buildings and other structures or improvements regardless of whether they are situated in the public right-of-way.
- c. *Retailer maintaining a place of business in this State*, or any like term, means and include any retailer having or maintaining within the State of Illinois, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this State under the authority of the retailer or of its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.
- d. *Sale of telecommunications at retail* means the transmitting, supplying or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.
- e. *Service address* means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this not a defined location, such as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, *service address* shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where the bills are sent.

- f. *Telecommunications* includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter services, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise *telecommunications* shall also include wireless telecommunications as hereinafter defined.

Telecommunications shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. *Telecommunications* shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retailer consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications re-sold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. *Telecommunications* shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or hereafter amended or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended.

- g. *Telecommunications provider* means (1) any telecommunications retailer; and (2) any person that is not a telecommunications retailer that installs, owns, operates or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form.
- h. *Telecommunications retailer* or *retailer* or *carrier* means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this Section. The Village may, in its discretion, upon application, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Village, furnishes adequate security to ensure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within the Village.
- i. *Wireless telecommunications* includes cellular mobile telephone services, personal wireless services as defined in Section 704(c) of the Telecommunications Act of 1996 (Public Law No. 104-104), 42 U.S.C. §332 (c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services.
- j. *Village Administrator* means the President of the Board of Trustees of the Village or his designated agent.

Sec. 11.2 Registration of Telecommunications Providers

- a. Every telecommunications provider as defined by this Chapter shall register with the Village within 30 days after the effective date of this Chapter or becoming a telecommunications provider, whichever is later, on a form to be provided by the Village, provider, however, that any telecommunications retailer that has filed a return pursuant to Section 11.4 c. of this Chapter shall be deemed to have registered in accordance with this Section.
- b. Every telecommunications provider who has registered with the Village pursuant to Section 11.2 a. has an affirmative duty to submit an amended registration form or current return as required by Section 11.4 c., as the case may be, to the Village within 30 days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file with the Village.

Sec. 11.3 Municipal Telecommunications Infrastructure Maintenance Fee

- a. A Village telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of 1.0% of all gross charges charged by the telecommunications retailer to service addresses within the Village for telecommunications originating or received in the Village.
- b. Upon the effective date of the infrastructure maintenance fee authorized in this Chapter, the Village infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the Village by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this Chapter does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.
- c. The Village telecommunications infrastructure maintenance fee authorized by this Section shall be collected, enforced, and administered as set forth in Section 11.4 of this Chapter.

Sec. 11.4 Collection, Enforcement, and Administration of Telecommunications Infrastructure Maintenance Fees

- a. A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the Village infrastructure maintenance fee attributable to that customer's service address.
- b. Unless otherwise approved by the Village Administrator the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the Village not later than the last day of the month subsequent to the month in which a bill is issued to the customer, provided however, that the telecommunications retailer may retain an amount not to exceed 2% of the Village infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee.

- c. Remittance of the municipal infrastructure fee to the Village shall be accompanied by a return, in a form to be prescribed by the Village Administrator, which shall contain such information as the Village Administrator may reasonably require.
- d. Any infrastructure maintenance fee required to be collected pursuant to this Chapter and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the Village. The charge imposed under Section 11.4 a. by the telecommunications retailer pursuant to this Chapter shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.
- e. If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this Chapter, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under this Chapter, from the telecommunications retailer who made the erroneous payment; provided, however, the Village Administrator may request, and telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than three years after the date of the erroneous payment unless, (1) the credit is used only to offset a claim of underpayment made by the Village within the applicable statutory period of limitations, and (2) the credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.
- f. Amounts paid under this Chapter by telecommunications retailers shall not be included in the tax base under any of the following acts as described immediately below:
 - (1) *Gross charges* for purposes of the Telecommunications Excise Tax Act;
 - (2) *Gross receipts* for purposes of the municipal utility tax as prescribed in Section 8-11-2 of the Illinois Municipal Code;
 - (3) *Gross charges* for purposes of the municipal telecommunications tax as prescribed in Section 8-11-17 of the Illinois Municipal Code;
 - (4) *Gross revenue* for purposes of the tax on annual gross revenue of public utilities prescribed in Section 2-202 of the Public Utilities Act.
- g. The Village shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this Chapter to determine whether the telecommunications retailer has properly accounted to the Village for the Village infrastructure maintenance fee. Any underpayment of the amount of the Village infrastructure maintenance fee due to the Village by the telecommunications retailer shall be paid to the Village plus five (5%) percent of the total amount of the underpayment determined in an audit, plus any costs incurred by the Village in conducting the audit, in an amount not to exceed five (5%) percent of the total amount of the underpayment determined

in an audit. Said sum shall be paid to the Village within twenty-one (21) days after the date of issuance of an invoice for same.

- h. The Village Administrator, or his or her designee, may promulgate such further or additional regulations concerning the administration and enforcement of this Chapter, consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to Section 11.2 of this Chapter of such regulations.

Sec. 11.5 Compliance With Other Laws

Nothing in this Chapter shall excuse any person or entity from obligations imposed under any law, including but not limited to:

- a. generally applicable taxes;
- b. standards for construction on, over, under, or within, use of or repair of the public rights-of-way, including standards relating to free standing towers and other structures upon the public right-of-way, as provided;
- c. any liability imposed for the failure to comply with such generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way; and
- d. compliance with any ordinance or provision of this Code concerning uses or structures not located on, over, or within the right-of-way.

Sec. 11.6 Existing Franchises and Licenses

Any franchise, license, or similar agreements between telecommunications retailers and the Village entered into before the effective date of this Chapter regarding the use of public rights-of-way shall remain valid according to and for their stated terms except for any fees, charges or other compensation to the extent waived.

Sec. 11.7 Penalties

Any telecommunications provider who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Chapter shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Sec. 11.8 Enforcement

Nothing in this Chapter shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this Chapter.

Sec. 11.9. Severability

If any action, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Sec. 11.10 Conflict

This Chapter supersedes all Chapters or parts of Chapters adopted prior hereto which are in conflict herewith, to the extent of such conflict.

Sec. 11.11 Waiver and Fee Implementation

- a. The Village hereby waives all fees, charges, and other compensation that may accrue, after the effective date of the waiver, to the Village by a telecommunications retailer pursuant to any existing Village franchise, license, or similar agreement with a telecommunications retailer during the time the Village imposes the Telecommunications Infrastructure Maintenance Fee. This waiver shall only be effective during the time the Infrastructure Maintenance Fee provided for in this Ordinance is subject to being lawfully imposed on the telecommunications retailer and collected by the telecommunications retailer from the customer.
- b. The Clerk shall send a notice of the waiver upon request of the telecommunications retailer by certified mail/return receipt requested to each telecommunications retailer with whom the Village has a franchise.
- c. The Village infrastructure maintenance fee provided for in this Ordinance shall become effective and imposed on the first day of the month not less than ninety (90) days after the Village provides written notice by certified mail to each telecommunications retailer with whom the Village has an existing franchise, license, or similar agreement that the Village waives all compensation under such existing franchise, license or similar agreement during such time as the fee is subject to being lawfully imposed and collected by the retailer and remitted to the Village. The infrastructure maintenance fee shall apply to gross charges billed on or after the effective date as established in the preceding sentence.

CHAPTER 12

LICENSE AND PERMITS

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Sec. 12.1 Applications

Applications for all licenses and permits required by ordinance shall be made in writing to the Village Clerk in the absence of provision to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the permit or license applied for.

Sec. 12.2 Person Subject to License

Whenever in this Code a license is required for the maintenance, operation or conduct of any business or establishment or for doing business or engaging in any activity or occupation, any person, firm or corporation shall be subject to the requirement if by himself/herself or through an agent, employee or partner he/she holds himself/herself forth as being engaged in the business or occupation or solicits patronage therefore, actively or passively, or performs or attempts to perform any part of such business or occupation in the Village.

Sec. 12.3 Forms

Forms for all licenses and permits and applications therefore shall be prepared and kept on file by the Village Clerk.

Sec. 12.4 Signatures

Each license or permit issued shall bear the signature of the President and Clerk in the absence of any provision to the contrary.

Sec. 12.5 Investigations

Upon the receipt of an application for a license or permit where the ordinance of the Village necessitates an inspection or investigation before the issuance of such permit or license, the Village Clerk shall refer such application to the proper officer for making such investigation within forty-eight hours of the time of such receipt. The officer charged with the duty of making an investigation or inspection shall make a report thereon, favorable or otherwise, within ten days after receiving the application or a copy thereof. The Zoning Officer shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations except where otherwise provided shall be made by some officer designated by the President.

Sec. 12.6 Fees

In the absence of provision to the contrary all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Village Clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business has been or will be pursued. Except as otherwise provided, all license fees shall become a part of the corporate fund.

Sec. 12.7 Termination of Licenses

All annual licenses shall terminate on the last day of the fiscal year of the Village where no provision to the contrary is made.

The Village Clerk shall mail to all licensees of the Village a statement at the time of the expiration of the license held by the licensee. If an annual license, such statement shall be mailed three weeks prior to the date of such expiration. Provided, that a failure to send out such notice or the failure of the licensee to receive it shall not excuse the licensee from a failure to secure a new license or a renewal thereof, nor shall it be a defense in action for operation without a license.

Sec. 12.8 Building and Premises

No license shall be issued for the conduct of any business and no permit shall be issued for any thing or act if the premises and building to be used for the purpose do not fully comply with the requirements of the ordinances of the Village. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of any zoning ordinance of the Village.

Sec. 12.9 Change of Location

The location of any licensed business or occupation or of any permitted act may be changed, provided ten days notice thereof is given to the Village Clerk, in the absence of any provision to the contrary, provided that the building, zoning and frontage consent requirements of the ordinances, if any, are complied with.

Sec. 12.10 Location Requirements – Frontage Consents Defined

No person, firm or corporation shall locate, build, construct, operate or maintain any business or structure of any kind for which frontage consents are required in any block in the Village where a majority of the houses abutting on both sides of the street in the block are used exclusively for residential purposes without having first secured the written consent of the owners of a majority of the frontage abutting on such street both sides within such block.

The term *block* as used in this Section shall be construed to mean and include that portion of the street between the two intersections with other public streets nearest the specified location on each side, provided that if on either or both sides of such location there is not an intersection within three hundred feet of the center of the specified location, the block shall be considered as terminating at a point three hundred feet from such center.

The term *street* as used in this Section shall be construed to mean and include such highways as have been dedicated either by common law or statutory dedication as public streets and are actually in use as such, and the term *street* shall not be construed to include or mean merely service highways which are commonly known as alleys.

Sec. 12.11 Frontage Consents

Whenever the consent of adjoining neighboring owners is required as a prerequisite to the conduct, such consents must be obtained by securing the necessary signatures to a written consent petition. Such petition shall be filed with the Village Clerk when signed.

Consents once given and filed shall not be withdrawn and such petitions need not be renewed for the continuous conduct of the same business, whether by the same proprietor or not. It shall be unlawful to forge any name to any such petition or to falsely represent that the names thereon have been properly placed thereon if such is not the fact.

Each consent when filed shall be accompanied by the affidavit of the person securing the signatures that each signature appearing therein was properly secured and written on and that the petition contains the necessary number of signatures required by ordinance. The frontage consent requirements contained in this Code shall not be construed to amend or change any zoning ordinance provision of the Village, and no such provision shall be construed as permitting the erection of a structure or building or the conduct of a business or the commission of any act in any location where such structure, building, business or act is or are prohibited by any zoning ordinance of the Village.

Sec. 12.12 Nuisances

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

Sec. 12.13 Inspection

Whenever inspections of the premises are used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance or are reasonably necessary thereto to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the Village who is authorized or directed to make such inspection at any reasonable time that admission is requested.

Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee of the Village whose business is governed by the provision to give any authorized officer or employee of the Village requesting the same sufficient samples of such material or commodity for such analysis upon request.

In addition to any other penalty which may be provided, the President and Board of Trustees may revoke the license of any licensed proprietor of any licensed business in the Village who refuses to permit any such officer or employee who is authorized to make such inspection, or take such sample to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection, provided that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises in the name of the Village stating that such inspection or sample is desired at the time it is sought to make the inspection or to obtain the sample.

Sec. 12.14 Revocation

Any license or permit for a limited time may be revoked by the President and Board of Trustees during the life of such license or permit for the violation by the licensee or permittee of any ordinance provisions relating to the license or permit, the subject of the license or permit or to the premises occupied; such revocation may be in addition to any fine imposed.

Sec. 12.15 Posting License

It shall be the duty of any person conducting a licensed business in the Village to keep his license posted in a prominent place on the premises used for such business at all times.

Sec. 12.16 Vehicle Tag

Whenever the number of vehicles used is a basis of license fee, the Village Clerk shall furnish each licensee with a tag or sticker for each vehicle covered by the license, and such tag or sticker shall be posted in a conspicuous place on each such vehicle while it is in use.

Sec. 12.17 Penalty

Any person, firm or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provisions of this Chapter, shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00) for each offense, and said person, firm or corporation shall pay all costs and expenses involved in the case. Each day a violation continues shall constitute a separate offense. Nothing herein contained shall prevent the Village from taking such lawful action as is necessary to prevent or remedy any violation.

CHAPTER 13

AMUSEMENTS

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ARTICLE I. GENERAL PROVISIONS

Sec. 13.1 **Application**

The provisions of this Article, except as to licensing and fees, shall apply to all public shows, theatricals, circuses and other amusements in the Village, whether specifically licensed in another Article in this Chapter or not.

Sec. 13.2 **Licenses**

It shall be unlawful to conduct or operate any amusement which is open to the public and for admittance to which a fee is charged without having first obtained a license therefor; provided, that the provisions of this Section shall not be held to apply to those amusements which are specifically licensed by any other ordinance of this Village, and provided further, that the provisions of this Section shall not apply to the activities sponsored by or conducted as part of the program of any public school or religious organization.

Applications for such licenses shall be made to the Clerk and shall comply with all of the general provisions of the ordinances relating to such application. For such licenses the following fees shall be paid:

Menageries	Ten Dollars (\$10.00) per day
Exhibitions of Inanimate Objects	Ten Dollars (\$10.00) per day
Other Amusements	Ten Dollars (\$10.00) per day

Sec. 13.3 **Street Shows**

No permit shall be granted or given for any carnival, exhibition, show or other amusement to be given on any public street or in such place that the only main accommodation for the public or the audience will be in a public place, except on order of the Village Board.

Sec. 13.4 **Table Games**

It shall be unlawful to maintain or expose for public use any table game or amusement device operated with a slug or coin for the use of which a fee is charged without having first obtained a license therefor. As used in this section the term *table games* shall mean and include any device, whether controlled by skill or chance, for the operation of a game, pastime or contest by the manipulation of a marble, sphere or of objects or figures or images, or by controlling the movements of the same or setting them in motion by mechanical or electronic means. The annual fee for such license shall be Six Dollars (\$6.00).

Sec. 13.5 Music Devices – Juke Boxes

It shall be unlawful to offer or maintain for public use any coin operated device, machine or mechanism to produce or reproduce music without having first secured a license therefor. The annual fee for such licenses shall be Ten Dollars (\$10.00).

Sec. 13.6 Athletic Exhibitions

It shall be unlawful to conduct, operate or exhibit any race between persons, animals or vehicles, or any baseball game, boxing or wrestling matches or any other athletic contest or exhibition for admission to which a fee is charged without having first procured a license therefor; provided however, that this Section shall not apply to games, contests or other events sponsored by or conducted as part of the activities of any public school or religious organization.

The proprietor of such exhibition shall submit to the Village Clerk a statement verified under oath of the gross receipts of each such game, contest or race within one week after such exhibition. At the same time the proprietor or person exhibiting or operating such exhibition shall pay to the Clerk a sum equal to three percent (3%) of the gross receipts.

Sufficient members of the police or sheriff's deputies shall be admitted free of charge to all such exhibitions for the purpose of preserving and maintaining order, and the Village Clerk may post a person or any number of persons at the box office of each such performance and may examine all the books pertaining to such performance showing or tending to show gross receipts.

Sec. 13.7 Medicine Shows

It shall be unlawful to give or conduct any medicine show or performance in connection with or for the purpose of attracting prospective buyers of or crowds for the purpose of lectures on or demonstrations of any tonic, medicine, remedy or alleged specific for human ailments without having first secured a permit therefor. Applications for such permits shall state thereon the name, nature and contents of the article to be promoted or offered for sale. No permit shall be issued when such tonic, medicine or remedy is harmful for use without the advice of a physician or consists in whole or part of harmful habit forming drugs or narcotics.

The fee for such permits shall be Ten Dollars (\$10.00) per day.

Sec. 13.8 Order – Crowding

The audience of any amusement, show or theatrical event or exhibition must be orderly and quiet at all times, and it shall be unlawful for any person attending to create a disturbance in the audience. It shall be unlawful to permit or gather a crowd as to create a dangerous condition because of fire or other risks.

Sec. 13.9 Reserved

Sec. 13.10 Indecent Shows

It shall be unlawful for any person, firm or corporation to present, exhibit, conduct or take part in any indecent show, theatrical play, motion picture, exhibition or other form of public amusement or show.

Sec. 13.11 Exhibition of Criminals

It shall be unlawful for any person, firm or corporation to exhibit any criminal or the body of any criminal or any person who shall have become notorious because of the commission of a crime, in any theatrical, exhibit, carnival or other public place.

Sec. 13.12 Riots

It shall be unlawful to present any public amusement or show of any kind which tends to or is calculated to cause or promote any riot or disturbance.

Sec. 13.13 Smoking

It shall be unlawful to smoke or carry a lighted cigar, cigarette or pipe on or beneath the stage or in a dressing room of any building used as an assembly hall with seating accommodations for more than one hundred persons or in which theatricals, shows, amusements, lectures or other entertainments are offered, presented, operated or exhibited.

Sec. 13.14 Signs

It shall be the duty of the owner of such premises or of the occupant in charge to provide and place printed signs on which the words "No Smoking" shall appear in letters at least four inches high in conspicuous places, at least two signs being upon the stage or in the wings thereof and one in each dressing room.

Sec. 13.15 Exit Lights

It shall be the duty of the owner or occupant in charge of any building or hall used as an assembly hall with accommodations for one hundred persons or more in which theatricals, shows, amusements, lectures and other entertainment is offered, operated or presented to provide and place a sign on which the word "EXIT" shall appear in letters at least six inches high over every door or other opening from such hall to every means of egress therefrom, and a light shall be provided with a red globe and placed at or near such sign, which light shall be kept burning during the entire period that the hall is open to the public and until the audience has left the hall.

Sec. 13.16 Premises

It shall be unlawful to operate or permit the operation of any amusement licensed in this Chapter unless the premises in which such amusement is operated or permitted to be operated conform with all the provisions or requirements in this Code relating to public gatherings.

Sec. 13.17 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 13.18 – 13.59 Reserved

ARTICLE II. BOWLING ALLEYS

Sec. 13.60 License Required

No person, firm or corporation shall operate or maintain a bowling alley open to the public without having first obtained a license therefor; application for such licenses shall be made in writing to the Village Clerk and shall state thereon the intended location of the place of business and the number of alleys to be used.

Sec. 13.61 Fee

The annual fee for such licenses shall be Ten Dollars (\$10.00) for each alley.

Sec. 13.62 Hours of Operation

No person shall keep open, operate or use any such alley between the hours of One O'clock A.M. and Six O'clock A.M.

Sec. 13.63 Gambling

It shall be unlawful for any person to gamble, bet or permit any form of gambling or betting in any premises used for a bowling alley, pin or ball alley.

Sec. 13.64 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 13.65 – 13.89 Reserved

ARTICLE III. BILLIARD TABLES

Sec. 13.90 License Required

No person, firm or corporation shall operate or maintain a billiard, pool or snooker table open to the public without having first obtained a license therefor; applications for such licenses shall be made in writing to the Village Clerk and shall state thereon the intended location of the place of business and the number of tables to be used.

Sec. 13.91 Fee

The annual fee for such licenses shall be Ten Dollars (\$10.00) for each table.

Sec. 13.92 Hours of Operation

No person shall keep open, operate or use any such table between the hours of One O'clock A.M. and Six O'clock A.M.

Sec. 13.93 Gambling

It shall be unlawful for any person to gamble, bet or permit any form of gambling or betting in any premises housing a billiard, pool or snooker table.

Sec. 13.94 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 13.95 – 13.119 Reserved

ARTICLE IV. MOTION PICTURES

Sec. 13.120 License Required

It shall be unlawful to give, present or conduct any motion picture or theatrical, for admission to which fee is charged, excepting performances given solely for benefits of and under the supervision of a religious, educational or charitable organization, without having first secured a license therefor as in herein provided.

Sec. 13.121 Applications

Applications for such licenses shall be made in conformance with the general provisions relating to such applications, and shall state in addition to the other information required the place of the intended performance and the seating capacity thereof.

Sec. 13.122 Fees

Any person securing an annual license for motion pictures, or theatrical, naming a specific place or building wherein performances are to be presented, may present therein any number of performances, including theatricals, during the year for which the license was secured without having to pay any additional fee. The annual fee for such licenses shall be Fifty Dollars (\$50.00).

Sec. 13.123 Motion Pictures and Theatricals on Unlicensed Premises

For motion pictures or theatricals, which are to be presented in or on premises which are not covered by such license fee, the fee to be paid shall be Ten Dollars (\$10.00) per day; provided that no such motion picture or theatrical shall be presented in any premises or building which does not fully comply with the requirements of the ordinances relating to public gatherings and to maintenance of buildings for this purpose.

Sec. 13.124 Prohibited Pictures

It shall be unlawful to permit any person to offer or present any motion picture which has a tendency to cause a riot or public disturbance of the peace, or any immoral, indecent or blasphemous picture of performance.

Sec. 13.125 Crowding – Order

It shall be unlawful to permit any person, excepting ushers or other theater employees, to remain standing in a hall or room in which a motion picture is presented during the time of such performance; and it shall be unlawful to admit to any such hall more persons that can be accommodated by the seating arrangements for the premises.

Sec. 13.126 Scenery

It shall be unlawful to use any scenery in any theater other than non-flammable scenery or such as shall have been rendered non-flammable by the application of preventive coatings.

Sec. 13.127 Building Requirements

It shall be unlawful to present any public motion picture in any building or structure which does not contain the number of exits required by the ordinances of the Village or by the statutes of the State of Illinois concerning building or places intended for motion picture performances or in premises which do not comply with the provisions of this Code relating to public gatherings, or in premises in which the electric wiring does not fully comply with the ordinances. All places used for the exhibition of theatricals must be kept adequately ventilated during the performance and for so long a time as the audience remains therein.

Sec. 13.128 Exits

It shall be unlawful to obstruct or permit the obstruction of any aisles, corridors or exits leading from the room or enclosures in which a motion picture performance or theatrical is being given or in which an audience for such a performance is gathered.

Sec. 13.129 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

CHAPTER 14

FOOD DEALERS

Article I. Food Dealers

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Sec. 14.5	Adulteration
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Sec. 14.120	Recovation of License
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ARTICLE I. FOOD DEALERS

Sec. 14.1 Definition

The term *food dealer* as used in this Article shall be construed to mean and include every person, firm or corporation engaged in conducting or operating any of the following businesses:

- Fruit store or establishment for the retail sale of fresh fruits and berries
- Grocery store, or establishment for the retail sale of butter, cheese, vegetables, or other provisions
- Ice cream parlor
- Meat market or establishment for the retail sale of fresh meat, poultry or fish
- Retail beverage store
- Bakery
- Restaurant
- Convenient food store wherein food is sold in addition to gas and/or other products

Sec. 14.2 License Required

It shall be unlawful to engage in the sale or distribution of milk or cream in the Village without having first obtained a license therefor. The annual fee for such license shall be Five Dollars (\$5.00).

Sec. 14.3 Applications

Applications for such licenses shall comply with the general regulations governing such applications, and shall state, in addition, to the other information required, the source of supply of the milk to be sold.

Sec. 14.4 Unwholesome Food

No person, firm or corporation shall sell, offer for sale, or keep for the purpose of selling or offering for sale, any food of any kind which is spoiled or tainted or is unwholesome and unfit for human consumption, for any reason.

All tainted or unwholesome food intended for human consumption may be seized and destroyed by any police officer of the Village.

Sec. 14.5 Adulteration

It shall be unlawful to sell, offer for sale, or keep for such purpose, any food or drink intended for human consumption which has been adulterated by any material harmful in any way, or which does not comply with the State statutes governing the same.

Sec. 14.6 Sanitary Regulations

Premises used for the sale or storage of food intended for human consumption must be kept in a clean and sanitary condition. It shall be unlawful to permit any accumulation of refuse, or waste of any kind thereon except in adequately covered containers.

Sec. 14.7 Inspections

The Village or its designated representative may inspect or cause to be inspected, every place, building or establishment, used for storage, handling, sale or preparation of food or drink intended for human consumption. It shall be the duty of every food dealer to give the inspector such samples of each food or drink as may be necessary for the purpose of making an analysis of the same to determine whether it is clean and wholesome.

Sec. 14.8 Flies and Vermin

Premises used for the storage of food intended for human consumption shall be kept free from flies and vermin of all kinds.

Sec. 14.9 Employees

All persons engaged in handling or coming in contact with food or drink intended for human consumption shall keep themselves clean and shall keep their clothes clean. It shall be unlawful to permit any person afflicted with a contagious or venereal disease to handle any food intended for sale for human consumption, or for any such person to handle any such food.

Sec. 14.10 Construction of Terms

The term *food* as used in this Article shall be construed to mean any food or beverage intended for human consumption.

Sec. 14.11 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 14.12 Sidewalk Café/Patio - Definition

A “Sidewalk Café/Patio” is an area used by a licensee holding a Restaurant license to be used for the seating of restaurant patrons, the service of food and possibly alcoholic beverages to such patrons pursuant to applicable licenses, which Sidewalk Café/Patio is located adjacent to the current restaurant building/structure and in between such building/structure and a public right-of-way (sidewalk and/or street). (2009-5; 9/1/09)

Section 14.13 Sidewalk Café/Patio Requirements

It shall be unlawful for any Restaurant (as defined in Chapter 15, Article I, Sec. 15.1) to operate a sidewalk café area as part of the restaurant’s regular operation, and if applicable, to serve food or beverages (including Alcoholic Liquor as defined in Chapter 15, Article I, Sec. 15.1) without having obtained a license therefor pursuant to this Article and applicable provisions of Chapter 15. Any such license shall only be issued upon the following conditions:

- a. Such license shall be applicable for the time period beginning March 1st and ending November 30th unless extended on an annual basis by the President with approval of the Board;
- b. The applicant must have approved licenses for operation of an indoor restaurant and sale of alcoholic beverages issued by the Village and State of Illinois, if applicable;
- c. The sidewalk café/patio area must be adjacent to the restaurant building, be located between the restaurant building and the street right-of-way (but not in said right-of-way) in accordance with any applicable zoning requirement so as not to allow access to the sidewalk or street, and have access only through the restaurant building or a fenced gated entrance as provided in subsection h.;
- d. The applicant shall submit a drawing with the application showing the location of the proposed sidewalk café/patio area, the height, design and type of fencing to be used, the location of access to the sidewalk café/patio area, and such other information as may be required by the President and/or Zoning Officer;
- e. Alcoholic beverages may not be sold from the sidewalk café/patio area;
- f. The sidewalk café/patio shall be in use only during the normal business hours of the Restaurant;
- g. If Alcoholic Liquor is to be consumed on the sidewalk café/patio area, no such license shall be issued unless the operator has a valid Class A, B or F license for the sale of Alcoholic Liquor;
- h. There may be one gated access from the sidewalk café/patio to the sidewalk/street if the location is approved by the President and Board;
- i. The annual fee for such license shall be One Hundred Dollars (\$100.00) due at the time of filing the application. (2009-5; 9/1/09)

Section 14.14 – 14.49 Reserved

ARTICLE II. (RESERVED)

Sec. 14.50 – 14.99 Reserved

ARTICLE III. FOOD DELIVERY VEHICLES

Sec. 14.100 License Required

It shall be unlawful to use or permit the use of any vehicle, including wagons and motor vehicles and vehicles propelled by manpower, for the storage or carrying of any meat, poultry, fish, butter, cheese, lard, vegetables, bread or bakery goods or any other provisions intended for human consumption, including beverages and milk, in the Village for the purpose of delivering any such foodstuffs to any place in the Village for use and consumption, unless a license for such vehicle is first secured and the provisions of this Article are fully complied with.

The fee for such license shall be Thirty Dollars (\$30.00) per year.

Sec. 14.101 Application

Applications for such licenses shall be made to the Village Clerk, and shall recite the names of the persons from whom such deliveries are made and the nature of the goods carried. The Clerk shall issue such licenses, and shall give the President of the Village, a list of all such licenses issued.

Sec. 14.102 Regulations

All such vehicles shall be kept in a clean and sanitary condition and shall be thoroughly cleaned each day that they are so used. It shall be unlawful to permit stale food, decaying matter, or any other waste material or product to accumulate in or on any such vehicle while it is so used.

If unwrapped foodstuffs are transported in any such vehicle, such goods shall be carried in a portion or compartment of the vehicle which is screened and protected against dust and insects.

Sec. 14.103 Inspections

It shall be the duty of the Village President to make or cause to be made such inspections as may be necessary to insure compliance with the provisions of this Article.

Sec. 14.104 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 14.105 – 14.119 Reserved

ARTICLE IV. REVOCATION OF LICENSE

Sec. 14.120 Revocation of License

Any license issued under the provisions of this Chapter may be revoked by the Village President for any violation of any Section or regulation hereof, and such revocation shall be in addition to any fine imposed by virtue of this Chapter.

CHAPTER 15
OTHER BUSINESSES

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ARTICLE I. ALCOHOLIC LIQUOR DEALERS

Sec. 15.1 Definitions

Unless the context otherwise requires, the following terms as used in this Article shall be construed according to the definitions below.

Alcoholic Liquor: Any spirits, wine, beer, ale or other liquor containing more than one-half of one percent (.5%) of alcohol by volume, which is fit for beverage purposes.

Retail Sale: The sale for use or consumption and not for resale.

Restaurant: Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity, and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests; and where the sale or consumption of alcoholic liquors is only incidental to the serving of meals. Seventy-five (75) percent or more of the gross revenue in any month from the operation of the licensed premises must be from the serving of meals. (2013-8; 11/4/13)

Hotel: Every building or other structure, kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to the traveler and guests whether transient, permanent, or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations and dining rooms being conducted in the same building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

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

Sec. 15.2 License Required

It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

Sec. 15.3 Application

Application for such licenses shall be made to the Village President in writing signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

- a. The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to a share in the profits thereof, and in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his/her nominee, the name and address of such person;
- b. The citizenship of the applicant, his/her place of birth, and if a naturalized citizen, the time and place of his/her naturalization;
- c. The character of business of the applicant; and in the case of a corporation, the objects for which it was formed;
- d. The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued;
- e. The amount of goods, wares and merchandise on hand at the time the application is made;
- f. The location and description of the premises or place of business which is to be operated under such license;
- g. A statement whether the applicant has made application for a similar or other license on premises other than those described in this application, and the disposition of such application;
- h. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Article, laws of this State or the ordinances of this Village;
- i. Whether a previous license by any State or subdivision thereof, or by the Federal Government has been revoked, and the reason therefor;
- j. A statement that the applicant will not violate any laws of the State of Illinois, or of the United States or any ordinance of the Village in the conduct of his/her place of business.

Sec. 15.4 Restriction on Licenses

The following shall not be eligible to receive a license under this Article:

- a. A person who is not a resident of the Village.
- b. A person who is not of good character and reputation in the community in which he/she resides;
- c. A person who is not a resident of the United States;
- d. A person who has been convicted of a felony under any Federal or State law;
- e. A person who has been convicted of being the keeper of a house of ill-fame;
- f. A person who has been convicted of pandering or crime or misdemeanor opposed to decency and morality;
- g. A person whose license under this Article has been revoked for cause;
- h. 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;
- i. A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license;
- j. A corporation if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of the such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the Village;
- k. A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois;
- l. A person whose place of business is conducted by a manger or agent unless said manager or agent possesses the same qualifications required of the licensee;
- m. A person who has been convicted of a violation of any State or Federal law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his/her bond to appear in court to answer to charges of such violation;
- n. A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued;

- o. Any law enforcing public official, any President of the Village Board of Trustees, 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;
- p. A person, firm or corporation not eligible for a State retail liquor dealer's license;
- q. A person who is not a beneficial owner of the business to be operated by the licensee.

Sec. 15.5 License Fees

Every person, firm, organization or corporation engaged in the retail sale of alcoholic liquor in the Village shall pay a license fee. Licenses to sell alcoholic liquor at retail are hereby divided into classes as follows:

- a. *Class A.* Class "A" licenses shall authorize the retail sale of alcoholic liquor containing more than 4% of alcohol by weight for consumption on the premises and the retail sale of alcoholic liquor containing more than 4% alcohol by weight in the original package and not for consumption on the premises. The fee for such license shall be Six Hundred Dollars (\$600.00) per year.
- b. *Class B.* Class "B" licenses shall authorize the retail sale of alcoholic liquor containing more than 4% alcohol by weight in the original package and not for consumption on the premises. The fee for such licenses shall be Four Hundred Dollars (\$400.00) per year.
- c. *Class C.* Class "C" licenses shall authorize the retail sale of alcoholic liquor containing not more than 4% alcohol by weight (beer) for consumption on premises. The fee for such licenses shall be Fifty Dollars (\$50.00) per year.
- d. *Class D.* Class "D" licenses shall authorize the retail sale of alcoholic liquor containing not more than 4% alcohol by weight (beer) in the original package and not for consumption on the premises. The fee for such licenses shall be One Hundred and Fifty Dollars (\$150.00) per year.
- e. *Class E.* Class "E" licenses shall be for "special events" and shall authorize the sale at retail of alcoholic liquor for consumption on the premises and not in the original package not for consumption on the premises. Such licenses shall permit both the sale at retail of alcoholic liquor containing not more than 4% alcohol by weight (beer) for consumption on the premises and the sale of alcoholic liquor containing more than 4% alcohol by weight for consumption on the premises. The fee for such license shall be Five Dollars (\$5.00) per event.
- f. *Class F.* Class "F" licenses shall be "club licenses" and shall authorize the sale at retail of alcoholic liquor for consumption on the premises and not in the original package not for consumption on the premises. Such licenses shall permit both the sale at retail of alcoholic liquor containing not more than 4% alcohol by weight (beer) for consumption on the premises and the sale at retail of alcoholic liquor containing more than 4% alcohol by weight

for consumption on the premises. The fee for such licenses shall be Sixty Dollars (\$60.00) per year.

- g. *Class G.* Class “G” licenses shall authorize the retail sale of wine and wine cooler products in the original package and not for consumption on the premises. The fee for such licenses shall be One Hundred and Fifty Dollars (\$150.00) per year.
- h. *Class H.* A Class “H” supplemental license may be obtained for the consumption of alcoholic liquor in an outdoor “beer garden” adjacent to an already licensed premises. The annual fee for this supplemental license shall be Twenty-five Dollars (\$25.00) per year. No such supplemental license shall be issued for any location not in the C-1, C-2 or I Districts as defined in Chapter 18. No live entertainment shall be permitted outside. To apply for the supplemental license, the licensee shall file a request in writing with the Village President. A nonrefundable application fee of Twenty-five Dollars (\$25.00) shall be paid by the licensee requesting this supplemental license. The request shall include a scale drawing of the proposed outdoor facility which shall, at a minimum, include the following:
 - (1) A method by which the area shall be confined to prohibit the removal of alcoholic liquor and constrict noise to the approved area.
 - (2) The location of the same in relation to the licensed premises.
 - (3) The locations of at least two exits from the area, only one of which shall be through a building.
 - (4) Such other information as may be required by the Village President.

In addition, the following shall apply:

- (5) Access to the “beer garden” shall be only from the currently licensed premises.
 - (6) No alcoholic liquor shall be sold or distributed from any structure or bartenders located in the “beer garden.”
 - (7) Any “beer garden” constructed pursuant to this Class “H” license shall meet all applicable provisions of the zoning (Chapter 18) or other provisions of this Code.
 - (8) This sublicense shall be deemed revoked if the license relating to the premises is revoked, terminated or expired. (2009-6; 12/14/09).
- i. *Class I.* Class “I” licenses shall authorize the retail sale of wine and beer only on the premises of any restaurant for consumption on the premises. The fee for such licenses shall be Two Hundred Dollars (\$200.00) per year. (2013-8; 11/4/13)

The fees hereinbefore enumerated shall be paid in full prior to the issuance of the license. Each license required by this Article shall terminate at one (1) year, or, at the election of the licensee at the time

of application, six (6) months, from the date of issuance; except that special events licenses shall terminate immediately following the special event.

Sec. 15.6 Special Events

For the purposes of this Article a “special event” is defined to mean a picnic, dance, dinner, business meeting, or similar event, attended only by the members of the firm, organization or corporation and their guests, and held only on weekends or national, state or local holidays. No firm, organization or corporation organized and run for pecuniary profit or organized solely for the sale or consumption of alcoholic liquors will be issued a special events license. Such firm, organization or corporation, in addition to making application pursuant to the provisions of Section 15.3 of this Article, will file at the time of making application for a license two copies of a list of the names and residences of its members, officers, and employees and a statement of the types of events and approximate dates scheduled for holding the planned events; provided further that no special events license will be issued to any firm, organization or corporation where a member, officer, agent, or employee is paid, directly or indirectly, any profits from the distribution or sale of alcoholic liquors, received in the form of a salary or otherwise. No special events license will be issued to any firm, organization or corporation for more than fifteen (15) special events per annum.

Sec. 15.7 Club License

A corporation organized under the laws of the State of Illinois, not for profit, solely for some common object other than the sale or consumption of alcoholic liquor, kept, used and maintained by its members through payment of dues, and owning, hiring or leasing a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its member and their guests, may qualify for the issuance of a club license; provided, however, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by its members, and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor; provided further, that no such club shall sell any alcoholic liquor to anyone not a member of the club, unless accompanied by a member of such club; provided further that such club shall have had a continuous existence in the Village of Brimfield for five (5) years or more.

Sec. 15.8 Number of Licenses

There shall be issued in the Village no more than five (5) licenses of each of the types specified in Section 15.5 of this Article to be in effect at any one time exclusive of special events licenses. There shall be issued in the Village no more than five (5) special events licenses as specified in Section 15.5 of this Article to be in effect at any one time. (2012-2; 1/16/12)

Sec. 15.9 Disposition of Fees

All such fees shall be paid to the Village at the time application is made, and shall be forthwith turned over to the Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the Board of Trustees by proper action.

Sec. 15.10 List

The Village President shall keep or cause to be kept a complete record of all such licenses issued by him/her.

Sec. 15.11 Transfer of License

A license shall be purely a personal privilege, good for not to exceed one year after issuance, unless sooner revoked as in this Article provided, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license but not longer than six months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this paragraph.

Sec. 15.12 Renewal of License

Any licensee may renew his/her license at the expiration thereof, provided that he/she is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purpose; provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Village from decreasing the number of licenses to be issued within its jurisdiction.

Sec. 15.13 Change of Location

A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon a written permission to make such change issued by the President of the Village. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and the ordinances of this Village.

Sec. 15.14 Consumption on Premises

It shall be unlawful for anyone not having a license providing for consumption on the premises where sold, to offer for sale or sell any alcoholic liquor for consumption on the premises or to permit the same to be consumed on the premises where sold. No person shall sell at retail for consumption on the premises any non-alcoholic beverage or ice knowing the same to be intended to be mixed with any alcoholic liquor, except upon premises licensed for the retail sale of alcoholic liquor for consumption on the premises. No licensee or person as proprietor, agent, servant, or employee of such license shall knowingly permit any person to carry any alcoholic liquors in an unsealed or opened container from the licensed

premises where such alcoholic liquor was purchased, nor shall such licensee or proprietor, agent, servant or employee continue to sell alcoholic liquor from the premises in an open or unsealed container.

Sec. 15.15 Location Restrictions

No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, home for the aged or indigent persons, or for veterans, their wives 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 such place of business so exempted shall have been established for such a purpose prior to the taking effect of this Article. No person shall hereafter engage in business as a retailer of any alcoholic liquor within 100 feet of any undertaking establishment or mortuary.

Sec. 15.16 Closing Hours – Sunday Closing

No person or licensee shall sell or offer for sale at retail, any alcoholic liquors or furnish or give away, or allow or permit the same to be consumed on the licensed premises, or any other premises, under the control, directly or indirectly, of the license between the hours of 1:00 A.M. and 6:00 A.M. on any day, except that the closing hours are hereby extended for a period of one hour on New Year's Eve. No person other than the licensee of a licensed premises or any of the licensee's employees while actually in the performance of their duties shall be permitted to enter or remain upon the premises, nor shall any person consume any alcoholic liquor on such premises, nor shall any alcoholic liquor be exposed upon such premises in any open individual serving container (including but not limited to glasses or beer bottles) beyond thirty (30) minutes after the prescribed closing time for such licensed premises.

Sec. 15.17 Peddling

It shall be unlawful to peddle alcoholic liquor in the Village.

Sec. 15.18 Sanitary Conditions

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

Sec. 15.19 Employees

It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of any contagious, infectious or venereal disease and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to be engaged in any way in the handling, preparation or distribution of such liquor.

Sec. 15.20 Election Days

Persons, firms, organizations or corporations having a license authorizing the retail sale of alcohol may sell at retail said alcohol on the day of any National, State, county or municipal election, including

primary elections, during the hours the polls are open within the political area in which such election is being held.

Sec. 15.21 View From Street

No premises upon which the sale of alcoholic liquor for consumption on the premises is licensed other than as a restaurant, hotel or club, shall be permitted to have any screen, blind, curtain, partition, article or thing 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 premises from the street, road, or sidewalk, at all times, and no booth, screen, partition or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a clear view of the entire interior from the street, road or sidewalk. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during the business hours by natural 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 the foregoing provisions shall be willfully obscured by the licensee or by him/her willfully permitted to be obscured in any manner obstructed, then such licensee shall be subject to revocation of his/her license in the manner herein provided. In order to enforce the provisions of this section, the President shall have the right to require the filing with him/her of plans, drawings and photographs showing the clearance of the view as above required.

Sec. 15.22 Persons Under Age of Twenty-One – Sale To

It shall be unlawful for any female person under the age of twenty-one years or for any male person under the age of twenty-one years to purchase or obtain any alcoholic liquor in any tavern, or other place in the Village where alcoholic liquor is sold.

It shall be unlawful for any female under the age of twenty-one years or for any male person under the age of twenty-one years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the Village where alcoholic liquor is sold.

In every tavern or other place in the Village where alcoholic liquor is sold there shall be displayed at all times in a prominent place a printed card which shall be supplied by the Village and which shall read substantially as follows:

WARNING TO PERSONS UNDER AGE OF 21

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

It shall be unlawful for any holder of a retail liquor dealer's license, or his/her agent or employee, to suffer or permit any person under the age of 21 to be or remain in any room or compartment adjoining or adjacent to or situated in the room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this paragraph shall not apply to any such person who is accompanied by his or her parent or guardian, or to any licensed premises which derives its principal business from the sale or service of other commodities than alcoholic liquor.

In addition to all other fines and penalties, the Village President may revoke the retail liquor dealer's license for any violation of the above paragraph.

It shall be unlawful for any parent or guardian to permit any minor child of which he or she may be parent or guardian to violate any provisions of this Section.

It shall be unlawful to sell, give or deliver alcoholic liquors to any persons under the age of 21.

Sec. 15.23 Sale to Intoxicated Persons – Habitual Drunkards

It shall be unlawful for any holder of a retail liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him/her to be a habitual drunkard, spendthrift or insane, feeble-minded or distracted person.

Sec. 15.24 Revocation

The Village President may revoke any retail liquor dealer's license for any violation of a provision of this Article, or for the violation of any State law pertaining to the sale of alcoholic liquor.

Sec. 15.25 Penalty

In addition to the penalty set forth in the preceding Section, any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 15.26 – 15.69 Reserved

ARTICLE II. AUTO COURTS

Sec. 15.70 License Required – Definition

It shall be unlawful to conduct or operate an auto court in the Village without having first obtained a license therefor or without complying with all of the provisions of this Article.

The term *auto court* used in this Article shall be construed to mean any parking lot or garage for the accommodation of motor vehicles where transient sleeping accommodations are offered or provided on the same premises for the public or for the occupants of such automobiles. Provided that a hotel which furnishes parking space or has a garage in connection with the hotel shall not be construed as an auto court.

Sec. 15.71 Application – Plans

Each applicant for a license to operate or maintain an auto court shall file an application with the Village Clerk, and shall state thereon the name and address of the applicant, name and address of the owner or manager thereof, location of the auto court, and the maximum number of persons and vehicles to be accommodated. This application shall be accompanied by plans of the toilet, bath and wash basin facilities, water faucets, sewer connections, driveways, and other improvements.

Sec. 15.72 Fire Walls

No parking space shall be provided for motor vehicles within ten feet of any building or structure used for housing accommodation in an auto court unless the wall facing such parking space is constructed of fireproof materials and unless the windows in such wall, if any, are equipped with reinforced fire resistant glass.

Sec. 15.73 License Fee

The annual fee for such license shall be Five Hundred Dollars (\$500.00), and the license year shall be the same as that provided for general business licenses in the Village.

Sec. 15.74 Frontage Consents

No person, firm or corporation shall locate, build, construct, operate or maintain any auto court in any block in the Village where a majority of the houses abutting on both sides of the street in the block are used exclusively for residence purposes without first securing the written consent of the owners of a majority of the frontage abutting on such streets on both sides within such block in the manner provided in the regulations or licenses in Chapter 12 of this Code. Where such premises shall be constructed on a corner lot or area, the premises shall be construed as abutting on both streets.

Sec. 15.75 Sanitary Requirements

No such premises shall be operated as an auto court unless they are equipped with adequate toilet and other sanitary facilities to serve the total number of persons accommodated therein. All such sanitary

facilities shall be properly connected with the sanitary sewer system of the Village, if any, if the premises are located on a street served by such sewer.

Sec. 15.76 Regulations

It shall be unlawful to permit any violation of any ordinance or law on or in any auto court; such premises must be clean and sanitary at all times, and all waste materials must be removed therefrom at least once every twenty-four hours.

It shall be unlawful to use or permit the use of any auto court, or any portion thereof, for immoral purposes.

Sec. 15.77 Lights

Any area or premises of any auto court open to use by the public, or by all persons staying in or being accommodated in the court shall be kept and adequately lighted at night time; provided that such lights must be so shaded or otherwise regulated so as to prevent them from shining upon any adjacent premises.

Sec. 15.78 Trailers

It shall be unlawful to use or permit the use of an auto court for the accommodation of a trailer unless all ordinance requirements pertaining to trailer camps are complied with; provided that where a license fee for a trailer camp has been paid it shall not be necessary to pay an additional fee for the operation of an auto court on the same premises.

Sec. 15.79 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 15.80 – 15.119 Reserved

ARTICLE III. (RESERVED)

Sec. 15.120 – 15.149 Reserved

ARTICLE IV. FILLING STATIONS

Sec. 15.150 License Required

It shall be unlawful to conduct or operate a filling station without having first obtained a license therefor.

No such license shall be issued unless the location and equipment to be used fully complies with the ordinances of the Village and the statutes and regulations of the State of Illinois.

Sec. 15.151 Definition

A *filling station* is any place of business where gasoline, or any highly volatile fuel for motor vehicles or internal combustion engines are sold or offered for sale.

Sec. 15.152 Non-Business Filling Station

Any person, firm or corporation maintaining or operating any storage tank for gasoline for the use of automobiles of the owner, lessee, employees or agents of such person, firm or corporation shall comply with all of the provisions of this Article.

Sec. 15.153 Bulk Sales Prohibited

No motor fuels shall be dispensed at any service station except into the fuel tanks of motor vehicles, when such tanks are connected with the carburetion system of such vehicles, provided, however, that individual sales up to five gallons to any one person may be made in metal receptacles when painted red and labeled in full conformity with the Illinois Red Can Gasoline Law.

Sec. 15.154 Storage Underground and Limited

Storage shall be underground and the combined capacity of all storage tanks shall not exceed 12,000 gallons.

Sec. 15.155 Setting of Tanks

Tanks shall be buried so that their tops will not be less than two feet below the surface of the ground or beneath twelve (12) inches of earth and a slab of concrete reinforced and not less than five inches in thickness and capable of sustaining a load of two hundred and fifty pounds per square foot; slab shall be one a firm well-tamped earth foundation and shall extend at least one foot in all directions beyond the outline of the tank.

- a. Tops of tanks shall be below the level of any piping to which tanks may be connected.
- b. Tanks shall be so located that no heavy trucks or other vehicles pass over them unless they are adequately protected by reinforced concrete slab.

- c. Where soil conditions require, a firm foundation shall be provided.
- d. Tanks shall not be installed under any building or structure.

Sec. 15.156 Clearance Required

- a. *To Basements and the Like:* Individual tanks of a capacity up to 2,000 gallons shall be buried so that the tops of tanks shall be lower than all floors, basements, cellars or pits, of buildings within ten feet thereof, on or off the property, or tanks shall maintain a clearance of ten feet thereto. For individual tanks of a capacity of more than 2,000 gallons and up to 6,000 gallons, this distance shall be twenty-five feet.
- b. *To Sewers and the Like:* Individual tanks of a capacity up to 2,000 gallons shall be buried so that the tops of the tanks shall be lower than the bottom level of all sewers, manholes, catch-basins, cesspools, septic tanks, wells or cisterns within ten feet, on or off the property, or tanks shall maintain a full clearance of ten feet thereto. For individual tanks with a capacity of more than 2,000 gallons and up to 6,000 gallons this distance shall be twenty feet. For individual tanks of a capacity of more than 6,000 gallons, this distance shall be twenty-five feet. The term “sewer” includes sewer line out of station building. Provided however, that these clearances shall not be required to a sewer line out of station if such sewer line is constructed throughout of cast iron with leaded joints.
- c. *To Property Lines:* Individual tanks of a capacity up to 2,000 gallons maintain a ten foot clearance to property lines. For individual tanks of a capacity of more than 2,000 gallons this distance shall be twenty-five feet. Provided however, that these clearances on the side adjacent to public street, alley or highway may be waived by consent of the authorities having immediate jurisdiction over the public street, alley or highways, if it can be shown that the required sewer clearance can be maintained.
- d. *To Special Classes of Property:* Tanks and pumps shall maintain a clearance of not less than eighty-five feet to any school house, hospital or church. The distance shall be measured from near points of tanks to near points of buildings.

Sec. 15.157 Material and Construction of Tanks

Tanks shall bear the label of Underwriters Laboratories or meet equivalent specifications.

- a. Tanks shall be thoroughly coated on the outside with tar, asphaltum or other suitable rust-resisting material.
- b. Tanks shall not be surrounded or covered by cinders or other materials of corrosive effect. If the soil contains corrosive material, special protection must be provided.

Sec. 15.158 Venting of Tanks

Each tank shall be provided with a vent pipe, connected with the top of the tank and carried up to the outer air. Pipe shall be arranged for proper drainage to storage tank and its lower end shall not extend through top of tank for a distance of not more than one inch; it shall have no traps or pockets.

- a. Upper end of pipe shall be provided with a goose neck T attachment or weatherproof hood.
- b. Vent pipe shall be of sufficient cross-sectional area to permit escape of air and gas during the filling operation and in no case less than one inch in diameter. If a power pump is used in filling storage tank and a tight connection is made to fill pipe, the vent pipe shall not be smaller than the fill pipe.
- c. Vent pipe shall terminate outside of building not less than twelve feet above top of the fill pipe, and not less than four feet, measuring vertically and horizontally, from any window or other building opening, and not less than fifteen feet measured horizontally from any opening into the basement, cellar or pit of any building, and in a location which will not permit pocketing of gas. If a tight connection is made in the filling line, the terminus of vent pipe shall be carried to a point one foot above the level of the highest reservoir from which tank may be filled.
- d. Vent pipe from two or more tanks of the same class of liquid may be connected to one upright or main header; area of header shall equal the combined area of the pipes connected to it. Connection of header shall be not less than one foot above the level of the top of the highest reservoir from which tank may be filled.

Sec. 15.159 Fill Pipes

Fill pipes shall be carried to a location outside of any building, as remote as possible from any doorway or other opening into any building and in no case closer than five feet from any such opening.

- a. Location shall be in a place where there is a minimum danger of breakage from trucks or other vehicles.
- b. Each fill pipe shall be closed by a screw cap or other tight fitting cap, preferably of a type which can be locked. Cap should be locked at all times when filling or gauging process is not being conducted.

Sec. 15.160 Unloading Operations – Pumps

Unloading hose from tank truck into underground tank shall be metallic lined or its equivalent and shall be equipped with a non-ferrous nozzle or tight connection metal nipple.

- a. Tank truck shall be electrically grounded by means of its drag chain before unloading operations start and during the entire unloading operations.

- b. If underground tank is supplied through permanent pipe connection to an above-ground, general storage tank, filling may be by power driven pump or gravity.

Sec. 15.161 Withdrawal of Liquids From Tanks

Liquids shall be withdrawn from tanks by means of approved pumps, equipped with metallic lined hose and non-ferrous discharge nozzle.

- a. No pumps shall be located within a building.
- b. Wiring of electrical pumps and electrical equipment in connection therewith shall conform to Article 500 (formerly Article 32), of the National Electrical Code.
- c. Devices which discharge by gravity shall be so designed so that it is impossible to retain in the gauging compartment materially more than ten gallons of liquid, and so that it is not possible to lock the device without draining the liquid.
- d. Systems which employ continuous air pressure on storage tank in connection with gauging or vending devices are prohibited.

Sec. 15.162 Piping

Piping shall conform to the requirements set out in the rules under General Storage under Flammable Liquids in this Code.

Sec. 15.163 Building

No basement or excavation shall be permitted under any filling station building.

- a. Floor level shall be above grade so as to prevent flow of liquids or vapors into building.
- b. Floor shall be concrete.

Sec. 15.164 No Flammable Liquids Within Building – Exception

- a. No gasoline, naphtha or other liquids of Class I as defined in this Code, shall be kept inside of service station.
- b. No alcohol or other flammable antifreeze solutions shall be kept inside service station except in original sealed containers. No transfer of such liquids from these receptacles shall be made inside filling stations.

Sec. 15.165 Greasing Pits

Every greasing pit installed in a building or enclosed by three or more walls, shall be ventilated by a vent duct not less than six inches in diameter (or equivalent cross-section area if a non-circular duct is

used). Duct shall start within four inches of the floor and shall extend on an upward diagonal or by an easy bend over to sidewalk, thence straight up through roof to a height sufficient to draw off gasoline vapors which may accumulate at bottom of pit. Abrupt bends must be avoided and all joints must be tight. Floor of pit should pitch slightly toward corner where duct is located, to facilitate flow of gases to duct.

- a. Gasoline or naphtha shall never be used to clean out any pit, whether pit is located in a building or enclosure, or outside in the open.
- b. No sewer connection shall be permitted from any greasing pit.
- c. If electrically lighted, globes shall be of vapor-proof construction and wiring shall be in conduit.

Sec. 15.166 Washing and Greasing Rooms

If sewer connection is made an adequate gas trap shall be provided to intercept grease and oils. Trap shall be cleaned out at least every thirty days.

Sec. 15.167 Reserved

Sec. 15.168 Care and Attendance

- a. The fuel tank of no motor vehicle shall be serviced until motor and ignition has been shut off.
- b. No smoking shall be permitted on premises at any time.
- c. No open lights or flames shall be permitted except within a stove within the filling station building.
- d. Premises must be kept clean and neat, free from rubbish or trash.
- e. Cleaning with gasoline, naphtha or other highly flammable liquids of Classes I and II (as defined in this Code under Flammable Liquids) shall not be permitted in or around service station.

Sec. 15.169 Fire Extinguishers

Each service station shall be equipped with at least one chemical fire extinguisher suitable for oil or gasoline fires.

Sec. 15.170 Approval of Plans

Drawing or blue prints made to scale shall be submitted in triplicate to the President and Board of Trustees and shall be approved by them before any new construction, addition or remodeling is undertaken.

Drawings shall carry the name of the person, firm or corporation proposing the installation, the location, and shall in addition show the following:

- a. The plot to be utilized and its immediate surroundings on all sides; all property liens to be designated and adjacent streets and highways to be named.
- b. The complete installation as proposed, including tanks and their capacity; pumps, buildings, drives and all equipment.
- c. Clearance from tanks to property lines.
- d. Type of construction of service building or buildings, with a clear showing that there will be no basement, cellar, or excavation under any portion.
- e. Location of basements, cellars or pits of other buildings on property or on adjacent property, and location of tanks with reference thereto as provided in this Article. If a building has no basement, cellar or pit, make note to that effect.
- f. Location of sewers, manholes, catch-basins, cesspools, septic tanks, wells or cisterns (whether on the property or adjacent property or in adjoining streets, highways or alleys) and location of tanks with reference thereto. If there is no sewer, manhole or catch-basin in a street or alley, or no sewer, manhole or cesspool, no septic tank, well or cistern on the property make notation to that effect in proper place.
- g. Location of vent pipe outlets and location of fill pipe.
- h. Ventilation of greasing pit if greasing pit is located within a building or enclosure.
- i. Drawing shall be accompanied by an application for approval made out in triplicate on blanks furnished by the Village Clerk.

Sec. 15.171 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 15.172 – 15.219 Reserved

ARTICLE V. JUNK DEALERS

Sec. 15.220 License Required

It shall be unlawful to operate as a dealer in junk, dismantled or wrecked motor vehicles or parts thereof, without having first secured a license thereof. Any person, firm or corporation who buys, sells, stores or trades in junk or dismantled or wrecked motor vehicles or parts thereof is a dealer hereunder.

Sec. 15.221 Applications

Applications for such licenses shall be made in conformance with the provisions of the ordinances relating to licenses.

Sec. 15.222 Fee

The annual fee for such licenses shall be Fifty Dollars (\$50.00).

Sec. 15.223 Storage Prohibitions

Every dealer hereunder or keeper of a junk shop or yard shall be prohibited from keeping or storing any junk, old iron, brass, copper, empty bottles or any other form of junk on property which has been dedicated for use as a public highway or which is, in fact, being used as a public highway.

Sec. 15.224 Stolen Goods

Every dealer hereunder, person, firm or corporation, who shall receive or be in possession of any goods, articles or things of value which may have been lost or stolen shall upon demand produce such article or thing to police authorities for examination.

Sec. 15.225 Vehicle

Every vehicle used by a dealer hereunder in the conduct of his/her business, shall bear thereon in legible characters the name and address of the owner and proprietor thereof.

Sec. 15.226 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an

offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 15.227 – 15.249 Reserved

ARTICLE VI. OUTDOOR ADVERTISERS

Sec. 15.250 Definition

The term *outdoor advertiser* as used in this Article shall mean and is hereby defined to mean any person firm or corporation engaged in the business of placing, posting or painting any sign, advertisement, notice of display in or on any place for the purpose of outdoor advertising so that the resultant display is visible from any street, sidewalk or other public place.

Sec. 15.251 License Required

It shall be unlawful for any outdoor advertiser to do business in the Village without having first secured a license therefor as is herein required; provided, that no license issued under this Article shall be construed to permit the use for advertising purposes of any structures, natural or artificial, which are located in any public street, alley or other public place.

Sec. 15.252 Applications

Applications for such licenses shall be made in writing to the Clerk and shall be accompanied by a list of all places, including billboards, or natural structures, on which it is intended to place signs or advertisements. This list shall be added to from time to time by licensee as a right to post or place advertisements or signs on additional places is acquired.

Sec. 15.253 Fee

The annual fee for such licenses shall be One Thousand Dollars (\$1,000.00). Provided, however, that the annual fee for such licenses for billboards constructed and in use prior to January 1, 2001, shall be as follows: \$500.00 for fees due in 2000; \$600.00 for fees due in 2001; \$700.00 for fees due in 2002; \$800.00 for fees due in 2003; \$900.00 for fees due in 2004; \$1,000.00 for fees due in 2005 and thereafter.

Sec. 15.254 Use of Poster Panels

No person shall post or maintain any advertisement or sign on any poster panel, billboard, or signboard which does not fully comply with the ordinances of the Village.

Sec. 15.255 Consent of Owner

It shall be unlawful to post any advertisements on any premises of the Village without the consent of the owner of such premises. Such consents must be in writing and must be filed with the Clerk.

Sec. 15.256 Refuse

It shall be unlawful for any person engaged in outdoor advertising to permit any refuse resulting from this work to accumulate anywhere in the Village excepting by placing it in properly established refuse receptacles. It shall be unlawful to permit any loose or flapping or combustible materials to hang from or

be attached to any billboard or signboard or other placed used for display or advertising purposes. All refuse resulting from the operation of this business must be carefully gathered up and properly disposed of.

Sec. 15.257 Weeds and Materials at Base of Billboards

It shall be the duty of every outdoor advertiser to keep all grass and weeds, and other growths, except trees and ornamental shrubbery, cut down so that the same shall not grow to a height greater than ten inches within six feet of any billboard or signboard used by him/her; provided that this obligation shall extend only to property controlled by the advertiser.

Sec. 15.258 Unlawful Advertising

It shall be unlawful for any person, firm or corporation to post or display any advertisement of an obscene or immoral character, or any advertisement tending to promote or cause a riot, or breach of the peace, or any advertisement of any unlawful gathering, or advertisements of unlawful sales.

Sec. 15.259 Disfiguring Signs

It shall be unlawful to disfigure or mutilate in any way any lawful sign or advertisement in the Village.

Sec. 15.260 Name of Advertiser

It shall be unlawful for any outdoor advertiser to carry on his/her business unless the name of such advertiser is attached, displayed or printed on all billboards or signboards used by him/her or on any notice, placard or advertisement posted by him/her, in such lettering as to be visible from a distance of at least five feet from the notice or advertisement.

Sec. 15.261 Exemptions

The provisions of this Article shall not apply to the posting of signs for yard sales or the sale of property by realtors and auctioneers, provided such signs are in connection with the property on which they are located, nor shall the provisions of this Article apply to the posting of signs or notices by order of any court or by any public offices in the performance of his/her duties.

Sec. 15.262 Penalty

Any person, firm or corporation violating any provision of this Article shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Sec. 15.263 – 15.299 Reserved

ARTICLE VII. AUCTIONEERS

Sec. 15.300 License Required

It shall be unlawful for any person, firm or corporation to engage in the business of auctioneer or hawker of any personal property without having first secured a license therefor.

Sec. 15.301 Exemption

The provisions of this Article shall not apply to any auctioneer, hawker or person (a) engaged by any bona fide resident of the Village to sell personal property belonging to such resident, which personal property was not originally purchased or otherwise acquired by such resident of the purpose of re-sale, and such sale is held on the premises of the owner; or (b) engaged by churches on church property for charitable purposes, provided that such church shall not hold such a sale more than once in any 12 month period; or (c) engaged by tax exempt charitable corporations, on such a corporation's premises, provided that such corporation shall not hold such a sale more than once in any 12 month period; or (d) engaged to conduct judicial sales, sales by executors or administrators, by lienors, or by public officers in the manner described by law.

Sec. 15.302 Applications

Applications for such licenses shall be made to the Village Clerk and shall state the kind of merchandise to be auctioned and the permanent address of the applicant.

Sec. 15.303 Fee

The fee for such license shall be Fifty Dollars (\$50.00) for a license for one day.

Sec. 15.304 Fraud

Any licensed auctioneer or hawker who shall be guilty of any fraud, cheating or misrepresentation, whether through himself/herself or through an employee, while acting as an auctioneer or hawker in the Village or who shall barter, sell or peddle any goods or merchandise or wares other than those specified in his/her application for a license shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense; and the President may revoke his/her license for such offense.

Sec. 15.305 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation

(including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 15.306 – 15.329 Reserved

ARTICLE VIII. SCAVENGERS

Sec. 15.330 License Required

It shall be unlawful for any person, firm or corporation to engage in the business of scavenger or the collection or disposal of animal, human or vegetable refuse or offal without having first secured a permit therefor. The annual fee for such permit shall be Twenty-five Dollars (\$25.00).

Sec. 15.331 Application

Applications for such permits shall be made to the Village Clerk and shall be referred by him/her to the President. No such permit shall be issued except on order of the President.

Sec. 15.332 Vehicles

Any vehicle used by such scavenger in his/her business shall be watertight and equipped with air tight covers for such portions as are used for the transportation of refuse. It shall be unlawful for any such vehicle to be driven over or through any street in the Village during or on a Sunday.

Sec. 15.333 Disposal

It shall be unlawful for any scavenger to dispose or to store any refuse in any place within the Village limits or within one mile thereof, excepting with the permission of the President and Board of Trustees.

Sec. 15.334 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 15.335 – 15.359 Reserved

ARTICLE IX. TRAILER CAMPS

Sec. 15.360 Regulations

It shall be unlawful for any person to maintain any house-car or automobile trailer, used for human habitation upon any plot of ground in the Village, except in a duly licensed trailer camp.

It shall be unlawful to remove the wheels or other transporting device from any such trailer or otherwise to affix said car trailer permanently to the ground so as to prevent ready removal of any such trailer, unless a permit to do so is first obtained. Any such alteration shall be construed as converting the house-car or automobile trailer into a building and shall subject it to the requirements of the building and sanitary regulations of the Village.

Sec. 15.361 License Required – Application

It shall be unlawful for any person to establish or operate within the limits of the Village any automobile trailer camp unless such person shall first obtain a license therefor.

Sec. 15.362 Submission of Plans

Each applicant for a license to maintain an automobile trailer camp shall file a written application with the Clerk stating the name and address of the applicant, name and address of the owner or manager of said camp, location of the camp ground, and the maximum number of house-cars or automobile trailers the camp will accommodate. This application shall be accompanied by plans of the camp showing the proposed or existing locations of all buildings, toilet and bath and wash basin facilities, water faucets, sewer connections, driveways and other improvements.

Sec. 15.363 Fees

The annual fee for such licenses shall be Twenty-five Dollars (\$25.00) for camps capable of accommodating ten house-cars or automobile trailers or less, and an additional fee of Ten Dollars (\$10.00) for each unit capacity in excess of ten. The fee for a transfer of such license shall be Ten Dollars (\$10.00).

Sec. 15.364 Water Supply

An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of said trailer camps. Said water shall be obtained from faucets only, conveniently located in said trailer camp. No common drinking cups shall be used or permitted.

Sec. 15.365 Toilets – Baths – Garbage Containers

Each trailer camp shall adequately be provided with toilets, baths or showers, and garbage containers, which shall comply with the regulations of the ordinances relating thereto.

Sec. 15.366 Fixtures Connected with Sewer

It shall be unlawful to permit any waste paper or material from toilets, showers, bathtubs, wash basins or other plumbing fixtures in the camp or house-car or automobile trailer to be deposited upon the surface of the ground and all such fixtures when in use must be connected with the sewer system or a septic tank by means of rigid pipe.

Sec. 15.367 Removal of Garbage

It shall be the duty of the owner and operator, to provide for the collection and removal of garbage and other waste material and to otherwise maintain the camp in a clean and sanitary condition.

Sec. 15.368 House-Trailer; Automobile Trailers – Storage on Premises

Nothing in this Article shall be deemed to prohibit the storage of any house-trailer or automobile trailer on the home premises of its owner for any length of time when said trailer is not used for living or sleeping purposes; provided that such house-trailer or automobile trailer shall not be parked in the owner's yard for more than thirty (30) days in any calendar year unless it is parked in an enclosed building or garage.

Sec. 15.369 Lights

The camp shall be kept properly and adequately lighted at all times so that the grounds shall be safe for occupants and visitors.

Sec. 15.370 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 15.371 – 15.399 Reserved

ARTICLE X. PEDDLERS, ITINERANT MERCHANTS

Sec. 15.400 Definitions

Peddle shall mean the selling, bartering or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways or public places of the Village or from house to house, whether at one place thereon or from place to place, from any wagon, truck, pushcart, or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his/her items. *Peddle* shall not be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

Sec. 15.401 License Required, Fees

It shall be unlawful for any person to engage in the business of peddler, itinerant merchant or transient vendor within the corporate limits of the Village without a license to do so duly issued under the provisions of this Article. The license fees for peddlers, itinerant merchants and transient vendors shall be as follows, for each applicant:

\$5.00	per day
\$30.00	per year

For the purpose of this Article, any period of more than five (5) calendar days and not more than one calendar year shall be treated as a year.

Sec. 15.402 Application

Applicants for a permit under this Article must file with the Village Clerk a sworn application, in writing, on a form to be furnished by said Village Clerk which form shall give the following information:

(a) Name and description of the applicant; (b) address; (c) a brief description of the nature of the business; (d) if employed, the name and address of the employer, together with credentials establishing the relationship; (e) the length of time for which the right to do business is desired; (f) if a vehicle is used, a description of the same, together with the license number or other means of identification; and the number of the driver's license and the name and title of the official issuing the same; (g) a statement as to whether or not the applicant has been convicted of any crime or violation of any Municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore; and (h) at the time of the filing of the application, a fee of Five Dollars (\$5.00) shall be paid to the Village Clerk to cover the cost of the investigation.

Sec. 15.403 Investigation of Applicant

Upon receipt of the application, the Village Clerk may request law enforcement officials to make an investigation of the applicant's business responsibility and moral character for the protection of the public welfare and safety. If the applicant's character and business responsibility is not good, the law enforcement

official shall endorse on such application his/her disapproval and his/her reasons therefor and return the same to the Village Clerk, who shall notify the applicant that his/her application is disapproved and no permit or license will be issued. Any person aggrieved by the action of the Village Clerk in the denial of the application for license shall have the right to appeal to the Board of Trustees of the Village at their next meeting after the alleged grievance occurs.

Sec. 15.404 Issuance of Permit and License

If, as a result of such investigation the character and business responsibility of the applicant is found to be good, the law enforcement official shall endorse on the application his/her approval and the Village Clerk shall execute a permit addressed to the applicant for carrying on business applied for and issue the license. The Village Clerk shall keep a permanent record of all licenses issued. Such license shall not be transferable and when it is issued, the applicant shall then be permitted to engage in his/her business in the Village for such time and at such place, if specified, as provided for in his/her license.

Sec. 15.405 Restrictions on Hours, Locations

No peddling shall be permitted before 10:00 A.M. or after 8:00 P.M. in any day. Every holder of such a license shall exhibit the same at the request of a police officer, Village official, or any citizen of the Village.

Itinerant merchants and transient vendors shall not conduct their business upon the public streets or alleys in the Village except at locations as may be set forth in the license.

Sec. 15.406 Use of Sound Amplifying System

No peddler, itinerant merchant or transient vendor nor any person in his/her behalf shall shout, use an amplifier, blow a horn, ring a bell or use any sound device, including any loud speaking radio and/or sound amplifying system upon any of the streets, alleys, parks or other public places of the Village, or upon any private premises in the Village where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets and alleys or other public places for the purpose of attracting attention.

Sec. 15.407 Revocation of Permits, Licenses

Permits and licenses issued under the provisions of this Article may be revoked by the Village President for the following causes: (a) misrepresentation or false statement contained in the application for licenses and permits; (b) misrepresentations or false statement made in the course of carrying on the business; (c) any violation of this Article; (d) conducting the business in an unlawful manner or in such manner as to constitute a breach of the peace or general welfare of the public. Whenever the Village President makes such a revocation, he/she shall specify the causes therefor, in writing and file the same, in duplicate, with the Village Clerk. A duplicate copy of the revocation shall be served upon the licensee or permittee by a police officer or by registered or certified mail.

Sec. 15.408 Hawking Prohibited

Hawking in the Village is prohibited.

Sec. 15.409 Peddling Food or Beverages from Vehicle

Notwithstanding the foregoing provisions of this Article, it shall be unlawful to peddle any candy, ice cream, confection or any food or beverage for human consumption from any motor vehicle or any vehicle or cart of any kind on any public street or sidewalk in the Village without the written permission of the Village President.

Sec. 15.410 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

CHAPTER 16

TRAFFIC

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ARTICLE I. DEFINITIONS AND GENERAL PROVISIONS

Sec. 16.1 Definitions

Whenever in this Chapter the following terms are used, they shall have the meanings respectively ascribed to them in this Section.

Alley: A highway of less than 24 feet total width used primarily for delivery service.

Business District: The closely built up business portion of the Village.

Crosswalk: That portion of the roadway included within the prolongation of the sidewalk lines at street intersections.

Driver: Any person who is in actual physical control of a vehicle.

Emergency Vehicles: Vehicles of the police or fire department; ambulances; any vehicle conveying a Village official or employee in response to an emergency official call.

Explosives: Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

Farm Tractor: Every motor vehicle designed and used primarily as a farm implement for drawing plows, moving machines, and other implements of husbandry.

Flammable Liquids: Any liquid which has a flash point of seventy degrees Fahrenheit or less, as determined by a tabliabue or equivalent closed cup test device.

Improved Highway: A roadway of concrete, brick, asphalt, macadam or gravel.

Intersection: The area embraced within the prolongation of the property lines of two or more streets which join at an angle, whether or not such streets cross.

Laned Highways: A street, the roadway of which is divided into three, or more clearly marked lanes, for vehicular traffic.

Loading Zone: The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Metal Tire: Every tire the surface of which is in contact with the roadway is wholly or partly of metal or other hard non-resilient material.

Motorcycle: Every motor vehicle having a saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Motor Vehicle: Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead wires, but not operated upon rails.

Park: To stand a vehicle, whether occupied or not, for a period of time greater than is reasonably necessary for the actual loading or unloading of persons.

Pedestrian: Any person afoot.

Pneumatic Tire: Every tire in which compressed air is designed to support the load.

Police: Members of the Village Police Department, if any, members of the Peoria County Sheriff's Department, and all State Police.

Property Line: The line marking the boundary between any street and the lots or property abutting thereon.

Public Building: A building used by the Village or by any park district, school district, the State of Illinois, or by the United States Government.

Road Tractor: Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Residence District: The closely built-up residence portion of the Village.

Roadway: That portion of a street designed or ordinarily used for vehicular traffic.

Safety Zone: That portion of a roadway reserved for the exclusive use of pedestrians, suitably marked or elevated.

School Bus: Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

Semi-Trailer: Every vehicle without motor power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk: That portion of a street between the curb line or roadway and adjacent property line designed for pedestrian use.

Solid Tire: Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Street: Every way set aside for public travel except foot paths.

Suburban District: That portion of the Village other than the closely built-up business and residence districts.

Traffic: Vehicles, street cars, pedestrians and draft or herded animals using any street for travel.

Trailer: Every vehicle without motor power designed for carrying passengers or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck Tractor: Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including bicycles but not including perambulators or toy vehicles.

Sec. 16.2 Classification of Vehicles

For the purpose of this Chapter, motor vehicles shall be divided into two divisions, to-wit: first, vehicles which are designed for the carrying of not more than seven persons; second, those vehicles which are designed and used for pulling or carrying freight and also vehicles designed and used for carrying more than seven persons.

Sec. 16.3 Obedience to Police

Members of the police department are hereby authorized to direct all traffic in accordance with the provisions of this Article, or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in case of emergency, it shall be unlawful for any person not authorized by the police to direct or attempt to direct traffic.

Sec. 16.4 Scene of Fire

The fire department officer in command, or any fireman designated by him, may exercise the powers and authority of a policeman in directing traffic at the scene of any or where the fire department has responded to any emergency call for so long as the fire department equipment is on the scene, in the absence of or in assisting the police.

Sec. 16.5 Signs and Signals

It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by the authority of the Board of Trustees or in accordance with the laws of the State of Illinois. All signs established by direction of the governing body shall conform to the State standards for traffic signs.

Sec. 16.6 Placement of Signs

It shall be unlawful for the driver of any vehicle to disobey the instruction of any of the following traffic signs placed that following locations by direction of the officials of either the Village, County of Peoria or State of Illinois:

STOP signs at the following locations/intersections: Northeast corner of Calhoun Street and Jefferson Street; ~~Southwest and Northeast corners of VanBuren Street and Washington Street;~~ (2011-7; 10/3/11); Southwest and Northeast corners of VanBuren Street and Galena Avenue; Southwest and Northeast corners of VanBuren Street and Madison Street; Northwest and Southeast corners of Knoxville Street (U.S. 150) and Jefferson Street; Northwest and Southeast corners of Knoxville Street (U.S. 150) and Adams Streets; Northwest and Southeast corners of Knoxville Street (U.S. 150) and Washington Street; Northwest and Southeast corners of Knoxville Street (U.S. 150) and Galena Avenue; Northwest and Southeast corners of Knoxville Street (U.S. 150) and Madison Street; Northwest and Southeast corners of Knoxville Street (U.S. 150) and Monroe Street; Northwest and Southwest corners of Knoxville Street (U.S. 150) and Jackson Street; Northwest corner of Knoxville Street (U.S. 150) and Warren Street; Southwest and Northeast corners of Clay Street and Jefferson Street; Northwest and Southeast corners of Clay Street and Washington Street; Southwest and Northeast corners of Clay Street and Galena Avenue; Northwest and Southeast corners of Clay Street and Madison Street; Northwest and Southeast corners of Clay Street and Monroe Street; Southwest corner of Clay Street and Jackson Street; Northeast corner of Knoxville Street (U.S. 150) and Clinton Street; Southeast corner of Clinton Street and Warren Street; Southwest and Northeast corners of Clinton Street and Jefferson Street; Northwest and Southeast corners of Clinton Street and Washington Street; all four corners of Clinton Street and Galena Avenue; Northwest and Southeast corners of Clinton Street and Grace Street; Southeast corner of Clinton Street and Monroe Street; Southeast corner of Clinton Street and Jackson Street; Northeast corner of Brim Street and Jackson Street; Northeast corner of Illinois Street and Jefferson Street; Southeast corner of Jackson Street and Jubilee Road; Northwest corner of Jackson Street and County Highway 70 (Brimfield-Jubilee Road); North side of the alley in Block 15, Village of Brimfield, at its intersection with Galena Avenue; South side of the alley in Block 15, Village of Brimfield, at its intersection with Madison Street; Southwest corner of Brim Street and Jackson Street; Southwest corner of Illinois Street and Jackson Street; Southeast corner of Illinois Street and Galena Avenue; Southwest corner of Illinois Street and Jackson Street; Northeast corner of Mary Court at its intersection with Illinois Street; Northeast corner of Monroe Street at its intersection with Illinois Street; Northwest corner of Jackson Street and County Highway 70 (Brimfield-Jubilee Road); Northwest and Southwest corners of Van Buren Street and Monroe Street; all three corners of the intersection of Calhoun Street and Galena Avenue and the exit from the municipal park onto Calhoun Street; the Northwest corner of Madison Street and Calhoun Street (for traffic traveling south on Madison Street); all four corners of the intersection of Clay Street and Madison Street; all four corners of the intersection of Clay Street and Monroe Street; all four corners of the intersection of Clay Street and Washington Street; the corners of Clay Street and Adams Street affecting traffic going north and south on Adams Street; all four corners of the intersection of Clinton Street, Madison Street, and Grace Street; all three

corners of the intersection of Clinton Street and Monroe Street; the Northwest corner of Adams Street and Calhoun Street (for traffic traveling south on Adams Street); the Northwest corner of Washington Street and Calhoun Street (for traffic traveling south on Washington Street); all four corners of Galena Avenue and Clay Street (2003-4; 5/5/03); Northwest corner and Southeast corner of Calhoun Street and Adams Street (2007-1; 4/15/07); ~~all three corners of the intersection of Galena Avenue and Illinois Street (2009-4; 7/6/09)~~ (2010-2; 6/7/10); the Northeast corner of Galena Avenue at its intersection with Illinois Street (2010-2; 6/7/10); all four corners of the intersection of Washington Street and Clinton Street (2009-7; 11/2/09); all three corners of the intersection of Calhoun Street and Monroe Street (2010-6; 6/7/10); all four corners of the intersection of Van Buren Street and Washington Street (2011-7; 10/3/11).

YIELD right-of-way signs at the following locations/intersections:

Northwest corner of Calhoun Street and Galena Avenue; Northeast corner of Alma Court and Grace Street.

Sec. 16.7 Light Signals

Whenever traffic at an intersection is regulated by the type of signal commonly known as a stoplight or as a stop and go signal, the following colors shall indicate the following commands:

Red requires that the traffic faced by this color shall stop and remain standing.

Green requires that traffic faced by this color shall move and continue in motion, except when stopped for the purposes of avoiding an accident or when stopped at the command of a policeman.

Amber or Yellow indicates preparation for a change in direction of traffic movement.

When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the intersection.

When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed into the intersection only with extra caution.

Sec. 16.8 Unauthorized Signs – Interference with Signs

It shall be unlawful for any person to place, maintain or display any device, other than an official warning or direction sign or signal authorized by statute or ordinance, upon or in view of any street, if such device purports to direct the movement of traffic. Any such unauthorized device is hereby declared to be a nuisance, and may be removed by any policeman.

It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal.

Sec. 16.9 Animals or Bicycles

Every person riding a bicycle or an animal, or driving any animal drawing a vehicle upon any street shall be subject to the provisions of this Chapter applicable to the driver of the vehicle, except those provisions which can have no application to one riding a bicycle or driving an animal.

Sec. 16.10 Exemptions

The provisions of this Chapter regulating the movement or parking of vehicles shall not apply to emergency vehicles while the driver thereof is engaged in the performance of emergency duties. Nor shall such provisions apply to persons actually engaged in repairing or otherwise improving the street under authority of the Board of Trustees or of the State of Illinois.

Sec. 16.11 – 16.29 Reserved

ARTICLE II. THROUGH STREETS

Sec. 16.30 Through Streets

The following streets and parts of streets are hereby declared to constitute through streets:

Knoxville Avenue; Galena Avenue from the North line of Knoxville Avenue to the northern terminal point of Galena Avenue; Galena Avenue from the South of Knoxville Avenue to the Southern terminal point of Galena Avenue.

Every driver of a vehicle traversing any street intersecting with any through street as hereby or hereafter established shall stop such vehicle before entering upon the through street unless a go signal is given at such intersection by a traffic officer or a traffic signal.

Sec. 16.31 – 16.39 Reserved

ARTICLE III. RULES FOR DRIVING

Sec. 16.40 Required Position and Method of Turning at Intersection

The driver of a vehicle intending to turn at an intersection shall do so as follows:

- a. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

- b. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in the portion of the right half of the roadway nearest the line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

- c. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.

Sec. 16.41 Turning on Crest of Hill

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

Sec. 16.42 Starting Parked Vehicles

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

Sec. 16.43 Driver's Signal

No driver of a vehicle shall suddenly start, slow down, stop or attempt to turn without first giving a suitable signal in such manner as to apprise others who might be affected by his/her action.

- a. No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after

giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

- b. A signal of intention to turn right or left shall be given during not less than the last 100 feet traveled by the vehicle before turning.

The signals herein required shall be given either by means of the hand and arm or by a signal lamp or signal device, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by such a lamp or device.

All signals herein required given by hand or arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (1) *Left turn* – hand and arm extended horizontally.
- (2) *Right turn* – hand and arm extended upward or moved with a sweeping motion from the rear to the front.
- (3) *Stop or decrease of speed* – hand and arm extended downward.

Sec. 16.44 Driving From Alleys, Driveways or Garages

The driver of a vehicle emerging from an alley, driveway or garage, shall stop such vehicle immediately prior to driving onto a sidewalk or across such line.

Sec. 16.45 Vehicles Not to be Driven on Sidewalks or in Safety Zones

No driver of a vehicle shall drive within any sidewalk area, except as a permanent or temporary driveway, nor at any time into or upon any portion of a roadway marked as a safety zone.

Sec. 16.46 Right-of-way

Excepting as otherwise herein provided, the driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway; and when two vehicles are entering an intersection from different highways at approximately the same time, the driver on the left shall yield the right-of-way to the vehicle on the right.

Sec. 16.47 Vehicles Turning Left

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard but said driver, so yielded and having given a signal when and as required by this Chapter, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.

Sec. 16.48 Limitations on Turning Around

It shall be unlawful for the operator of any vehicle to turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without backing into traffic or otherwise interfering with traffic.

Sec. 16.49 “U” Turns

It shall be unlawful for the operator of any vehicle to make a “U” turn at any place where such turns are prohibited by ordinance.

Sec. 16.50 No Left Turn

It shall be unlawful for the operator of any motor vehicle to turn left at any place where such turns are prohibited by ordinance.

Sec. 16.51 Following Fire Apparatus

Upon the sounding of gongs or warning devices used upon fire apparatus or fire patrol vehicles, drivers shall draw their vehicles as near to the right curb as is reasonably possible and shall remain standing until such fire apparatus has passed. It shall be unlawful for the driver of any vehicle, other than one on official business, to follow any fire apparatus in response to a fire alarm, closer than one block, or to park any vehicle within the block where fire apparatus has been stopped to answer to a fire alarm. It shall further be unlawful for the driver of any vehicle to drive over any unprotected hose of the fire department without the consent of the fire marshal or the assistant in command.

Sec. 16.52 Driving on Right Side of Roadway

Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

- a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- b. When the right half of a roadway is closed to traffic while under construction or repair;
- c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon;
- d. Upon a roadway designated and sign-posted for one way traffic; and
- e. Whenever there is a single track paved road on one side of the public highway and two vehicles meet thereon, the driver on whose right is the wider shoulder shall give the right-of-way on such pavement to the other vehicle.

Sec. 16.53 Passing Vehicles

Drivers of such vehicles proceeding in opposite directions, except as provided above, shall pass each other to the right and upon roadway having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

Sec. 16.54 Overtaking Vehicles – General Rules

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

- a. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- b. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his/her vehicle until completely passed by the overtaking vehicle.

Sec. 16.55 Overtaking Vehicles

I. On the Right.

- a. The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.
- b. The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right of a roadway with an unobstructed pavement of sufficient width for four or more lines of moving traffic when movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.

II. On the Left.

- a. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction of any vehicle overtaken. In any event the overtaking vehicle must return to the right hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.
- b. No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven on the left side of the roadway under the following conditions:

- (1) When approaching the crest of a grade or upon a curve in the highway.
- (2) When approaching within 100 feet of any bridge, viaduct, or tunnel or when approaching within 100 feet of or traversing any intersection or railroad grade crossing.
- (3) Where official signs are in place directing that traffic keep to the right, or a distinctive center line is marked which distinctive line also so directs traffic as declared in the sign manual adopted by the State of Illinois.

Sec. 16.56 Driving on Roadways Laned for Traffic

Whenever any roadway has been divided into three or more clearly marked lanes for traffic the following rules in addition to all other consistent herewith shall apply:

- a. A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- b. Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is as the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation.
- c. Official signs may be erected directing slow moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

Sec. 16.57 Operation of Vehicles on Approach of Authorized Emergency Vehicles

Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Sec. 16.58 Reckless or Careless Driving

It shall be unlawful to operate any vehicle in the Village in a reckless or wanton manner, or carelessly so as to endanger life or property.

Sec. 16.59 Speed Restrictions

It shall be unlawful to drive any motor vehicle on any street not under the jurisdiction of the State of Illinois, or the County of Peoria, within the Village at a speed in excess of thirty (30) miles per hour, or in an alley at a speed in excess of fifteen (15) miles per hour, or on any road or driveway located within the Village Park at a speed in excess of fifteen (15) miles per hour. (2006-1; 2/6/06)

Provided that if the Board of Trustees, by ordinance, sets other limits as provided by statute, then such limits shall govern the rate of speed on the streets indicated in such ordinance.

Provided, further, that the speed of all vehicles, of the second division, as defined by statute, having two or more solid tires shall not exceed ten miles per hour.

The fact that the speed of a vehicle does not exceed the applicable maximum speed does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway or when special hazards exist with respect to pedestrians or other traffic by reason of weather or highway conditions; and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

It shall be unlawful to drive any vehicle on any street or highway within the Village under the jurisdiction of the State of Illinois, or of the County, at a speed exceeding that lawfully set for such street.

Sec. 16.60 Traffic Not to be Obstructed

No vehicles shall be operated or allowed to remain upon any street in such a manner as to form an unreasonable obstruction to traffic thereon.

Sec. 16.61 Bicycles and Motorcycles

It shall be unlawful for more than one person to ride upon any bicycle propelled by human power upon the street, or for any person to ride upon any motorcycle other than upon a seat attached to said vehicle.

Sec. 16.62 Unattended Vehicles

No vehicles shall be left unattended while the motor of such vehicle is running; and no vehicle shall be left without a driver on any hill or incline unless the vehicle is secured against moving.

Sec. 16.63 Unattended Animals

It shall be unlawful to leave any horse or other draft animal unattended in any street without having such animal securely fastened.

Sec. 16.64 Clinging to Vehicles

It shall be unlawful for any person on any street riding a bicycle, motorcycle or any toy vehicle to cling to or attach himself or herself or his/her vehicle to any moving motor vehicle or wagon.

Sec. 16.65 Toy Vehicles

It shall be unlawful for any person upon skates, a coaster, sled or other toy vehicles, to go upon any roadway other than a crosswalk. No person shall operate or ride on skateboard or similar device: on any roadway within the Village except when crossing at a crosswalk; on any sidewalk or public area within the Central Business District as that District is defined and established by "The Zoning Ordinance of the Village of Brimfield, Illinois" in Chapter 18 of this Code as now in effect or as hereafter amended; on any public or private property where signs have been posted at the entrance or displayed prominently on the property prohibiting the use of skateboards; any place in the Village in such a manner as to be dangerous to persons or property.

Sec. 16.66 Running Boards

It shall be unlawful to ride upon the fenders, running board or outside step of any vehicle.

Sec. 16.67 Train Signals

The driver of a vehicle approaching a railroad grade crossing when a signal device gives warning of the immediate approach of a train, shall stop within fifty feet but not less than ten feet from the nearest train track of such railroad and shall not proceed until he/she can do so safely.

The driver of a vehicle shall stop and remain standing and not traverse such grade crossing when a crossing gate is lowered or when a flagman gives a signal of the approach of a train.

The driver of a motor vehicle carrying passengers for hire, or any school bus or any vehicle carrying explosives or flammable liquids as cargo, shall stop such vehicles within fifty feet but not less than ten feet from the tracks and shall listen and look in both directions from which a train might come, before proceeding across such tracks at a grade crossing. Provided, that no such stop shall be required when traffic at the crossing is directed by an officer or stop and go light which gives a go signal.

Sec. 16.68 Driving Through Funeral or Other Procession

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this Article. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

Sec.16.69 Drivers in Procession

Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

Sec. 16.70 Funeral Processions to be Identified

A funeral composed of a procession of vehicles shall be identified as such by display upon the outside of each vehicle of a pennant or other identifying insignia and by having the lights of each vehicle lighted.

Sec. 16.71 Backing

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

Sec. 16.72 Restricted Access

No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by public authority.

Sec. 16.73 School Buses

The driver of a vehicle on a street or highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on the bus a visual signal as required by the statute for operation while the bus is transporting pupils; provided that the driver of a vehicle upon a street or highway of which the roadway for traffic moving in opposite directions are separated by a strip of ground which is not surfaced or suitable for vehicle traffic need not stop his/her vehicle upon meeting or passing a school bus which is on the opposite roadway.

Sec. 16.74 One-Way Streets / Alleys

a. It shall be unlawful for the operator of any vehicle to operate such vehicle in the opposite direction to the direction of lawful traffic movement on any one-way street or alley.

b. The Board of Trustees, or its authorized designee, shall erect suitable signs to provide for one-way traffic on the following streets and alleys designated as one-way streets and alleys: West to East from Galena Avenue to Madison Street in the alley running parallel to and between Knoxville Street (U.S. Route 150) and Clay Street in Block 15 of the Village. (2011-5; 7/5/11)

Sec. 16.75 – 16.119 Reserved

ARTICLE IV. PEDESTRIANS

Sec. 16.120 Right-of-Way

Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be, to a pedestrian crossing the roadway or street within any marked crosswalk or within any unmarked crosswalk.

Whenever stop signals or flashing red signals are in place at an intersection or a marked crosswalk between intersections, the pedestrian shall have the right-of-way over drivers or vehicles; and at such marked places drivers of vehicles shall stop before entering the nearest crosswalk, and any pedestrian within or entering the crosswalk at either edge of the roadway shall have the right-of-way over any vehicle so stopped.

The driver of a vehicle shall stop before entering any crosswalk when any vehicle proceeding in the same direction is stopped at such crosswalk for the purpose of permitting a pedestrian to cross.

Sec. 16.121 Pedestrians Using Roadway

At no place shall a pedestrian cross any roadway other than by the most direct route to the opposite curbing, and when crossing at any place other than a crosswalk he/she shall yield the right-of-way to all vehicles upon the roadway.

No person shall stand or loiter in any roadway other than in a safety zone, if such act interferes with the lawful movement of traffic.

Sec. 16.122 Signals

At intersections where traffic is directed by a policeman or by a stoplight or a stop and go signal, it shall be unlawful for any pedestrian to cross the roadway other than with released traffic, if such crossing interferes with the lawful movement of traffic.

Sec. 16.123 Standing on Sidewalk

It shall be unlawful for a pedestrian to stand upon any sidewalk except as near as is reasonably possible to the building line or curb line, if such standing interferes with the use of the said sidewalk by other pedestrians.

Sec. 16.124 Prohibited Crossing

- a. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
- b. No pedestrian shall cross a roadway other than a crosswalk (in the central traffic district or in any business district).

Sec. 16.125 Pedestrians Walking Along Roadways

- a. Where sidewalks are provided, it shall be unlawful for any pedestrians to walk along and upon an adjacent roadway.
- b. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.
- c. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

Sec. 16.126 Blind Pedestrians – Right-of-Way

Any blind person who is carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, or who is being guided by a dog, shall have the right-of-way in crossing any street or highway, whether or not traffic on such street or highway is controlled by traffic signals, anything in this Chapter to the contrary notwithstanding. The driver of every vehicle approaching the place where a blind person, so carrying such a cane or walking stick or being so guided, is crossing a street or highway, shall bring his/her vehicle to a full stop and before proceeding shall take such precautions as may be necessary to avoid injury to the blind person. The provisions of this Section shall not apply to a blind person who is not so carrying such a cane or walking stick or is not guided by a dog, but the other provisions of this Article relating to pedestrians shall then be applicable to such person. However, the failure of a blind person to so use or carry such a cane or walking stick or to be guided by a guide dog, when walking on streets, highways shall not be considered evidence of contributory negligence.

Sec. 16.127 – 16.149 Reserved

ARTICLE V. PARKING RULES

Sec. 16.150 No Parking Places

At any time it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a policeman or traffic signal:

- a. In any intersection;
- b. In any crosswalk;
- c. Upon any bridge or viaduct;
- d. Between a safety zone and the adjacent curb or within twenty feet of a point on the curb immediately opposite the end of a safety zone;
- e. Within ten feet of a traffic signal or a through street on the approaching side;
- f. Within ten feet of any intersection;
- g. At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than eighteen feet;
- h. Within fifteen feet of a fire hydrant;
- i. At any place where the vehicle would block the use of a driveway;
- j. Within fifty feet of the nearest rail of a railroad crossing;
- k. Within fifteen feet of the driveway entrance to any fire department station and on the side of the street opposite the entrance to any such station within seventy-five feet of such entrance;
- l. On any sidewalk or parkway;
- m. At any place where official signs prohibit parking;
- n. On or adjacent to Knoxville Avenue within One Hundred (100) feet of the Westerly and Easterly right-of-way lines of Madison Street.
- o. NO PARKING THIS SIDE along the South side of Clinton Street between its intersection with Monroe Street on the West and Jackson Street on the East; along the East side of Grace Street from its intersection with Clinton Street on the South and Alma Court on the North; along the West side of Monroe Street from its intersection with the south line of Clinton Street South to the north line of the driveway used by the grade school being approximately

the north line extended of the alley in platted Block 24 of the Village of Brimfield; along the East side of Jackson Street from the North line extended of Clinton Street to the South line of the Brimfield-Jubilee Road; along the West side of Jackson Street from the North line of Clinton Street to the South line of Brim Street; along the East and West sides of Grace Street from its intersection with Alma Court on the South to its end on the North Section line of Section 24 (2003-1; 1/13/03); along the East and West sides of Monroe Street from its intersection with the North line of Knoxville Street (U.S. Route 150) on the South and the South line of Clay Street on the North (2012-1; 1/16/12).

- p. On or adjacent to Madison Street within Fifty (50) feet of the Northerly and Southerly right-of-way lines of Knoxville Avenue.
- q. NO PARKING sign/signs in the driveway and loading area of the Brimfield water tower and buildings located along Jackson Street at the Northeast corner of the Brimfield High School grounds.
- r. Along U.S. Route 150 (Knoxville Street) from the westerly corporate limits (at junction of Clinton Street and U.S. Route 150) to the easterly right-of-way line of Washington Street and from the easterly corporate limits (at junction of Welsh (Maher) Road and U.S. Route 150) to the westerly right-of-way line of Madison Street. Parking of vehicles along U.S. Route 150 (Knoxville Street) between Washington Street and Madison Street shall be restricted to parallel parking only.
- s. No trucks, other than standard pick-up style trucks, within fifty (50) feet in any direction of the intersection of Galena Avenue and Knoxville Street (U.S. Route 150), as indicated by posted signs indicating “NO TRUCK PARKING BETWEEN SIGNS.”
- t. Within 20 feet of the driveway entrance into the Brimfield Bank property on the north side of Knoxville (U.S. Route 150) between Madison Street and Galena Avenue.
- u. On the south and north sides of Knoxville (U.S. Route 150) between Madison Street and Monroe Street.
- v. On the west side of Jackson Street between its intersection with Knoxville Street (U.S. Route 150) on the south and Clay Street on the north.
- w. There shall be no parking of any trailers (as defined in Section 16.1) along any street within the Village, excluding those streets adjoining property located within the C-1, C-2, and I zoning districts. (2012-8, 8/13/12)

Sec. 16.151 Residential Parking Only

That “residential parking only” be allowed on both sides of Brim Street and both sides of the 500 block of N. Monroe Street and that such streets be posted as follows: “residential parking only, all others will be ticketed.” For the purposes of this Section “residential parking only” means parking on said street

will be for those persons residing in the homes on said street and their guests and invitees; it shall not mean parking for athletic or other events held on the adjoining school property.

In addition to ticketing such vehicles, the police may order the vehicle towed in accordance with procedures established by the Village Board.

Sec. 16.152 Parking at Curb

No vehicle shall be parked with the left side of such vehicle next to the curb, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within 12 inches of the regularly established curb line, except that upon those streets that have been marked for angle parking, vehicles shall be parked at an angle to the curb indicated by such marks with the right tire within 12 inches of the regularly established curb line.

Sec. 16.153 Vehicles for Sale

It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any business street from which vehicle merchandise is peddled.

Sec. 16.154 Loading Zone

During the times specified herein it shall be unlawful for a driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed three minutes and for the driver to stand any freight carrying vehicle for a period of time longer than is necessary to load, unload, and deliver materials, not to exceed thirty minutes, in any of the following places:

- a. In any public alley, during any hour of the day or night;
- b. At any place not to exceed seventy-five feet along the curb before the entrance to any hospital or hotel at any time;
- c. Directly in front of the entrance to any theater at any time the theater is open for business.

Sec. 16.155 Alleys

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway to any abutting property.

Sec. 16.156 Bus Stands

No vehicle other than a bus shall be parked in a place designated as a bus loading zone.

Sec. 16.157 – 16.179 Reserved

ARTICLE VI. CONDITION OF VEHICLES

Sec. 16.180 Clear Vision

It shall be unlawful to operate any vehicle which is so loaded or in such a condition that the operator does not have a clear vision of all parts of the roadway essential to the safe operation of the vehicle. Any vehicle the view of which to the rear is obstructed shall be equipped with a mirror so attached as to give its driver a view of the roadway behind him.

Sec. 16.181 Signal Lamps

Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by a signal lamp or lamps or mechanical device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body, or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

Sec. 16.182 Unnecessary Noise

It shall be unlawful to operate a vehicle which makes unusually loud or unnecessary noise.

Sec.16.183 Horn

Every motor vehicle shall be equipped with a good and sufficient audible signaling device in efficient working condition. Such signaling device shall be sounded when necessary to give timely warning of the approach of a vehicle, but such horn or other signaling device shall not be sounded for any purpose other than as a warning of impending danger.

No motor vehicle other than fire vehicles, police vehicles, or other emergency vehicles shall be equipped with a siren or gong signaling device.

Sec. 16.184 Gas and Smoke

It shall be unlawful to operate any vehicle which emits dense smoke or such an amount of smoke or fumes as to be dangerous to the health of persons or as to endanger the drivers of other vehicles.

Sec. 16.185 Projecting Loads – Width and Height

The maximum width and height of any vehicle and its load shall not exceed the limits expressed in the State traffic law.

No passenger type vehicle shall be operated on the streets with a load extending beyond the lines of the fenders on the left side of the vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

No vehicle, unladen or with load, shall exceed a length of forty-two feet extreme over all dimension.

No combination of vehicles coupled together shall consist of more than two units, and no such combination of vehicles, unladen or with load, shall exceed a total length of fifty feet; but such length limitation shall not apply to vehicle operated in the daytime when transporting pipes, poles, machinery or other objects which cannot be readily dismembered, nor to such vehicles operated at nighttime by a public utility when engaged in emergency repair work; but such loads carried at night shall be clearly marked with sufficient lights to show the full dimensions of the load.

No part of the load of a vehicle shall extend more than three feet in front of the extreme front portion of the vehicle.

Sec. 16.186 Brakes

It shall be unlawful to drive any motor vehicle upon any street unless such vehicle is equipped with good and sufficient brakes in good working condition, as required by the State traffic law, or to operate any vehicle which is so loaded that the operator does not have ready access to the mechanism operating the brakes of such vehicle.

Sec. 16.187 Muffler

No motor vehicle shall be operated on any street unless such vehicle is provided with a muffler in efficient actual working condition and the use of a cutout is prohibited.

Sec. 16.188 Lights

It shall be unlawful to operate on any street any vehicle not equipped with adequate lights conforming to the requirements of the State law.

Any motor vehicle owned or usually operated by a volunteer fireman may be equipped with not to exceed two lamps which shall emit a blue light without a glare. One such lamp may be mounted on the front and one may be mounted on the rear of any such vehicle. Except that flashing blue light may be used only when such fireman is responding to a fire call.

Sec. 16.189 Non-Skid Devices

It shall be unlawful to operate any motor vehicle upon any street equipped without any non-skid devices so constructed that any rigid or non-flexible portion thereof comes into contact with the pavement or roadway.

Sec. 16.190 Tires

It shall be unlawful to operate on any street any motor vehicle which is not equipped with tires conforming to the requirements of the State traffic law.

Sec. 16.191 Weight

It shall be unlawful to drive on any street any motor vehicle with a weight, including load, in excess of that permitted by the State traffic law for driving on improved highways, or with weight distributed in a manner not conforming to such law.

Sec. 16.192 Limited Load Streets

It shall be unlawful to operate or park any vehicle, unladen or with load, with a gross weight in excess of 10,000 pounds, at any time, upon any of the public streets of the Village, except that this weight limit shall not apply to Knoxville (US Route 150), Illinois, Jackson, Calhoun and Jefferson Streets. This provision shall not apply to emergency vehicles, garbage trucks for home pickup, utility trucks, and vehicles making home deliveries.

Sec. 16.193 Spilling Loads

No vehicle shall be so loaded that any part of its load spills or drops on any street or alley in the municipality.

Sec. 16.194 Bicycles

- a. Every bicycle when in use at night time shall be equipped with a lamp on the front which shall emit a white light visible from a distance at least 500 feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from 40 to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.
- b. No person shall operate a bicycle not equipped with a bell or other device capable of giving a signal audible for distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person upon a bicycle use any siren or whistle.
- c. Every bicycle shall be equipped with a good and adequate brake.

Sec. 16.195 – 16.239 Reserved

ARTICLE VII. DRIVERS

Sec. 16.240 Liquor or Drugs

It shall be unlawful for the habitual user of narcotic drugs to operate any motor vehicle on any street; and it shall be unlawful for any intoxicated person, or any person under the influence of alcohol or of a narcotic drug, to operate or attempt to operate any motor vehicle on any street.

Sec. 16.241 Accidents

The driver of a vehicle which has collided with, or has been in an accident with any vehicle, person or property in such a manner as to cause injury or damage shall stop immediately, and render such assistance as may be possible, and to give his/her true name and residence to the injured person or any other persons requesting the name on behalf of the injured person, or the owner of the property damaged, and to a policeman if one is present. A report of each such accident shall be given by the driver of each vehicle concerned in it to the Village within twenty-four hours after the accident.

Sec. 16.242 – 16.259 Reserved

ARTICLE VIII. PENALTY

Sec. 16.260 Amount

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Chapter, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Notwithstanding anything to the contrary contained in the preceding paragraph of this Section, any person, firm, corporation or organization who violates, neglects, or refuses to comply with the Parking Rules set forth in Article V of this Chapter, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for the second offense, and not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 16.261 Arrests

Any person arrested for a violation of this Chapter shall be released upon proper bail being furnished as required by statute.

Sec. 16.262 Tickets

For offenses other than driving while intoxicated or reckless driving, police officers, after making note of the license number of the vehicle (and name of the offender where possible), may issue a traffic violation ticket notifying the offender to appear in court at the time designated for hearing such cases. Such officer may sign a complaint for the issuance of a warrant if the offender does not appear at the time and place so specified.

CHAPTER 17

BUILDINGS

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ARTICLE I. DANGEROUS BUILDINGS.

Sec. 17.1 Definitions

The term *dangerous buildings* as used in this Article is hereby defined to mean and include:

- a. Any building, shed, fence or other man-made structure, which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease, or injury to the health of the occupants of it or neighboring structures;
- b. Any building, shed, fence, or other man-made structure, which because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard;
- c. Any building, shed, fence or other man-made structure, which by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;
- d. Any building, shed, fence or other man-made structure, which because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

Any dangerous building in the Village is hereby declared to be a nuisance.

Sec. 17.2 Prohibition

It shall be unlawful to maintain or permit the existence of any dangerous building in the Village; and it shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

Sec. 17.3 Abatement

Whenever the Zoning Officer or Village Board shall be of the opinion that any building or structure in the Village is a dangerous building, the Zoning Officer shall file a written statement to this effect with the Village Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof, and upon the occupation thereof, if any, by registered or certified mail or by personal service. Such notices shall state that the building has been declared to be in a dangerous condition and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice may be made in the following terms:

To _____(Owner-occupant of premises) of the premises known and described as _____.

You are hereby notified that (described building) on the premises above-mentioned has been condemned as a nuisance and a dangerous building after inspection by _____.

The causes for this decision are (here insert the facts as to the dangerous condition.)

You must remedy this condition or demolish the building immediately, or the Village will proceed to do so.

If the person receiving the notice has not complied therewith or taken an appeal to the Village Board from the determination of the officer or employee finding that a dangerous building exists, within ten days from the time when this notice is served upon such person, the Zoning Officer, may upon orders of the President of the Board of Trustees, proceed to remedy the condition or demolish the dangerous building.

Sec. 17.4 Penalty

Any person, firm or corporation violating any provision of this Article, or permitting any dangerous building, or any building or structure to remain in a dangerous condition, or to remain in the Village, without remodeling as above provided for, after it has been damaged to the extent of fifty percent of its value, shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Sec. 17.5 – 17.29 Reserved

ARTICLE II. CONSTRUCTION REGULATIONS

Sec. 17.30 Regulations to be Obeyed

It shall be unlawful to construct or alter any building or structure, other than fences, in the Village, except upon compliance with the provisions of this Chapter and other applicable provisions of this Code, including the Chapter on zoning.

Sec. 17.31 Hazardous Uses

Any building or structure intended to be used wholly or in part as a theater, a public garage or school shall be constructed according to the specifications for fireproof construction hereinafter set forth. Any building intended to be used as a hospital and which is more than one story in height shall be of fireproof construction; and any building to be used for the storage of explosives or flammable liquids or for storing nitrocellulose, or for a dry cleaning establishment, foundry or coffee roaster shall be of fireproof construction.

Sec. 17.32 Wooden Structures

No wooden building hereafter erected or altered shall exceed two and one-half stories or thirty feet in height. No wooden frame building hereafter erected for any occupancy other than grain elevators, coal elevators and pockets, and icehouses, shall cover a ground area exceeding the following:

One story building – 7,500 square feet

Two story buildings or two and one-half story buildings – 5,000 square feet

Unless otherwise provided by zoning requirements, in no case shall a wooden frame building be erected within five feet of the side or rear lot line, nor within ten feet of any other building, unless the space between the studs on each side be filled solidly with not less than three and one-half inches of masonry or plain concrete or other equivalent incombustible material.

Buildings with wooden framework clad with sheet metal, covered with stucco and veneered with brick, shall be classified as wood frame buildings.

Sec. 17.33 Grain Elevators and Ice Houses

Any grain elevator building or ice house may be constructed of wood if the exterior walls and roof are covered by an envelope of incombustible material and if the first story walls of grain elevators are built of masonry not less than twenty inches thick or reinforced concrete not less than twelve inches thick. The structure above the first story wall shall be anchored to such wall with three-fourths inch bolts spaced not more than six feet apart. Each corner of the structure shall be further reinforced with iron rods not less than one inch the first story wall to a depth of not less than sixty inches. The roof plates shall be fastened down with nuts and washers. All window frames and sashes in the superstructure shall be of metal. The openings shall be protected by wire grating of number 14 gauge, with meshes not exceeding one-half inch. The openings in the body of the building and in the engine house shall have suitable metal shutters.

Sec. 17.34 Floor Loads and Wind Pressure

The design for all buildings and other structures shall conform to a good engineering practice. The following table gives the minimum uniform live loads in pounds per square foot which shall be used in the design of buildings, except that the specified live loads (but not the roof or sidewalk loads) may be reduced by twenty percent in buildings of fireproof construction.

Theaters, assembly halls and other places of assemblage:

Auditorium with fixed seats	70
Lobbies, passageways, stairways or places of assemblage without fixed seats ..	100
Dance halls	100
Theater stage.....	150

School buildings, Libraries and Museums:

Classrooms for similar use	60
Corridors, lavatories and similar public parts of the buildings.....	80

Hotels, Dwellings, Apartments, Tenement Houses, Club Houses, Hospitals and Place of Detention:

Dwellings	40
Private rooms and apartments.....	40
Public corridors, offices, lobbies, dining rooms, etc.....	80

Office Buildings:

First floor.....	100
Corridors and other public places above first floor.....	80
Office Space above first floor.....	50
Grand stands	100
All stairs	100

Garages:

All types of vehicles.....	100
Passenger cars only	80

(In warehouses, workshops, factories, and mercantile establishments for the sale, storage or manufacture of heavy merchandise or machinery the floors shall be designed to carry all loads safely, including the allowance of at twenty-five percent for vibration where vibration occurs.)

Roofs.....	30
Sidewalks	250

(Where the maximum floor load is more than 250 pounds a square foot, the sidewalk abutting the building must be designed to carry safely such maximum load. Concentrated, partial and eccentric loading shall also be provided for.)

Except in buildings for storage purposes the following reductions in assumed total live floor loads are permissible in designing the columns, piers, walls, foundations, trusses, and girders. Reduction of total live loads carried:

Carrying One Floor	0%
Carrying Two Floors	10%
Carrying Three Floors	20%
Carrying Four Floors	30%
Carrying Five Floors	40%
Carrying Six Floors	45%
Carrying Seven or More Floors.....	50%

Buildings and other structures shall be designed to resist a horizontal wind pressure of twenty pounds on every square foot of surface that is exposed, in addition to the dead loads and the live loads specified above. If the overturning moment due to wind pressure exceeds seventy-five percent of the moment of stability of the structure due to dead load only, the structure shall be anchored to its foundations, which shall be sufficient weight to insure the stability of the structure. Sufficient diagonal bracing or rigid connection between the uprights and horizontal structural members shall be provided to resist distortion.

Sec. 17.35 Permissible Working Stresses

Proportioning of the various loads carrying parts of buildings and structures shall be governed by working stresses conforming to good engineering practice as set forth in the most recent edition of the Building Code recommended by the National Board of Fire Underwriters, or its replacement code, except in cases where the recommendations are in conflict with the specific requirement of this Chapter.

Sec. 17.36 Mortar

Portland cement mortar used in laying up masonry shall be mixed in the proportion of one part of Portland cement to not more than three parts of sand, by volume. Hydrated lime or lime putty may be added not to exceed fifteen percent by volume of Portland cement used.

Cement-lime mortar shall be mixed in the proportion of one part of hydrated lime putty to not more than six part of sand by volume.

Lime mortar shall be mixed in the proportions of one part of Portland cement added to the amount of fifteen percent of volume of the lime.

Sec. 17.37 Materials for Concrete and Cement Mortar

Portland cement shall conform to the Standard specifications and Tests for Portland cement adopted by the American Society for Testing Materials, published in pamphlet form as C150-44.

Steel used as reinforcement for concrete shall conform to the specifications of the American Society for Testing Materials, "Standards on Cement", latest edition.

Sec. 17.38 Bearing Power of Soils

In the absence of tests the different soils, excluding mud and quicksand, shall be assumed to sustain safely the following loads per square foot, and footings shall be provided under all walls and columns where required to keep the pressure on the soil within the limits specified in this Section.

Soft clay	1 ton
Firm clay, fine sand, or layers of sand clay, wet condition	2 tons
Clay or fine sand, firm and dry	3 tons
Hard clay, coarse sand, gravel	4 tons
Soft rock, shale and hard pan	8 to 15 tons
Rock	15 to 72 tons

Sec. 17.39 Masonry Walls

Masonry is that form of construction in which non-combustible masonry units such as stone, brick, concrete block, or tile, hollow clay tile, gypsum block, or other similar building units, or materials or a combination of these materials, are laid up unit by unit and set in mortar. The minimum permissible thickness of walls and partitions of masonry, and the quality of these materials, shall conform to the American Standard Building code required for Masonry, latest edition, published by the National Bureau of Standards of the United States Department of Commerce.

Masonry bearing walls, party walls, fire walls, fire division walls, exterior panel walls, enclosure walls, or curtain walls, eight inches or less in thickness must be laid in Portland cement or cement-lime mortar as defined in this Chapter.

Sec. 17.40 Monolithic Concrete Walls

Monolithic concrete walls having less than two-tenths of one percent of reinforcing steel shall be considered as plain concrete walls and the thickness of single bearing walls of plain concrete shall be in accordance with the recommendations in the report of the American Standard Building Code Requirements for Masonry, latest edition, published by the National Bureau of Standards of the United States, Department of Commerce.

Subject to other requirements of this Chapter, reinforced concrete bearing walls shall have a thickness of not less than six inches for the top story with the thickness succeeding lower stories including basement, increasing at the rate of one inch for each two stories. In such walls the amount of reinforcement shall be at least two-tenths of one percent in each direction, horizontal and vertical, the steel being equally distributed on each face of the wall within a maximum bar spacing of twenty-four inches.

The combined thickness of the separate parts of double or triple monolithic walls shall be not less than that required for single walls, and no single section of a double or triple wall shall be less than four inches thick. The sections shall be tied together with three-eighths inch round or square, galvanized or tar-coated rods, with two inch hooks at each end, the rods to be spaced not more than eighteen inches horizontally and vertically.

Exterior panel walls supported at each story of skeleton construction buildings shall be not less than five inches thick of reinforced concrete.

Sec. 17.41 Private Garage

No private garage shall exceed the height allowed under the zoning provisions of this Code.

Sec. 17.42 Beams Entering Party Walls and Fire Walls

Where floor beams, ceiling beams, or roof beams enter a party or fire wall from opposite sides, the ends of such beams shall be separated by at least six inches of solid masonry or concrete. Such preparation may be obtained by corbeling the wall or staggering the beams, but no wall shall be corbeled more than two inches for this purpose. The ends of all wooden beams entering the masonry walls shall be cut to a level to make them self-releasing.

Sec. 17.43 Openings in Fire or Party Walls

Openings in party or fire walls shall be provided with self-closing fire doors or with positive means of closing the openings to prevent the passage of fire. Doors in fireproof stair and elevator shaft enclosures and coverings for hatchways in floors of all buildings shall be self-closing.

Sec. 17.44 Chimneys

Chimneys for high pressure boilers, furnaces used in manufacture, or for other heating appliances where high temperatures are maintained, and all isolated chimneys, shall be designed and built in accordance with good engineering practice and so that the stress in every part thereof, due to temperature changes, wind pressure, and the weight of the chimney itself, shall not exceed the safe limits specified in this Chapter for the materials used.

All ordinary chimneys which form a part of building construction shall conform to the standards for chimney construction, under the title concerning "Chimneys" as contained in the latest edition of the Building Code Recommendations by the National Board of Fire Underwriters.

Sec. 17.45 Stair and Elevator Shafts

The stair and elevator shafts of all buildings except private dwellings, hereafter erected more than two stories high, shall be enclosed continuously by incombustible material, consisting of reinforced granite not less than two and one-half inches thick, or of solid Portland Cement plaster not less than two and one-half inches thick on metal lath and metal frame, or of reinforced concrete not less than three inches thick, or of any fireproof material or construction that will pass the standard fire test of the Underwriters' Laboratories for a period of at least two hours. The thickness in all cases must be sufficient to give rigidity.

Sec. 17.46 Means of Egress

All buildings, including single family dwellings, more than one story high, hereafter erected shall be provided with at least two means of egress from the building, as far from each other as the plan of the

building will permit, or by a doorway in the firewall leading to another floor area which is provided with adequate stairs or other independent means of exit. No part of a floor shall be more than one hundred feet from an exit.

Sec. 17.47 Fire Escapes

In addition to the exits otherwise provided for and required, every building of more than three stories which is used for residence purposes of more than one family, or is used as a store, office or factory, and every building of more than one story which is used in whole or part, above the first story as a theater, school, or auditorium shall be equipped with at least two metallic fire escape stairways leading from the roof to the ground; provided that an enclosed fireproof stairway of at least five feet in width is equipped with fire-proof doors and the structure and shaft of which are so constructed as to be independent of support from the rest of the building so that they can stand alone, may be substituted for such outside fire-proof stairways.

The ground exit of all such stairways, whether enclosed or outside shall be in such position as to afford ready and immediate escape from the immediate vicinity of the building.

It shall be unlawful to obstruct, or permit the obstruction of any such fire escape or stairway, or the entrance thereto, or the exit therefrom.

Sec. 17.48 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector; the violation shall also be corrected.

Sec. 17.49 – 17.89 Reserved

ARTICLE III. BUILDING OPERATIONS

Sec. 17.90 Use of Streets

The use of streets for the storage of materials in the process of construction or alteration of a building or structure may be granted where the same will not unduly interfere with traffic and will not reduce the useable width of the roadway to less than eighteen feet. No portion of the street other than that directly abutting on the premises on which work is being done shall be used excepting with the consent of the owner or occupant of the premises abutting on such portion. Any person seeking to make such use of the street shall be file an application for a permit therefor with the Village Clerk, together with a bond with sureties to be approved by the Village Clerk to indemnify the Village any loss or damage, which may be incurred by such occupation.

Sec. 17.91 Night Operations

No construction or altering operations shall be carried on in the night time if the same are accompanied by loud noises.

Sec. 17.92 Sidewalks

No sidewalk shall be obstructed in the course of building construction or alteration without a special permit from the Village Clerk; and whenever removal of a sidewalk is required in such work, a special permit from the Village Clerk shall be obtained. The Village Clerk may deny to issue such permit if on recommendation of the Superintendent of Public Works he/she believes that issuance would cause undue danger to the public.

Sec. 17.93 Safeguards

It shall be the duty of the person or corporation doing any construction, altering or wrecking work in the Village to do the same with proper care for the safety of persons and property. Warnings, barricades and lights shall be maintained wherever necessary for the protection of pedestrians or traffic; and temporary roofs over sidewalks shall be constructed whenever there is danger from falling articles or materials, to pedestrians.

Sec. 17.94 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an

offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 17.95 – 17.119 Reserved

ARTICLE IV. MOVING BUILDINGS

Sec. 17.120 Permit Required

No person, firm or corporation shall move any building on, through or over any street, alley, sidewalk or other public place in the Village without having obtained a permit therefor from the Village Board. Applications for such permits shall be made in writing to the Zoning Officer and shall state thereon the proposed route and the number of days it is intended that the building shall occupy any portion of any street, alley, sidewalk or other public place.

Sec. 17.121 Bond

Every person, firm or corporation applying for a permit under this Article shall submit with his/her application a cash bond with a lawful corporate surety to be approved by the Zoning Officer, conditioned on his/her compliance with all the provisions of this Article, and agreeing to pay and holding the Village harmless from any claim which may be made against it by reason of the occupation of any street, alley, sidewalk or other public place by the building or structure moved.

Sec. 17.122 Lights and Warnings

Wherever a street or alley is blocked by a house or structure which is being moved, warnings to that effect shall be placed by the contractor so as to warn vehicles and persons from entering that portion of the street so blocked.

The persons, firm or corporation moving any building through the streets shall keep warning signs and lanterns or lights on the building so as to guard against any person or vehicle from colliding with it.

Sec. 17.123 Wires – Cutting

Whenever it shall be necessary to interfere with wires or cables of a public utility in moving a building the terms of any special or franchise ordinance governing shall apply and the bond therein specified shall be given. If no such terms apply, then the Village President shall estimate the expense of fixing the wires and the bond to be given to cover such expense.

Sec. 17.124 Fire Alarm Wires

When any moving building shall approach any fire alarm wire or pole which shall be endangered by the removal of such building, or structure, it shall be the duty of the mover to notify the Fire Protection District at least six hours before reaching such wire or pole so that they may be removed or cared for by the Village authorities.

Sec. 17.125 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 17.126 – 17.149 Reserved

ARTICLE V. BILLBOARDS

Sec. 17.150 Definition

The term *billboard* is hereby defined to mean and for the purpose of this Article shall be construed to mean, any signboard or similar structure, the sole or primary purpose of which is to be used for the display of advertisements or notices.

Sec. 17.151 Permit Required

It shall be unlawful to construct a billboard within the Village without having first secured a permit therefor; provided that this Section shall not be construed to require a permit for the construction of a billboard, or other signs, other than a roof sign, the total display area of which does not exceed fifteen square feet, or thirty-six square feet if on the premises of the business it advertises; and provided that no permit issued hereunder shall be construed to authorize the construction of or maintenance of a billboard which extends over any public street, alley or sidewalk or other public place, without the express consent of the Village Board. Every permit issued shall become null and void if installation is not completed within ninety days from the date of such license. The fee for a permit to construct any such billboard shall be Five Hundred Dollars (\$500.00).

Sec. 17.152 Applications

Applications for such permits shall be made in writing to the Zoning Officer. Each application shall include the following information:

- a. The name and address of the applicant and the sign contractor who will be performing the work;
- b. The location, by street address, of the building or structure to which the sign is to be attached or the lot upon which the sign is to be erected;
- c. A set of plans and specifications showing the location, support, attachment to the building or ground, method of illumination and lighting intensity;
- d. A sketch showing the sign faces, exposed surfaces, and proposed message, accurately represented in scale as to size and proportion and showing, if the sign is to be attached to a building, the sign on the facade of the building; and
- e. Written consent on the owner, tenant in control, or the manager of the building or structure to which the sign is attached and/or the land on which the sign is to be erected, when the owner, tenant or manager are not the applicants for the sign permit.

Upon receipt of the completed permit application, the Zoning Officer shall review the application and may issue a permit for said sign. Permits shall be issued for the life of the sign or any shorter period as stated on the approved permit application. However, any permit may be revoked at any time by the Village

Board upon finding that the billboard violates any provision of this Article or other Ordinances of the Village or State law, or that the permittee made false representations in securing the permit. No fee which the permittee paid for the permit shall be refunded when the permit is revoked.

Sec. 17.153 Wind-Pressure

Every billboard shall be firmly and solidly constructed so as to be able to bear a wind pressure of at least thirty pounds per square foot of area; provided that billboards which are placed upon roofs must be so constructed as to be able to withstand a lateral wind pressure of forty pounds per square inch.

Sec. 17.154 Fire Escapes

It shall be unlawful to erect or maintain any billboard in such a position as to obstruct any fire escape or any window or door leading thereto, and no billboard shall be fastened to any fire escape.

Sec. 17.155 Height Above Ground

Every billboard must be so constructed as to leave an open space of at least two and one-half feet between the bottom of the display area and the ground. This open area may be filled with lattice work, or other ornamental design which does not close off more than two-thirds of any square foot of such open area. Billboards constructed on property on which there is a properly established building line, must be built entirely in back of this building line, and no permit shall be issued for the construction of any billboard on any lot which is subject to a property building line restriction, if the billboard is to be constructed in violation of the building line restriction.

Sec. 17.156 Location – Frontage Consents

No person, firm or corporation shall locate, build, construct, operate or maintain any on-site sign for the purpose of advertising products, services or directing people to a business or activity located on the same or nearby property in any block in the Village where a majority of the houses abutting on both sides of the street in the block are used exclusively for residence purposes without having first secured the written consent of the owners of a majority of the frontage abutting on such street on both sides within such block. The term *block* as used in this Section shall be construed to mean and include that portion of the street between the two intersections with other public streets nearest the specified location on each side; provided that if, on either or both sides of such location there is no intersection within three hundred feet of the center of the specified location, the block shall be considered as terminating at a point three hundred feet from such center. The term *street* as used in this Section shall be construed to mean and include such highways as have been dedicated by either common law or statutory dedication as public streets and are actually in use as such; and the term *street* shall not be construed to include or mean merely service highways which are commonly known as alleys. Frontage consents once secured and filed shall not be withdrawn and need not be renewed excepting on the construction of a new billboard to replace the one for which the consents were granted. But where consents are required and have been obtained for the construction of one or more billboards on any particular lot, additional consents for any additional billboard on the same lot must be secured and filed in accordance with the provision of this Section.

Sec. 17.157 Billboards Permitted With Special Use Permit

Except as provided in Section 17.151, billboards and off-premises signs may be permitted as special uses in Industrial and in C2 Commercial Districts along interstate highways, in accordance with the procedures and standards set forth in “The Zoning Ordinance of the Village of Brimfield, Illinois” (Chapter 18), and this Article. Such billboards may be used only to advertise for lodging, food, outdoor recreation or automotive service facilities along interstate highways and shall be in conformance with the Highway Advertising Control Act of 1971 (225 ILCS 440/1 et seq.), or a similar law or statute, or as amended from time to time.

Sec. 17.158 Roof Signs

It shall be unlawful to construct any billboard on the roof of any building or structure of any but incombustible materials. All such billboards must be so constructed so that there is at least four feet of space between the billboard or signboard and the edge of the roof at all sides and ends. It shall be unlawful to construct any billboard on the roof of any building which is unable to withstand the additional weight and wind pressure imposed by such construction. All billboards which are constructed entirely of fireproof materials shall be so constructed and braced that the supports of such billboards shall bear directly on the masonry wall of such buildings or upon the steel girders which are supported by the masonry walls. The metal supports and parts of every such sign shall be thoroughly and properly painted at least once each two years, unless they are galvanized or otherwise adequately protected against rust and corrosion.

Sec. 17.159 Billboards Against Buildings

It shall be unlawful to construct any billboard, a majority of the display area of which is within four feet of any building unless such billboard is constructed of non-combustible material.

Sec. 17.160 Illuminated Billboards

Internally or externally illuminated billboards shall meet the following requirements:

- a. Signs shall be illuminated only by steady, stationary, shielded or shaded light sources directed solely at the sign, or internal to it so that the light intensity or brightness does not create either a nuisance to adjacent property or a traffic hazard for motorists or pedestrians. No sign shall be illuminated at a light level that exceeds two thousand five hundred (2,500) lambert.
- b. Except where a combination of individual exposed bulbs displays information, such as time, temperature or date illuminated signs, no exposed reflective-type bulb and no strobe light or unshielded incandescent lamp shall be used on the exterior surface of any billboard.
- c. When any external illumination is used for a sign, the source of light shall be located, shielded and directed in such a manner that the light source is not visible from a public street or a private residence.

- d. The wiring of illuminated billboards and signboards must comply with generally accepted standards by a licensed electrician.

Sec. 17.161 Nuisances

Any billboard or signboard which is dangerous because of insecure construction or fastening with resultant danger of falling, or because it is an extreme fire hazard and in fact a nuisance, or because it violates the requirements for construction, materials or illumination standards provided by state law or local ordinance is hereby declared to be a nuisance and may be abated as such.

Sec. 17.162 50% Destruction

Any billboard for which a permit under this Article was issued prior to November 30, 1999, which is more than 50% destroyed by fire or any other cause, must be repermited in accordance with the provisions of this Article and any other applicable ordinances of the Village.

Sec. 17.163 Enforcement

It shall be the duty of the Zoning Officer to enforce the provisions of this Article, and he/she is hereby authorized to do so.

Sec. 17.164 Penalty

Any person, firm or corporation violating any provision of this Article shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues after notice is given to the license holder. In addition to the above, the permit may be revoked by vote of a majority of the Village Board.

CHAPTER 18

ZONING

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ARTICLE I. TITLE AND SCOPE

Sec. 18.1 Title

This Chapter shall be known and may be cited as “The Zoning Ordinance of the Village of Brimfield, Illinois.”

Sec. 18.2 Scope

It is not intended by this Chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or resolutions, except those specifically repealed by this Chapter or amendments hereto, or with private restrictions placed upon property by covenant, deed, or other private agreement or with respective covenants running with the land to which the Village of Brimfield is a party. Where this Chapter imposes a greater character restriction upon land, buildings, or structures than is imposed or required by such existing provisions of law, ordinance, resolution, contract or deed, the provisions of this Chapter shall control.

Sec. 18.3 Purpose

The zoning regulations and standards herein adopted and established have been made for the purpose of: conserving the value of land, buildings, and structures throughout the Village; lessening and avoiding congestion in the public streets; promoting the public health, safety, comfort, morals, and general welfare; regulate and limit the height and bulk of buildings and structures hereafter to be erected; establishing, limiting, and regulating the building or setback line or lines on or along any street, traffic-way, drive or parkway regulating and limiting the intensity of use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures; classifying, regulating and restricting the location of trades and industries and the location of buildings, structures and land designed for specified industrial, commercial, residential, and other uses; dividing the entire Village into districts of such number, shape, area, and such different classes according to the use of lot area, areas of open spaces, and other classification as may be deemed best suited to carry out the purposes of this Chapter; fixing regulations and standards to which buildings, structures or uses therein shall conform; prohibiting uses, buildings, or structures incompatible with the character of such districts; prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this Chapter; and, to supersede, with respect to territory within the corporate limits of the Village, any present or future county zoning plan or ordinances.

Sec. 18.4 – 18.9 Reserved

ARTICLE II. RULES OF CONSTRUCTION AND GLOSSARY OF TERMS

Sec. 18.10 Rules of Construction

The following rules shall apply in construction and interpretation of this Chapter and of the terms used herein:

- a. The present tense includes the future tense.
- b. The masculine gender includes the feminine and neuter.
- c. The singular number includes the plural, and vice versa.
- d. The word “shall” is always mandatory; the word “may” is always permissive.
- e. The word “person” includes a partnership, association, firm, trust, club, company or corporation as well as the individual.
- f. The word “used” or “occupied” or “located” as applied to any land, building, use, structure, or premise shall be construed to include the words “intended, arranged or designed” to be used or occupied or located.
- g. The word “lot” shall include the words “plot” and “parcel”.

Sec. 18.11 Glossary of Terms

Unless otherwise expressly stated, for the purposes of this Chapter the following terms, phrases, words and their derivations, shall have the meaning herein indicated:

- a. Governmental Units, Boards and Officials:
 - (1) *Village*: The Village of Brimfield, County of Peoria, State of Illinois.
 - (2) *Village Board*: The governing body of the Village of Brimfield.
 - (3) *Zoning Officer*: The officer designated by the Village Board to enforce this Ordinance.
 - (4) *Zoning Board*: The Zoning Board of Appeals of the Village.
- b. General Terms.
 - (1) *Accessory Structure*: A structure containing not more than 900 square feet of floor space, and having no more than 30 feet on any side, located on the same lot with the main or principal structure, or the main or principal use, and subordinate to and used

for purposes customarily incidental to the main or principal structure of the main or principal use.

- (2) *Accessory Use*: A use on the same lot with, incidental and subordinate to the main or principal use or the main or principal structure.
- (3) *Alley*: A permanent service right-of-way which affords only a secondary means of access to property abutting such right-of-way and is not intended for general traffic circulation.
- (4) *Area, Building*: The total area taken on a horizontal plane at the largest floor level of the main or principal building and all accessory buildings on the same lot exclusive of uncovered porches, terraces, steps, or awnings, marquees, and non-permanent canopies and planters.
- (5) *Areas, Floor*: The sum of the gross horizontal areas of the several stories of a building excluding cellar and basement floor areas not devoted to residential use, but including the area of walled-in and roofed porches and terraces. All dimensions shall be measured between exterior faces of walls.
- (6) *Boarding or Lodging House*: A dwelling containing at least three (3) dwelling units or lodging units in whatever combination. Meals are provided within such house to the residents of the lodging units.
- (7) *Building*: An enclosed structure having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter or enclosure of persons, animals, and chattels.
- (8) *Building, Main or Principal*: The building in which is conducted the main or principal use of the lot on which it is located.
- (9) *Coverage*: The percentage of the lot area covered by the building area.
- (10) *Dwelling*: A building designed for residential living purposes and containing one (1) or more dwelling units and/or lodging units, but not including a trailer coach.
- (11) *Dwelling Unit*: One (1) or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one (1) family and not more than two (2) roomers or boarders, and which contains a stove, sink, and other kitchen facilities.
- (12) *Dwelling, One-Family*: A dwelling containing one (1) dwelling unit.
- (13) *Dwelling, Multi-Family*: A dwelling containing two (2) or more dwelling units.

- (14) *Family*:
 - (a) An individual; or
 - (b) Two (2) or more persons related by blood, marriage, or adoption; or
 - (c) Maximum of five (5) persons not so related; together with his/her or their domestic servants and gratuitous guests maintaining common household in a dwelling unit.
- (15) *Garage, Public*: A building in which, and/or lot on which, for compensation, one (1) or more vehicles are parked.
- (16) *Height*: The vertical measurement from the average level of the surface of the ground immediately surrounding a structure to the highest point of such structure. (Ordinance No. 2002-2; 5/6/02)
- (17) *Home Occupation*: A gainful occupation or profession conducted entirely within a dwelling and carried on by the residents therein, provided such occupation or profession is clearly incidental and secondary to the use of the dwelling for residential living purposes.
- (18) *Hotel*: A building containing separate accommodations for use by primarily transient persons. A hotel may contain restaurants, barber shops, and other accessory services for serving primarily its residents and only incidentally the public.
- (19) *Junk Yard*: A lot, land, building, or structure, or part thereof used primarily for the collecting, storage and/or sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.
- (20) *Livestock*: Swine, cattle (dairy or beef), poultry, fowl, horses, ponies, sheep, rabbits, rats, mice, fur bearing animals, and similar species.
- (21) *Lot Area*: The total area within the lot lines.
- (22) *Lot Corner*: A lot located:
 - (a) At the junction of an abutting two (2) or more intersecting streets; or
 - (b) At and abutting the point or abrupt change of a single street where the interior angle is less than one hundred and thirty-five (135) degrees and the radius of the street is less than one hundred feet.
- (23) *Lot Depth*: The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.

- (24) *Lot, Interior:* A lot other than a corner lot.
- (25) *Lot Lines:* The lines bounding a lot.
- (26) *Lot Width:* The horizontal distance between the side lot lines, measured along a straight line between them at points in the side lot lines which are distant from the front lot line the required front yard depth.
- (27) *Lot, Zoning Lot:* A single unified tract of land located within a single block which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single or unified ownership or control. Such lot shall have frontage on a street; shall be of at least sufficient size to meet minimum zoning requirements for use, coverage and area; shall provide such yards and other open spaces as herein required; and may consist of: (1) A single lot of record; (2) A portion of a lot of record; (3) A combination of complete lots of record; (4) A parcel of land described by a metes and bounds description; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Chapter.
- (28) *Lot of Record:* A lot which is part of a subdivision, the map of which has been recorded in the Office of the County Recorder of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the Office of the County Recorder of Deeds.
- (29) *Motel:* A building or group of buildings, whether detached, semi-detached, or attached, containing accommodations for primarily transient automobile travelers. The term motel includes such buildings designed as tourist courts, tourist cabins, motor lodges, and other similar terms.
- (30) *Non-Conforming Lot, Structure or Use:* A lot, sign, structure, building, or use which does not conform to the regulations and standards of the District in which it is located at the time of adoption of this Chapter or subsequent amendments hereto.
- (31) *Nursing or Sheltered Care Home:* A building containing sleeping rooms where persons are housed or lodged and are furnished with meals and nursing care for hire.
- (32) *Parking Lot:* A lot, court, yard, or portion thereof used for the parking of vehicles.
- (33) *Parking Space:* A space accessory to a use or structure for the parking of one (1) vehicle, the size of which shall not be less than ten (10) by twenty-one (21) feet, exclusive of access drives, ramps, columns, or pedestrian aisles.
- (34) *Sign:* Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, of any civic,

charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.

- (35) *Street*: All property dedicated for public or private street, highway, or roadway purposes.
- (36) *Structure*: Anything erected, designed, built or occupied, the use of which requires, more or less, permanent location on the ground, whether permanently attached to the ground or not, or attached to something having a permanent location on the ground; including but not limited to tents, trailers, or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes; and, also including, among other things, buildings, walls, fences, billboards, swimming pools, and signs.
- (37) *Structure, Main or Principal*: The structure in or on which is conducted the main or principal use of the lot on which it is located.
- (38) *Traditional Picnics and Festivals*: Any public gathering of people which may reasonably be expected to number one hundred (100) or more and which can reasonably be expected to continue for at least five (5) hours, and which are conducted and sponsored by recognized established organizations having a continual existence in the Village for five (5) years or more; or the traditional public gathering known as the “Old Settlers Picnic”.
- (39) *Trailer Coach*: Any portable or mobile vehicle used for residential living purposes by a family. For the purpose of this Chapter such vehicle shall be classified as a trailer coach whether or not its wheels, rollers, skids or other rolling equipment have been removed, or whether or not any addition thereto has been built on the ground.
- (40) *Trailer Coach Park*: A tract of land meeting the standards established by the county health authorities and by the Illinois State Department of Public Health.
 - (a) Where two (2) or more inhabited trailer coaches are parked, or
 - (b) Which is used by the public as parking space for two (2) or more inhabited trailer coaches.
- (41) *Use*: The specific purpose for which land, a structure or premises, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any non-conforming use.
- (42) *Yard*: An open space, other than a court, of uniform width or depth on the same lot with a structure, lying between the structure and the nearest lot line and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

- (43) *Yard, Front:* A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line, both such yards shall be classified as front yards. Each yard of a corner lot facing a street right-of-way line shall be classified as a front yard.
- (44) *Yard, Rear:* A yard extending the full width of a lot situated between the rear lot line and the nearest line of a structure located on said lot.
- (45) *Yard, Side:* A yard situated between the side lot line and the nearest line of a structure located on said lot and extending from the rear line of the required front yard to the front line of the required rear yard.
- (46) *Zoning Map:* The Village of Brimfield, Illinois, Official Zoning Map.

Sec. 18.12 – 18.19 Reserved

ARTICLE III. ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

Sec. 18.20 Establishment of Districts

For the purpose of promoting the public health, safety, morals and general welfare, the Village is hereby divided in the following zoning districts:

- A Agriculture District
- R-1 One Family Residential District
- R-2 Multiple Family Residential District
- C-1 Central Business District
- C-2 Commercial District
- I Industrial District

Sec. 18.21 Official Zoning Map

The location and boundaries of the Districts established by this Chapter are as shown on the Zoning Map prepared as provided by statute and identified by the title, "Village of Brimfield, Illinois Official Zoning Map". All explanatory matter thereon is hereby adopted and made a part of this Chapter.

Sec. 18.22 Annexed Territory

All territory which may hereafter be annexed to the Village shall be classified and placed in the R-1 One Family Residential District.

Sec. 18.23 Zoning of Streets, Alleys, Public Ways and Railroad Rights-of-Way

All streets, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting. Where the center line of a street, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such areas, when not otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

Sec. 18.24 Rules and Interpretation of Districts and Boundaries

When uncertainty exists as to the boundaries of districts shown on the Zoning Map, the following rules shall apply:

- a. Streets and Alleys. Boundaries indicated as approximately following the center-line of streets or alleys shall be construed to follow such center-lines.
- b. Lot Lines. Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines.

- c. Village Limits. Boundaries indicated as approximately following Village limits shall be construed as following such Village limits.
- d. Railroad Lines. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- e. Parallels or Extensions of Above. Boundaries indicated as parallel to or extensions of features indicated in subsections a through d above shall be so construed. Distance not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- f. Other. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map or in other circumstances not covered by subsections a through d above, the Zoning Board shall interpret the district boundaries.

Sec. 18.25 – 18.29 Reserved

ARTICLE IV. DISTRICT REGULATIONS AND STANDARDS

Sec. 18.30 Uniformity of Application

The regulations and standards set by this Chapter with each District shall be minimum regulations and standards and shall apply uniformly to each class, kind or type of structure, or use of land, except as hereinafter provided.

Sec. 18.31 Conformity with District Regulations and Standards

No structure upon land shall hereinafter be used or occupied and no structure or part thereof shall hereafter be constructed, erected, altered, remodeled, extended or removed unless in conformity with all the regulations and standards herein specified of the District in which it shall be located.

Sec. 18.32 Structures

No structure shall hereafter be constructed, erected, altered, remodeled, extended, moved or removed:

- a. To exceed the heights;
- b. To occupy or house a greater number of families;
- c. To occupy a greater percentage of the lot area;
- d. To exceed the floor area ratio;
- e. To have smaller or less habitable floor area per dwelling unit or lodging unit;
- f. To exceed the maximum floor area;

than hereafter required or in any manner contrary to the regulations and standards of the District in which it is located.

Sec. 18.33 Accessory Uses and Structures

No accessory use shall be established prior to the establishment of the main or principal use, and no accessory structure shall be constructed, erected, altered, remodeled, extended, or moved prior to the establishment of construction of the main or principal structure, except those accessory uses and structures of a temporary nature required for the establishment of the main or principal use, or for the construction of the main or principal structure or use.

Sec. 18.34 Access

No structure shall be constructed or erected on a lot or tract of land or moved to a lot or tract of land which does not abut a public street at least fifty (50) feet in width unless said street on the date of passage of this Chapter had a lesser width.

Sec. 18.35 Existing Structures

Nothing in this Chapter shall be deemed to require any change in the plans, construction, or designated use of any structure existing or upon which construction was lawfully begun prior to the effective date of this Chapter, provided that such structure shall be completed within one calendar year from the effective date of this Chapter.

Sec. 18.36 Application of Standards, Etc

The performance standards, regulations and standards, rules, requirements, provisions, and restrictions set by this Chapter shall apply to all structures, uses, lots and tracts of land created or established after the effective date of this Chapter, and shall not be deemed to require any change in the structures, uses, lots, and/or tracts of land, lawfully existing on the effective date of this Chapter, except as expressly specified hereinafter.

Sec. 18.37 Uses Permitted

The uses permitted in one (1) District shall not be permitted in any other District unless specifically stated.

Sec. 18.38 Open Spaces

- a. No part of a yard, buffer strip, or other open space, off-street parking space or loading berth, or lot area required about or in connection with any structure or use for the purpose of complying with the regulations and standards of this Chapter shall be included as part of a yard, buffer strip or other open space, off-street parking or loading berth or lot area similarly required for any other structure or use.
- b. No yard, buffer strip, or other open space, off-street parking space or loading berth, or lot shall be reduced in dimension or area below the requirements set forth hereinafter. Yards, buffer strips, or other open spaces, off-street parking, spaces or loading berths, or lots created or established after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.
- c. Lots hereinafter platted or created shall have adequate lot area, width and lot depth to provide for off-street parking spaces and loading berths, yards, buffer strips, and other spaces required.

Sec. 18.39 Height

- a. The height of any main or principal structure may exceed the maximum permitted height by one (1) foot for each additional foot by which the width of each yard exceeds the minimum yard dimension for the District in which such structure is located.
- b. Height regulations and standards shall not apply to spires, belfries, penthouses or domes not used for human occupancy, nor to chimneys, ventilators, sky-lights, water tanks, bulkheads, utility poles and silos, grain elevators and other necessary mechanical appurtenances provided their location shall conform where applicable to the regulations and standards of the Federal Communications Commission, the Federal Aviation Administration and other public authorities having jurisdiction.

Sec. 18.40 Depth

No lot hereinafter platted or created shall be less than one hundred (100) feet in depth.

Sec. 18.41 Regulations and Standards Applicable to Structures

The following yard regulations and standards shall apply to all lots or tracts of land on which a structure is located.

- a. Yards shall be kept unobstructed for their entire depth except specified hereinafter.
- b. Private driveways, surfaced drives, easements, sidewalks, flag poles, hydrants, patios, accessory signs, and other decorative recreational and utility devices and equipment may be placed in any yard.
- c. Notwithstanding any other provisions of this Chapter, the following visibility regulations and standards shall apply:
 - (1) (a) Unless otherwise specifically provided, the maximum height for fences, walls and/or hedges, shall be six (6) feet from grade level, and may be located only in the rear yard, and may extend from the rear line of the principal structure to the rear lot line. (Ordinance No. 2002-2; 5/6/02)
 - (b) Side yard fences may be a height of up to four (4) feet from grade level, and may extend from the rear line of the principal structure to the front line of the principal structure. Only a fence with a uniform free space density of 50% or more may be used to connect a fence in the side yard from the front corner of the principal structure. (Ordinance No. 2002-2; 5/6/02)
 - (c) Wrought iron decorative fences (without sharp points) or two rail fences of not more than 2 ½ feet in height, that can be seen through by neighbors, passing traffic, and passersby may be placed in the front yard from the front line of the principal structure to the front of the lot. (Ordinance No. 2002-2; 5/6/02)

- (d) Hazardous fencing such as barbed wire, electrically charged fencing, glass-topped wall, or similar hazardous fencing is prohibited. (Ordinance No. 2002-2; 5/6/02)
 - (e) In special use considerations, a greater maximum fence requirement may be recommended by the Zoning Board and approved by the Village Board. (Ordinance No. 2002-2; 5/6/02)
- (2) Corner Lot. On a corner lot nothing shall be constructed, erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 ½) feet above the center line grades of the intersecting streets in an area bounded by the street right-of-way lines fifty (50) feet from the nearest point of intersection. Beyond such fifty (50) foot limits, Section 18.41 c. (1) shall apply.
- (3) Notwithstanding the provisions of Paragraphs 1 and 2 of this paragraph c., no fence, wall, hedge or similar structure shall be located within 3 feet of any rear lot line on alley or within 3 feet of any lot line having gas, water, sewer, telephone, electric or other utility easements within 10 feet thereof. (Ordinance No. 2001-8; 12/10/01)

Sec. 18.42 Trailer Coaches

Except as permitted under the provisions of Section 18.61 no occupied trailer coach shall be permitted on any lot or tract of land outside of a trailer coach park, except the trailer coach of a bonafide guest of the occupant of a dwelling located on such lot or tract of land. Such location of a trailer coach of a bonafide guest of the occupant of a dwelling located on such lot or tract of land shall not exceed thirty (30) consecutive days and two (2) such thirty (30) day periods within one (1) calendar year.

Sec. 18.43 Location of Parking Spaces

All parking spaces servicing buildings or uses shall be located on the same zoning lot as the building or use served, except that parking spaces to serve business, commercial, industrial and office buildings may be located within 100 feet of such use if said spaces are located within a Commercial or Industrial District.

Sec. 18.44 Exemptions from Regulations and Standards

The following structures and uses are exempted from the application of the District regulations and standards and are permitted in any District: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or similar distributing equipment for telephone or other communications, electric power, gas, water, and sewer lines, provided that the installation shall conform where applicable with the rules and regulations of the Illinois Commerce Commission, the Federal Aviation Administration, other public authorities having jurisdiction, and the ordinances of the Village. A Zoning Permit shall be obtained for any above-ground electric substation or switching station, gas regulator station, water pump station, telephone exchange or similar utility structure.

Sec. 18.45 – 18.59 Reserved

ARTICLE V. A AGRICULTURE DISTRICT

Sec. 18.60 Purpose

The Agriculture District is designed to accommodate agriculture uses of all types. None of the regulations and standards herein except those relating to building or setback lines shall apply to land used or to be used for agricultural purposes, nor shall permits be required for such uses.

Sec. 18.61 Uses Permitted

- a. Agriculture.
- b. Single family detached dwellings, provided each such dwelling shall be located on a lot at least 2 acres in area, 330 feet in width if an interior lot or 400 feet in width if a corner lot. The floor area ratio shall not exceed 0.10, and the coverage shall not exceed 8%. R-1 District regulations and standards for dwellings shall apply. Any structure within this District may be converted into a single family detached dwelling, subject to the requirements of the above paragraph.
- c. Trailer Coaches. As an accessory use to agriculture, one trailer coach occupied as a permanent residence. No other occupied trailer coaches shall be permitted on any lot or tract of land outside of a trailer camp, except the trailer coach of a bonafide guest of the occupant of a dwelling located on such lot or tract of land. Such temporary location of a trailer coach shall not exceed thirty (30) consecutive days and two (2) such thirty (30) day periods within one (1) calendar year.
- d. Camps, private clubs, private lodges, country clubs, riding academies, public stables.
- e. Elementary, Jr. High and High Schools.
- f. Governmental Buildings, publicly owned athletic fields, golf courses, parks, campgrounds and community centers.
- g. Sewage treatment facilities.
- h. Customary access uses, including home occupations permitted in the R-1 District.

Sec. 18.62 Setback Line

The following setback line regulations and standards shall apply to all main or principal structures, all buildings, and all detached accessory structures except such as are permitted in yards.

- a. Where the lot abuts a highway as designated on the Zoning Map: minimum one hundred fifty (150) feet from center line of right-of-way, but not less than sixty (60) feet from the right-of-way line.

- b. Where the lot abuts a major street or a minor street as designated on Zoning Map, the minimum setback line shall be one hundred (100) feet measured from the center line of such right-of-way, but not less than sixty (60) feet from the right-of-way line.

Sec. 18.63 Height

No structure other than farm structures shall exceed the following heights:

- a. Main or principal structure: Maximum thirty-five (35) feet.
- b. Detached accessory structure: Maximum fifteen (15) feet.

Sec. 18.64 Yards

The following yards shall be provided in connection with any building or structure hereafter erected, built, or moved onto a lot, other than farm buildings:

- a. Main or principal structure:
 - (1) Front Yard. The minimum front yard shall be determined according to the setback line, Section 18.52 a.
 - (2) Side Yard. Minimum thirty feet, and for each additional story above the first two stories; add ten (10) feet.
 - (3) Rear Yard. Minimum one hundred (100) feet.
- b. Detached accessory building:
 - (1) Front Yard. The minimum front yard shall be determined according to the setback line, Section 18.52 a.
 - (2) Side Yard. No detached accessory building shall be located less than fifteen (15) feet from any side lot line.
 - (3) Rear Yard. No detached accessory building shall be located less than twenty-five (25) feet from any rear lot line.

Sec. 18.65 – 18.69 Reserved

ARTICLE VI. R-1 ONE FAMILY RESIDENTIAL DISTRICT

Sec. 18.70 Purpose

The R-1 One Family Residential District is intended to include those portions of the Village developed predominantly with one-family dwellings on individual lots where it is deemed desirable to maintain and encourage this pattern of development, and for those undeveloped portions of the Village in which it is deemed desirable to encourage this pattern of predominant land usage and density of population.

Sec. 18.71 Use Permitted (Ordinance No. 2002-3; 5/6/02)

Within the R-1 One Family Residential District no building or premises shall be used and no building shall be hereafter erected or altered, unless otherwise provided for in this Ordinance, except for the following uses:

- a. One-family detached dwellings.
- b. Agricultural uses on tracts containing 2 acres or more; but not including the raising, housing, pasturing or keeping of bees, fowl, or livestock, or uses other than the raising and harvesting of grain and garden plots.
- c. Customary accessory uses, including private garages.
- d. Customary home occupations, subject to the following regulations and standards:
 - (1) It must be carried on solely by a resident or residents of the premises, and not more than one employee not residing on the premises; and
 - (2) The total floor area devoted to such use shall not exceed 25% of the area of one floor of the dwelling; and
 - (3) It shall be located only in the dwelling and not in any structure accessory thereto; and
 - (4) No article may be sold or offered for sale except as such may be produced on the premises or which is incidental to the part of the service rendered; provided, however, that the conduct of a retail, wholesale or manufacturing business is prohibited; and
 - (5) No exterior evidence of such home occupation is visible except a name plate not more than two square feet in area which may set forth the name, home occupation and hours of operations; and
 - (6) The following home occupations are permitted: clergyman, dressmaker, milliner, seamstress, musical instructor (limited to single pupil at a time), beautician/beauty shop/barber shop (limited to one chair and owner operator); and

- (7) Home occupation shall not include: group musical instruction, tearooms, tourist homes, boarding houses, real estate offices, insurance offices, investment offices, the repair or servicing of automotive vehicles.
- e. Conversion of an existing building to a permitted use.
- f. Other uses customarily accessory and incidental to a principal use enumerated above.

Sec. 18.72 Regulations and Standards

- a. Lot Size. Every building hereafter erected shall be on a lot having an area of at least 8,000 square feet with a depth of at least 100 feet and a width of at least 72 feet; provided, however, that where a lot is smaller than herein required, and was of record at the time of the passage of this Ordinance, said lot may be occupied by not more than one family.
- b. Building Coverage. All principal and accessory buildings shall in the aggregate occupy no more than 30% of the lot area.
- c. Required Yards. On every interior lot one front yard, one rear yard, and two side yards are required. On every corner lot, a front yard for each side abutting a street, one side yard, and one rear yard are required. Yard dimensions shall be equal to or greater than the following:

Front Yard	25 feet
Side Yard	8 feet
Rear Yard	25 feet

No principal or accessory structure (except fences, walls, hedges, or similar structures conforming with the requirements of Section 18.41) may be placed within the front or side yards, nor shall they protrude beyond the extended line of the front edge of the principal structure, or be within 3 feet of any lot line. Accessory structures only may be erected within the rear yard; provided, they are at least 3 feet from any lot line, and provided further that together with the principal building the maximum lot coverage is not exceeded. On a corner lot, no accessory structure (except fences, walls, hedges or similar structures conforming with the requirements of Section 18.41) may protrude beyond the extended line of the front edge of the principal structure, or be within 3 feet of any lot line. Notwithstanding the above, swimming pools, above or below ground, shall be located only within the rear yard, and shall not be located within 8 feet of the side or rear yard lines.

- d. Maximum Building Height. Except as provided in Section 18.39, no principal building shall exceed 30 feet in height, and no accessory building shall exceed 15 feet in height.
- e. Off-Street Parking Space. All uses shall be provided with off-street parking spaces in accordance with the following:
 - (1) Dwelling Units. Two (2) off-street parking spaces per unit, and such parking spaces shall be located on the same lot or tract as the dwelling unit served.

- (2) Churches and School Auditoriums. One off-street parking space for every five (5) individual seats located within the building or auditorium are required.
 - (3) Other Permitted Uses. One (1) off-street parking space per person normally employed on the lot or tract of land, or in the case of places of assembly without fixed seating, one (1) off-street parking space per 75 square feet of gross floor area, and any such off-street parking space or spaces shall not be located in the required front yard.
- f. Habitable Floor Area. No one-story dwelling shall hereafter be erected with a habitable floor area of less than 700 square feet. No two-story dwelling shall hereinafter be erected with a habitable floor area of less than 1,300 square feet.

Sec. 18.73 – 18.79 Reserved

ARTICLE VII. R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT

Sec. 18.80 Purpose

It is the intent of the R-2 Multiple Family Residential District to provide for the continued growth of the Village in total population through intensification of density within the prescribed areas of the Village.

Sec. 18.81 Used Permitted

No building or premises shall be used and no building shall be hereafter erected or altered within any R-2 Multiple Family Residential District, unless otherwise provided for in this Chapter, except for the following uses:

- a. Any use permitted in the R-1 One Family Residential District, subject to the restrictions of that District.
- b. Two-family dwellings.
- c. Multi-family residences.
- d. Sheltered case homes.
- e. Nursing homes.
- f. Upon approval of the Zoning Board, one or more of the following uses may be established clearly incidental to a multi-family residence, sheltered care home or nursing home; restaurant, office of doctor, dental or similar practitioner in the healing arts. Such incidental use shall be allowed only if it is primarily for the use and benefit of the occupants of the principal use.

Sec. 18.82 Regulations and Standards

- a. Lot Size, Density.
 - (1) Every building hereafter erected shall be on a lot having an area of at least 8,000 square feet with a depth of at least 100 feet and a width of at least 72 feet; provided, however, that where a lot is smaller than herein required and was of record at the time of the passage of this Ordinance said lot may be occupied by not more than one family.
 - (2) The maximum allowable number of dwelling units shall be determined in the following manner: one dwelling unit for the first 5,000 square feet of lot area, plus one additional dwelling unit for each additional 3,000 square feet of lot area. No additional dwelling unit shall be allowed for any remaining lot area of less than 3,000 square feet.

- b. Building Coverage. The requirements of Section 18.72 b. shall apply.
- c. Required Yards. The requirements of Section 18.72 c. shall apply.
- d. Maximum Building Height. The requirements of Section 18.72 d. shall apply.
- e. Off-Street Parking Spaces. The requirements of Section 18.72 e. shall apply.
- f. Habitable Floor Area.
 - (1) The requirements of Section 18.72 f. shall apply to one family dwellings, and to attached or semi-detached one-family dwelling units (i.e., duplexes, four-plexes, town-houses).
 - (2) No multi-family dwelling shall be erected with a habitable floor area of less than 600 square feet per dwelling unit.

Sec. 18.83 – 18.89 Reserved

ARTICLE VIII. C-1 CENTRAL BUSINESS DISTRICT

Sec. 18.90 Purpose

It is the intent and purpose of this Article to provide regulations for the central business district extending along Knoxville from Madison Street on the East and Washington Street on the West to provide space for those retail businesses, service businesses, and office uses serving the Brimfield area.

Sec. 18.91 Permitted Uses

No building or premises shall be used and no building shall be hereafter erected or altered within any C-1 Central Business District, unless otherwise provided in this Chapter, except for the following uses:

- a. Retail stores and shops, governmental office buildings, parks and playgrounds operated by a unit of government, libraries, residential uses in existence prior to December 1, 1972.
- b. Banks, post office, medical or dental clinics, business or professional offices.
- c. Service-type businesses, such as barber shops, beauty parlors, music, dancing, art or photography studios, servicing or repair of home appliances and similar uses.
- d. Automobile service stations and public garages.
- e. Boarding or lodging houses and dwelling units located on the same lot with such a permitted use.
- f. Agricultural uses on tracts containing 2 acres or more, but not including the raising, housing, pasturing or keeping of bees, fowls, or livestock, or uses other than the raising and harvesting of grain.
- g. Clubs, lodges, public meeting halls, theaters, bowling alleys, and similar places of assembly or recreation.
- h. Customary accessory uses, located on the same or adjacent lots with a permitted use. Signs advertising a business, service or product available on the premises shall be permitted, provided the total area of such signs shall not exceed two (2) times the lineal feet of frontage on the zoning lot.
- i. Parks or playgrounds operated by a unit of government.
- j. Government buildings, but not including public or private schools.

Sec. 18.92 Regulations and Standards

- a. Minimum Lot Size. None.

- b. Maximum Coverage. The amount of the total lot area which may be covered by all principal and accessory buildings shall not exceed 80%.
- c. Required Yards. None.
- d. Maximum Building Height. Except as provided in Section 18.39, no principal building shall exceed 30 feet in height, and no accessory building or structure shall exceed 30 feet in height.
- e. Off-Street Parking Space. None.

Notwithstanding any of the above requirements, buildings used in whole or part for residential purposes shall conform to the yard, floor area ratio and density restrictions for such buildings in Article VII for multi-family dwellings.

Sec. 18.93 – 18.99 Reserved

ARTICLE IX. C-2 COMMERCIAL DISTRICT

Sec. 18.100 Purpose

The C-2 Commercial District is primarily a highway commercial district, and the establishment permitted in this District are those which are primarily dependent on vehicle transported customers. Establishments of the “Drive-In” type are permitted in this District.

Sec. 18.101 Permitted Uses

No building or premises shall be used and no building shall be hereafter erected or altered within any C-2 Commercial District, unless otherwise permitted in this Chapter, except for the following uses:

- a. Any use permitted in the C-1 Central Business District.
- b. Hotels and motels.
- c. Business or professional offices.
- d. Drive-in type businesses, excluding car washes.
- e. New or used farm equipment sales areas, but not including the storage of wrecked vehicles or farm equipment.
- f. Road-side markets, landscape nursery sales yard, building materials sales yard.
- g. Water storage, purification, intake or pumping station, sewer lift station, waste water treatment facilities.
- h. Food lockers, but not including meat packing or processing unless as an accessory use.
- i. Servicing and repair of farm equipment, but not including the storage of wrecked vehicles or farm equipment.
- j. Trailer coach and trailer sales or service, but not including trailer coach parks.
- k. New or used car sales, but not including storage of wrecked vehicles.
- l. Parks and recreation areas operated by a unit of government.

Sec. 18.102 Regulations and Standards

- a. Minimum Lot Size. 8,000 square feet.

- b. Maximum Coverage. The amount of the total lot area which may be covered by all principal and accessory buildings shall not exceed 50%.
- c. Required Yards. A front yard is required for each lot side abutting a street as shown on the Zoning Map. Front yard depth shall be seventy (70) feet from the center line of such major streets, but not less than thirty (30) feet from the right-of-way line.
- d. Maximum Building Height. Except as provided in Section 18.39, no principal building shall exceed 30 feet in height, and no accessory building or structure shall exceed 30 feet in height.
- e. Off-Street Parking Spaces. Off-street parking spaces shall be provided as follows:
 - (1) One off-street parking space shall be provided per dwelling unit, and such parking space shall be located on the same lot or tract of land as the dwelling or lodging unit served.
 - (2) One off-street parking space per person normally employed on the lot or tract.
 - (3) One off-street parking space for each one hundred (100) square feet of retail sales floor area of the establishment being served.

Sec. 18.103 – 18.109 Reserved

ARTICLE X. I INDUSTRIAL DISTRICT

Sec. 18.110 Purpose

It is the purpose of the I Industrial District regulations to protect established residential and commercial areas from nearby industrial activities which may create offensive noise, vibration, smoke, dust, odors, heat, glare, fire hazards, and other objectionable influences.

Sec. 18.111 Permitted Uses

No building or premises shall be used and no building shall hereafter be erected or altered within any I Industrial District, unless otherwise provided in this Chapter, except for the following:

- a. Any use permitted in the C-1 or C-2 Districts.
- b. Grain storage, feed mills, fertilizer storage.
- c. Wholesale storage and warehouse facilities, except those specifically prohibited.
- d. Railroad yards, siding and switching facilities.
- e. Public utility substations, distribution centers, gas regulator stations.
- f. Fuel storage, lumber yards, building material storage yard or similar storage yards, but not including salvage or junk yards.
- g. The manufacture or processing of goods or products, except the processing of fertilizer, subject to the performance standards of the Illinois Pollution Control Board, and the Illinois Environmental Protection Agency as to noise, water and air pollution, presently adopted or which may be hereafter adopted, which standards are hereby adopted by reference.
- h. Offices, display rooms and customary accessory uses to any of the above permitted uses.
- i. Signs, provided that the gross area of signs shall not exceed six (6) times the lineal feet of frontage of the lot on which such signs are located.

Sec. 18.112 Regulations and Standards

- a. Minimum Lot Size. None.
- b. Maximum Coverage. The amount of the total lot area may be covered by all principal and accessory buildings shall not exceed 50%.
- c. Required Yards and Open Spaces. On every lot in the I Industrial Districts, yards shall be required as follows: a front yard on each lot line abutting a street, side and rear yards,

except in the case where three lot sides abut a street, there shall be required in addition to three front yards, a side yard.

- (1) Front Yard. Depth where a lot abuts a major street as designated on the Zoning Map shall be seventy (70) feet from the center line of such right-of-way, but not less than thirty (30) feet from the right-of-way line. Where a lot abuts a street other than a major street as designated on the Zoning Map, minimum depth shall be fifty-five (55) feet from the center line but not less than twenty-five (25) feet from the right-of-way line. If the building is to be constructed on an established lot where there are existing buildings, the yard depth shall be the average of the yard depths of two buildings, one on either side.
 - (2) Side Yard. Width shall be ten (10) feet or greater, no accessory buildings shall project into the required side yard space.
 - (3) Rear Yard. Depth shall not be less than twenty (20) feet. Within the required yards, or in addition thereto, there shall be sufficient space for the loading and unloading of motor vehicles off the street.
 - (4) Buffer Area. Where a lot abuts a lot in a R-1 One Family Residential District or R-2 Multiple Family Residential District, there shall be provided along such lot line a suitable buffer of plant materials, fencing or combination of both, at least ten (10) feet in width, to shield the residential areas from the industrial area. Where the transition from the industrial district to the residential district is a public street, the front yard in the industrial district shall be suitably landscaped. No buffer area is required on that portion of a lot abutting a railroad right of way.
- d. Any permitted use shall be so constructed and operated as to create no nuisance with respect to noise, vibration, emission of smoke or particulate matter, toxic, noxious or odorous matter, glare and heat or as to create fire or explosive hazards. For the purpose of this Ordinance, the performance standards as to noise, smoke and particulate matter, air and water pollution, set forth in the Standards of the Illinois Pollution Control Board and the Illinois Environmental Protection Agency, are adopted by reference and made a part of this Ordinance.
- e. Off-Street Parking Space. Off-street parking shall be provided as follows:
- (1) One off-street parking space per person normally employed on the lot or tract of land.
 - (2) One off-street parking space for each truck or vehicle incidental to the use of such lot or tract of land.

Sec. 18.113 – 18.139 Reserved

ARTICLE XI. SPECIAL USES

Sec. 18.140 Declaration of Policy

It is hereby declared the policy and purpose of this Chapter to employ the Special Use as a flexible means of permitting certain exceptions to the Districts established, the rules and regulations adopted herein, in cases where the public benefit such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare, and individual property rights.

Sec. 18.141 Definition

A *Special Use* is a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Districts established herein.

Sec. 18.142 Authorizing Special Use Permits

Special Use Permits may be authorized by the Village Board in accordance with the procedure set forth in Section 18.165, when it appears:

- a. That it is reasonably necessary for public convenience at that location.
- b. That it is so designed, located and proposed as to be operated so that it will not be injurious to the District in which it may be located, or otherwise detrimental to the public welfare.
- c. That it conforms to the applicable regulations and standards of, and preserves the essential character of, the District in which it may be located.
- d. That in the case of an existing non-conforming use, the granting of a Special Use will make such use more compatible with its surroundings.

Sec. 18.143 Schedule of Special Uses

Special Uses which may be authorized by the Village Board are as follows:

- a. Electric and/or gas substations, public waterworks and appurtenant structures, telephone exchanges, in all residential Districts.
- b. Churches or similar places of worship, parish houses, Sunday Schools, rectory or parsonage, in all residential Districts.
- c. Public libraries and community centers in the R-1 One Family Residential District, R-2 Multiple Family Residential District, C-1 Central Business District and C-2 Commercial District.

- d. Hospitals, nursing homes, doctors' clinics, veterinary clinics in the R-1 One Family Residential District, R-2 Multiple Family Residential District, C-1 Central Business District and C-2 Commercial District.
- e. Clubs, private clubs, private lodges, country clubs and golf courses in the R-1 One Family Residential District and R-2 Multiple Family Residential District.
- f. Cemeteries in all residential Districts.
- g. Junk dealers in the I Industrial District, provided a solid fence of at least eight (8) feet in height is provided on all sides of such use. Such fence shall conform to the District yard regulations.
- h. Sanitary fill in the I Industrial District.
- i. Self-service laundries and dry cleaning establishments; provided, however, that to grant such a use a finding shall be made that there will be adequate supervisory personnel on the premises at all times that the establishment is open to the public, and that any discharge into the sanitary sewer system will not cause an overload or hinder the treatment processes of the sanitary sewage facilities of the Brimfield Sanitary District, in the C-1 Central Business District, and the C-2 Commercial District.
- j. Trailer coach parks in the R-2 Multiple Family Residential District and C-2 Commercial District, subject to the regulations of the District and the following:
 - (1) Applicant shall submit license issued by the appropriate authority or authorities.
 - (2) Applicant shall submit a plan and specifications for the proposed trailer coach park; the site shall not contain less than six (6) acres, and not less than thirty (30) trailer coach spaces available at first occupancy, and shall have no more than ten (10) trailer coach spaces per gross acre; the minimum size of each trailer coach space shall be not less than 3,000 square feet.
 - (3) All trailer coach spaces shall be provided with a public sanitary sewer system and public water system.
 - (4) Each trailer coach park shall include frontage on a public road providing improved all-weather access to the rest of the street system so improved.
 - (5) Each trailer coach space shall be provided with two (2) paved off-street automobile parking spaces.
 - (6) A green belt planting not less than twenty (20) feet in width shall be located along all lot lines of the proposed site not bordering on a street. Such green belt shall be composed of one row of deciduous or evergreen trees, spaced not more than forty (40) feet apart, and not less than three (3) rows of shrubs spaced not more than eight

(8) feet apart and which shrubs grow to a height of five (5) feet or more after one full growing season and which shall eventually grow to a height of not less than twelve (12) feet.

- (7) Each trailer coach park shall be limited to providing no more than one sign per public road entrance, and any such signs shall be not more than eight (8) square feet in size.
- k. Home occupations in the R-1 One Family Residential District and in the R-2 Multiple Family Residential District not specifically allowed by Section 18.71 d. (6) of Article VI and not specifically prohibited by Section 18.71 d. (7) of Article VI; provided that the Zoning Board and Village Board shall find that the proposed use is a home occupation.
- l. Day care centers, child development centers, and similar uses, licensed by the State of Illinois, beauty shops/barber shops (more than one chair and/or non-owner operators), cabinet-maker, in the R-1 One Family Residential District.
- m. Flea markets and outdoor movies in the C-1 Central Business District, C-2 Commercial District and I-Industrial District.
- n. Adult uses, as defined and controlled by Article IX, Chapter 24 of the Municipal Code of Brimfield of 1961 in the I-Industrial District, subject to the requirements of said Article and Chapter.
- o. Parks or playgrounds operated by a unit of government, private or public schools offering general instruction from kindergarten through the twelfth grade level, and government buildings in all Districts.
- p. Off-street parking accommodations for non-residential uses adjacent to or across a street or alley, from such uses in all Districts, provided that no such off-street parking shall be allowed in the required yard areas for the particular District and that there shall be a solid continuous wall, fence or landscape screen a minimum of three and one-half feet in height and twenty feet in width separating the parking area from all residential area.
- q. Mini-storage facilities in the C-2 Commercial District.
- r. Off-premises (Off-site) signs (such as billboards but excluding public directional signs) in Industrial Districts and C-2 Commercial Districts along highways for lodging, food, outdoor recreational or automotive service facilities along interstate highways in conformance with the Highway Advertising Control Act of 1971 (225 ILCS 440/1 et seq.), and in accordance with the following provisions:
 - 1. Applicants shall obtain a permit from the Illinois Department of Transportation for construction of the billboard and submit a copy of that permit as part of the application.

2. Signs shall be constructed of steel with mono-pole or uni-pole design and shall not be stacked;
3. Signs shall not exceed one hundred (100) square feet in total sign face area;
4. No sign shall exceed thirty (30) feet in height;
5. Signs shall be separated for one-quarter (¼) mile along the same road; and
6. Whenever applicable, signs shall comply with the standards of the Highway Advertising Control Act of 1971 (225 ILCS 440/1 et seq.).
7. The applicant shall comply with all of the applicable provisions of Article V (Billboards), Chapter 17, and Article VI (Outdoor Advertisers), Chapter 15, of this Code.

Sec. 18.144 Findings Required

Before a Special Use can be granted, in addition to all other requirements of this Article, the following specific findings must be made:

- a. That the entrances and exits thereto will not create any undue hazard to vehicles or pedestrians.
- b. That there will be no adverse effect upon surrounding land uses.

Sec. 18.145 – 18.149 Reserved

ARTICLE XII. NON-CONFORMING USES

Sec. 18.150 Continuance of Use

Any lawfully established use of a building or land, at the effective date of the first zoning ordinance of the Village, November 6, 1972, or of amendments thereto, that does not conform to the use regulations of the District in which it is located, shall be deemed to be a legal non-conforming use and may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise provided herein.

Sec. 18.151 Discontinuance of Use

- a. Whenever any part of a building, structure or land occupied by a non-conforming use is changed to or replaced by a use conforming to the provisions of this Chapter, such premises shall not thereafter be used or occupied by any non-conforming use, even though the building may have been originally designed and constructed for the prior non-conforming use.

- b. Whenever a non-conforming use of a building or structure has been discontinued for a period of one (1) year, or whenever there is evident and clear intent on the part of the owner to abandon such non-conforming use, such use shall not after being discontinued or abandoned be re-established, and the use thereafter shall be in conformity with the regulations of the District. Where the use of land without an enclosed building is involved, discontinuance of a non-conforming use for a period of sixty (60) days shall constitute abandonment. Once changed to a conforming use, no building, structure or land shall be permitted to *revert* to a non-conforming use.

Sec. 18.152 Termination and Removal of Non-Conforming Uses

The period of time during which the following non-conforming uses of buildings, structures or land may continue or remain shall be limited to two (2) years from the effective date of this Chapter, or of any amendment thereto which causes the use to be non-conforming.

- a. Any non-conforming building or structure having an assessed valuation not in excess of \$500.00 on the effective date of this Chapter, or any amendment thereto.

- b. All non-conforming signs.

- c. Junk yards.

Sec. 18.153 Repairs and Maintenance

On any structure devoted in whole or in part to any non-conforming use, or which itself is non-conforming, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not to exceed 10% of

the then current replacement value of the structure, provided that the volume of such building or the size of such structure as it existed at the effective date of adoption, or amendment, of this Chapter shall not be increased. Nothing in this Chapter shall be deemed to prevent strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

Sec. 18.154 Damages and Destruction

If a non-conforming structure is destroyed or damaged by any means to an extent of more than 50% of its replacement cost at the time of such destruction or damage, it shall not be reconstructed except in conformity with the provisions of this Chapter. If such destruction or damage is equal to or less than 50% of the replacement cost of the structure, restoration or repair of the structure must be started within a period of one year and diligently prosecuted to completion.

Sec. 18.155 Additions and Enlargements

A non-conforming use of land, premises, buildings or structures shall not be enlarged or expanded, or extended after the effective date of this Chapter, or amendment hereto, by the attachment of a structure, premises, building, or land, or additional signs intended to be seen off the premises or land, or by the addition of other uses of a nature which would be prohibited in the District involved. No structure partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.

Sec. 18.156 Non-Conforming Lots of Record

In any District in which one family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Chapter, a one family dwelling and customary accessory building may be erected and any lot which is a lot of record on the effective date of this Chapter. The provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the District, provided that the yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations hereinafter provided.

- a. Front Yard. The front yard regulations and standards of the District in which the lot is located shall apply.
- b. Rear Yard. The rear yard regulations and standards of the District in which such lot is located shall apply.
- c. Side Yard. Two side yards shall be provided, each at least 1/6 the width of the lot, but not wider than required for the District in which such lot is located.

Sec. 18.157 Non-Conforming Structure in Residential Districts

No non-conforming structure in any Residential District shall be so altered as to increase the number of dwelling units therein.

Sec. 18.158 – 18.159 Reserved

ARTICLE XIII. SWIMMING POOLS

Sec. 18.160 General Provisions

The purpose of the Article is to prescribe rules and regulations controlling the construction, maintenance and operation of private swimming pools in the Village to protect the public health, safety and welfare from the dangers which are often associated with a private swimming pool. It shall be the duty of the owner of a private swimming pool to comply with the provisions set forth in this private swimming pool Article as such provisions now exist or may hereinafter be amended.

Sec. 18.161 Definitions

As used in this Article, the following terms mean:

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

Dwelling Unit: A building, structure or improvement used or designed for occupancy by one (1) family.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose a private swimming pool.

Private Swimming Pool: Any structure intended for swimming or recreational bathing that is capable of containing water over 23 inches deep. This includes in-ground, above-ground or on-ground swimming pools, hot tubs, spas, and similar units. (Ordinance No. 2002-2; 5/6/02)

Private Residential Property: Any real property, building or portions thereof used for dwelling purposes.

Sec. 18.162 Location

The owner of the proposed private swimming pool or his/her representative or agent shall install the same in conformance with the applicable requirements set forth in this Chapter, including but not limited to setback, side yard and rear yard requirements. The pool shall not be constructed or installed so as to locate it beneath electrical wires.

Sec. 18.163 Permits, Plans, Fees

- a. Permits. Prior to the commencement of the construction of a private swimming pool or any alteration, addition, remodeling or improvement to a private swimming pool, the owner of the proposed pool or existing pool or his/her representative or agent shall submit an application for a permit to the Zoning Officer. The application shall be in duplicate and include two (2) copies of the plans and specifications. No construction shall begin until the Zoning Officer has granted approval of the proposed plans and specifications. The issuance

of a written permit by the Zoning Officer to the applicant shall be evidence of approval of the proposed plans and specifications.

The owner shall obtain a written permit from the Zoning Officer prior to obtaining any other permit. In addition to a permit issued by the Zoning Officer, the owner of a proposed private swimming pool shall be responsible for obtaining all other permits required by other regulatory agencies. The applicant shall not commence construction until all the required permits are issued.

The owner of a private swimming pool shall notify the Zoning Officer upon completion of the construction, addition, alteration and prior to filling the pool and upon completion of the construction of the fence. The owner shall not fill the pool until the pool and fence are inspected by the Zoning Officer and found to be in compliance with the terms of this Article.

- b. Plans. The plans and specifications required by paragraph a. of this Section shall include the following information plus such other data as may be reasonably requested by the Zoning Officer:
 - (1) A site plan drawn to scale showing the location of the private swimming pool in relation to the side and rear property lines, building line and fence location.
 - (2) A sketch of the cross section of the fence.
- c. Fees. The applicant for permit shall accompany the permit application with payment of the applicable fee.

Sec. 18.164 Fences

- a. It shall be the duty of the owner of a private swimming pool to install a fence not less than five (5) feet in height which shall completely surround the swimming pool except for those portions of the enclosure where there is a building that would serve as a five foot barrier. Such fence encompassing the entire rear yard in which the private swimming pool is located and meeting the requirements of b. below meets the requirements of the preceding sentence.
- b. The following requirements shall apply to all private swimming pool owners:
 - (1) Each fence shall be equipped with a gate with self-closing and self-latching devices placed at the top of the gate. Such self-closing and self-latching devices shall be installed at such a height as to be inaccessible to small children.
 - (2) All pool fence gates shall be closed and locked when the pool is not in use.
 - (3) There shall be no fixed objects, tree limbs, etc., adjacent to the outside of the fence that may be used by a child to climb over the top of the fence.
 - (4) The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches.

- (5) Openings in the barrier shall not allow passage of a four-inch diameter sphere.
- (6) Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- (7) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45) inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and seven-eighths ($1 \frac{7}{8}$) inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters ($1 \frac{3}{4}$) inches in width.
- (8) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty five (45) inches or more, spacing between vertical members shall not exceed four (4) inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters ($1 \frac{3}{4}$) inches in width.
- (9) Where a chain link fence is provided, the openings between the links shall not exceed two and three-eighths ($2 \frac{3}{8}$) inches.
- (10) Where the barrier is composed of diagonal members, such as lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-quarters ($1 \frac{3}{4}$) inches.
- (11) All fencing shall comply with setback requirements as established in applicable zoning ordinances.

Sec. 18.165 Inspections and Enforcement

- a. Inspection. The Zoning Officer shall inspect or cause to be inspected all private swimming pools within the Village at such times as he or she may deem necessary to carry out the intent of this Article. The Zoning Officer is hereby authorized to enter upon any premises to perform such inspections during reasonable hours.
- b. Enforcement. In the event the Zoning Officer determines that a violation of this Article has occurred, he/she shall give written notice to the owner that such a violation exists. Whenever such pool, by violating the terms of this Article, constitutes a menace to public safety, the Zoning Officer shall have the power to require that such pool be drained to a level not to exceed eighteen (18) inches until such time as the same is in the opinion of the Zoning Officer no longer a menace or hazard to the health or safety of the public.

Sec. 18.166 **Variances**

- a. Whenever in a specified case the strict application of the regulations of this Article would result in practical difficulties or particular hardship in carrying out the strict letter of such regulations, the Zoning Board shall have the power to vary their application in harmony with their general purpose and intent.
- b. The petitioner for variance shall apply for the variance in the same manner as for variances under this Chapter.
- c. The petition shall be given a public hearing before the Zoning Board as for any other petition for variance under this Chapter.
- d. Where the petition requests a variance of ten percent (10%) or less as to location of the pool or fence, the Zoning Officer shall have the power to grant the variance if the requirements of subsection a. of this Section are met.

Sec. 18.167 **Existing Pools**

- a. Any owner of an existing unfenced private swimming pool constructed prior to the effective date of this Article shall be required to adhere to the requirements set forth in Section 18.164 of this Article. Each such owner shall obtain a permit to construct a fence around the pool area in order to bring the pool into compliance with this Article within one hundred and eighty (180) days after the effective date of this Article.
- b. If a private swimming pool is fenced as of the effective date of this Article and the fence is at least four (4) feet in height and is not determined by the Zoning Officer to be so inadequate a barrier to small children as to constitute a menace to public safety, then such fence shall not be required to adhere to the requirements as set forth in Section 18.164 of this Article. The pool owner may appeal the Zoning Officer's determination under this subsection as per Section 18.185 of this Chapter.
- c. If the owner of an existing fenced private swimming pool replaced the fence or least fifty percent (50%) thereof subsequent to the effective date of this Article, then the entire reconstructed fence shall adhere to the requirements as set forth in Section 18.164 of this Article.

Sec. 18.168 **Penalty**

- a. Any person who shall violate any of the provisions of this Article shall be subject to the penalties as set forth in this Chapter.
- b. In addition, such persons may be enjoined from continuing such violations. Each week upon which such a violation occurs shall constitute a separate violation.

Sec. 18.169 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Article should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Article which shall remain in full force and effect; and to this end, the provisions of this Article are hereby declared to be severable.

Sec. 18.170 – 18.179 Reserved

ARTICLE XIV. ADMINISTRATION AND ENFORCEMENT

Sec. 18.180 Zoning Officer

This Chapter shall be administered and enforced by the Zoning Officer. No Zoning Use Permit or Certificate of Occupancy shall be issued by him/her except where the provisions of this Chapter have been complied with.

Sec. 18.181 Zoning Use Permit

- a. When Zoning Use Permit Required. A Zoning Use Permit shall be obtained from the Zoning Officer, by the owner, lessee, or other person having the right to possession, or his/her authorized agent, of any property or structure before commencing:
 - (1) To establish, occupy, or change the use of a structure or land either by itself or in addition to another use;
 - (2) To construct or erect a new structure or part thereof;
 - (3) To extend or move any structure or part thereof;
 - (4) To change a non-conforming use to a special use; provided, however, that this Section shall not apply to those persons, nor to property, structures, or uses, exempted from the regulations of this Chapter by statute or by other provisions of this Chapter, except to the extent specifically provided hereinafter;
 - (5) To conduct or hold any traditional picnic or festival;
 - (6) A home occupation.
- b. Application for Zoning Use Permit. Applications for Zoning Use Permits shall be filed in the office of the Zoning Officer on forms prescribed by him/her. Such applications shall:
 - (1) State the location, street number, lot, block and/or tract comprising the legal description of the property;
 - (2) State the name and address of the owner, the applicant, if different from the owner, and the contractor, if known;
 - (3) State the estimated costs;
 - (4) Describe the uses to be established or expanded;
 - (5) Be accompanied by a plan in duplicate, or duplicate prints thereof, drawn approximately to scale, showing the:

- (a) Actual dimensions of the lot to be built upon;
 - (b) Size, shape, and location of the use to be established or the structure to be constructed;
 - (c) Size, shape, and location of all existing structures and uses located on the lot;
 - (d) Minimum floor elevations and highest known flood level, where applicable;
 - (e) Ingress and egress;
 - (f) Off-street parking spaces and loading berths;
 - (g) Water supply and sewage disposal facilities, including a true and correct copy of any permit;
 - (h) Other information as may be necessary to provide for the proper administration and enforcement of this Chapter;
- (6) Include any accessory structure or use established or constructed at the same time the main or principal structure, or main or principal use is established or constructed.
- (7) In the case of a Zoning Use Permit for the authorization of traditional picnics and festivals, in addition to the above requirements, the Applications for Permit shall contain:
- (a) The name, age, residence, mailing address and telephone number of the promoters, a statement of the promoter's legal nature (i.e., individual, partnership, corporation, etc.), and a list of the names and addresses of all persons directly or indirectly in charge of the proposed activity;
 - (b) The purpose of the gathering;
 - (c) The time of the gathering, including the date or dates and the hours during which the activity is to be conducted;
 - (d) A detailed statement, containing plans and specifications of the applicant's program, and plans for the activity in its entirety;
 - (e) Estimate of the minimum and maximum number of persons expected to attend the activity daily as per performance;
 - (f) A statement, certified on penalty of perjury, as to the correctness of the information given the Application and in supporting documents;
 - (g) A copy of all contracts with secondary parties involved in the event;

- (h) Where applicable, the provisions to be made for water supply and sanitary facilities;
- (i) Such additional information as the Zoning Officer may require. However, all Zoning Permits issued for traditional picnics and festivals shall expire within thirty (30) days from the issuance thereof, and shall be limited to the authorization of one such event.

c. Issuance of Zoning Use Permit.

- (1) If the Zoning Officer determines that an application for Zoning Use Permit and the use applied for conform to the applicable regulations and standards of this Chapter, and if an application for a Zoning Compliance Certificate has been made, he/she shall issue a Zoning Use Permit.
- (2) Each Zoning Use Permit for a main or principal structure, or main or principal use, shall also cover any accessory structure or accessory use established or constructed at the same time on the same lot or tract of land.
- (3) The Zoning Officer shall issue an original and a duplicate copy of the Zoning Use Permit to the applicant and shall retain another duplicate copy for his/her records. The applicant's duplicate copy shall be posted in plain sight on the premises for which it is issued until the Zoning Compliance Certificate has been issued.

d. Expiration of Zoning Use Permit.

- (1) If the work described on any Zoning Use Permit shall not have begun within ninety (90) days from the issuance thereof, said permit shall expire and be cancelled by the Zoning Officer and written notice thereof shall be given to the applicant.
- (2) If the work described on any Zoning Use Permit shall have begun within ninety (90) days but shall not have been substantially completed within three hundred and sixty-five (365) consecutive days from the issuance thereof, said permit shall expire and be cancelled by the Zoning Officer, and written notice thereof shall be given to the Applicant together with notice that further work as described on the cancelled permit shall not proceed until a new permit shall have been issued; provided, however, that for commercial and industrial buildings, the permit shall extend for such period as set forth in the application for the Zoning Use Permit as the time necessary to complete the building.
- (3) If a new Zoning Use Permit is issued granting additional time for completion of the work, such new permit may require, at the discretion of the Zoning Board, a limitation on time allowed for the completion of the work and a performance bond to insure completion within the time set. Such new permit shall not, in any case, be valid after three hundred sixty-five (365) consecutive days from the date of issuance thereof.

- (4) A Zoning Use Permit, issued for the establishment of the use of land where no structure is involved, or on which land a structure is accessory to the main or principal use, such main or principal use not involving any structure, shall not expire. The land so used shall be inspected by the Zoning Officer at one year intervals from the date of issuance of such permit to insure compliance with the regulations and standards of this Chapter.

Sec. 18.182 Zoning Compliance Certificate

- a. No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a Zoning Compliance Certificate shall have been issued by the Zoning Officer.
- b. All Zoning Compliance Certificates shall be applied for coincident with the application for a Zoning Use Permit, and said Certificate shall be issued within three (3) days after the erection or alteration shall have been approved.
- c. Zoning Compliance Certificates for the use of vacant land shall be applied for before any such land shall be occupied or used, and a Zoning Compliance Certificate shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of this Ordinance.
- d. The Zoning Officer shall maintain a record of all certificates and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building affected.
- e. No permit for excavation for, or the erection of, or alteration or repairs to any building shall be issued until an application has been made for a Zoning Compliance Certificate.

Sec. 18.183 Fees

- a. The following fees shall be charged for the processing of applications and the issuance of Zoning Use Permits, and shall be collected by the Zoning Officer, who shall be accountable to the Village for such fees:
 - (1) Residential Structures:
 - (a) New construction of a main or principal structure of one thousand (1,000) square feet of floor area or less \$75.00
 - (b) New construction of a main or principal structure of more than one thousand (1,000) square feet of floor area: per 100 square feet of floor area or additional fraction thereof..... \$75.00
+\$3.00 for each additional 100 square feet (Ordinance No. 2002-3; 5/6/02)
 - (c) Construction of an accessory structure (no fee for structure of less than 25 square feet)..... \$15.00

- (d) Extend a major or principal structure for the first three hundred (300) square feet of floor area or less \$15.00
 - (e) Extend a main or principal structure per one hundred (100) square feet of floor area, or fraction thereof, over three hundred (300) square feet..... \$15.00
+\$3.00 for each additional 100 square feet
 - (2) Extend an accessory use \$7.50
 - (3) Establish a use of land where no structure is involved..... \$15.00
 - (4) Move a structure of over 25 square feet from one lot to another \$7.50
 - (5) For Traditional Picnic or Festival \$7.50
 - (6) Change in Use..... \$15.00
 - (7) Applications or petitions for variance, special uses or amendments \$97.50
 - (8) Construction of a swimming pool (with water depth of 4 feet or more) affixed to the real estate
 - (a) Above ground \$15.00
 - (b) Below ground..... \$37.50
 - (9) Home Occupations..... \$15.00
 - (10) Commercial and Industrial structures
 - (a) New principal structures and accessory buildings
\$1.50 per \$1,000 estimated cost (mm. of \$75.00)
 - (b) Additions and alterations to principal structures and accessory buildings
\$1.50 per \$1,000 estimate cost (mm. of \$22.50)
 - (c) If a dwelling is constructed in a commercial or industrial zone, the residential fee structure shall be used for such dwelling, but not for any commercial or industrial structure.
 - (11) Notification of findings to the Peoria County Health Department \$7.50
 - (12) Fences and walls \$15.00
- (Ordinance No. 2007-7; 9/7/07)
- b. No fee shall be required for the construction of any sign.

- c. There shall be no refund of any Zoning Use Permit fees paid hereunder except that on written application the Village Board may refund, at its discretion, a portion of the fee which the Village Board determines exceeds the cost of zoning administration, provided that the work authorized by such Zoning Use Permit is completed within the original time limit.
- d. No additional fee shall be charged for a permit renewal unless there is a major change in plans as determined by the Zoning Board of Appeals, in which case the application shall be filed as a new application with proper fee.

Sec. 18.184 Zoning Board of Appeals

- a. Organization. A Zoning Board of Appeals is hereby established. Said Zoning Board shall consist of seven members appointed by the Village Board. The members of said Zoning Board shall serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years and one for seven years, the successor to each member so appointed to serve for a term of five years. The Village Board shall designate one of the appointed members as Chairman of said Zoning Board, at the time of his/her appointment, and said appointed Chairman shall hold his/her office as Chairman until a successor is appointed. Special meetings may be held at the call of the Chairman, or as determined by the Zoning Board. Such Chairman, or in his/her absence, the Acting Chairman, may administer oaths and compel attendance of witnesses. The Zoning Board shall be open to the public. The Zoning Board shall keep minutes of its proceedings showing the vote of each member on every question. If any member is absent or fails to vote, the minutes shall indicate such a fact. The Zoning Board shall adopt its own rules of procedure not in conflict with the statute or this Chapter. Vacancies upon said Board of Appeals shall be filled by the Village Board for the unexpired term of the member whose place has become vacant. The Village Board shall have the power to remove any member of said Board of Appeals for cause and after a public hearing. The concurring vote of four members of the Zoning Board is necessary to reverse any order, requirement, decision, or determination of the Zoning Officer, or to decide in favor of the applicant any matter upon which it is required to pass under this Chapter, or to effect any variation in this Chapter, or to recommend any variation or modification in this Ordinance to the Village Board.

Sec. 18.185 Duties of the Zoning Board

The Zoning Board shall hear and decide appeals from any order, requirement, decision or determination, made by the Zoning Officer. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Chapter. The Zoning Board may reverse or affirm, wholly or partly, or may modify or amend the order requirement, decision or determination appealed from to the extent and in such manner as the Zoning Board may decide to be fitting and proper in the premises, and to that end the Zoning Board shall also have all powers of the officer, from who the appeal is taken. The Zoning Board shall have the power to:

- a. Interpret the provisions of this Chapter where the street layout actually on the ground varies from the street layout as shown on the Village of Brimfield, Illinois, Official Zoning Map, fixing the several Districts;
- b. Grant a variance when it is determined in specific cases that there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of the regulations and standards of this Chapter relating to the construction or alteration of structures. A variance from the terms of this Chapter shall not be granted by the Zoning Board unless and until:
 - (1) A written application for a variance is submitted demonstrating:
 - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same District;
 - (b) That literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other lands or structures in the same District under the terms of this Chapter;
 - (c) That the special conditions and circumstances do not confer on the applicant any special privilege that is denied by this Chapter to other lands or structures in the same District.

No non-conforming use of neighboring lands or structures in the same District, and no permitted use of lands or structures in other Districts shall be considered grounds for the issuance of a variance.
 - (d) That a copy of the application or petition has been furnished to the Peoria County Soil and Water Conservation District, the date on which it was so furnished and the name of the person to whom it was furnished.
 - (2) The application is in proper form and a fee as may be determined by the Village Board has been paid. The Zoning Board shall hold a public hearing on such matter in accordance with the provisions in this Chapter. Reasonable special conditions and safeguards for the protection of the public health, safety, and welfare may be imposed by the Zoning Board if it grants the application for variance.
 - (3) The applicant has submitted such plans, specifications and other information as may be required by the Zoning Board.
- c. Hear all applications for Special Uses and to make and submit to the Village Board such findings and recommendations with respect thereto as provided hereinafter:
 - (1) An application for one of the Special Uses of land specified in Section 143 shall be made by filing a written application or petition to the Zoning Board. Such application shall:

- (a) State the name and address of applicant and the owner;
 - (b) State the location of property for which the Special Use is sought;
 - (c) State the specific Special Use desired;
 - (d) State facts sufficient to demonstrate that the conditions prescribed in Section 18.142 exist, and support such statement with any plans and/or data necessary to the proper understanding of the application or such plans and/or data as are required by the Zoning Board;
 - (e) State that a copy of the application or petition has been furnished to the Peoria County Soil and Water Conservation District, the date on which it was so furnished, and the name of the person to whom it was furnished.
- (2) If the application for a Special Use is in proper form and the fee specified has been paid, the Zoning Board shall hold a public hearing on such matter. The Zoning Board shall make a report to the Village Board and in such report shall indicate their recommendation of approval or disapproval of the Special Use applied for. Such report may also recommend that and safeguards for the protection of the public health, safety, and welfare be imposed by the Village Board if it grants the application for Special Use. A Special Use Permit granted by the Village Board shall remain valid for one calendar year from the date of granting unless the use is established prior to such termination date. Such Special Use may be extended by the Village Board for periods of six months if the Village Board finds that such extensions are in conformity with this Ordinance and the general welfare of the Village.
- d. Nothing herein contained shall be construed to give or grant to the Zoning Board the power or authority to alter or change the Zoning Ordinance or the Village of Brimfield, Illinois, Official Zoning Map; such power and authority being reserved to the Village Board.

Sec. 18.186 Appeals to Zoning Board

- a. An appeal to the Zoning Board may be taken by any person aggrieved or by any office, department, board, or bureau of the municipality. The appeal shall be taken within such time as shall be prescribed by the Zoning Board by general rule by filing with the Zoning Officer from whom the appeal is taken and with the Zoning Board a notice of appeal, specifying the grounds thereof. The Zoning Officer from whom the appeal is taken shall forthwith transmit to the Zoning Board all the paper constituting the record upon which the action appealed from was taken.
- b. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Officer from whom the appeal is taken certifies to the Zoning Board after the notice of appeal has been filed with him/her, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In this event the proceedings shall not be stayed otherwise than by a restraining order which may be granted

by the Zoning Board or by a court of record on application and on notice to the Zoning Officer from whom the appeal is taken, and on due cause shown.

- c. The Zoning Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the appeal within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. The Zoning Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end has all the power of the Zoning Officer from whom the appeal is taken.

Sec. 18.187 Appeals to Courts

All final administrative decisions of the Zoning Board rendered under the terms of this Chapter shall be subject to judicial review, pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The party making the appeal shall pay the costs of preparing the record on appeal. Copies of any orders or proceedings ordered by the Appellee shall be furnished to the party at his/her own cost.

Sec. 18.188 Violations and Penalties

- a. Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Officer. The Zoning Officer shall record properly such complaint, immediately investigate and take action thereon as provided by this Chapter.
- b. In case any structure is erected, constructed, reconstructed, altered, converted, or any structure or land is used in violation of this Chapter:
 - (1) The Zoning Officer, or any owner or tenant of real property in the same contiguous District as the structure or land in question, in addition to other remedies, may institute an appropriate action or proceeding in any Court of Competent Jurisdiction:
 - (a) To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use of a structure;
 - (b) To prevent the occupancy of the structure or land;
 - (c) To prevent any illegal act, conduct, business, or use in or about such structure or land;
 - (d) To restrain, correct, or abate the violation.
- c. Any person, firm or corporation, or agent, employees, or contractors of such, who violate, disobey, omit, neglect, or refuse to comply with, or who resist enforcement of any of the provisions of this Ordinance shall be subject to: a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than thirty (30) days, or both for each

offense, and said person, firm or corporation shall pay all costs and expenses involved in the case. Each day a violation continues shall constitute a separate offense.

- d. Nothing herein contained shall prevent the Village from taking such lawful action as is necessary to prevent or remedy any violation.

Sec. 18.189 – 18.199 Reserved

ARTICLE XV. AMENDMENTS TO CHAPTER

Sec. 18.200 Amendments

The regulations and standards, restrictions, and District boundaries set forth in this Chapter may from time to time be amended, supplemented, changed or repealed by ordinance as provided by law. No such action may be taken unless and until:

- a. A written application is submitted to the Zoning Board. Such application may be initiated by the Village Board, the Zoning Board, or the owners of more than fifty percent (50%) of the area involved. A copy of the written application shall be furnished to the Peoria County Soil and Water Conservation District. The application shall contain a statement indicating the date on which a copy was furnished to the Peoria County Soil and Water Conservation District, and the name of the person to whom it was furnished.
- b. Each such application, except that initiated by the Village Board, shall be accompanied by the fee specified to be paid by the applicant.
- c. At least fifteen (15) days but not more than thirty (30) days notice of the time and place of the hearing of such action shall be published in an official paper or a paper of general circulation in the Village. The notice of such hearing shall contain the information relating to such action. The applicant shall pay the cost of such publication.
- d. A public hearing shall be held, any person may appear in person, or by agent or by attorney.
- e. The Zoning Board may, by majority vote, postpone or adjourn from time to time any public hearing. In the event of such postponement or adjournment further publication of such action need not be made.
- f. Within thirty (30) days after the close of the public hearing, the Zoning Board shall make a report to the Village Board.
- g. Action of the Village Board:
 - (1) In the event that the report of the Zoning Board is adverse to such action referred to it, such action shall not be passed except by the favorable vote of two-thirds of all the members of the Village Board.
 - (2) In case of a written protest against any such action:
 - (a) Signed and acknowledged by the owners of twenty percent (20%) of the frontage, the zoning classification of which is proposed to be altered; or

- (b) Signed and acknowledged by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley from the frontage, the zoning classification of which is proposed to be altered; or
- (c) Signed and acknowledged by the owners of twenty percent (20%) of the frontage directly opposite from, the frontage, the zoning classification of which is proposed to be altered;

and filed with the Village Clerk, such action shall not be passed except by the favorable vote of two-thirds of all the members of the Village Board.

Sec. 18.201 – 18.209 Reserved

ARTICLE XVI. VALIDITY OF ORDINANCE

Sec. 18.210 Validity

- a. If any Court of competent jurisdiction shall declare invalid the application of any provision of this Chapter to a particular property, structure, or land, such ruling shall not affect the application of said provision to any other property, structure, or land not specifically included in said ruling.

- b. Should any section, clause or provision of this Chapter be declared invalid by any Court of competent jurisdiction, the same shall not affect the validity of this Chapter as a whole, or any part thereof, other than the part so declared to be invalid.

CHAPTER 19

LAND SUBDIVISION RESOLUTION

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ARTICLE I. GLOSSARY OF TERMS

Sec. 19.1 Terms and Definitions

Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated. Any pertinent word or term not a part of this listing but vital to the interpretation of this Chapter shall be construed to have its usual legal definition.

The present tense includes the future tense, and vice versa.

The masculine gender includes the feminine and neuter.

The singular includes the plural, and vice versa.

The word “shall” is always mandatory; and the word “may” is always permissive.

The word “person” includes a partnership, association, firm, trust, club, institution, company, limited liability company, or corporation as well as the individual.

- a. *Access*: The way over which traffic moves to and/or from the property abutting a street or alley and the way over which traffic moves to and/or from a major street to a minor street or from a street to an alley.
- b. *Alley*: A permanent service right-of-way which affords only a secondary means of access from such right-of-way to abutting property and is not intended for general traffic circulation.
- c. *Area, Lot*: The total area within the lot lines.
- d. *Block*: Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, unsubdivided area, or other definite boundary.
- e. *Building*: An enclosed structure having a roof supported by columns, walls, arches or other devices, used for the housing, shelter or enclosure of persons, animals, or chattels.
- f. *Comprehensive Plan*: The Village of Brimfield Official Zoning Map (the Zoning Map) adopted by the Village.
- g. *Dwelling*: A building designed for residential living purposes and containing one or more dwelling units.
- h. *Dwelling Unit*: One or more rooms constituting all or part of a dwelling exclusively as living quarters for one family and not more than two roomers or boarders, and which contain cooking facilities, sink, or other kitchen facilities.

- i. *Dwelling, Single Family:* A dwelling containing one dwelling unit.
- j. *Easement:* A right or privilege held by the public, a corporation or person for the use of land of another for specified purposes.
- k. *Family:* (a) An individual; or (b) Two or more persons related by blood, marriage, or adoption; or (c) Not more than five persons not so related; together with his or their domestic servants and gratuitous guests maintaining common household in a dwelling unit.
- l. *Grade:* The ascending or descending inclination with a horizontal of a street, measured along the center line of the right-of-way, expressed by stating the vertical rise or fall as a percentage of the horizontal distance.
- m. *Lot:* A tract of land within a subdivision marked by the subdivider on the plat as a numbered, lettered, or other identified tract of land to be offered for sale, dedication, or development.
- n. *Lot Lines:* The lines bounding a lot.
- o. *Owner:* An individual, firm, association, syndicate, partnership, corporation, company, organization, trust, or other legal entity having a proprietary interest in a use, structure, lot, or tract of land.
- p. *Planned Development:* A tract of land developed as a unit under single ownership or control which includes two or more main or principal structures.
- q. *Plat:* A map, plan, or layout showing the subdivision of land into lots.
- r. *Plat Officer:* The Zoning Officer of the Village.
- s. *Property:* The general term denoting either singularly or in combination, an area, lot, parcel, tract, plot, or otherwise designated portion of land.
- t. *Right-of-Way:* The entire dedicated tract or strip of land which is to be used by the public for circulation or service.
- u. *Sanitary Sewer:* A constructed conduit for the collection and carrying of liquid and solid sewage wastes, other than storm waters, to a sewage treatment plant.
- v. *School:* A building or group of buildings and all associated structures, facilities, and grounds in or on which instruction in subjects which are fundamental and essential in general education is offered under the supervision of the Peoria County Superintendent of Schools.
- w. *Sidewalks:* That paved portion of the right-of-way which affords the principal means of access to abutting property.

- x. *Storm Sewer*: A constructed conduit for the collection and carrying of surface waters to a drainage course.
- y. *Street*: A thoroughfare within the right-of-way which affords the principal means of access to abutting property. A street may be designated as an avenue, boulevard, drive, highway, lane, parkway, place, road, thoroughfare, court, or other appropriate name. Streets are identified according to type of use, as follows:
 - (1) Major Streets:
 - (a) Major Thoroughfare, Intermediate Thoroughfare: A street so designed on the thoroughfare plan.
 - (b) Limited Access Street: A major or intermediate thoroughfare along which exit and entrance ways are provided only at controlled intersections and from which there is no direct access to abutting properties.
 - (c) Collector Street: A street planned to facilitate the collection and routing of traffic from minor streets to major street or intermediate thoroughfares.
 - (2) Minor Streets:
 - (a) Direct Access Street: A street providing direct access to and/or from streets, alleys, and abutting properties.
 - (b) Marginal Access Street: A street paralleled to a limited access street providing direct access to and/or from streets, alleys, and abutting properties, and providing ways for traffic to reach access points along a limited access street.
- z. *Structure*: Anything constructed or erected with a fixed location on the surface of the ground or underground, or affixed to something having a fixed location on the surface of the ground.
- aa. *Subdivider*: An owner who presents a subdivision plat for approval hereunder.
- bb. *Subdivision*: Any division of any lot, area, or tract of land into two or more lots for the purpose, whether immediate or future, of conveyance, transfer, improvement, or sale, with the appurtenant streets, alleys, and easements, dedicated or intended to be dedicated to public use or for the use of purchasers or subdividers within the part, lot area, or tract divided, except that divisions exempted from the provisions of an Act of the Illinois Legislature entitled, "An Act to Revise the Law in Relation to Plats, Approved March 21, 1874, as amended", as set forth in Section 1 (b) thereof are not deemed subdivisions for purpose of this resolution.
- cc. *Thoroughfare Plan*: The Village of Brimfield Official Zoning Map (the Zoning Map).

- dd. *Village*: The Village of Brimfield.
- ee. *Village Board*: The President and Trustees of the Village Board.
- ff. *Zoning Board*: The Zoning Board of Appeals of the Village of Brimfield, or any committee assigned its duties.

Sec. 19.2 – 19.9 Reserved

ARTICLE II. PROCEDURE

Sec. 19.10 Preliminary Considerations

a. Regulatory:

- (1) No land shall, after the effective date of this Code, be subdivided, the plat or plats thereof filed for record, nor any street laid out, nor any improvements made to such subdivided land, until the plat or plats of the subdivision have been certified to and approved by, action as specified herein.
- (2) Conformity with Comprehensive Plan: The layout of the subdivision shall be in conformity with the Comprehensive Plan.
- (3) No land shall be subdivided for any use unless access to the land over streets exists or will be provided by the subdivider.

b. Advisory:

In order to conserve time, effort, and expense, the subdivider may consult with the Zoning Board and the Plat Officer prior to the preparation of the tentative plan of the subdivision. Requirements for streets, school, and recreational sites; shopping centers; community facilities; sanitation, water supply and drainage; and relationship to other developments, existing and proposed, in the vicinity, shall be analyzed in advance of the preparation of the Preliminary Plat.

Sec. 19-11 Pre-Application Procedure

- a. Prior to the filing of an application for conditional approval of the Preliminary Plat, the subdivider may submit to the Plat Officer a sketch plan showing the proposed layout of the entire tract in relation to existing topography, together with a copy of existing covenants, as known. This step shall not require formal application nor any fee nor the filing of a Plat with the County Recorder of Deeds.
- b. Within ten working days after receipt of the sketch plan, the Plat Officer shall inform the subdivider that the plans and data as submitted or as modified do or do not meet the requirements of this Chapter and other applicable provisions of this Code. When the plans and data do not meet such requirements, the Plat Officer shall state the reasons in writing and deliver a copy to the subdivider.

Sec. 19.12 Procedure for Conditional Approval of Preliminary Plat

- a. The subdivider shall, after the above pre-application procedure, cause to be prepared a Preliminary Plat together with improvement plans and other supplementary material as

specified in Article V, Section 19.90, including an alternate layout in sketch form of the entire tract owned by the subdivider, if not submitted under Section 19.11.

- b. Sufficient copies, not less than six, of the preliminary application, the Preliminary Plat and all required supplementary material shall be filed with the Plat Officer. At the time of such filing the Subdivider shall pay to the Village a filing fee sufficient to cover the engineering fees to be incurred by the Village. Such fee shall be in an amount set from time to time by resolution of the Village Board, but shall be no less than \$500.00.
- c. The Plat Officer shall transmit one copy to the County Superintendent of Highways, one copy to the County Health Officer, and one copy to the Zoning Board.
- d. The County Superintendent of Highways, the County Health Officer and the Zoning Board shall review the plat, and each may submit a report of his findings and recommendations to the Plat Officer. Such report shall be submitted within thirty (30) days. Failure to submit a report within the specified time limit or a mutually agreed upon extension thereof shall be deemed a recommendation of approval of the plat.
- e. Following review of the Preliminary Plat and accompanying supplemental material, and review and consideration of the reports provided under Section 19.12 c., the Plat Officer shall take action approving, revising or rejecting the proposed subdivision and shall so notify the subdivider and his engineer.
- f. If action is taken approving said Preliminary Plat, the Plat Officer shall properly endorse his approval and date of approval on copies of the plat. One copy shall be returned to the subdivider, one copy to his engineer, one copy shall be furnished to the Township Highway Commissioner., and one copy shall be kept as a record by the Plat Officer. If revisions are to be made, said revisions shall be indicated on the plats prior to their endorsement. Such Preliminary Plat shall bear a certificate of approval as follows:

This Preliminary Plat has received the approval of the Plat Officer of the Village of Brimfield and the Subdivider may proceed with the preparation of the Final Plat and other documents required by the Brimfield Subdivision Code.

Dated this _____ day of _____, _____.

PLAT OFFICER

If the Plat Officer rejects the Preliminary Plat, the subdivider shall have the right to appeal his decision to the Village Board, which may sustain the Plat Officer's decision or may modify or reverse, in whole or in part, his decision. If the Village Board approves the Preliminary Plat, then the Plat Officer shall be directed to endorse the plat.

- g. In addition, if the subdivision lies within the area of extra territorial subdivision control of a city or village, its approval shall be sought in accordance with its land subdivision ordinance.
- h. Approval of the Preliminary Plat shall be construed to be an expression of approval of the general layout submitted as a guide to the preparation of the final plat and to be assurance to the subdivider that the final plat will be approved if it conforms to the terms of the conditionally approved Preliminary Plat.

Sec. 19.13 Procedure for Approval of Final Plat

- a. Not later than one year after approval of the Preliminary Plat, or such additional time as the Plat Officer may allow, the subdivider may submit the original tracing of an intended final plat together with a print thereof to the Plat Officer.
- b. The final plat shall conform to the Preliminary Plat as approved and it may constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of this Chapter.
- c. Within 15 working days after receipt of plats and supplementary material, the Plat Officer shall inform the subdivider that the plans and data as submitted or as modified do or do not meet the requirements of this Chapter and applicable provisions of this Code. When the plans and data do not meet such requirements, the Plat Officer shall state the reasons in writing and deliver a copy to the subdivider.
- d. Final approval of a final plat shall be granted by the Plat Officer on the basis of its conformity with a Preliminary Plat as approved, and with all pertinent laws, rules, regulations and particularly with the technical requirements of Articles IV and V of this Chapter and with the Comprehensive Plan. The Plat Officer shall notify the subdivider and his engineer of the action taken.
- e. In the event only a portion of an approved Preliminary Plat is presented for final approval, the Plat Officer may notify the subdivider in writing whether or not the preliminary approval of the unrecorded portion has been renewed for one year. In the absence of such written notification, the subdivider may within one year after conditional approval of the Preliminary Plat apply to the Plat Officer for extension of the conditional approval of the Preliminary Plat without being required to pay additional fees.
- f. Within 60 days after approval of the final plat by the Plat Officer, said plat shall be filed by the subdivider with the Peoria County Recorder, and if not so filed, shall have no validity and shall not be recorded without recertification by the Plat Officer.
- g. For the approval of any final plat, as is hereinabove required, the subdivider shall pay a fee for such approval, the sum of Ten Dollars (\$10.00), for each lot, sub-lot or tract of land

shown upon any such plat to be so approved, and provided, further, that the said fee for the approval of any plat, hereunder, shall not be less than Fifty Dollars (\$50.00).

Sec. 19.14 Boundary Maps

- a. Any parcel of land may be divided into two (2) parts, either of which part is less than five (5) acres, for the purpose of ownership transfer or building development provided no new street or easement of access is required, by recording with the County Recorder an adequate boundary map or survey made thereof by registered Illinois Land Surveyor. Such boundary map or survey shall bear a certification of the County Clerk that there are no delinquent or unpaid general taxes against the lands described on the boundary map or survey.

Such boundary map or survey shall bear a certificate of approval, signed by the Plat Officer, as follows:

County of Peoria)
State of Illinois) ss.
Village of Brimfield)

I, the Plat officer of the Village of Brimfield, do hereby approve this boundary map or survey in accordance with the provisions of the ordinances of the Village of Brimfield, Peoria County, Illinois, this ____ day of _____, 20__.

PLAT OFFICER

No such boundary map or survey shall be entitled to record or have validity until it has been signed by the Plat Officer. The Plat Officer shall keep a record and a copy of such boundary maps.

- b. Any survey plat of a parcel of land, which parcel is not part of a subdivision as defined for the purposes of this Chapter shall be entitled to recording provided it shall have endorsed thereon the following certification, signed and sealed by the registered land surveyor preparing the plat: "I do hereby certify that this parcel of land is not part of a subdivision requiring approval under the ordinances of the Village of Brimfield, Peoria County, Illinois."

_____, (Date) _____, (Signed) _____, Illinois
Registration # _____.

Sec. 19.15 – 19.39 Reserved

ARTICLE III. DESIGN STANDARDS

Sec. 19.40 General

The design of the subdivision shall be in harmony with and shall conform with the Comprehensive Plan and shall be in accordance with good subdivision design principles not otherwise set forth herein.

Natural features such as distinctive trees or vegetation, streams, ponds, hilltops, bluffs, creek bottoms and outlook views shall be preserved and enhanced whenever possible. In laying out a subdivision due consideration shall be given to such aesthetic features existing within the tract being subdivided and which may add to aesthetic quality of existing nearby subdivisions.

Sec. 19.41 Streets

The course, width, grade and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets and shall conform to the following Design Standards:

- a. Where not shown on the Comprehensive Plan, the arrangement of streets in a subdivision shall either:
 - (1) Provide for the continuation or projection of existing principal streets in surrounding area; or
 - (2) Conform to the thoroughfare plan where applicable; or
 - (3) Conform to topographic or other conditions where continuance or projection of existing streets is impracticable or undesirable from the community viewpoint.
- b. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- c. All new subdivisions along State and County Highways shall be arranged to provide access to such highways at intervals not less than 1,320 feet, except where impractical or impossible due to existing property divisions or topography or due to undue traffic concentration at points of access. Also, roads and streets within such subdivision shall be arranged to permit access to adjacent future subdivisions without encroachment upon this regulation.
- d. No street grade shall be less than one-half of one percent. No street grade on major streets shall be more than 5%, and on minor streets shall not exceed 9%.
- e. Street Intersections:

- (1) Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 70 degrees.
 - (2) Street intersections with centerline offsets of less than 125 feet are prohibited.
- b. Horizontal deflection of street lines:
- (1) Where connecting street lines deflect from each other more than ten degrees, they shall be connected with a curve with a radius adequate to assure sight distance.
 - (2) A tangent at least 100 feet long shall be introduced between reverse curves on major and collector streets where the curve radius is less than 500 feet.
- c. Alleys shall not be permitted in residential districts.
- d. Right-of-Way:
- (1) Street right-of-way widths not shown in the Comprehensive Plan shall not be less than as follows:

Collector Streets	80 feet
Minor (Direct Access Streets)	60 feet
Marginal Access Streets	40 feet
Alleys	25 feet
 - (2) In a subdivision that adjoins or includes an existing street that does not conform to the right-of-way width required above, one-half of the additional width shall be provided along each side of such street for the entire frontage included within the land being subdivided, or as the Plat Officer may determine is proper.
 - (3) Dead-end streets, designed to be so permanently, shall not be longer than 600 feet, unless limitation of the sight by reason of topography or existing development make impractical development except with a longer length. They shall be provided with a circular turn-around having an outside surface diameter of at least 80 feet and right-of-way line diameter of at least 100 feet. The center of the turn-around shall be located between the center line of the street and its left right-of-way line, facing into the turn-around.
 - (4) ALL streets shall be public.
 - (5) Reserved strips controlling access to street rights-of-way shall not be permitted.
- e. Street names and numbers:

- (1) The continuation of an existing street shall have the same name. The name of a new street, shall not duplicate the name of an existing street within the area served by the same post office or fire department.
- (2) Each plat for a new subdivision in areas where surveys have been made to establish a street numbering grid shall contain the Block Number for each Four Hundred Forty (440) feet of street or road frontage, together with designation of whether North, South, East or West of the base line, and shall further show at sixty (60) foot intervals along the street frontage the last two numbers of the house number assigned to such point. Said house numbering shall be on the basis of one number for each thirty (30) feet of frontage, but only every other number be required to be shown. Where inconsistent, the provisions of Article III (Street Numbering), Chapter 10 shall control.

Sec. 19.42 Easements

There shall be dedicated easements of not less than ten (10) feet in width for poles and wires and not less than twenty (20) feet in width for underground conduits, storm and sanitary sewers, gas, water or other utility pipes or lines. Such easements shall be established along the rear of each Lot and along all side Lot lines to provide proper continuity for such utilities from Lot to Lot and from Block to Block. Such easements may be centered on Lot lines. No structure shall be constructed upon the easements. A ten (10) foot utility easement shall also be provided adjacent to all Right-of-way.

Sec. 19.43 Blocks

- a. The length, width and shape of blocks shall be determined with regard to:
 - (1) Provision of adequate building sites for the special type of use contemplated.
 - (2) Requirements as to lot size and dimensions.
 - (3) Needs for convenient access circulation, control and safety of street traffic.
 - (4) Limitations and opportunities of topography.
- b. In cases where the block length exceeds 600 feet and where deemed essential by the Plat Officer to provide pedestrian circulation to schools, playgrounds, shopping centers and other community facilities, a right-of-way dedicated to the public for a crosswalk not less than ten feet wide shall be provided.

Sec. 19.44 Lots

- a. All provisions of the Village zoning and other ordinances concerning lots shall apply including lot area, width, and depth. No parcel, remainder, gore, outlot or remnant of land which is part of the tract being subdivided shall be created which, by reason of lot width, depth, area, frontage, topography or lack of access thereto, (i) cannot be used as a zoning lot,

or (ii) be subject to further subdivision. Any remaining parcel or outlot which cannot be made to comply with the foregoing shall be eliminated by combining the area thereof with one more adjoining lots which do comply, or by conveying same for appropriate public use to a public body, subject to its acceptance of same.

- b. The lot shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- c. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from major streets or to overcome specific disadvantages of topography and orientation.
- d. Side lot lines shall be substantially at right angles or radial to street lines except where topography or drainage conditions warrant angling lot lines.

Sec. 19.45 Public Sites and Open Spaces

When a proposed park, playground or school is shown in the Comprehensive Plan, or in the opinion of the Plat Officer is necessary for the public welfare, the Plat Officer may refer the question to the Village Board which may then require the reservation of the appropriate area, not to exceed 15 percent of the area within the subdivision. Upon the approval of a final plat containing a reservation for such public use, the corporate authorities having jurisdiction of such use, be it a school board, park board, or other authority, shall acquire the land so designated by purchase, or commence proceedings to acquire such land by condemnation, within one year from the date of the filing of such plat; and if it does not do so, the land so designated may then be used by the subdivider in any other manner consistent with this resolution and the Comprehensive Plan.

Sec. 19.46 Storm Water

Developments which are large, complex, or extra sensitive to drainage consideration may require sophisticated analysis and may be referred to the Village Engineer for review and recommendation. The fees of such review shall be paid by the Subdivider. The Village maintains the sole right to determine adequacy of storm water detention.

In most cases storm water detention shall be determined in accordance with the following:

Rational Method of Calculating Run-off: $Q = CIA$

Q = flow (cu.ft./sec.)

C = coefficient of run-off

.95 – paved or roof

.40 – R-1 subdivision

.30 – grass

.25 – agriculturally cropped

I = intensity of storm (10 yr. frequency, 30 min. duration, $I = 3$)

A = area (acres)

Philosophy: Run-off rate (Q) is no greater after development than before development; storage is required for a 10 yr., 30 min. storm.

Example #1: 1 Ac. farm ground to 1 Ac. pavement and/or roof

$$Q_{\text{before}} = .25 \times 3 \times 1 = .75 \text{ cfs}$$

$$Q_{\text{after}} = .95 \times 3 \times 1 = 2.85 \text{ cfs}$$

$$\text{Storage} = 2.85 - .75 = 2.1 \text{ cfs} \times 60 \text{ sec./min.} \times 30 \text{ min.} = 3780 \text{ cu.ft.}$$

$$\text{Release Rate} = Q_{\text{before}} = .75 \text{ cfs}$$

Example #2: 10 Ac. farm ground to subdivision

$$Q_{\text{before}} = .25 \times 3 \times 10 = 7.5 \text{ cfs}$$

$$Q_{\text{after}} = .40 \times 3 \times 10 = 12.0 \text{ cfs}$$

$$\text{Storage} = 12 - 7.5 = 4.5 \text{ cfs} \times 60 \text{ sec./min.} \times 30 \text{ min.} = 8100 \text{ cu.ft.}$$

$$\text{Release Rate} = Q_{\text{before}} = 7.5 \text{ cfs}$$

Sec. 19.47 – 19.59 Reserved

ARTICLE IV. REQUIRED IMPROVEMENTS

Sec. 19.60 General

- a. No grading, tree removal, site work or installation of any required improvements should be commenced until the Preliminary Plat has been approved.
- b. All grading, site work or installation of any required improvements shall be done in such manner as to prevent flooding, washing, erosion, silting, or other impairment of adjacent properties, storm drainage channels, bodies of water or adjoining streets.
- c. No trees, tree stumps, brush or similar material shall be buried or used as fill in any area of a subdivision to be traversed by a road, or which is likely to be in or adjacent to an individual sewage disposal system or similar use.

Sec. 19.61 Monuments

Monuments shall be placed under the direction of an Illinois professional land surveyor. Iron rods shall be placed at all Lot corners with at least two (2) concrete monuments at opposite corners of the Subdivision. The monuments shall be of such material, size and length as may be approved by the Plat Officer.

Sec. 19.62 Streets

- a. Street improvement plans for streets (and alleys where provided) shall be prepared by the subdivider's professional engineer and shall be submitted to the Village Engineer for approval. Upon approval of the street improvement plans by the Village Engineer or Superintendent of Public Works, the street and alleys shall be constructed by the subdividers in accordance therewith, under the supervision of the subdivider's registered professional engineer, who shall certify the completion in accordance with the approved plans to the Village.
- b. All utilities under the paved area of the streets shall be provided or installed before the surfacing of the streets except where they may be installed without disturbing the street surface.
- c. After the Subdivider's registered professional engineer has certified the completion of the streets, the Village engineer or Superintendent of Public Works shall inspect the same, accompanied by the subdivider's engineer. Thereupon the Village engineer or Superintendent of Public Works shall submit a written report to the Village Board, stating whether or not the streets are complete and ready for acceptance by the Village.
- d. The subdivider shall provide the subdivision with street signs at the intersection of all streets.

e. Street improvements:

- (1) Street improvements shall be provided in each new subdivision in accordance with standards and requirements described in the following schedule.
- (2) Schedule of Minimum Requirements For Street Improvement. (See chart on following page)
- (3) Notwithstanding the requirements set forth above, no additional paved width, curb, gutter, base course or surface shall be required on an existing improved street which is a part of the state, county or township road system, where the land being subdivided abuts said street. A sidewalk, however, shall be required for the full frontage of the subdivision on a collector street.

Sec. 19.63

Sanitary Sewers

- a. When a subdivision is reasonably accessible to a municipal sanitary sewer system, the subdivider shall provide the subdivision with a complete sanitary sewer system to be connected to the municipal sanitary sewer system, if feasible.
- b. When no sanitary sewer system is available or is not reasonably accessible to the subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with a sanitary sewer outlet approved by the appropriate State agency, except that when such approved outlet is not available one of the following methods of sewage disposal shall be used.
 - (1) A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the subdivider in accordance with minimum requirements of the appropriate State agency and adequate provision for the maintenance of such plant.
 - (2) Upon completion of the sanitary sewer system installation, a registered professional engineer and the Village engineer shall certify that the sanitary sewer system complies with all the standards required by the appropriate State agency. Certified copies of the plans for such sanitary sewer system as built shall be filed with the Plat Officer.
 - (3) Storm sewers, footing drains and downspouts shall not be connected to sanitary sewers.
- c. The Village, at its option, may require a lift station in lieu of the separate treatment system or plant.

Sec. 19.62 e. (2)
Schedule of Minimum Requirements for Street Improvements

Classification	R.O.W. Width	Paved Width	Curb and Gutter (3)	Base (3)	Surface (3)	Sidewalks
Collector: Residential or Commercial	80'	44' (1)	Yes (2)	9"	2 ½" Class I	2 Req'd; 5' wide, 4" P.C.C. at least 5' from curb line.
Minor: Residential or Commercial	60'	34' (1)	Yes (2)	8"	2 ½" Class I	Not req'd; if built 4' wide, 4" P.C.C. may be curb line.
Marginal Access: Residential or Commercial	40'	28' (1)	Yes (2)	8"	2 ½" Class I	Not req'd; if built 4' wide, 4" P.C.C. may be curb line.
Minor: Residential (Min. ½ acre lots, 150' width)	60'	30' graded 22' surfaced	No (4)	8"	A3	No
Marginal Access: Residential (Min. ½ acre lots, 150' width)	40'	30' graded 22' surfaced	No (4)	8"	A3	No
Collector: Industrial	80'	44' (1)	Yes (2)	No	8" P.C.C.	No
Minor: Industrial	60'	30' (1)	Yes (2)	No	8" P.C.C.	No

- Note:
1. Measured face to face of curb.
 2. Combination curb and gutters shall be Portland cement concrete.
 3. Shall be aggregate base course, Type B and conform to State of Illinois Department of Transportation's booklet entitled *Standard Specifications for Road and Bridge Construction* dated January 1, 1997, and all subsequent revisions thereto.
 4. A minimum two (2) foot wide 8" thick aggregate shoulder shall be provided on each side.

Sec. 19.64 Water

- a. The subdivider shall provide the subdivision with a complete water main supply system which shall be connected to the Village water supply with satisfactory provision for the maintenance thereof.
- b. The plans for the installation of a water main supply system shall be prepared by the subdivider and approved by the Village engineer. Upon completion of the water supply installation, copies of the plans for such a system shall be filed with the Village.

Sec. 19.65 Storm Drainage

The subdivider shall provide the subdivision with an adequate storm sewer system. Such systems shall be designed and sealed by a registered professional engineer with the approval of the Village engineer. It shall be shown on plans in conjunction with the street improvement plans. Such storm drainage plans shall be reviewed by the Village engineer.

A storm sewer system shall be provided wherever curbs are installed, and where the evidence available to the Plat Officer indicates that the natural surface drainage is inadequate.

Where the surface drainage is deemed adequate, easements for such surface drainage may be required.

Sec. 19.66 Modification

Where the subdivider can show that the strict application of a provision of this Article would cause unnecessary hardship because of unusual topographical or other physical conditions peculiar to the site, the Village Board may authorize such minor modification in the application of such provisions as, in its opinion and for reasons set forth in its minutes, will not materially impair the intent thereof.

Sec. 19.67 Fees

The subdivider shall reimburse the Village for fees charged the Village by its engineer in the performance of his/her obligation, including review of Plans, etc., under this Chapter.

Sec. 19.68 – 19.89 Reserved

ARTICLE V. PLATS AND DATA

Sec. 19.90 Plats and Data for Conditional Approval of Preliminary Plat

A Preliminary Plat of the subdivision shall be accurately drawn to a scale of not less than one hundred feet to one inch.

- a. Topographic Data
 - (1) Approximate boundary lines and lot lines.
 - (2) Existing Easements: location, width and purpose.
 - (3) Existing Streets: on and adjacent to the tract by name, right-of-way width, location, type, width and elevation of surfacing, curbs, gutters, culverts and sidewalks.
 - (4) Existing Utilities: on and adjacent to the tract, location size and invert elevation of sanitary sewers, storm sewers, and where existing, location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights; if any of the above are not available at site, indicate direction and distance to the nearest ones and furnish statement of availability.
 - (5) Other Existing Conditions: water courses, marshes, wooded areas, dwellings, building, and other significant features.
 - (6) Ground Elevations: On tract based on U.S.G.S. datum, show contours at vertical intervals as follows:
 - Slope of 6% or less – 2 foot interval
 - Slope of over 6% but less than 15% – 5 foot interval
 - Slope of over 15% – 10 foot interval.
 - (7) Title and Certificates: present tract designation; title under which subdivision is to be recorded; names and addresses of owners; acreage, scale, north point, datum, benchmarks, certification of registered land surveyor and date of survey.
- (b) The Preliminary Plat shall show all existing conditions required above in topography data and show all proposals, including, but not necessarily limited to, the following:
 - (1) Streets: Names, right-of-way widths, approximate grades and gradients.
 - (2) Lots: Lot lines, numbers and block numbers.
 - (3) Sites (Public): If any, to be dedicated or reserved for parks, playgrounds or other public uses, showing approximate acreage of each site.

- (4) Sites (Non-Public): If any, for shopping centers, churches, industry, multi-family dwellings or any other non-public use including indication of proposed use, showing approximate acreage of each site.
- (5) Setback Lines: Give location of minimum setback lines.
- (6) Other Preliminary Plans: When required by the Village Superintendent of Public Works, the Preliminary Plat shall be accompanied by profiles showing existing ground surface and proposed street Grades; typical cross-sections of the streets and sidewalks.
- (7) Zoning: Show zoning classification of the subdivision and adjacent areas.

Sec. 19.91 Plats and Data for Final Approval

The final Plat shall meet with the following specifications:

- a. The final Plat may include all or only a part of the area of the Preliminary Plat as proposed in the application.
- b. The original drawing of the Final Plat of the subdivision shall be 18 inches by 24 inches, or larger in six inch multiples. It shall be drawn at a scale of 100 feet to the inch. Four black or blue line prints shall be submitted with the original Final Plat.
- c. The following information shall be shown:
 - (1) Land. reference concurs in accordance with State Plat Act, to which all dimensions, angles, bearing, and similar data on the Final Plat shall be referred.
 - (2) Tract boundary lines, right-of-way lines of streets, easements and other right-of-ways, and property lines of residential lots and other sites; with accurate dimensions, bearing or deflection angles, and radii arcs, and central angle of all curves.
 - (3) Name of each street or other rights-of-way.
 - (4) Location and right-of-way widths of existing and/or platted streets adjacent to the tract.
 - (5) Location and dimensions of all easements.
 - (6) Consecutive numbers for each lot or site within all subdivisions having the same name.
 - (7) Purpose for which sites, other than residential lots, are dedicated or reserved.
 - (8) Minimum setback line on all lots and other sites.

- (9) Location and description of monuments.
 - (10) Reference to recorded subdivision plats of adjoining platted lands.
 - (11) Certification by Illinois registered land surveyor as to accuracy of survey and plat.
 - (12) Statement by subdivider dedicating streets, or rights-of-way and reserving easements and any sites for public uses.
 - (13) Title, scale, north arrow and date.
 - (14) Other data: Such other certificates, affidavits, endorsements, or dedications as may be required by applicable codes, ordinances and/or statutes pertaining to zoning, dedicated streets, and drainage facilities.
- d. A certificate certifying that the subdivider has posted a good and sufficient bond with the Village Clerk in a penal sum sufficient to cover the estimate by the Village engineer of the probable expenditures necessary to enable the subdivider to conform with the standards of construction established pursuant to the provisions of this resolution. The bond shall be conditioned upon faithful adherence to the rules and regulations contained in this resolution.
 - e. Certificates by the Owners (notarized), County Clerk, Surveyor, Plat Officer, Flood Hazard, Superintendent of Public Works, and School District (if required) shall be provided.
 - f. Protective Covenants in form of recording.
 - g. Street and Utility Improvement Plans shall be submitted and approved before the final plat is approved.

Sec. 19.92 – 19.99 Reserved

ARTICLE VI. MODIFICATION

Sec. 19.100 General

- a. Where, on appeal, the Zoning Board finds that extraordinary hardships may result from strict compliance with this resolution, it may recommend to the Village Board a modification of the regulations so that substantial justice may be done and the public interest secured; provided that such modification will not have the effect of nullifying the purpose of the Comprehensive Plan or this Chapter.

- b. The standards and requirements of this Chapter may be modified by the recommendation of the Zoning Board with the approval of the Village Board in the case of a plan or a program for a Planned Development for a community, or a neighborhood unit, which in the judgment of the Village Board shall exceed the minimum requirements for adequate public space and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provides such covenants or other legal provisions as will assure conformity to the purposes of the Comprehensive Plan.

Sec. 19.101 Action by Village Board

In recommending modifications wherever provided for in this Chapter, the Zoning Board may prescribe such conditions, as will, in its judgment, secure substantially the objectives of the standards or requirements so modified. The recommendation of a modification by the Zoning Board shall be conditional and subject to the final approval of the Village Board.

Sec. 19.102 Appeal

Whenever a subdivider is aggrieved by the decision of the Plat Officer with regard to a final plat, the subdivider may file an appeal to the Village Board from such decision within ten days of the date thereof, such appeal to be filed with the Village Clerk and by him/her forwarded to the Zoning Board for its recommendation for action by the Village Board. The Village Board may affirm or reverse, in whole or in part, the decision of the Plat Officer, and in that instance shall have all the powers and duties of a Plat Officer.

Sec. 19.103 – 19.109 Reserved

ARTICLE VII. ENFORCEMENT AND PENALTIES

Sec. 19.110 Validity

- a. If any court of competent jurisdiction shall declare invalid the application of any provision of this Chapter to a particular property or land, such ruling shall not effect the application of said provision to any other property or land not specifically included in said ruling.
- b. Should any section, clause, or provision of this Chapter be declared invalid by any court of competent jurisdiction, the same shall not affect the validity of this Chapter as a whole, or any part thereof, other than the part so declared to be invalid.

Sec. 19.111 Penalties

- a. No map, plat or subdivision shall be entitled to be filed with the Recorded of Deeds or have validity until it has been approved by the Village Board in accordance with this resolution.
- b. Any person, firm or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provisions of this Chapter, shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00) for each offense, and said person, firm or corporation shall pay all costs and expenses involved in the case. Each day a violation continues shall constitute a separate offense. Nothing herein contained shall prevent the Village from taking such lawful action as is necessary to prevent or remedy any violation.

Sec. 19.112 – 19.119 Reserved

ARTICLE VIII. SEVERABILITY AND REPEAL OF CONFLICTING RESOLUTIONS

Sec. 19.120 Severability Provisions

The provisions of this Chapter are hereby declared to be severable, and if any of its provisions should be held to be invalid or unconstitutional or otherwise void for any reason, such decision shall not affect or impair any of the remaining provisions hereof, and it is hereby declared to be the intent of the Village that this Chapter would have been adopted if such invalid, unconstitutional or otherwise void provisions had not been included herein.

CHAPTER 20

SEPTIC TANKS

Sec. 20.1	Sewage Disposal Facilities Required
Sec. 20.2	Septic Tanks – Capacity
Sec. 20.3	Location – Construction of Tank
Sec. 20.4	Feeder Sewer
Sec. 20.5	Backfill
Sec. 20.6	Inspection
Sec. 20.7	Regulations
Sec. 20.8	Penalty

Sec. 20.1 Sewage Disposal Facilities Required

Every building or structure in the Village built after the effective date of this Code and used for residence, business, trade, industry or meeting purposes shall be equipped with properly constructed and installed adequate sewage disposal facilities. The plumbing in all such places shall conform to the ordinances of the Village and, where applicable, Peoria County ordinances and regulations and the laws of the State relative thereto.

Sec. 20.2 Septic Tanks – Capacity

Any such premises not connected with a sanitary sewer system shall be equipped with an adequate septic tank constructed as specified by the Peoria County Health Department, or successor agency.

Sec. 20.3 Location – Construction of Tank

Each such tank shall be located as specified by the Peoria County Health Department, or successor agency. Each tank must be equipped with a manhole or similar suitably covered opening to permit inspection and cleaning.

Sec. 20.4 Feeder Sewer

The feeder sewer from the tank to the laterals of the disposal field shall be constructed as specified by the Peoria County Health Department, or successor agency.

Sec. 20.5 Backfill

Backfill in the trench under the tile shall be as specified by the Peoria County Health Department, or successor agency.

Sec. 20.6 Inspection

No septic tank or any pipes leading to or from the same shall be covered unless and until such tank and pipes have been inspected and found to be in compliance with the ordinances of the Village and with County ordinances and State laws pertaining thereto.

Sec. 20.7 Regulations

It shall be unlawful to use or occupy any premises as habitations, or for business, trade industry or meeting purposes in the Village unless such premises are equipped with sewage disposal facilities consisting of either a connection with a sanitary sewer system or a proper septic tank, as provided by ordinance.

Sec. 20.8 Penalty

Any person, firm or corporation violating any provision of this Chapter shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and a

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

CHAPTER 21

COMBINED WATERWORKS AND SEWAGE SYSTEM

Article I. Establishment of Combined System

Sec. 21.1	Combined System
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Sec. 21.10	Definitions
Sec. 21.11 – 21.19	Reserved

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Article IV. Use of Public Sewers Required

Sec. 21.50	Use of Public Sewers Required
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Article V. Private Sewage Disposal

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Article XVII. General

Sec. 21.300	General
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ARTICLE I. ESTABLISHMENT OF COMBINED SYSTEM

Sec. 21.1 Combined System

- a. That it is hereby found, determined and declared necessary for the best interests of this Village that the existing waterworks system of said Village and said sanitary system be combined into a single utility to be known and designated as “the combined waterworks and sewage system of the Village of Brimfield.”
- b. That all property, real, personal, and mixed comprising the waterworks system as of April 1, 1963, and the sanitary sewage system of said Village as in the preamble to “An Ordinance providing for the combination of the existing waterworks systems and sanitary sewage system of the Village of Brimfield, Peoria County, Illinois, into a combined waterworks and sewage system” adopted April 1, 1963, be and the same is hereby found, determined and declared to constitute the properties of the combined waterworks and sewage system of the Village.
- c. That from and after April 1, 1963, said existing waterworks system and said sanitary sewage system shall be owed and operated by this Village as a combined utility, known as “the combined waterworks and sewage system” of said Village, and all improvements and extensions to said waterworks or sewer systems, either or both, shall be considered as improvements and extensions to said combined utility; and all the properties, assets, obligations and liabilities, of all kinds, of said waterworks system and of said sanitary sewage system, existing, outstanding and accruing or to accrue, shall be held, used, confessed or acknowledged as the properties, assets, obligations and liabilities of said combined utility.

Sec. 21.2 – 21.9 Reserved

ARTICLE II. DEFINITIONS

Sec. 21.10 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

a. Federal Government

- (1) *Federal Act* means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (Pub. L.92-500) and (Pub. L.93-243).
- (2) *Administrator* means the Administrator of the U.S. Environmental Protection Agency.
- (3) *Federal Grant* shall mean the U.S. Government participation in the financing of the construction of treatment works as provided for by Title II Grants for Construction of Treatment Works of the Act and implementing regulations.

b. State Government

- (1) *State Act* means the Illinois Anti-Pollution Bond Act of 1970.
- (2) *Director* means the Director of the Illinois Environmental Protection Agency.
- (3) *State Grant* shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

c. Local Government

- (1) *Ordinance* means this Chapter.
- (2) *Village Board* means the Village Board of Brimfield.
- (3) *Superintendent* shall mean the Superintendent of Public Works of the Village of Brimfield, or his/her authorized deputy, agent or representative.

d. Person

- (1) *Person* shall mean any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

e. NPDES Permit

NPDES Permit means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

f. Clarification of the word “Usage”

Shall is mandatory; may is permissible.

g. Wastewater and its Characteristics

- (1) *Wastewater* shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.
- (2) *Sewage* is used interchangeably with *Wastewater*.
- (3) *Effluent Criteria* are defined in any applicable *NPDES Permit*.
- (4) *Water Quality Standards* are defined in the Water Pollution Regulations of Illinois.
- (5) *Unpolluted Water* is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (6) *ppm* shall mean parts per million by weight.
- (7) *Milligrams per liter* shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.
- (8) *Suspended Solids* shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in “Standard Methods”.
- (9) *BOD* (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C. expressed in milligrams per liter.

- (10) *pH* shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in “Standard Methods”.
- (11) *Standard Methods* shall mean the examination and analytical procedures set forth in the most recent edition of “Standard Methods for the Examination of Water and Wastewater” published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
- (12) *Garbage* shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- (13) *Properly Shredded Garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- (14) *Floatable Oil* is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- (15) *Population Equivalent* is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.
- (16) *Slug* shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (17) *Industrial Waste* shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.
- (18) *Major Contributing Industry* shall mean an industrial user of the publicly owned treatment works that:
 - (a) Has a flow of 50,000 gallons or more per average work day; or
 - (b) Has a flow greater than ten percent (10%) of the flow carried by the municipal system receiving the waste; or

- (c) Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or
- (d) Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

h. Sewer Types and Appurtenances

- (1) *Sewer* shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.
- (2) *Public Sewer* shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary sewer system even though those sewers may not have been constructed with Village funds.
- (3) *Sanitary Sewer* shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and ground waters or unpolluted industrial wastes are not intentionally admitted.
- (4) *Storm Sewer* shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.
- (5) *Combined Sewer* shall mean a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.
- (6) *Building Sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.
- (7) *Building Drain* shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- (8) *Storm Water Runoff* shall mean that portion of the precipitation that is drained into the sewers.
- (9) *Saddle* shall mean a sewer connection device designed for use when tapping an existing main.
- (10) *Sewerage* shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

- (11) *Easement* shall mean an acquired legal right for the specific use of land owned by others.
- i. Treatment
- (1) *Pretreatment* shall mean the treatment of waste waters from sources before introduction into the wastewater treatment works.
- (2) *Wastewater Treatment Works* shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “pollution control plant”.
- (3) *Wastewater Facilities* shall mean the structures, equipment, and processes required to collect, carry away and treat domestic and industrial wastes and transport effluent to a watercourse.
- j. Watercourse and Connections
- (1) *Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (2) *Natural Outlet* shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- k. User Types
- (1) *User Class* shall mean the type of user either “residential or commercial” (non-industrial) or “industrial” as defined herein.
- (2) *Residential or Commercial or Non-Industrial user*, shall mean any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this Section.
- (3) *Industrial User* shall mean any non-governmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:
- (a) Division A – Agriculture, Forestry and Fishing
- (b) Division B – Mining
- (c) Division D – Manufacturing

(d) Division E – Transportation, Communications, Electric, Gas and Sanitary Services

(e) Division I – Services

A user in the Division listed may be excluded if it is determined by the Village Board that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

l. Control Manhole

Control Manhole shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a “control manhole” is to provide access for the Village representative to sample and/or measure discharges.

m. Water Mains and Appurtenances

(1) *Water main* shall mean a pipe or conduit for carrying water.

(2) *Water Service Pipe* shall mean the pipe extending from a building to a water main.

n. Types of Charges

(1) *Wastewater Service Charge* shall be the charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Article X of this Chapter and shall consist of the total of the Basic User Charge, the Debt Service Charge and a Surcharge, if applicable.

(2) *User Charge* shall mean a charge levied on users of treatment works for the cost of operation and maintenance.

(3) *Basic User Charge* shall mean the basic assessment levied on all users of the public sewer system.

(4) *Debt Service Charge* shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding and shall be computed by dividing the annual debt service by the number of users connected to Wastewater Facilities.

(5) *Surcharge* shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in this Chapter.

(6) *Replacement* shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the

treatment works to maintain the capacity and performance for which such works were designed and constructed. The term *operation and maintenance* includes replacement.

- (7) *Useful Life* shall mean the estimated period during which the collection system and/or treatment works will be operated and shall be 20 years from the date of startup of any wastewater facilities constructed with a State grant.
- (8) *Sewerage Fund* is the principal accounting designation for all revenues received in the operation of the sewerage system.

Sec. 21.11 – 21.19 Reserved

ARTICLE III. WATER WORKS AND SEWERAGE DEPARTMENT

Sec. 21.20 Water Works and Sewerage Department

The combined waterworks and sewerage system in the Village of Brimfield, Illinois shall be maintained and operated as a separate department and hereinafter in this Chapter shall be referred to as the Department.

Sec. 21.21 Charges – Rates

A charge shall be made to the residents of said Village which shall be reasonable for the use and service of such waterworks and sewerage system as may be determined from time to time by ordinance adopted by said Village.

Sec. 21.22 Superintendent – Duties

There shall be a Superintendent of Public Works to be appointed by the President with the approval of the Village Board. The appointed Superintendent shall have supervision over all buildings, sewers, manholes, mains, treatment works, wells, appurtenances, and equipment used in the furnishing of waterworks and sewerage service in the Village and shall see that the object and purposes of the Waterworks and Sewerage Department are carried out and that the waterworks and sewerage system is conducted on an economical businesslike basis, and for this purpose, it shall be the duty of the Superintendent and all of the officers, employees and servants of said Department to enforce all of the provisions of this Chapter and to observe and obey and carry out the orders and directions of the Village Board. The Superintendent shall prepare and keep at the Village Hall a complete atlas of the waterworks and sewerage system with all connections and other appurtenances distinctly recorded therein.

Sec. 21.23 Compensation

The Superintendent and other officers and employees of the Waterworks and Sewerage Department shall receive as compensation for their services amounts to be fixed by the Village Board from time to time.

Sec. 21.24 Bond – Employees

Said Superintendent shall qualify for office in the same manner as any elective official of the Village and shall post such bond in such amount as may be determined by the President. All necessary employees of said Department shall likewise be appointed by the President with the approval of the Village Board of Trustees.

Sec. 21.25 Read Meters – Bill for Services, Etc.

The Superintendent or such officer or employees for the Waterworks and Sewerage Department as the Village Board shall direct, shall read water meters of said Village, take water and sewer applications, and shall perform such other duties as now are or may hereafter be imposed upon him by law or the ordinances of the Village.

Sec. 21.26 Applications – Connections, Etc.

- a. Except as otherwise in this Chapter provided, any person desiring to make any connection with said waterworks and sewerage system or plant or have the use thereof shall first make application to the Superintendent upon a blank form or forms furnished by said Department. Said application shall contain an agreement on the part of the applicant that all the rules, regulations, conditions and provisions of any ordinance relating to the waterworks and sewerage system will be complied with; that all water and sewerage rates, assessments and rents and all fines and penalties assessed, charged or imposed against said applicant upon the property described in said application will be paid. When the applicant hereunder has complied with all of the provisions of the ordinances of the Village, and the Superintendent has approved the application, a written permit shall then be issued by the Superintendent authorizing the connection to be made and specifying the size thereof.
- b. No building sewer shall be laid or used to serve more than one distinct premise or building.
- c. No building water service shall be laid or used to serve more than one distinct premise or building.

Sec. 21.27 Powers and Authority of Inspectors

- a. The Superintendent and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter. The Superintendent or his/her representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.
- b. While performing the necessary work on private properties the Superintendent or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the employees and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
- c. The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works or water mains lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 21.28 - 21.49 Reserved

ARTICLE IV. USE OF PUBLIC SEWERS REQUIRED

Sec. 21.50 Use of Public Sewers Required

- a. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.

- b. It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Chapter.

- c. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

- d. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the Village, is hereby required at his/her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter within ninety (90) days after date of official notice to do so, provided that said public sewer is within 200 feet (61 meters) of the property line.

Sec. 21.51 – 21.69 Reserved

ARTICLE V. PRIVATE SEWAGE DISPOSAL

Sec. 21.70 Private Sewage Disposal

- a. Where a public sanitary sewer is not available under the provisions of the Article IV, Section 21.50 d., the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.
- b. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application and fee for such permit shall be as provided in Article VI of this Chapter.
- c. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent and the Peoria County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent and Health Department when the work is ready for final inspection, and before any underground portions are covered. If possible, the inspection shall be made within 48 hours of the receipt of written notice by the Superintendent and Health Department.
- d. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet (1,858 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- e. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article IV, Section 21.50 d., a direct connection shall be made to the public sewer in compliance with this Chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- f. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.
- g. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the appropriate local health officials or other governmental unit having authority.
- h. When a public sewer become available, the building sewer shall be connected to said sewer within ninety (90) days after notice to do so and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

- i. If the provisions of this Article conflict with other provisions of this Code, the provisions of this Article shall control. Where there is no conflict, the other provisions shall remain applicable and enforceable.

Sec. 21.71 – 21.89 Reserved

ARTICLE VI. BUILDING SEWERS AND CONNECTIONS

Section 21.90 Building Sewer

- a. No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- b. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.
- c. There shall be two (2) classes of building permits:
 - (1) (a) for residential service; and
(b) for commercial service; and
 - (2) for service to establishments producing industrial wastes.

In either case, the owner or his/her agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

A permit and inspection fee for a building sewer permit shall be paid to the Village at the time the application is filed. The fee shall be determined as follows:

<u>Unit</u>	<u>Fee</u>
Class 1, Category (a) – residences	\$15.00
Class 1, Category (b) – buildings other than residences based on floor area as follows:	
Less than 1000 sq. ft.	\$15.00
1000 sq. ft. or more but less than 5000 sq. ft.....	\$25.00
5000 sq. ft. or more but less than 10,000 sq. ft.....	\$50.00
10,000 sq. ft. or more but less than 50,000 sq. ft.....	\$75.00
50,000 sq. ft. or more.....	\$100.00

- d. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities have sufficient reserve capacity to adequately

and efficiently handle the additional anticipated waste load, and its issuance shall be subject to applicable ordinances of the Brimfield Sanitary District.

- e. All costs and expenses incident to the installation and connection of the building sewer to a public sewer, or the replacement thereof, shall be borne by the owner, and the owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by such work. Thereafter, the owner shall maintain and repair that portion of the building sewer from the owner's property line to the public sewer; however, the Village shall reimburse the owner for any maintenance or repair that was proved to be caused by the negligence of the Village or roots from trees located within the right-of-way of a road dedicated to and maintained by the Village (2007-2; 4/2/07).
- f. A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- g. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Chapter.
- h. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federal Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.
- i. No basement, half-basement or any other portion of a building having a floor elevation beneath the ground surface over the public sewer at the point of connection may be connected into the public sewer by gravity. In areas where the ground line over the public sewer is to be altered, the proposed final ground elevation shall be used. The maximum depth to the top of the building sewer shall be four (4) feet below finished grade at the point where it enters such building.
- j. No person(s) shall make connection of roof down-spouts, exterior foundation drains, areaway drains, or other sources of runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- k. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federal Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such

connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

- l. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his/her representative.
- m. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

Sec. 21.91 Building Sewer Materials

- a. The building sewer shall be P.V.C. gravity sewer pipe conforming to ASTM D3034 or Ductile Iron Pipe conforming to ANSI/AWWA C151/A21.51.
- b. All building sewer pipe shall be properly bedded and installed in accordance with the manufacturer's recommendations.
- c. With normal conditions P.V.C. pipe may be SDR35; however, if conditions warrant, the Superintendent can require the P.V.C. pipe to be SDR26.

Sec. 21.92 Building Sewer Joints

- a. P.V.C. pipe shall be made and jointed with an integral bell, bell-and-spigot rubber gasket joint. Gasketed joints shall conform to ASTM F477 and to ASTM D3212.
- b. Ductile iron pipe may have mechanical or push-on joints conforming to ANSI/AWWA C151/A21.51 with gaskets conforming to ANSI/AWWA C111/A21.11.
- c. All fittings shall be of the same material and have the same joints as the pipe being used.

Sec. 21.93 Size, Slope and Depth

The size and slope of the building sewers shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than six inches. The slope of the pipe shall not be less than 1/8 inch per foot. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment in so far as possible. Changes in directions shall be made only with properly curved pipe and fittings. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

Sec. 21.94 Defective Sewers

Whenever a sanitary building sewer or drain thereto is obstructed, or if found to be broken or defective so that sewage or drainage escapes into surrounding soil, or into adjacent premises, repair or replacement may be ordered by the Superintendent. Such repairs shall be at the expense of the owner or person in control of such property.

Sec. 21.95 Breaking into Sewer

When a part of the building sewer system is broken into, such break shall be properly repaired by replacing the broken part with a corresponding new part. No patching of such break will be accepted.

Sec. 21.96 – 21.109 Reserved

ARTICLE VII. USE OF THE PUBLIC SEWERS

Sec. 21.110 Use of Public Sewers

- a. No person shall discharge, or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- b. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village, to a storm sewer or natural outlet.
- c. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction process, to constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
 - (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- d. No industrial user may discharge sewage into any public sewer until the Village has adopted an industrial cost recovery system which:
 - (1) Meets the requirements of Section 204 (b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972 citation and applicable federal regulations; and
 - (2) Has been approved by the Agency in accordance with the conditions of any grant made to the Village by the United States Environmental Protection Agency or by the State of Illinois for the construction of any part of the sewer system or sewage treatment works of the Village or the Brimfield Sanitary District.

- e. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Village that such wastes can harm either the sewers sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Village will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction, of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:
- (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F, 65°C).
 - (2) Any waters or wastes containing toxic or poisonous materials, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two and one hundred and fifty degrees (32 and 150°F, 0 and 650°C).
 - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ($\frac{3}{4}$) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Village.
 - (4) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.
 - (5) Any waters or wastes containing iron, chromium, copper, zinc or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village for such materials.
 - (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Village or the Brimfield Sanitary District, whichever may be the most strict, as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
 - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.
 - (8) Any waters or wastes having a pH in excess of 9.5.

- (9) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Village in compliance with applicable State and Federal regulations.
 - (10) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Village in compliance with applicable State and Federal regulations.
 - (11) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - (b) Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions);
 - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on any sewage treatment works;
 - (d) Unusual volume of flow or concentrations of wastes constituting “slugs” as defined herein.
 - (12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
- f. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 21.110 e. of this Article, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, subchapter D, Water Programs Part 128 – Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973 and any amendments thereto, and which in the judgment of the Village may have a deleterious effect upon the sewage works processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; and/or
 - (4) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of this Article, Section 21.110 l.

If the Village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village, and subject to the requirements of all applicable codes, ordinances and laws.

- g. Grease, oil and sand interceptors shall be provided when, in the opinion of the Village they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients except; that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection.
- h. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.
- i. Each industry shall be required to install a control manhole and when required by the Village, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him so as to be safe and accessible at all times.
- j. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analysis of waters and wastes to illustrate compliance with this Chapter and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

The number, type and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and local standards are being met. The owners shall report the results of measurements and laboratory analyses to the Village at such times and in such manner as prescribed by the Village. The owner shall bear the expense of all measurements, analyses and reporting required by the Village. At such times as deemed necessary, the Village reserves the right to take measurements and samples for analysis by an outside laboratory service.

- k. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which building sewer is connected

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

1. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with this Chapter by the industrial concern, provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System.

Sec. 21.111 – 21.119 Reserved

ARTICLE VIII. EXTENSION OF PUBLIC SEWERS

Sec. 21.120 Where Extension Required

Where it is desired to connect to a property to a public sewer, an extension of the public sewer shall be made by the property owner, at his/her expense.

Sec. 21.121 Size and Construction Details

The size of the sewer to be built shall be determined by the Village Board but in no case shall it be less than 8 inches in diameter. Manholes shall be constructed at each change in direction (horizontal and/or vertical) and not more than 400 feet apart on straight sewers. Construction methods shall be in accordance with the "Standard Specifications for Water and Sewer Main Construction in Illinois" adopted by the Village Board and on file in the Office of the Superintendent. All construction shall be subject to the inspection of the Superintendent or other designated representatives.

Sec. 21.122 Sewer Extension Materials

- a. The building sewer shall be P.V.C. gravity sewer pipe conforming to ASTM D3034 or Ductile Iron Pipe conforming to ANSI/AWWA C151/A21.51.
- b. All building sewer pipe shall be properly bedded and installed in accordance with the manufacturer's recommendations.
- c. With normal conditions P.V.C. pipe may be SDR35; however, if conditions warrant, the Superintendent can require the P.V.C. pipe to be SDR26.

Sec. 21.123 Sewer Extension Joints

- a. P.V.C. pipe shall be made and jointed with an integral bell, bell-and-spigot rubber gasket joint. Gasketed joints shall conform to ASTM F477 and to ASTM D3212.
- b. Ductile iron pipe may have mechanical or push-on joints conforming to ANSI/AWWA C151/A21.51 with gaskets conforming to ANSI/AWWA C111/A21.11.
- c. All fittings shall be of the same material and have the same joints as the pipe being used.

Sec. 21.124 – 21.129 Reserved

ARTICLE IX. USE OF PUBLIC WATER REQUIRED

Sec. 21.130 Private Water Systems Prohibited

No person having his/her or its residence or place of business within the territorial limits of the Village Waterworks and Sewerage System shall be permitted to secure water for such residence, or place of business located in the Village, including uses outside of such residential or business buildings, otherwise than through the water mains of the Village, whenever the water mains of the water system of said Village are adjacent to, or within 200 feet of any subdivided lot, or parcel of real estate, upon which said residence or place of business is located.

Sec. 21.131 Connection to Public Water Main Required

In all cases where a public water main is now installed, or hereafter may be installed in any street, alley, public way or easement in the Village, all inhabitants or users located on any lot or parcel of real estate fronting, abutting on, or within a distance of 200 feet from said public water main to the nearest property line of any such subdivided lot, or parcel of real estate on any such street, alley, public way or easement shall at their expense make, or cause to be made connection to such public water main, within 90 days after notice to connect after the installation of such public water main, if the same be not now installed. All users shall discontinue, within the same period of time, any connection which they theretofore may have had with any private water supply.

Sec. 21.132 Extension of Water Mains

Any property owner or developer desiring to extend the public water mains for the benefit of his/her property may do so at his/her own expense. Minimum main size shall be six inches in diameter or larger, where required by the Board of Trustees to serve the future growth in the vicinity of the extension. All construction shall be in accordance with the "Standard Specifications for Water and Sewer Main Construction in Illinois," latest edition. Pipe shall be:

- a. P.V.C. Pressure Pipe, SDR21, conforming to ASTM D2241 with integral bell gasketed joints, or
- b. P.V.C. Class 200 Pipe conforming to AWWA C900 with integral bell gasketed joints, or
- c. Ductile Iron Pipe, Pressure Class 200, conforming to ANSI/AWWA C151/A21.51 with mechanical or push-on bell and gasket joints.

Sec. 21.133 Unauthorized Connections

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public water main, or appurtenance thereof, without having first obtained a written permit from the Village Board.

Sec. 21.134 Applications – Connections to Water System

Any person desiring to make any connection with the said water system, or have the use thereof, shall first make application to the Office of the Superintendent upon a blank form or forms furnished by said office. Said application shall contain an agreement on the part of the applicant, that all the rules, regulations, conditions, and provisions of all ordinances of the Village will be complied with, that all fees, deposits, water rates, charges, rents and all fines and penalties assessed, charged or imposed against said applicant, upon the property described in said application will be paid. When the applicant hereunder has complied with all the applicable provisions of this Chapter, written permit shall then be issued by the Superintendent authorizing the connection to be made.

Sec. 21.135 Permit Fees

The fees to be charged for a permit to tap, or otherwise make a connection with said Water System shall be determined in such manner and amounts as shall be prescribed by ordinance, adopted by the Village from time to time.

Sec. 21.136 Opening in Streets – How Protected

All openings made in streets and sidewalks shall be protected at all times by sufficient barriers, on which signal lights or flares shall be placed and maintained after dark, together with such other provisions contained in an ordinance pertaining to street openings.

Sec. 21.137 Separate Water Service Required – Exception

A separate and independent building water main shall be provided for every building except where one building stands at the rear of another on an interior lot and no water main is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the water main from the front building may be extended to the rear building and the whole considered as one building water main.

Sec. 21.138 Turning on Water – Seals

- a. No person not duly authorized shall turn on any service stop, or use water therefrom when so turned on. The person so using or wasting water in such unlawful manner shall further be liable to pay therefore at the regular water rates.
- b. No seal placed by the Waterworks and Sewerage Department for the protection of any meter, valve, fitting or other water connection shall be defaced or broken except on written authority from the Superintendent.
- c. No person or persons other than the members of the Waterworks and Sewerage Department shall use water from any fire hydrant connected with the waterworks system of the Village, except for extinguishing fires or unless especially authorized by the Superintendent.

Sec. 21.139 Meters

All permanent water services hereinafter installed, whether for domestic or commercial purposes, shall be metered. Water meters shall be furnished by the Village and the same shall remain the property of the Village. The Village shall be reimbursed the cost of any meter so installed by the property owner and which charge shall represent an additional fee for the privilege of making connection to the system. There shall be no reimbursement for this initial service fee upon removal of the water meter.

The Village will repair and maintain the meters except when a water meter is damaged by freezing or by hot water backing through the meter or by other physical damage, the consumer shall be required to pay the cost of the repairs and labor upon receipt of bill for the same. Any such cost or repair shall be a lien against the premises to the same extent and with the same effect as charges for water service. All installations and the placing of meters shall be subject to the approval of the Superintendent.

Sec. 21.140 Access to Premises

The Superintendent and every person authorized by him and all meter inspectors shall have ready and reasonable access to the premises, place or buildings where such meters are located for the purpose of reading, examining, testing and repairing the same, and examining and testing the consumption, use and flow of water, and it shall be unlawful for any person or corporation to interfere with, prevent or obstruct said Superintendent or such other person or inspector in his/her work hereunder. Every consumer of water shall take the same upon the conditions prescribed in this Chapter.

Sec. 21.141 Installation of Water Service Pipe Meter – Penalties

The connection from the main to the curb stop shall be placed at least four (4) feet below the level of the ground and the service pipe shall be laid sufficiently waving so that it shall be at least one (1) foot longer than if laid in a straight line and shall be placed in such a manner as to prevent rupture or breakage from settling of the ground. All service pipe shall be Type K Copper Tubing or Polybutylene or Polyethylene Tubing. Joints in Polybutylene or Polyethylene shall be made with insert fittings using series 300 stainless steel clamps or compression flared brass clamps. PED and PE tubing shall have 160 p.s.i. rating at 73.4° F and shall conform to the standards of the National Sanitation Foundation. All service pipe shall be not less than 1” nominal diameter.

No person whether owner or occupant in possession or control of any building, structure, or premises into which water is supplied through the Village waterworks system shall be allowed, without written permission from the Village Board to supply other persons or families or to supply water from such building or premises to any other building structure or premises. The supply of water to a building structure or premises of any person who violated any of the foregoing provisions of this Section, shall be shut off and stopped forthwith, and the water shall not again be turned on to such building, structure or premises from which it was cut off until there shall have been paid to said Village such sum of money as the Village Board shall deem properly due the Village.

If after the water supply shall have been turned on to any building, structure or premises, it shall be found by any officer or employee of the said Village that fraudulent representations have been made by the applicant for such water supply or what water is being used in or upon such building, structure or premises

for purposes not set forth in the application made for such water supply or that there is willful and unreasonable use or waste of water, the Superintendent or such employee of the Village as he/she shall designate shall have the authority and it shall be his/her duty to cut off and stop the supply of water to such building, structure or premises forthwith, and the water shall not be turned on to such building, structure or premises until the person or persons responsible for such fraudulent representations or for such use of water or willful or unreasonable waste thereof, shall pay the Village such additional sum of money for such water supply or on account of such unreasonable waste of water as the Village Board shall find properly to be due the Village. Every person supplied with water from the Village Waterworks system shall, at his or her own cost and expense, have installed and kept in repair all pipes leading from the curb stop to his or her building, structure or premises as are supplied with water through such service pipe.

Each water service pipe shall be connected with said water main and shall extend horizontally at right angles with said water main to a point of at least twenty (20) feet from the center line of the street and shall there be provided with a bronze curb stop of not less than one inch (1") in diameter to be installed within a telescopic shut-off box of the best quality of cast iron or first grade steel pipe.

The water main must be tapped at an angle of forty-five (45) degrees with the vertical, and the corporation stop must be turned so that the T handle will be on top.

Sec. 21.142 Connection to Standard Water Main Required

In all cases where a standard water main is now installed or hereafter may be installed in any street, alley, public way or easement in the Village, all water users located on any lot or parcel or real estate fronting or abutting on any such street, alley, public way or easement, shall make or cause to be made connection to such standard water main and pay the tapping charges therefore within three months hereafter or within six months after the installation of such standard water main if the same be not now installed, and all users shall discontinue, within the same period of time, any connection which they theretofore may have had with any other water line.

Sec. 21.143 Cross-Connections Not Permitted

Whenever a system of water supply piping, either inside or outside of any building receives its supply from any source other than the waterworks system of the Village, such system shall be kept entirely separate from and no cross-connections or connections of any kind shall be made with any pipe or system of piping which receives its supply from the Village Waterworks system. Water which has been once used for any purpose whatsoever shall not be returned to the building's water supply system.

- a. In addition, whenever any system of water supply piping receives its supply from a source other than the waterworks system of the Village, such system of piping shall be installed in conformity with and pursuant to the 1986 Illinois Plumbing Code, 77 Ill. Admin. Code. 890 and all of its subsequent amendments, including the installation by the water customer of an approved backflow prevention device.
- b. No water customer shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Village may enter the supply or distribution

system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of the Village and the Illinois Environmental Protection Agency.

- c. The Superintendent of the Village 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 Superintendent or his/her 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 any cross-connection. On demand the owner, lessees or occupants of any property so served shall furnish to the Superintendent any information which he/she 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, be deemed evidence of the presence of improper connections as provided in this Article.
- d. The Superintendent of the Village is hereby authorized and directed to discontinue after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Article is known to exist, and to take such other precautionary measures as he/she 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 reconnection fee of \$500 is paid to the Village. Immediate disconnection with verbal notice can be effected when the Superintendent is assured that the 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 system supply, provided that, in the reasonable opinion of the Superintendent 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 Village, the Superintendent, or its or his/her 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.
- e. The water customer responsible for backsiphoned or back pressured material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed or maintained or repaired device, or a device which has been bypassed, must bear the cost of clean up of the potable water supply system.

Sec. 21.144 Inspection and Approval of Service Pipes

All service pipes and connections shall be inspected and approved by the Superintendent or other persons under his/her direction and no such service pipes shall be covered until they have been so inspected.

Sec. 21.145 Water Without Meters

Before a permit for the use of water shall be issued where meters cannot be conveniently used, the person applying for the same shall deposit Twenty Dollars (\$20.00) with the Village Treasurer as a payment on account of water to be used by him. On or before thirty (30) days from the date of the permit, the person to whom such permit is issued shall file with the Village a statement in writing, verified by his/her affidavit, showing fully the purpose for which the water was used by him for that time, and the amount and location of all work done by him during said time in connection with which any water was used, or required. The Superintendent shall ascertain from said statement and any other information, the amount due for water so used. If the amount so found to be due, together with all other fees and costs chargeable against such person is less than the sum deposited, the surplus shall be paid back to the depositor. If the amount due for water so used is more than the sum deposited, then the excess shall be paid at once to the Village by such person. If such person desires to continue to use the water after he/she shall have filed his/her statement, he/she shall again deposit Twenty Dollars (\$20.00) with the Superintendent and shall continue to make deposits thereafter and in the same manner as is provided herein with respect to the first deposit, and the method of determining the amount of water used and the charge for the same shall be the same as the provisions respecting the first deposit as hereinbefore provided.

Sec. 21.146 Variance from Provisions

The Village Board may grant a variance upon such terms and conditions as it may deem desirable or appropriate when it is determined in specific cases that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this Article. A variance from the terms of this Article shall not be granted by the Village Board unless and until a written application for a variance is submitted to the Village Board demonstrating that special conditions and/or circumstances exist which are particular to the land or structure involved which are not applicable to other lands or structures in the Village. The application shall be on a form satisfactory to the Village and shall contain such information as the Village may deem necessary and appropriate. No non-conforming use of the neighboring lands or structures or other lands and structures in the Village shall be considered grounds for the issuance of a variance. The applicant shall submit such plans, specifications, and other information as may be required by the Village Board. As a condition of the granting of any variance hereunder, the Village Board may impose upon the applicant as a condition for the granting of such variance reasonable special conditions and safeguards for the protection of the public health, safety and welfare. No variance hereunder shall be granted except upon the adoption of a resolution passed by a vote of two-thirds of the members of the Village Board then holding office, with the President of the Village Board voting only in accordance with Section 2.4 of Article I of Chapter 2 of this Code.

Sec. 21.147 – 21.169 Revised

ARTICLE X. WASTEWATER SERVICE CHARGES

Sec. 21.170 Basis for Wastewater Service Charges

The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of a basic user charge for operation and maintenance plus replacement and a debt service charge.

The *debt service charge* shall be computed by dividing the annual debt service of all outstanding bonds by the number of users. Through further divisions, the monthly and quarterly debt service charges can be computed.

The *basic user charge* shall be based on water usage as recorded by water meters and/or sewage meters. It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

- a. Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.
- b. Proportion of the estimated costs to wastewater facility categories by volume.
- c. Compute costs per 1000 gal. for normal sewage strength.

The adequacy of the wastewater service charge may be reviewed annually by Certified Public Accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs including replacement costs.

Sec. 21.171 Measurement of Flow

The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 1000 gallons.

- a. If the person discharging wastes into the public sewers procures any part, or all, of his/her water from sources other than the Public Waterworks System, all or part of which is discharged into the public sewers, the person shall install and maintain, at his/her expense, water meters of a type approved by the Superintendent for the purpose of determining the volume of water obtained from these other sources.
- b. Devices for measuring the volume of waste discharged may be required by the Superintendent if these volumes cannot otherwise be determined from the metered water consumption records.

- c. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the Superintendent.

Sec. 21.172 Debt Service Charge

A debt service charge of \$1.80 per month to each user of the wastewater facility of the Village is hereby established.

Sec. 21.173 Basic User Rate

There shall be and there is hereby established a minimum charge and a basic user rate for the use of and for service supplied by the wastewater facilities of the Village. A minimum charge of \$0.20 per month shall be applied to all users whose water consumption does not exceed 2000 gallons per month. A *basic user rate* of \$0.10 per 1000 gallons shall be applied to all users for water consumption in excess of 2000 gallons per month.

All non-metered residential users of the wastewater facilities shall pay a minimum flat rate charge per month adequate to cover the costs of the minimum debt service charge, the minimum service charge and the basic user rate of \$0.10 per 1000 gallons. The flat rate charge will allow a maximum of 4000 gallons per month.

In the event use of the wastewater facilities is determined by the Village to be in excess of 4000 gallons per month, the Village may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied.

Sec. 21.174 Computation of Wastewater Service Charge

The wastewater service charge shall be computed by the following formula:

$$CW = CD + CM + (Vu - X)CU$$

Where CW = Amount of Wastewater Service Charge (\$) Per Billing Period.

CD = Debt Service Charge (Section 21.172)

CM = Minimum Charge for Operation, Maintenance and Replacement (Section 21.173)

Vu = Wastewater Volume for the Billing Period.

X = Allowable Consumption in Gallons for the Minimum Charge (Section 21.173)

CU = Basic User Rate for Operation, Maintenance and Replacement (Section 21.173)

Sec. 21.175 – 21.189 Reserved

ARTICLE XI. INDUSTRIAL COST RECOVERY

Sec. 21.190 – 21.199 Reserved

ARTICLE XII. CHARGES OR RATES FOR WATER SERVICE

Sec. 21.200 Charges or Rates for Water Service

- a. That in addition to the rates or charges elsewhere in this Chapter contained for sewer service, there shall be and there is hereby established monthly rates and charges for the use of and for the water service supplied by the Village, as follows:

First 2,000 gallons, or fraction thereof	\$17.33
Next 58,000 gallons, per 1,000 gallons or fraction thereof	\$8.66
Next 90,000 gallons, per 1,000 gallons or fraction thereof	\$2.50
All over 150,000 gallons, per 1,000 gallons or fraction thereof	\$2.00

Provided, however, that the following minimum charges shall apply for each apartment, flat, place of business, or family unit served by or through each water service connection for each month or fraction thereof:

For 5/8ths and 3/4ths inch service connection	\$17.33
For one inch service connection	\$17.33
For one and one-half inch service connection	\$31.50
For two inch service connection	\$63.00

and provided further that a separate minimum charge shall be made for each apartment, flat, place of business or family unit in all buildings containing two or more apartments, flats, places of business or family units, but, provided, further, no minimum charges shall be made for any vacant apartment, flat, or place of business in any such building which said apartment, flat or place of business is vacant during an entire month. (2004-1; 3/1/04) (2010-8; 8/2/10) (2011-9; 12/5/11)

- b. Rates for all users outside the corporate limits of the Village, shall be 200% of the above rates and minimum charges; provided, however, that rates for serving all presently existing improvements (and for serving all subsequently constructed improvements which replace presently existing improvements which are later removed) located outside the corporate limits of the Village but within the boundaries of the Brimfield Sanitary District, shall be 100% of the above rates and minimum charges.
- c. All water supplied shall be metered to the consumer, and there shall be a separate meter for each consumer. No water shall be turned on for use on or in any premises until an application therefor in writing had been made for that purpose and filed with the Superintendent, stating the purpose for which the services are to be used. Such application, when submitted by an occupant or occupants of the premises to be served other than the holder of the legal title thereto, shall be accompanied by a deposit in the amount of fifty dollars (\$50.00), which deposit shall be paid before any water is turned on. Such deposit shall be held by the Village of Brimfield as security for the payment of water and/or sewer

service charges due from the applicant, and may be so applied when any default is made in payment of a water and/or sewer bill. (2005-4; 10/3/05)

- d. A tapping fee in an amount set from time to time by resolution of the Village Board shall be paid to the Village Treasurer by all persons desiring to use the Village water system. Said tapping fee shall be paid prior to connection by said user. Upon payment of said tapping fee, a permit authorizing connection with said Village water system shall be issued by said Superintendent.
- e. Said tapping fee may be increased by the Village in cases where an owner has constructed sewer and/or water mains to serve its property which mains may also be available for use by the owners of other lands within or without the boundaries of the Village. Such increase shall be by agreement between the Village and the contracting owner and may provide that the Village will charge and collect an increased tapping fee based upon the square footage of the land of the owner and the territory which may be served, however such agreement with the contracting owner shall not be for a term in excess of 10 years.

Sec. 21.201 – 21.209 Reserved

ARTICLE XIII. WATER AND SEWER CONNECTIONS

Sec. 21.210 Water and Sewer Connections

- a. No connection shall be made with the waterworks system without a permit issued by the Superintendent. Any connection or opening made with the waterworks system without the permit shall subject the maker to a penalty. A copy of the written permit to connect to the water system of said Village shall be filed with the Village Clerk for billing and deposit purposes.
- b. There shall be two classes of permits for water service: (1) for residential service, and (2) for service other than residential. In any case, the owner or his/her agent, shall make application on a form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. The permit and inspection fee shall be paid to the Village in amounts to be determined as follows:

<u>Unit</u>	<u>Fee</u>
Class 1 – Residences.....	\$15.00
Class 2 – Buildings other than residences based on floor area as follows:	
Less than 1000 square feet.....	\$15.00
1000 square feet or more but less than 5000 square feet.....	\$25.00
5000 square feet or more but less than 10,000 square feet.....	\$50.00
10,000 square feet or more but less than 50,000 square feet.....	\$75.00
50,000 square feet or more	\$100.00

- c. The Village Board hereby authorizes the Superintendent of the combined system to grant such water permits as he/she may deem proper allowing persons to connect to the waterworks system upon compliance with the rules, regulations and charges as provided for below. The President and Board of Trustees are authorized to establish such rules, regulations, and charges for the granting of such permits and amend the same from time to time as may be deemed necessary.
- d. The President and Board of Trustees are hereby authorized to make such rules and regulations consistent with this Chapter for the connection to the waterworks and sewerage system, specifying the types and sizes of pipes and all the other appurtenances and extensions thereto, and amend the same from time to time as may be deemed necessary. All service pipes and connections to the combined waterworks and sewerage system shall comply with the specifications and rules for connection to the waterworks and sewerage system and violations shall be subject to a penalty as hereinafter provided.
- e. Employees of the waterworks and sewerage system shall have the right at all times of access to any person’s premises for the purpose of ascertaining the number and type of water and

sewer connections to the combined system. Any person refusing the right to permit the said employees of the waterworks and sewerage system the above described right of access to his/her premises shall be subject to a penalty as hereinafter provided.

- f. Before a permit shall be issued, a person, firm, or corporation must first secure a license and a bond as hereinafter provided.
- g. Any person, firm, or corporation who desires to make a connection of any kind to sewers and water mains within the Village shall provide a bond in the amount of \$5,000 in favor of the Village and written on the proper bond forms provided by the Village. Bonds for persons, firms, or corporations in the business of building sewers and sewer connections and water mains and water main connections shall cover all permits issued and work done during the life of the bond. Bonds for all others not engaged in the business of building sewers and sewer connections shall be good only for the permit issued and work to be done. In addition to, or in lieu of, the aforementioned bond, the Village Clerk may require that the person, firm or corporation provide a suitable Certificate of Insurance.
- h. Any competent person, firm, or corporation engaged in the business of building sewers and sewer connections must take out a sewer license from the Village, giving him authority to construct such sewers and connections within the Village. The cost of the license shall be \$25.00 per year from May 1st to May 1st of each succeeding year.
- i. Any person, firm, corporation, association, agent or legal representative violating the provisions of this Article shall be subject to a penalty of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 21.211 – 21.219 Reserved

ARTICLE XIV. GENERAL PROVISIONS

Sec. 21.220 Bills

Said rates or charges for water and sewer service shall be payable monthly. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the Village.

Bills for service shall be sent out by the Collector or his/her agent on the first day of the month succeeding the period for which the service is billed.

All bills are due and payable 15 days after being sent out. A penalty of 10 percent shall be added to all bills not paid by the 15th day after they have been rendered.

Sec. 21.221 Delinquent Bills

If the charges for such services are not paid by the due date mentioned after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.

Sec. 21.222 Lien – Notice of Delinquency

- a. Whenever a bill for service remains unpaid for 30 days after it has been rendered, the Collector or Village Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.
- b. If the user whose bill is unpaid is not the owner of the premises and the Collector or Village Clerk has notice of this, notice shall be mailed to the owner of the premises if his/her address be known, whenever such bill remains unpaid for the period of forty-five days after it has been rendered. The failure to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.
- c. Whenever bills for water service, wastewater treatment and collection and industrial cost recovery become delinquent as set forth in this Article the same shall become and constitute a lien upon the real estate to which service is supplied. Statements rendered for such charge shall be deemed notice to all parties, whether or not received. The claim for lien shall be made in the form of a sworn statement setting out (a) a description of the real estate, sufficient for the identification thereof, upon or for which the service was supplied, (b) the amount or amounts of money due for such service, and (c) the date or dates when such amount or amounts become delinquent. If all amounts shown due remain unpaid after

recording, as provided by law, the Village may foreclose such lien in like manner and with like effect as in the foreclosure of mortgages on real estate. In the alternative, the Village, may, in its discretion, file suit to collect such amounts as are delinquent and due against the owner, occupant or user of the real estate in a civil action, and shall collect, as well, all attorney's fees and costs incurred by it, the same to be fixed by order of the court. In addition to penalties and costs attributable and chargeable to the recording of such notices of lien, user, occupant and owner shall be liable for interest upon all unpaid balances, after delinquency, remaining from time to time, unpaid at the rate of one percent (1%) per month on the unpaid balance.

Sec. 21.223 Revenues

All revenues and moneys derived from the operation of the system shall be deposited in the appropriate Village fund.

The Village Treasurer shall receive all such revenues from the system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Waterworks and Sewerage Fund of the Village of Brimfield."

Sec. 21.224 Accounts

The Treasurer or his/her agent 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 system, and at regular annual intervals he/she shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the system.

Sec. 21.225 Notice of Rates

A copy of this Ordinance, or ordinances amending the provisions of this Article, properly certified by the Village Clerk shall be filed in the office of the Recorder of Deeds of Peoria County and shall be deemed notice to all owners of real estate of the charges of the system of said Village on their properties.

Sec. 21.226 Appeals

Any responsible person who feels that the charges hereunder are unjust, inequitable or incorrect as applied to the affected premises, within the intent of the provisions of this Chapter, may request a review of the charge. A review may also be requested for record changes, adjustments, credits and changes in wastewater classifications. A request may be made orally; however, the Village reserves the right to require that the request be made in writing. Requests for a review shall be in accordance with the following:

- a. A responsible person should contact the Village Clerk to ascertain what information is required by the Village to resolve the appeal. As a minimum, the request should include actual or estimated volumes and/or strengths or the wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were

made. Historical measurements and/or records should also be included and considered, whenever possible.

- b. An initial appeal requested and submitted in writing must be dated and signed by the responsible person. Said written appeal shall include all information necessary to resolve the appeal. Such appeal may be made on forms provided by the Village when available.
- c. An initial appeal shall be resolved by Village personnel using procedures approved by the Village. Such procedures shall result in written or oral reply to the user within 30 days of receiving the appeal.
- d. If the decision (reply) of c. above is not acceptable to the responsible person, he/she may resubmit his/her appeal to the Trustees of the Village for a final review. Upon completion of the review, the Trustees shall respond to the user and the decision of the Trustees shall be final.

The Village shall establish procedures and determine what information shall be required of users, as necessary to implement this Section.

If a user's appeal is determined to be substantiated, the charges shall be recomputed for that user based upon his/her appeal and, where sufficient information is available, the new charges thus recomputed shall be applicable retroactively up to six (6) months.

The Village shall not initiate any action resulting in a disconnection of service until an appeal is resolved.

Sec. 21.227 – 21.239 Reserved

ARTICLE XV. DISCONNECTION

Sec. 21.240 Notice of Violation – Service

In the event a charge for water and/or service for any real estate is not paid when due, the Collector may prepare a Notice of Violation to be served on the user in any of the following manners, or combinations thereof:

- a. By regular first class mail addressed to the user at his/her last known place of business or residence, or other address where it is reasonably believed that he/she will receive the Notice;
- b. By certified or registered mail, return receipt requested, addressed to the user at his/her last known place of business or residence, or other address where it is reasonable believed that he/she will receive the Notice;
- c. By personal or abode service by: an employee or officer of the Village; or, by a person who would be appropriate for the service of a summons in a civil action on an individual, partnership or corporation pursuant to the civil practice law of Illinois in effect at the time of service, except that no court order appointing the person serving shall be required; or
- d. By publication in the manner and to the extent permitted in a civil action in lieu of service of summons pursuant to the civil practice law of Illinois in effect at the time of publication, except that no court filing is necessary.

The Notice of Violation shall be served not less than: ten (10) days before the date set therein for a compliance meeting where the service is by mail; five (5) days before the compliance meeting date where personal or abode service is utilized; five (5) days following the date of publication before the compliance meeting date where the service is by publication. Service by mail is accomplished upon mailing. The affidavit of the person who served the Notice of Violation is prima facie evidence of service and may be rebutted only by clear and convincing evidence to the contrary. A Certificate of Publication issued by a newspaper is prima facie evidence of service by publication.

Sec. 21.241 Notice of Violation – Contents

The Notice of Violation shall specify the amount of delinquent user charges and penalties, the period of delinquency, the service address, and the time and place for a compliance meeting to be attended by the Collector, or his/her designated representative, and by the user. The Collector may also notify any other person with an interest in the subject premises whose rights may be affected by continued enforcement proceedings.

Sec. 21.242 Continuances

Any request for a continuance must be in writing setting forth in detail the reasons for the request. The Collector may grant or deny continuances upon said written request.

Sec. 21.243 Compliance Meeting – Purpose

The purpose of the compliance meeting shall be to attempt to obtain a voluntary plan to remedy the delinquent user charges.

Sec. 21.244 Conduct of Compliance Meeting

The compliance meeting shall be conducted by the Collector. No formal rules of evidence shall be in effect and the proceedings need not be transcribed by a court reporter. The Collector and user shall discuss a compliance schedule for remedying the delinquent charges.

Sec. 21.245 Results of Compliance Meeting/Recommendation/Notice

Within ten (10) working days following the conclusion of the compliance meeting, a letter shall be issued by the Collector indicating the results of the meeting and setting forth any Compliance Schedule developed for remedying delinquent user charges. This letter may specify dates of future meetings as may be required to monitor progress in remedying the delinquent charges. If no voluntary agreement to remedy the delinquent charges is reached, the Collector may in his/her letter make any of the recommendations to the Board of Trustees that a hearing officer could make under Section 21.258 and the Board of Trustees may act and proceed in all respects as if a show cause hearing had been held and the hearing officer had made the recommendations to it. The letter shall be served on the user by one or more of the methods described in Section 21.240. If the Collector recommends in the letter that the Board of Trustees order disconnection of the subject real estate from the Village's water and/or wastewater facilities, the letter shall advise the user that he/she may within five (5) working days request in writing that a show cause hearing be held pursuant to Section 21.250 through Section 21.256. If the user's request for a show cause hearing is received by the Collector within five (5) working days of the date of service of the Collector's letter, the Board of Trustees shall defer action on the Collector's recommendation of disconnection until after the show cause hearing is held and the hearing officer has made his/her recommendations.

Sec. 21.246 Default

In the event that there is a default in a compliance schedule developed at a compliance meeting, the Collector may proceed under Section 21.245 the same as if no voluntary agreement had been reached, and the user shall have the same right to request a show cause hearing as he/she would under Section 21.245.

Sec. 21.247 Failure to Appear

In the event that the user does not appear at the compliance meeting as noticed, the Collector may make any of the recommendations to the Board of Trustees that a hearing officer could make under Section 21.258 and the Board of Trustees may act and proceed in all respects as if a show cause hearing had been held and the hearing officer had made the recommendation to it.

Sec. 21.248 Agreement Without Meeting or Hearing

The Collector is, in his/her discretion, hereby empowered, whether or not a compliance meeting or show cause hearing procedure is pending, to enter into consent orders, assurances of voluntary compliance,

or other similar documents establishing an agreement with a user or other person relating to the user charges for real estate. Such documents may include, among other things, compliance schedules, stipulations of fact or law, specified remedial actions, and must include the signatures of the user or other person or their authorized representatives and the Collector. Upon approval by the Board of Trustees, consent orders shall have the same force and effect as orders issued pursuant to Section 21.260.

Sec. 21.249 Optional Procedure

The compliance meeting is an optional procedure which may be instituted by the Collector. The Collector may at any time cancel, terminate, or bypass the compliance meeting and require the user to show cause why the subject real estate should not be disconnected from the Village's water and/or wastewater facilities whenever the Collector determines it is in the best interests of the Village to so proceed.

Sec. 21.250 Show Cause Hearing – Initiation

The show cause hearing procedure shall be initiated by the Board of Trustees upon recommendation of the Collector or upon request by a user pursuant to Sec. 21.245. At such time, the Board of Trustees shall appoint an impartial hearing officer.

Sec. 21.251 Notice – Service

Upon initiation of the show cause hearing procedure, the Village shall prepare a Notice to Show Cause stating the delinquent amount and penalties, the delinquent period, the service address, the time and place of a show cause hearing, the name and address of the hearing officer, and requiring the user to appear at the hearing and show cause, if any, why the subject real estate should not be disconnected from the Village's water and/or wastewater facilities. The Notice to Show Cause shall be served on the user in any of the following manners, or combinations thereof:

- a. By regular first class mail addressed to the user at his/her last known place of business or residence, or other address where it is reasonably believed that he/she will receive the Notice;
- b. By certified or registered mail, return receipt requested, addressed to the user at his/her last known place of business or residence, or other address where it is reasonably believed that he/she will receive the Notice;
- c. By personal or abode service by: an employee or officer of the Village; or, by a person who would be appropriate for the service of a summons in a civil action on an individual, partnership or corporation pursuant to the civil practice law of Illinois in effect at the time of service, except that no court order appointing the person serving shall be required; or
- d. By publication in the manner and to the extent permitted in a civil action in lieu of service of summons pursuant to the civil practice law of Illinois in effect at the time of publication, except that no court filing is necessary.

The Notice to Show Cause shall be served not less than: fifteen (15) days before the date set therein for the show cause hearing where the service is by mail; ten (10) days before the show cause hearing date where personal or abode service is utilized; five (5) days following the date of publication before the compliance meeting date where the service is by publication. Service by mail is accomplished by mailing. The affidavit of the person who served the Notice to Show Cause is prima facie evidence of service and may be rebutted only by clear and convincing evidence to the contrary. A Certificate of Publication issued by a newspaper is prima facie evidence of service of publication. The Collector may also notify any other person with an interest in the subject premises whose rights may be affected by continued enforcement proceedings.

Sec. 21.252 Continuances

Any request for a continuance must be made in writing to the hearing officer setting forth in detail the reasons for the request. The hearing officer shall grant or deny continuances in writing upon said written requests, and may, if he/she desires, ask for the Collector's response to the request before ruling, a copy of which response shall be provided to the requesting party by the Collector by regular mail or personal delivery. Additionally, the hearing officer may in his/her discretion ask for argument before ruling. The grant of a continuance may be conditioned on such terms as the hearing officer believes appropriate.

Sec. 21.253 Information Prior to Hearing

Upon written request prior to the hearing, the Village shall provide the following by regular mail or personal delivery:

- a. A list of all witnesses expected to testify at the show cause hearing; and
- b. Copies of any documents expected to be used at a show cause hearing.

Sec. 21.254 Witnesses

The Village shall make its employees available for examination at the show cause hearing upon written request. Further, upon written request, the hearing officer shall request the presence of any other person the user expects to examine as a witness at the show cause hearing.

Sec. 21.255 Stipulations

The Collector may enter into stipulations of fact or law on behalf of the Village.

Sec. 21.256 Procedures for Show Cause Hearing

The following procedures shall apply to all show cause hearings:

- a. The show cause hearing shall be recorded by a certified court reporter or by tape recorder;

- b. The hearing officer shall open the hearing by stating his/her name and stating the user's name and the service address involved;
- c. The hearing officer shall ask for the appearances of the parties and in responding thereto any persons representing the various parties shall state for the record their names, their business addresses and whom they represent;
- d. The Village shall offer a copy of the Notice to Show Cause together with the affidavits of service, as an exhibit into evidence. The user shall be given an opportunity to object to the form or sufficiency of notice. Notice may be waived by the user;
- e. The hearing officer shall determine for the record whether due notice was given;
- f. Following the determination of notice, the hearing officer shall solicit an opening statement from the Village and then from the user;
- g. Following the opening statements, the Village shall call and examine its witnesses and present its documentary and physical evidence. The user shall be afforded an opportunity to cross-examine the witnesses and object to any evidence offered;
- h. After the Village presents its witnesses and other evidence, the user shall be afforded the same opportunity to call witnesses and present evidence. The Village shall be afforded the opportunity to cross-examine the witnesses and object to any evidence offered;
- i. The hearing officer shall accept or reject any offered evidence. Such acceptance or rejection shall be noted for the record. No formal rules of evidence shall apply. All evidence which is relevant and authentic may be accepted into evidence;
- j. Following the presentation of witnesses and other evidence, the hearing officer shall solicit closing statements from the Village and then from the user, and then rebuttal from the Village.
- k. The hearing officer may suspend the hearing to show cause and set a date on which the hearing is to continue.

Sec. 21.257 Proof

The Village shall have the burden of showing by a preponderance of the evidence the following elements:

- a. Notice of the hearing conforming to the provisions of this Article, if not waived by the user;
- b. Service provided to the service address(es) and user charges for such services; and
- c. Non-payment of the user charges.

Sec. 21.258 Decision of Hearing Officer

The hearing officer shall render a decision in writing with specific findings as to the elements set forth in Section 21.257 herein within thirty (30) days of the hearing or within such longer period as the hearing officer deems necessary so long as notice is given to the parties of the longer period. If the hearing officers finds that the Village has proven each of the elements set forth in Section 21.257 herein, the hearing officer shall make a recommendation to the Board of Trustees. That recommendation may be that the subject real estate be disconnected from the Village's water and/or wastewater facilities immediately, or after a stated period of time during which the user may cure the delinquency, or that no disconnection take place because the user has a justifiable reason for non-payment of user charges.

Sec. 21.259 Assessment of Costs

In all cases where the hearing officer finds that the Village has proven non-payment of user charges, the hearing officer may assess the costs of enforcement as part of the recommendations. These costs shall include hearing officer fees, service fees, reasonable attorney's fees and disconnection charges.

Sec. 21.260 Order of Disconnection

Upon the submission of a recommendation of the Collector or a hearing officer made in accordance with the provisions of this Article, the Board of Trustees may order disconnection of real estate from the Village's water and/or wastewater facilities upon such terms and conditions as the Board deems appropriate. The Board of Trustees may order such a disconnection even though the Collector or hearing officer did not recommend disconnection if after its review of the record the Board concludes disconnection is appropriate and not contrary to the manifest weight of the evidence.

Sec. 21.261 Notice of Disconnection

A Notice of Disconnection shall be served by one of the methods prescribed in Section 21.251 at least fifteen (15) days prior to the disconnection date to the users and to the mortgage and lien holders of record. The local health department and building code enforcement office shall be notified of the disconnection date. The Notice of Disconnection shall state the service address, the amount of delinquent charges, interest, and penalties, and the earliest date on which disconnection might take place.

Sec. 21.262 Reconnection

A property disconnected pursuant to the provisions of this Article may be reconnected upon payment by cash or certified funds of all outstanding charges, interest and penalties and payment of all costs and fees incurred by the Village in performing the disconnection as well as costs assessed by the hearing officer at the show cause hearing. Any reconnection pursuant to this Section must comply with all applicable ordinances of the Village.

Sec. 21.263 Water Service Reconnection

In addition to all other amounts due the Village under this Chapter, a property shut off from the water usage pursuant to this Chapter shall not be reconnected without first paying to the Collector the sum of (a)

\$25.00 if the shut off was for nonpayment of user charges due the Village under this Chapter prior to October 1, 2003, and \$100.00 thereafter, or (b) \$1.00 if the shut off was made at the request of the user and no amounts were due the Village under this Chapter at the time of such request (2003-8; 8/12/03).

Sec. 21.264 Nonapplicable Section

If the provisions of this Article are used by the Village or the user, the provisions of Section 21.226 shall not apply.

Sec. 21.265 Definition of “User”

As used in this Chapter, “user” means the owner, occupant, user of services and any other person, corporation or entity liable by statute, ordinance, or otherwise, for payment of the charges imposed by this Chapter.

Sec. 21.266 – 21.289 Reserved

ARTICLE XVI. PENALTIES

Sec. 21.290 Protection from Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, remove, deface or tamper with any conduit structure, appurtenance, manhole, catch basin, cover, or equipment which is a part of the Combined Waterworks and Sewerage System of the Village. Any person violating this provision shall be subject to immediate arrest.

Sec. 21.291 Notice of Violation

Any person found to be violating any provisions of this Chapter except Section 21.250 of this Chapter shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 21.292 Failure to Comply

Any person who shall continue any violation beyond the time limit provided for in Section 21.251 shall be fined in an amount not less than Twenty-five Dollars (\$25.00) and not exceeding Five Hundred Dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 21.293 Liability for Loss – Damage

Any person violating any of the provisions of this Chapter shall become liable to the Village for any expense, loss, or damage (including attorney and engineering fees) occasioned the Village by reason of such violation.

Sec. 21.294 – 21.299 Reserved

ARTICLE XVII. GENERAL

Sec. 21.300 General

- a. Nothing herein in this Chapter contained shall be deemed or construed as requiring the Village to extend its sewer and/or water mains at its expense so as to provide sewer and/or water service to any property within the Village not presently served.

- b. The invalidity of any section, clause, sentence, or provision of this Chapter shall not affect the validity of any other part of this Chapter which can be given effect without such invalid part of parts.

CHAPTER 22
(2010-1; 7/12/10)

ANIMALS

Article I. In General

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Article II. Dogs and Cats

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ARTICLE I. IN GENERAL

Sec. 22.1 Definitions

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

- a. *Animal* means every nonhuman species of animal, both domestic and wild.
- b. *Animal Welfare Officer* means the person appointed by the Village President, with the advice and consent of the Board of Trustees to have the duties set forth in this Chapter.
- c. *At large* means any animal when it is off the premises of its owner's real property and not restrained by a competent person.
- d. *Bite* means the infliction of a break in the skin or a wound by the teeth of an animal.
- e. *Cat* means all domestic members of the feline family *Felis catus*.
- f. *Competent person* means a person 11 years of age or older, capable of physically controlling the animal in question and to whose command the animal is obedient.
- g. *Confine* means the physical restraint of an animal by a fence, structure, chain, rope or other means of a sufficient strength or construction to restrain the animal in question.
- h. *Cruelty to animals* shall include, but not necessarily be limited to, the following:
 - (1) Overloading, overdriving, overworking, beating, torturing, abusing, tormenting, knowingly poisoning, knowingly attempting to poison, mutilating or killing any animal, or causing or knowingly permitting the same to be done.
 - (2) Unnecessarily failing to provide an animal in one's charge or custody as owner or otherwise with proper food, drink and proper sanitary shelter.
 - (3) Abandoning any animal by leaving such animal on any highway or public way or in any other place where it may suffer injury, hunger, exposure or become a public charge.
- i. *Dog* includes all domestic members of the canine family *Canis familiaris*.
- j. *Domestic animal*. The following are considered to be domestic animals:
 - (1) Dogs (not including hybrids of dogs).
 - (2) Cats (not including hybrids of cats).

- (3) Domestic rodents (guinea pigs, hamsters, white rats, white mice).
 - (4) Farm animals (any member of the swine, ovine, caprine, bovine or equine families, poultry or rabbits).
 - (5) Non-life-threatening, nonpoisonous reptiles or amphibians.
 - (6) Nonpoisonous, non-life-threatening fish.
 - (7) All birds, except those protected as wild birds by state or federal statutes.
- k. *Dwelling unit* means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- l. *Exotic animal* means any nondomestic animal not native to the state.
- m. *Multiple-pet owner* means any person who harbors more than four (4) dogs or cats, or any combination thereof, over four (4) months of age in a dwelling unit.
- n. *Owner* means any person seventeen (17) years of age or older; or parent or guardian of any person under the age of seventeen (17) years; or parent or guardian of an incapacitated person having a right of property in an animal; or who acts as custodian, cares for, keeps, feeds or knowingly permits an animal to remain on or about any premises occupied by such person; or a person who registers an inoculation certificate for an animal with the county.
- o. *Person* means an individual, partnership, corporation, limited liability company, joint stock association, or joint venture, and includes any trustee, estate, executor, guardian, receiver, assignee or personal representative.
- p. *Poultry* means domesticated birds raised for show, eggs or meat.
- q. *Redemption fee* means costs incurred when impounding an animal, which include the handling and processing of the animal's entry and exit into an animal shelter. This fee shall not include boarding, medical or transportation costs incurred by the shelter in keeping such animal.
- r. *Restraint* means any animal that is not found on the property of its owner when it is:
- (1) Controlled by a line or leash not more than six (6) feet in length when such line or leash is held by a competent person.
 - (2) Controlled by a leash of twenty-five (25) feet or less during a training session conducted by a competent person.
 - (3) Confined within a motor vehicle.

- (4) Confined in a cage or other animal carrier.
- s. *Secure enclosure* means a structure of sufficient height and construction that does not allow contact between the animal confined and other animals or persons.
- t. *Sterilized* means the surgical spay of a female animal or castration of a male animal, so as to render such animal capable of producing.
- u. *Wild animal* means any living member of the animal kingdom (including exotic animals) other than a domestic animal.

Sec. 22.2 Animals Running at Large Prohibited

The owner of any animal shall keep such animal confined or under restraint at all times when it is off the premises of the owner's real property and shall not permit such animal to be at large. Dogs trained for law enforcement under the control of a peace officer in the performance of duty shall not be required to be confined or under restraint.

Sec. 22.3 Keeping Wild Animals Prohibited

- a. No person shall keep, harbor, possess, act as custodian or have right of property in a wild animal except zoos, veterinary hospitals, animal shelters, corporations, or individuals, all of which must be legally licensed by federal and/or state statutes. Individuals owning or fostering animals trained or to be trained for service to persons with disabilities are excepted. Any individual keeping a service animal must provide documentation of fostering and training from a certified training organization.
- b. No person shall have a right of property in, keep, harbor, care for, act as custodian of or maintain in his possession any of the animals described below: any member of the family Felidae (**the cat family**) (except the species *Felis Catus*, domestic cat), all members of the family Ursidae (**the bear family**), all members of the family Hyaenidae (**hyenas**), any member of the family Canidae (**family of mammals that include wolves, foxes, jackals, coyotes, dogs**) (except the species *Canis Familiaris*, domestic dog), all members of the family Elephantidae (**elephants**), any non-human primate, or any hybrids thereof. Owning, keeping, harboring, caring for, or maintaining said animals shall be a violation of law for which, upon conviction thereof, such owner shall be penalized not less than Five Hundred Dollars (\$500.00).

Sec. 22.4 Farm Animals Prohibited

Except as provided in the Zoning Ordinance set out in Chapter 18 of this Code, and Section 22.5 of this Chapter, all farm animals, including, but not limited to, members of the swine, ovine (**sheep**), bovine, caprine (**goat**) or equine families, poultry and rabbits, shall be prohibited.

Sec. 22.5 Rabbits Restricted

- a. Possession of rabbits within the Village is a violation of the law except under the following conditions:
 - (1) The owner shall provide a cage of at least eight (8) cubic feet, with no dimension less than one (1) foot for each animal.
 - (2) Each cage or structure shall be placed at least ten (10) feet from all property lines, and shall never be in the front or side yards, as defined in the Zoning Ordinance (Chapter 18 of this Code).
 - (3) The total number of rabbits shall be no more than three (3) or more than one (1) for every 4,000 square feet of lot area, whichever is less.
- b. For the purpose of this Section, any rabbit over six (6) weeks old shall be counted.

Sec. 22.6 Humane Care of Animals

No owner shall fail to provide his/her/its animal with:

- a. Sufficient, nutritious food.
- b. Fresh, clean water at all times.
- c. A shelter which has four (4) sides, a roof, floor, and bedding. The shelter shall be of sufficient size to permit such animal to stand up and turn around inside when fully grown and allow retention of body heat. The shelter shall be placed to provide shade from the sun and protection from the weather.
- d. Regular and sufficient veterinary care to prevent suffering and maintain health.

Sec. 22.7 Abandonment Prohibited

It shall be unlawful for any person to abandon any animal within the Village.

Sec. 22.8 Acts of Cruelty to Animals Prohibited

In addition to those acts set forth in Sec. 22.1 h. of this Chapter, no person shall:

- a. Kill, wound or attempt to kill or wound any domestic animal.
- b. Put to death any domestic animal except by euthanasia under the supervision of a licensed veterinarian of the State.
- c. Beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse a domestic animal.

- d. Cause, instigate, permit or attend any dogfight, cockfight, bullfight or other combat between animals or humans.
- e. Crop an animal's ears, dock an animal's tail or perform similar surgeries except a licensed veterinarian of the State.
- f. Allow any animal to remain unattended by a competent person in a motor vehicle when the animal's life, health or safety is threatened.

Sec. 22.9 Impoundment of Victimized Animals

In the event that the Animal Welfare Officer or delegate finds a domestic animal to be a victim of cruelty, neglect, or abandonment as defined by Sections 22.6, 22.7 and 22.8, he shall have the right to forthwith remove or cause to have removed any such animal to a safe place for care or to euthanize such animal when necessary to prevent further suffering, all at the owner's expense. Return to the owner may be denied or withheld until the owner shall have made full payment for all expenses incurred. Treatment of an animal by any method specified in this section does not relieve the owner of liability for violations and for any accrued charges.

Sec. 22.10 Diseased and Injured Animals

- a. No diseased or sickly horse, cow, hog, dog, cat or other animals nor any that has been exposed to any disease that is contagious among such animals shall be brought into the Village unless under veterinary care.
- b. Any animal, being in any street or public place within the Village, appearing, in the estimation of the Animal Welfare Officer or delegate or any inspector of the county health department, to be injured or diseased and past recovery for any useful purpose, and not being attended and properly cared for by the owner or some proper person to have charge thereof for the owner, and not having been removed to some private premises or to some place designated by such officer or inspector within one hour after being found or left in such condition, may be deprived of life by such officer or as he may direct.
- c. No person, other than inspectors or officers of the county health department or law enforcement officers, or persons authorized by contract or otherwise, shall in any way interfere with the removal of such dead, sick or injured animal in such street or place. No person shall skin or wound such animal in any street or public place, unless to terminate its life as herein authorized; except that the owner or person having control of such animal may terminate the life thereof in the presence and by the consent of a law enforcement officer, or an inspector of the county health department.

Sec. 22.11 Dead Animals Prohibited

- a. No person shall:

- (1) Allow the body, or any part thereof, of any dead animal to decompose and putrefy by remaining on his property.
 - (2) Skin, dismember, butcher, dress or exhibit any dead animals in view of the public in residentially used areas of the Village.
- b. The owner of an animal shall be responsible for the disposal of such animal's remains on its death from whatever cause and regardless of the location of such animal's remains.

Sec. 22.12 Liberation of Owned Animals Prohibited

No person shall remove from restraint or release from confinement any animal belonging to another person, unless in an emergency or with the consent of the owner.

Sec. 22.13 Liberation of Impounded or Captured Animals Prohibited

It shall be unlawful for any person to liberate to attempt to liberate any animal impounded under the provisions of this Chapter from a place of confinement or from within a vehicle used for confinement and conveyance to the animal shelter.

Sec. 22.14 Trapping Prohibited

No person shall set any trap to catch any animal, permit any trap owned by him or in his control to be set to catch any animal, or allow a trap to be set to catch an animal in his property, unless approved by the Animal Welfare Officer or the Board of Trustees. The indoor trapping of rats and mice is permitted. Live traps, which do not injure any animal, will be permitted, unless there is a designated trapping season which prevents them.

Sec. 22.15 Provoking Animals Prohibited

It shall be unlawful for any person to intentionally provoke any animal so as to create a nuisance to the neighborhood or cause a violation of any provisions of this Chapter.

Sec. 22.16 Removal of Waste

The owner of any animal shall promptly remove any deposit of such animal's waste wherever it may exist in the Village streets, alleys, rights of way, and yards.

Sec. 22.17 Animal Considered a Nuisance

- a. No person shall own, possess, or harbor a nuisance animal within the Village. An animal, other than a dog trained for law enforcement in the performance of its duty, shall be considered a nuisance if such animal:
- (1) Damages real or personal property other than the owner's.

- (2) Causes unsanitary, dangerous or unreasonably offensive conditions.
 - (3) Causes a disturbance by excessive barking, caterwauling or other noisemaking.
 - (4) Chases vehicles.
 - (5) Chases, molests, attacks, bites, interferes with or physically intimidates any person while on or off the premises of the owner.
 - (6) Chases, molests, attacks, bites or interferes with other animals while off the premises of the owner.
- b. The Animal Welfare Officer or delegate, upon reasonable grounds, may impound any animal creating a nuisance by being in violation of Subsection a.(5) of this Section and not restrained by a competent person. Failure to comply with Subsection a.(5) of this Section shall be a violation of law for which, upon conviction thereof, the owner of such animal shall be penalized Three Hundred Dollars (\$300.00) for the first violation, Six Hundred Dollars (\$600.00) for the second violation, and One Thousand Dollars (\$1,000.00) for the third and each subsequent violation. This Section requires the support of the complainant for the issuance of a violation.

Sec. 22.18 Dangerous Animals

- a. Any dog, cat or other animal running at large within the Village which endangers the safety of any person or animal may be slain by the Animal Welfare Officer or law enforcement officer.
- b. It shall be unlawful for any person to own, act as custodian for, care for or keep a dangerous animal for another.

Sec. 22.19 Impoundment of Animals Running at Large

Every animal running at large or stray animal within the Village may be impounded in the Peoria County Animal Shelter, or similar facility, by the Animal Welfare Officer or delegate, representative of such shelter or similar facility, the police or private citizen. Once the animal has been impounded at the animal shelter, it may be released only after payment of any fines required by such facility.

Sec. 22.20 Complaint and Service

- a. The Animal Welfare Officer shall have the power to issue a notice and call a complaint to appear in court for any violation of this Chapter in the following manner and form. The Complaint shall:
 - (1) Be in writing.
 - (2) Set forth the section or sections of the Code for which a violation is made.

- (3) Set forth the date of the violation or violations.
 - (4) Set forth the facts upon which the alleged violation or violations exist.
 - (5) Describe the location where the violation or violations are alleged or to have been committed by a street address or a legal description of record in the records of the Recorder of Deeds of the County.
 - (6) Be served upon the violator by:
 - (a) Personal delivery of a copy of the Complaint to the alleged violator or member of his household 13 years of age or older. Personal service shall be made by the Animal Welfare Officer or by any law enforcement officer or any person authorized by law to make personal service; or
 - (b) Certified or registered mail, return receipt requested, addressed to the last known place of occupancy of the alleged violator when signed by him, his agent or member of his abode.
- b. Such notice may be incorporated into a short-form complaint in order to prosecute violations of this Chapter. One short-form complaint may be used for a single animal for which multiple ordinance violations are sought, provided the ordinance violations charged have the same date of violation, the same location of violation, and one owner of the animal charged for all the ordinance violations indicated in the Complaint. Otherwise one short-form complaint must be used in order to charge a person with each violation of this Chapter.

Sec. 22.21 Penalty and Settlement Option

- a. Except as provided in Section 22.17, anyone convicted in a court of law of a violation of any act prohibited or declared to be unlawful by this Chapter shall be punished by a fine of not less than Seventy-five Dollars (\$75.00) and not more than Three Hundred Dollars (\$300.00) for each offense. Each day an offense is committed shall constitute a separate offense.
- b. After receipt of a Complaint regarding any Section of this Chapter, except Sections 22.6, 22.8, 22.17, and 22.18, the person may settle the violation of law by making a payment of Fifty Dollars (\$50.00) to the Village treasurer for each violation or ordinance indicated in such Complaint at least seven calendar days prior to the court appearance date indicated on the Complaint. Such settlement option shall not apply to the second and subsequent violations within any twelve (12) month period.
- c. The receipt of Fifty Dollars (\$50.00) for each and every violation indicated on the Complaint (except for violations of the Sections listed above) seven (7) calendar days prior to the court appearance date shall terminate the ordinance violation action and resolve all Village claims for fines against the alleged violator by the Village.

- d. The Village shall file in the Circuit Court of the County all Complaints against those persons, served with a copy of the Complaint by either certified mail or personal service, who fail to settle their violations with the Village seven (7) days prior to their court appearance date set forth in the Complaint to answer the Village's claims for fines and court costs. In some cases where service by certified mail or personal delivery has been attempted and failed, the Complaint shall be filed in the circuit court of the County; and a summons shall be issued.

Sec. 22.22 Liability of Animal Owners

Owners of animals shall be liable for any damage done by their animals to persons, other domestic animals or other person's property.

Sec. 22.23 Keeping Certain Animals in Dwelling Units Prohibited

No person shall keep, harbor, possess, or act as custodian of any of the animals described below, within a dwelling unit, or within the yard or accessory structure of a dwelling unit:

- a. Any member of the family Felidae (**the cat family**) (except the species Felis Catus, domestic cat), all members of the family Ursidae (**the bear family**), all members of the family Hyaenidae (**hyenas**), any member of the family Canidae (**family of mammals that include wolves, foxes, jackals, coyotes, dogs**) (except the species Canis Familiaris, domestic dog), all members of the family Elephantidae (**elephants**), any non-human primate, or any hybrids thereof.
- b. Individuals owning or fostering animals trained or to be trained for service to persons with disabilities are excepted. Any individual keeping a service animal must provide documentation of fostering and training from a certified training organization.

Sec. 22.24 – 22.99 Reserved

ARTICLE II. DOGS AND CATS

Sec. 22.100 Inoculation Required

- a. No person shall own, possess, keep, maintain or harbor any dog or cat over the age of four (4) months of age without causing such dog or cat to be inoculated against rabies as required by the code of Peoria County and in accordance with regulations and provisions of the Animal Control Act of the State of Illinois. Such inoculation shall be required, regardless of whether the dog or cat is confined at all times to an enclosed area.
- b. If an animal is not inoculated against rabies, such animal may be impounded by the Animal Welfare Officer or delegate and may be redeemed or disposed of in accordance with the provisions of this Chapter.
- c. Failure to comply with this Section is a violation for which such person shall pay a penalty of Fifty Dollars (\$50.00) for the first violation, One Hundred Fifty Dollars (\$150.00) for the second violation occurring within any twelve (12) month period, and Three Hundred Dollars (\$300.00) for the third and each subsequent violation within any twelve (12) month period. The settlement option set forth in Section 22.21 shall not apply to the second or subsequent violations within any twelve (12) month period.
- d. Certificate of Inoculation Every licensed veterinarian who inoculates a dog or cat against rabies shall issue a certificate of inoculation to the owner of the dog or cat stating the name and address of the owner, a brief description of the dog or cat, and the date of the inoculation.
- e. Tags Affixed to Collar
 - (1) The owner of a dog or cat shall provide the dog or cat with a collar or harness made of leather, metal, or other substantial material to which shall be securely fastened any required license tags and also a tag issued by a licensed veterinarian showing that the dog or cat has been inoculated against rabies during the current or immediate preceding interval as established by regulations pursuant to the Animal Control Act of the State of Illinois and the County of Peoria.
 - (2) Any dog or cat found within the Village not wearing the proper collar and tags may be impounded, and may be redeemed pursuant to the provisions of Section 22.200 d.
 - (3) Any owner not providing the proper collar and tags shall be subject to the penalties specified in Section 22.202.
- f. Unauthorized Removal of Collar or Tags It shall be unlawful for any person not authorized by the owner to remove or take away any dog or cat collar, license tag, or rabies inoculation tag from any dog or cat; provided, however, that this Section shall not apply to any governmental official in the exercise of his/her duties.

g. Duties of Owner

- (1) Any owner receiving notice or having knowledge that his/her dog or cat has been bitten by any animal suffering or suspected to be suffering from rabies, or that his/her dog or cat has bitten any person, shall immediately notify or deliver his/her dog or cat to the Animal Welfare Officer, or to any police officer, who shall deliver the dog or cat to a licensed veterinarian for observation, or such owner shall himself/herself immediately deliver the dog or cat to a licensed veterinarian for observation and immediately notify the Peoria County Animal Shelter (currently 2600 NE Perry, Peoria) of the name and location of such veterinarian.
- (2) It shall be unlawful for any owner of a dog or cat, upon receiving notice or having knowledge that the dog or cat has bitten any person or that the dog or cat has been bitten by any animal suffering or suspected to be suffering from rabies, to sell or give away the dog or cat, or to take the dog or cat or permit the dog or cat to be taken beyond the Village except to a licensed veterinarian or animal shelter within Peoria County, or to refuse to deliver the dog or cat for observation as provided in this Section.

h. Duties of Person Suspecting Any Dog or Cat To Be Suffering From Rabies Every person receiving notice or having knowledge that any dog or cat has bitten any person, or discovering or suspecting any dog or cat to be suffering from rabies, shall immediately report this matter to the police, giving the name and address of the owner of the dog or cat, if known, the place where the dog or cat can be found, and the license tag number of the dog or cat, if known.

i. Confinement for Observation

- (1) Confinement of a dog or cat for observation under this Article shall be for a period of ten (10) days. The dog or cat shall be examined by a licensed veterinarian immediately after confinement and again before the confinement period has expired.
- (2) Veterinarians shall submit to the police a certificate following each examination stating whether or not the dog or cat shows symptoms of rabies.
- (3) If the dog or cat is not found rabid after the initial examination, and if the veterinarian is notified by a police officer that the dog or cat was not running at large at the time it had bitten any person or had been bitten by any animal suffering or suspected to be suffering from rabies, and if the owner can prove that the dog or cat has all necessary licenses and has been inoculated against rabies, then the dog or cat shall be released to the owner for the remainder of the confinement period upon the payment of all costs incurred by the veterinarian, and the veterinarian shall so notify the Village.
- (4) Any dog or cat released pursuant to the foregoing paragraph shall be confined at all times by the owner or his/her agent for the remainder of the confinement period in an

escape proof building or other enclosure away from other animals and the public. The owner shall deliver the dog or cat to a licensed veterinarian for a final examination before the confinement period has expired, and shall also deliver the dog or cat to a licensed veterinarian if the dog or cat shall die within the confinement period.

- (5) If the dog or cat is found rabid, the dog or cat shall be destroyed in a humane manner. If the dog or cat is destroyed, or if it shall die within the confinement period, its head shall be sent by the veterinarian to the laboratory of the State Department of Public Health.
- (6) If the dog or cat is not found rabid by the end of the confinement period, the owner shall be so notified and the dog or cat may be released to its owner, and the police so advised by the veterinarian.

j. Redemption of Dogs or Cats Confined for Observation

- (1) An owner may redeem any dog or cat confined for observation with a licensed veterinarian under the provisions of this Article within seven (7) days after the confinement period has expired by paying to the veterinarian the costs incurred during the confinement period, and the cost of any necessary license if the dog or cat was unlicensed, and the cost of an inoculation against rabies if the owner cannot prove the dog or cat has been properly inoculated.
- (2) If the owner does not redeem the dog or cat within this time, then any person may redeem it by making like payments.
- (3) If the dog or cat is not redeemed as set forth herein, it shall be destroyed in a humane manner, and any unpaid costs incurred by a licensed veterinarian in compliance with this Article shall be paid to the veterinarian by the Village in an amount not to exceed Fifty Dollars (\$50.00) upon receipt by the Village of an itemized bill setting forth those costs.

k. Rabies Epidemic

- (1) Whenever the Village President shall deem it necessary to prevent an epidemic of rabies, he/she may issue a proclamation, in a newspaper of general circulation within the Village, requiring the owners of all dog or cats to keep them securely confined, or properly muzzled so they cannot bite, for such times as may be designated in the proclamation or until further notice.
- (2) Any dog or cat in violation of such proclamation shall be impounded.
- (3) Any owner of a dog or cat in violation of such a proclamation shall be subject to the penalties specified in Section 22.202.

- l. Authorization to Kill Certain Dogs or Cats Running at Large The Animal Welfare Officer or any police officer may kill a dog or cat running at large which has bitten any person or which is suspected to be suffering from rabies if the dog or cat, in the opinion of the Animal Welfare Officer or police officer, cannot be safely taken up and confined for observation, or if the Animal Welfare Officer or police officer deems the killing essential to the safety of any person.
- m. False Reports Prohibited It shall be unlawful for any person to make any report required by this Chapter without having a reasonable belief in its truth and accuracy.

Sec. 22.101 Confinement of Dogs Outside Limited

- a. No person shall house more than one (1) dog outside on a property lot or lots of less than 10,890 square feet.
- b. No person shall place a doghouse, dog kennel, or other dog housing outside except in the rear yard.
- c. No person shall place a doghouse, dog kennel, or other dog housing or restraint in the rear yard unless such structure or restraint is at least ten (10) feet from all property lines that have adjoining property. A dog trained for law enforcement while in the ownership of a law enforcement officer shall be exempt from the requirements of this Subsection.
- d. A dog shall be deemed to be housed outside if said dog is outside for more than eight (8) hours in the aggregate during any twenty-four (24) hour period or is outside for more than thirty (30) minutes between the hours of 11:00 p.m. and 7:00 a.m.

Sec. 22.102 – 22.199 Reserved

ARTICLE III. OTHER PROVISIONS

Sec. 22.200 **Impounding of Animals**

- a. Animal Welfare Officer The Village President, with the advice and consent of the Board of Trustees, may appoint a Village Animal Welfare Officer who, with the assistance of all Village police officers, shall have the following duties:
- (1) The investigation of complaints made pursuant to this Chapter;
 - (2) The issuance of warnings or citations for violations of this Chapter;
 - (3) The taking up, impounding, or killing of any animal for which the taking up, impounding, or killing is authorized by this Chapter. Animals shall be impounded with a licensed veterinarian or animal shelter within Peoria County;
 - (4) The maintenance of a register in which the Animal Welfare Officer shall enter as accurately as possible, immediately upon receiving knowledge that an animal has been impounded pursuant to this Chapter, the type, breed, color, sex, and age of the animal, and if licensed, the name and address of the owner, and the number of the license tag. The disposition of the animal shall be entered in the register at the proper time; and
 - (5) The giving of prompt notice to the owner of an impounded licensed animal by telephone, mail, or otherwise, or the exercise of a reasonable effort to ascertain and notify the owner of any impounded unlicensed animal. If the owner of any animal is not ascertained within twenty-four (24) hours after impounding, the officer shall cause public notice to be made thereof by posting a copy of the description of the animal and the date and place of impounding on a bulletin board at the Village Hall.
- b. Interference With Animal Welfare Officer It shall be unlawful for any person to liberate or attempt to liberate any impounded animal, or any animal captured or within a vehicle and being conveyed to a place of impoundment, or to interfere in any manner with the Animal Welfare Officer or his/her authorized agent in the performance of their duties.
- c. Minimum Period Before Disposal Except as provided in Section 22.100 with respect to dogs and cats under observation for rabies, an impounded animal shall be held for redemption for at least three (3) days.
- d. Redemption of impounded Animals
- (1) The owner of any impounded animal may redeem the animal within the minimum period before disposal by paying the costs incurred during the impoundment, and the costs of any necessary license if the animal was unlicensed, and if the impounded animal is a dog or cat, the cost of an inoculation against rabies if the owner cannot

prove the dog or cat has been properly inoculated as provided for in Section 22.100 a. of this Chapter.

- (2) If the owner does not redeem the impounded animal within the minimum period before disposal, then any person may redeem it by paying the costs set out in the foregoing paragraph.
- (3) If the animal, other than a dog or cat as covered by Section 22.100 j. (3), is not redeemed as set forth herein, it shall be destroyed in a humane manner, and any unpaid costs incurred by a licensed veterinarian or animal shelter in compliance with this Article shall be paid by the Village to the veterinarian or shelter in an amount not to exceed Fifty Dollars (\$50.00) upon receipt by the Village of an itemized bill setting forth those costs.
- (4) In lieu or in addition to the above, the Village may contract with the Peoria County animal shelter, or other agency or veterinary to impound animals pursuant to this Chapter; in which case the owner of the animal must comply with the requirements and pay the fees of such entity.

Sec. 22.201 Limitations/Permits

Notwithstanding any provisions to the contrary contained in this Chapter, it shall be unlawful for any person to have more than two (2) animals of any one species, not to exceed four (4) of all species, exceeding two (2) months in age, in any dwelling unit and attached yard, without first acquiring a permit therefore approved by the Village Board after first holding a public hearing thereon pursuant to not less than fifteen (15) days notice published in a newspaper. Anyone having such a permit prior to July 12, 2010 shall be excluded from this requirement and the terms and provisions of that permit shall apply.

Sec. 22.202 Penalties

Any person who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of, any provision of this Ordinance shall, upon conviction thereof, be fined not less than Seventy-five Dollars (\$75.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for the second offense and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; and a person shall be deemed guilty of a separate offense for each day during which a violation continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 22.203 Separability of Penalties

The penalties provided for in this Chapter shall not be construed as precluding any other penalties or costs provided elsewhere in this Code. (2010-1; 7/12/10)

CHAPTER 23

HEALTH REGULATIONS

Article I. Contagious Diseases

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ARTICLE I. CONTAGIOUS DISEASES

Sec. 23.1 Report Required

Every physician called in to care for or treat a person afflicted with a contagious disease or any epidemic disease shall make a report of the same to the Village within twenty-four hours after being called in. In case no physician is in attendance it shall be the duty of the person in charge or having the care of such person to make a report within twenty-four hours from the time the disease is recognized.

Sec. 23.2 Quarantine

The County Health Department, or its successor agency, shall have charge of the enforcement of the quarantine rules. It shall have the power and the authority to place any premises within which a contagious or epidemic disease occurs under quarantine, and it shall determine the time when the quarantine ends.

Sec. 23.3 Fumigation

Premises which have been quarantined in accordance with the terms of the preceding Section shall be thoroughly fumigated or otherwise freed from all risk of contagious disease, under the supervision of the County Health Department, or its successor agency, before the quarantine shall end.

Sec. 23.4 Spreading Contagion

It shall be unlawful for any person to spread, willfully or carelessly, any contagious disease or to so cause the spread of the same.

Sec. 23.5 Deliveries to Quarantined Premises

No person engaged in the delivery of food or drink intended for human consumption shall enter any premises which are quarantined because of the existence of a contagious or epidemic disease. No containers or bottles shall be removed from any such premises until the termination of the quarantine; and no such container which has been left at such premises during the quarantine shall be placed in use for carrying food or drink until it has been thoroughly sterilized.

Sec. 23.6 Penalty

Any person, firm or corporation violating any provision of this article or violating any of the reasonable rules of the County Health Department, or its successor agency, with regard to quarantined premises, or disturbing or disregarding any notice of quarantine placed by or under the direction of the Health Officer, shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Sec. 23.7 – 23.19 Reserved

ARTICLE II. GARBAGE AND REFUSE

Sec. 23.20 Receptacle Required

It shall be the duty of every owner or his/her agent or occupant of any house, building, flat or apartment or tenement in the Village where people reside, board or lodge, or where animal or vegetable matter is prepared or served, and at all times, to maintain in good order and repair, a separate can for garbage, and a separate receptacle for ashes and similar refuse.

Sec. 23.21 Specifications

The can for garbage shall be watertight with a close-fitting cover; and shall have capacity of not less than five nor more than thirty-two gallons and shall be provided with suitable handles. (2010-7; 8/2/10)

Sec. 23.22 Ash Cans

A receptacle for ashes shall be either of metal, wood or cement, and such receptacles shall have a capacity of not less than ten gallons. No hot ashes shall be placed in a wooden receptacle.

Sec. 23.23 Deposit in Street

No garbage or refuse of any kind shall be deposited in any street, alley or public way, except for pickup by a company in the business of collecting garbage, and no such refuse shall be so placed that it can be blown about or scattered by the wind.

Sec. 23.24 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with Section 23.20 through Section 23.23 of this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector. (2010-7; 8/2/10)

Sec. 23.25 Method of Disposition of Garbage and Refuse

The exclusive method for disposition of garbage, refuse and ashes for single-family detached residences, single family attached residences and two-to-four family residences shall be curbside waste and recycling pick-up by Quality Disposal Company. However, the owners of three and four family residences may elect not to participate by giving written notice to the Village at least 30 days in advance of the election, and the Village may elect not to participate for its own buildings. (2010-7; 8/2/10)

Sec. 23.26 Refuse Fee

- a. There shall be a charge for collection of refuse and garbage to the owner and/or occupant of every dwelling unit for which refuse service is provided by the Village through contracts with private haulers. Such fees shall be in the amount set forth in the written agreement with the contractor.
- b. The refuse fee shall be \$13.25 per month, payable monthly as billed by the Village or its billing agent. Such billing may be included with the water and sewer bills monthly or otherwise made by the Village and shall be due and payable at the time of with the payment for such water and sewer charges. Failure to pay the fee upon billing by the Village or its billing agent may result, at the Village's option, in the placement of a lien against the real estate and/or the filing of a complaint in circuit court seeking a personal judgment against the owner or persons interested in the property subject to this refuse fee, or such other remedies as may be available to the Village. The election of a particular remedy shall not constitute a waiver of any other remedy available to the city for collection of this refuse fee.
- c. The owner of the dwelling unit, the occupant thereof and the user of the services shall be jointly and severally liable to pay such refuse fee and the services are furnished to the dwelling unit by the Village only on the condition that the owner of the dwelling unit, occupant thereof and user of the refuse service are jointly and severally liable. The Village, through its contractor, shall provide refuse collection service to the dwelling unit at least once each week. (2013-6; 8/12/13)

Sec. 23.27 – 23.39 Reserved

ARTICLE III. OTHER REGULATIONS

Sec. 23.40 Unwholesome Food

It shall be unlawful to sell or offer for sale any unwholesome or polluted food or drink of any kind in the Village.

Sec. 23.41 Sanitary Regulations

All premises used in the sale or storage of food or drink intended for human consumption shall be kept in a clean and sanitary condition. It shall be unlawful to permit any person who is afflicted with a contagious disease to handle any food or drink intended for human consumption. Premises shall be kept free from flies and vermin of all kinds.

Sec. 23.42 Water Courses

It shall be unlawful and a nuisance for any person, firm or corporation to obstruct or pollute any water course or source of water supply in the Village.

Sec. 23.43 Pools

Any stagnant pool of water in the Village is hereby declared to be a nuisance. It shall be unlawful for any person, firm or corporation to permit any such nuisance to remain or exist on any property under his, her or its control.

Sec. 23.44 Reserved

Sec. 23.45 Cemeteries

It shall be unlawful for any person, firm or corporation to establish a cemetery or to bury any person within the Village limits, or within a mile thereof except in an established cemetery.

Sec. 23.46 Premises

It shall be unlawful to permit any building, structure or place, to remain in such a condition as to be dangerous to the public health in any way. Any such structure, building or place, is hereby declared to be a nuisance.

Sec. 23.47 Acts

It shall be unlawful to commit or do any act which endangers the public health or results in annoyance or discomfort to the public.

Sec. 23.48 Drinking Cups

It shall be unlawful to maintain any common drinking cup, or cups, dipper or other similar utensil, for the use of more than one person in any public hall, theater, store or other place frequented by the public.

Sec. 23.49 Serving Food

Utensils for personal use in all places serving food or drink to the public shall be thoroughly cleaned and sterilized after each such usage.

Sec. 23.50 Nuisance – Abatement

It shall be unlawful for any person, firm or corporation to permit or maintain the existence of any nuisance on any property under his, her, or its control. The Zoning Officer and/or the Village President are each hereby authorized to abate any such nuisance existing in the Village, whether such nuisance is specifically recognized by ordinance or not.

Sec. 23.51 Spitting

It shall be unlawful to spit or expectorate on any public sidewalk or other public place, or on the floor or walls of any store, theater, hall, public vehicle, or other place frequented by the public or to which the public is invited.

Sec. 23.52 Dense Smoke

It shall be unlawful to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the Village so as to cause annoyance or discomfort to the residents thereof.

For the purpose of testing and grading the density of smoke, the Ringelman Smoke Chart as published and used by the United States Geological Survey, shall be and is hereby adopted as a standard for such grading, and smoke shall be, and is hereby defined as and declared to be “dense” when it is of a degree of density of number three of said chart, or greater, for more than six minutes in any one hour, whether such period of time is consecutive or not.

Sec. 23.53 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

CHAPTER 24

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ARTICLE I. EXPLOSIVES AND FIREWORKS

Sec. 24.1 Fireworks

It shall be unlawful for any person, firm or corporation to sell, keep, expose for sale, loan, or give away any toy pistol, toy gun, toy cannon, blank cartridge, or any fireworks, firecrackers, torpedoes, bombs, squibs, rockets, spin wheels, fire balloons, roman candles, detonating canes or ammunition therefor, or any substance or articles of any explosive nature designed or intended to be used as fireworks, anywhere in the Village.

Sec. 24.2 Discharge of Fireworks

It shall be unlawful for any person, firm or corporation to be possessed of or to discharge anywhere in the Village any of the articles enumerated in the first section of this Article; provided, however, that the President and Board of Trustees may issue a permit for the discharge of fireworks and for pyrotechnical displays as hereinafter provided.

Sec. 24.3 Application – Permits

Application for permits for the discharge of fireworks or for pyrotechnical displays shall be in writing and shall state the name of the person, place of residence and age, the place where it is proposed to give such public display of fireworks, what experience the applicant has had, if any, in the discharge of fireworks, such application being sworn to before a notary public or other officer authorized by law to administer oaths.

The President shall upon receipt of such applicant's statement refer the same to the police and the Chief of the Fire Protection District who shall have an inspection made of the premises at the location given in said application where it is proposed to give such public display of fireworks, and if in their judgment it would not be hazardous to surrounding property or dangerous to any person or persons to permit such public display of fireworks at such location, they shall approve such application and return the same to the President, whereupon said President may issue a permit giving the applicant permission to conduct such public display of fireworks. Such permits shall designate the kinds and quantities of fireworks to be used at such public display, and no other kinds and no greater quantities of fireworks than therein specified shall be used at such public display.

Sec. 24.4 Nitroglycerin – TNT

It shall be unlawful to keep or store any nitroglycerin or the explosive commonly known as TNT in the Village in any quantities, excepting for medicinal or laboratory purposes and for such purposes no more than one quarter pound shall be stored in any one building or premises.

Sec. 24.5 Rules of the State Fire Marshal

All explosives must be kept or stored in accordance with the rules of the State Fire Marshal, subject to the provisions of this Article.

Sec. 24.6 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 24.7 – 24.19 Reserved

ARTICLE II. PUBLIC BUILDINGS

Sec. 24.20 Responsibility

The owner, agent, occupant or person charged with the custody of any public building, auditorium, hotel, theater, lodge hall, or church, and in the case of schools, the President of the Board of Education, or the person in charge thereof and owning the same, shall be held liable for the equipment and maintenance of such apparatus as is required in this Article for the maintenance and safety of all exits, stairs, doors, windows, or passageways.

Sec. 24.21 Enforcement

It shall be the duty of the police to inspect all apparatus to be installed, and their location, and to make or cause to be made periodic inspections concerning the operation and accessibility of regular and emergency exits in such public places.

Sec. 24.22 Location and Number of Appliances

The locations and number of fire appliances shall be as follows (unless other locations shall be more accessible and convenient for protection against fires):

- a. Public buildings, auditoriums, lodge halls, and hotels: five gallon pump and fire axe at or near the main entrance on the ground floor; five gallon hand pump at or near the foot of all basement stairways; two pails in boiler room unless oil burner, then two and one-half gallon special chemical hand extinguisher just outside boiler room doors; one quart chemical hand extinguisher on the stage, and one quart chemical hand extinguisher in the lobby.
- b. Churches: one five gallon pump at or near main entrance on ground floor; one five gallon hand pump and fire axe in boiler room.
- c. Schools: one five gallon hand pump and fire axe at or near main entrance on ground floor, same at head of each stairway; same in boiler room.

Sec. 24.23 Fire Drills

It shall be the duty of the principal or other person in charge of pupils in every school in the Village to establish and maintain a good and efficient fire drill which shall be practiced at least once a month during the time the building is used for school purposes. A written report shall be made by the principal or person in charge of such building on each fire drill held, and of the time elapsed from the first fire signal until the last person was out.

Sec. 24.24 Removal of Apparatus

It shall be unlawful to remove from its proper place any fire apparatus or appliances except for inspection or in case of emergency.

Sec. 24.25 Doors

All public buildings which may be or are used for church, school, opera performances, theater, lecture room, hotel, public meeting or similar purposes, or which may be or are used for the collection of people for worship, amusement or instruction, and all buildings used for stores to which the public is invited, shall be so built that all doors which lead from the main hall or place of assembly shall open outward; and all means of egress for persons within such buildings shall be by means of doors which shall open outward from the main hall and from the building.

All doors of schools and educational institutions shall remain unlocked during school hours.

Sec. 24.26 Exit Lights

In all theaters and public meeting halls a red light illuminating the word "EXIT" shall be kept burning over each regular and emergency exit while the theater or hall is occupied by an audience or by patrons.

Sec. 24.27 Compliance With Federal/State Laws

All public buildings shall comply with the requirements of the federal Americans With Disabilities Act, as amended from time to time, and all federal and State laws and regulations regarding such matters and safety.

Sec. 24.28 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 24.29 – 24.39 Reserved

ARTICLE III. PUBLIC GATHERINGS

Sec. 24.40 Regulations

It shall be unlawful to hold, manage or conduct any meeting or entertainment of any kind in the Village, in any premises other than a building constructed in full compliance with the ordinances and laws, if any, pertaining thereto for auditorium, theater or lodge room purposes, excepting in compliance with the provisions of this Article.

Sec. 24.41 Inspections

No such gathering or entertainment shall be held or presented in any premises other than a building as described in the preceding Section, unless such premises have been examined by the Zoning Officer not more than three days before the date of such gathering and found to be free from any fire hazard and found to be suitable for the purpose. No structure enclosed by a roof shall be used for such purposes unless the same is constructed of nonflammable materials; provided that tents or structures covered by canvas or similar materials may be so used if such canvas or other material have been properly treated so as to be rendered fire resistive.

Sec. 24.42 Exits

Adequate unobstructed exits shall be provided in all premises used for such purposes to permit rapid egress of all persons attending, and there shall be at least two separate exits located at least thirty feet from each other. There shall be two lineal feet of doorway or exit space for each one hundred people accommodated.

Sec. 24.43 Seats

Any stands or rows of seats used in such premises shall be so constructed as to be safe for the use designated, and shall be sufficiently strong to carry the same weight and stress as is required for the construction of the auditorium floors or theater buildings, not less than one pound per square foot. It shall be unlawful to admit to any such premises a number of persons to exceed the number of actual seats maintained for their accommodation.

Sec. 24.44 Doors

All doors or gates or exits from premises used for such purposes shall open outward and no such exit shall be so constructed or locked that egress from inside the premises is blocked.

Sec. 24.45 Notice

It shall be the duty of any person or persons conducting, calling for or managing any gathering in any premises other than a theater, lodge room or auditorium building constructed as provided in the first paragraph of this Article, to notify the Village Clerk of the date of such intended use at least ten days before such meeting is to take place; upon such notice the Zoning Officer shall inspect the premises to determine

whether or not they comply with the provisions hereof. Any permit issued for any such gathering shall be subject to the condition that this Article be fully complied with, whether or not such condition is embodied in the permit.

Sec. 24.46 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 24.47 – 24.59 Reserved

ARTICLE IV. TAG DAYS

Sec. 24.60 Permit Required

It shall be unlawful for any person, firm, or corporation to go from house to house soliciting funds or subscriptions, or to publicly solicit either in person or by agent, upon the public streets, sidewalks, or any other public place in the Village, subscriptions for charitable or religious or educational or other organizations or purposes, whether presents or gifts of money or promises are sought, without having first secured a permit therefor.

Sec. 24.61 Applications

Applications for such permits shall be made to the Village Clerk and shall be referred to the President and Board of Trustees; and no such permit shall be issued except upon the order of the President and Board of Trustees.

Sec. 24.62 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 24.63 – 24.69 Reserved

ARTICLE V. SOUND AMPLIFIERS

Sec. 24.70 License Required

It shall be unlawful to maintain or operate any loud speaker or amplifier connected with any radio, phonograph, microphone, or other device by which sounds are magnified and made heard over any public street or public place without having first secured a permit therefor.

Sec. 24.71 Applications

Any person, firm, or corporation desiring a license for the use or operation of such device, shall file an application therefor with the Village Clerk, upon a form provided by him/her, setting forth the name and address of the applicant, the name of the owner of such device, the date upon which it is intended to be used, and such other information as may be prescribed.

Sec. 24.72 Issuance of License

Such license, if warranted, shall be issued and shall permit the use of any such device subject to the terms and conditions of this Article, only upon the date specified on such license and no other.

Sec. 24.73 Restrictions

No licensee shall use or operate or employ any such device within the Village limits on Sunday, or after the hours of 8:00 o'clock P.M. prevailing time of any day, or before the hour of 8:00 o'clock A.M. prevailing time of any day; no licensee shall use, operate or employ any such device within a radius of two blocks from any hospital or within the radius of two blocks from any church while funeral services are being held there.

This Section shall not apply to radios in homes or in private pleasure vehicles, where the same are operated in such manner as not to be audible at a distance of fifty feet from such vehicle, nor to noise devices, bands, or other musical devices used in any public parade or procession which is operated under a permit in accordance with the ordinances of this Village.

No licensee shall cause or permit to be emanated or emitted from any such device any lewd, obscene, profane or indecent language or sounds, or any false representation of any matter, produce, or project advertised thereby the sale of which is prohibited by any law, ordinance or statute.

Sec. 24.74 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an

offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 24.75 – 24.79 Reserved

ARTICLE VI. PLANTS/WEEDS AND DEBRIS

Sec. 24.80 Weeds – Nuisance

Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds; of a like kind, found growing in any lot or tract of land in the Village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

Sec. 24.81 Height

It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding eight inches anywhere in the Village; any such plants or weeds exceeding such height are hereby declared to be a nuisance.

Sec. 24.82 Barberry Bushes

It shall be a nuisance and unlawful to plant or permit the growth of the bush of the species of tall, common, or European barberry, further known as *Barberis Vulgaris*, or its horticulture varieties within the Village.

Sec. 24.83 Refuse and Debris

It shall be unlawful for any person, firm, occupant, user, or corporation to deposit anywhere in the Village any type of refuse, rubbish, trash, debris, garbage, offal, carcasses of dead animals, or anything else that has been thrown aside or left as worthless, and any such material or thing is hereby declared to be a nuisance.

Sec. 24.84 Removal – Notice

It shall be the duty of the President or his/her designated appointee to serve or cause to be served upon the owner, person, firm, corporation, user, or occupant of any such premises or property on which such nuisances, weeds or plants are located, and to demand the abatement thereof within 10 days.

Sec. 24.85 Abatement

If the owner, person, firm, corporation, user, or occupant so served does not abate the nuisance within 10 days after such notice, the President or his/her designated appointee may proceed to abate such nuisance, keeping an account of the expense of the abatement; and, such expense shall be charged to and paid by such owner, person, firm, corporation, user, or occupant within 30 days of the receipt of an invoice therefore. Any such charge not paid within such time shall become a lien on the premises affected upon the filing of a notice thereof with the Recorder of Deeds of Peoria County, Illinois. The Village may proceed to sue to collect such amount or foreclose such lien like foreclosure of a mortgage.

Sec. 24.86 Penalty

In addition to all other remedies provided for herein or otherwise allowed by law, any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues unabated after ten (10) days notice. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 24.87 – 24.99 Reserved

ARTICLE VII. INOPERATIVE MOTOR VEHICLES

Sec. 24.100 Definitions – Inoperable Motor Vehicle

“Inoperable motor vehicle” means any motor vehicle including farm implements, trucks, or other vehicles which, for a period of at least 7 days, the engine, wheels, or other parts have been removed, or on which the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power, or on which there are no license plates, or for which the license plates or vehicle registration has expired. For purposes of this Article, a vehicle shall be presumed to be “inoperable” if it cannot be legally operated on the public highways of the Village, County of Peoria, or State of Illinois. The term “inoperable motor vehicle” does not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations. (2011-8; 11/7/11)

Sec. 24.101 Definition – Abandoned Vehicle

“Abandoned vehicle” means any motor or other vehicle, including but not limited to every kind of trailer, camper, and boat on or off of a trailer, which is left on property for such time and under such circumstances as to cause the vehicle to reasonably appear to be unused for transportation or abandoned. The term “abandoned vehicle” shall include but not be limited to vehicles left or stored on property for 30 days or more without being significantly used for transportation or moved for any purpose other than to avoid the appearance of abandonment under this Article. The term “abandoned vehicle” shall not include vehicles that are used seasonally but are not abandoned, such as recreational vehicles used occasionally during the year, provided that such vehicle otherwise complies with this Ordinance. (2012-7; 7/2/12)

Sec. 24.102 Inoperable and Abandoned Vehicles a Nuisance

The Village finds that abandoned, unused, dilapidated, inoperable, derelict, and disabled motor vehicles constitute a safety hazard and a public nuisance; are detrimental to the health, safety, and welfare of the general public by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards, and presenting physical dangers to children and others; produce scenic blights which degrade the environment; and adversely affect land values and the proper maintenance and continuing development of the Village. (2011-8; 11/7/11)

Sec. 24.103 Violation

No person shall allow or cause an inoperable motor vehicle or abandoned vehicle to be parked, stored, or left on public or private property so that the inoperable vehicle is in view of the general public. “General public” shall include but not be limited to owners and occupants of property adjacent to that on which the vehicle in question is parked, stored, or left.

The prohibition stated above in this Section 24.103 does not apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over 25 years of age, or to motor vehicles on the premises of a place of business legally engaged in the wrecking or junking of motor vehicles. (2011-8; 11/7/11)

Sec. 24.104 Removal of Inoperable and Abandoned Vehicles

The Village President, or his designee, shall first serve a written notice upon the owner, person in possession or person in control of any property upon which any inoperable motor vehicle or abandoned vehicle is parked, left, or stored, advising such person of the violation and requesting that the inoperable motor vehicle or abandoned vehicle be removed or relocated to an enclosure so that it is not in view of the general public, within five days of receipt of the notice. The written notice shall be delivered by personal service or by certified mail and delivered to the last known address of the person, firm, corporation, or entity who owns or is in possession of such vehicle or of the property on which the vehicle is located.

If the written notice is sent by certified mail and the notice is returned to the Village by the United States Post Office because of its inability to make delivery thereof, the Village is authorized to remove the inoperable motor vehicle or abandoned vehicle, and to tax the same against the owner or person in control of the vehicle or property on which the vehicle is located.

Upon the failure of the person receiving the written notice to remove or relocate the inoperable motor vehicle or abandoned vehicle, the Village shall be entitled to remove the vehicle or parts thereof, no sooner than the 10th day from the issuance of the written notice. (2011-8; 11/7/11)

Sec. 24.105 Notice to Abate Nuisance – Action on Non-compliance

After the expiration of 10 days from the receipt of the notice provided for in the preceding Section, if the person, firm or corporation so notified has failed, neglected or refused to comply with the directions or such notice, the responsible Village officials are hereby authorized and empowered to pay for the removal and disposal of such inoperative motor vehicles, motor vehicle bodies, parts, equipment, motors and materials, or to order the removal and disposal by the Village.

Sec. 24.106 Liability for Expense of Disposal

In the event the Village is required to remove and dispose of inoperative motor vehicles, motor vehicle bodies, parts, equipment, motors, and materials, the person, firm or corporation in control of the premises on which such item is located, or the owner of or person, firm or corporation in control of such item found and located on public property, shall be liable to the Village for the expenses incurred by the Village. A statement shall be rendered to the person, firm or corporation liable for the cost thereof, and, if not paid, suit shall be instituted.

Sec. 24.107 Penalty for Violation of Article

Any person, firm or corporation violating any provision of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount not to exceed \$500.00. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such. The penalty specified in this Section shall be in addition to liability for the expense provided for in any preceding Section.

Sec. 24.108 – 24.119 Reserved

ARTICLE VIII. CURFEW

Sec. 24.120 Definitions

As used in this Article, the following terms mean:

- a. *Establishment*: Any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.
- b. *Minor*: Any male person under the age of eighteen (18) years and any female person under the age of eighteen (18) years.
- c. *Operator*: Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment, and whenever used in any clause prescribing a penalty, the term “operator” as applied to associations or partnerships shall include the members or partners thereof, and as applied to corporations shall include the officers thereof.
- d. *Parent*: Any natural parent of a minor, a guardian, or any adult person, eighteen (18) years of age or over, responsible for the care and custody of a minor.
- e. *Public Place*: Any public street, highway, road, alley, park, playground, public building, or vacant lot.
- f. *Remain*: To loiter, idle, wander, stroll or play in or upon.

Sec. 24.121 Times When in Effect

It shall be unlawful for any minor to remain in or upon any public place or any establishment between the hours of ten (10) o'clock P.M. and six (6) o'clock A.M. of the following day, except that on Fridays and Saturdays the hours shall be from twelve (12) o'clock P.M. to six (6) o'clock A.M.

Sec. 24.122 When Not Applicable

The provisions of this Article shall not apply to any minor accompanied by a parent or to a minor upon an errand or other legitimate business directed by such minor's parents, or to any minor who is engaged in gainful, lawful employment.

Sec. 24. 123 Obligations of Operators of Public Establishments

It shall be unlawful for any operator of an establishment or their agents or employees to knowingly permit any minor to remain upon the premises of said establishment between the hours of ten (10) o'clock P.M. and six (6) o'clock A.M. of the following day, except that on Fridays and Saturdays the hours shall be from twelve (12) o'clock P.M. to six (6) o'clock A.M.

Sec. 24.124 Obligations of Parents and Guardians

It shall be unlawful for a parent, legal guardian, or other person to knowingly permit a person in his custody or control to violate this Article.

Sec. 24.125 Penalty

Any person, parent, minor, legal guardian, or operator who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 24.126 – 24.139 Reserved

ARTICLE IX. ADULT USES

Sec. 24.140 Definitions

For the purpose of this Article, the following words and phrases shall have the meanings respectfully prescribed to them by this section:

- a. *Adult book stores*: An establishment having as a substantial portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities,” or “specified anatomical areas” or an establishment with a segment or section devoted to the sale or display of such material.
- b. *Adult motion picture theater*: An enclosed building with a capacity of fifty (50) or more persons used regularly and routinely for presenting motion pictures having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- c. *Adult mini motion picture theater*: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, for observation by patrons therein.
- d. *Adult entertainment cabaret*: A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators, or similar entertainers.
- e. *Body shop or model studio*: Any public or private establishment which describes itself as a body shop or model studio, or where for any form of consideration or gratuity, figure models who display “specified anatomical areas” are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude and seminude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” are provided for observation by or communication to persons paying such consideration or gratuity.
- f. *Massage establishment*: Any establishment having a fixed place of business where any person, firm, association or corporation engages in, or carries on, or permits to be engaged in or carried on any activities mentioned in subsection i. of this Section, except for health and recreational facilities and clubs which contain ten thousand (10,000) square feet of enclosed and finished space equipped for exercise rooms, gymnasiums, tennis courts, racquet ball

courts, swimming pools or similar uses directly related to and used in exercising the human body and which establishment does not derive more than five percent (5%) of its yearly income from the massage services.

g. *Specified sexual activities* are any of the following conditions:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation or flagellation;
- (3) Fondling or erotic touching of human genitals, pubic region, buttock or female breast;
- (4) Excretory functions as part of or in connection with any activities set forth in (1) through (3) above.

h. *Specified anatomical areas* are any of the following conditions:

- (1) Less than completely and opaquely covered:
 - (a) Human genitals, pubic region, or pubic hair,
 - (b) Buttock, and
 - (c) Female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

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

Sec. 24.141 Adult Uses Enumerated

The following shall be considered adult uses for the purposes of this Article:

- a. Adult book store;
- b. Adult motion picture theater;
- c. Adult mini motion picture theater;

- d. Adult entertainment cabaret:
- e. Massage establishment;
- f. Body shop or model studio.

Sec. 24.142 Limitations on Adult Uses

Adult uses shall be permitted subject to the following restrictions:

- a. An adult use shall not be allowed within one thousand (1,000) feet of another existing adult use.
- b. An adult use shall not be located within seven hundred (700) feet in any zoning district which is zoned R-1 District: (one-family residential), R-2 District: (multiple-family residential), A District: (agricultural) within the Village or any similar zoning district within Peoria County adjoining the Village.
- c. An adult use shall not be located within five hundred (500) feet of a preexisting school or place of worship.
- d. An adult use shall not be located within five hundred (500) feet of a preexisting city park.
- e. An adult use shall not be located in a building structure which contains another business that sells or dispenses in some manner alcoholic beverages.

The provisions stated in this Section shall not apply to any adult use in existence at the time this Article takes effect, so long as the adult use continues to conduct its business at the location it was doing business when this Article took effect and does not change the nature of the adult use.

Sec. 24.143 Measurement of Distances

For the purposes of this Article, measurements shall be made in a straight line, without regard to intervening structures, or objects, from the property line of the adult use to the nearest property line of another adult use, school, place of worship or district zoning.

Sec. 24.144 License Required; Filing of Application; Filing Fee

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the Village, the operation of an adult use as herein defined, without first having obtained a separate license for such adult use from the President of the Village.

Every applicant for a license to maintain, operate or conduct an adult use shall file an application in duplicate under oath with the President upon a form provided by the President and pay a nonrefundable

filing fee of Five Hundred Dollars (\$500.00) to the Village Clerk, who shall issue a receipt which shall be attached to the application filed with the President.

Within thirty (30) days of receiving the application, the President shall notify the applicant that his application is granted or denied. Whenever an application is denied, the President shall advise the applicant in writing of the reasons for such action.

“Person” as used in this Article includes, but is not limited to, any natural person, limited liability corporation, trustee, partnership, organization, association, club, or any other entity desiring to operate or engage in the operation of an adult use.

Sec. 24.145 Contents of Application for License

An applicant for a license shall furnish the following information under oath:

- a. Name and address.
- b. Written proof that the individual is at least eighteen (18) years of age.
- c. The exact nature of the adult use to be conducted and the proposed place of business and facilities thereto.
- d. A statement by the applicant that he or she is familiar with the provisions of this Article and is in compliance with them.

Sec. 24.146 Issuance of Adult Use License

The President shall issue a license to maintain, operate or conduct an adult use unless he/she finds:

- a. That the applicant is under the age of eighteen (18) years or under any legal disability.
- b. The applicant, at the time of application for renewal of any license issued under this Article, would not be eligible for such license upon a first application.
- c. The operation as proposed by the applicant, if permitted, would not have complied with the zoning code of the Village or this Article.

Every adult use license issued pursuant to this Article will terminate at the expiration of one year from the date of its issuance, unless sooner revoked.

Sec. 24.147 Suspension or Revocation of License for Adult Use

Any license issued for an adult use may be revoked or suspended by the President if the President shall find:

- a. That the licensee has violated or caused or acquiesced in violation of any of the provisions of this Article regulating adult uses.
- b. The licensee has knowingly furnished false or misleading information or withheld relevant information on any application for any license or permit required by this Article or knowingly caused or suffered another to furnish or withhold such information on his or her behalf.

The licensee shall be responsible for all the acts of his agents, servants and employees; provided, however, that in the case of a first offense by a licensee where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the President shall find that the licensee had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

The President before revoking or suspending any license shall give the licensee at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the President at which time the licensee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

Sec. 24.148 Exterior Display

No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use.

Sec. 24.149 Existing Adult Use

All existing adult uses at the time of the passage of this Article must submit an application for an adult use license within thirty (30) days of the passage and approval of this Article.

Sec. 24.150 Display of License and Permit

Every licensee shall display a valid license in a conspicuous place within the adult use business so that the same may be readily seen by persons entering the premises.

Sec. 24.151 Employment of Person Under Age 18 Prohibited

It shall be unlawful for any adult use licensee or his manager or employee to employ in any capacity within the adult business any person who is not at least eighteen (18) years of age.

Sec. 24.152 Illegal Activities on Premises

No licensee or any officer, associate, member, representative, agent or employee of such licensee shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or

about the licensed premises which is prohibited by any ordinance of the Village, this Code, or law of the State of Illinois or the United States.

Sec. 24.153 Severability Clause

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Article, or any part thereof, or application thereof to any person, firm, corporation, public agency or circumstance, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. It is hereby declared to be the legislative intent of the Village that this Article would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included.

Sec. 24.154 Violation and Penalty

Any person who shall violate any of the provisions of this Article shall be guilty of a misdemeanor. A person who is convicted shall be punished by a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00) or by imprisonment for a period not to exceed six (6) months or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such.

Sec.24.155 – 24.179 Reserved

ARTICLE X. RAFFLES

Sec. 24.180 Title

This Article shall be known, cited, and referred to as the “Raffle Ordinance of the Village of Brimfield.”

Sec. 24.181 Purpose

The purpose of this Article is to regulate and control the conduct of raffles within the corporate limits of the Village.

Sec. 24.182 Construction

In the construction of this Article the definitions hereunder shall be observed and applied, except when the context clearly indicates otherwise.

- a. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number; and the plural number shall include the singular number.
- b. The word “shall” is mandatory and not discretionary.
- c. The word “may” is permissive or discretionary.
- d. Words not defined shall be interpreted in accordance with definitions contained in the most recent edition of *Webster’s New Collegiate Dictionary*.

Sec. 24.183 Definitions

For the purposes of this Article, the words and phrases listed hereunder have the meaning designated herein, except when a particular context clearly requires a different meaning:

- a. *Annual aggregate retail value of prizes* means the total retail value of all prizes to be raffled by any organization, licensed under this Article, during the year beginning January 1, and extending through and including December 31 of the same calendar year.
- b. *Charitable organization* is an organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit upon the public.
- c. *Village* is the Village of Brimfield, Illinois.
- d. *Board* is the Board of Trustees of the Village.

- e. *Clerk or Village Clerk* is the Clerk of the Village.
- f. *Educational organization* is an organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.
- g. *Fraternal organization* is an organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those who otherwise would be cared for by the government.
- h. *Labor organization* is an organization composed of workers organized with the objective of the betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.
- i. *Licensee* is an organization which has been issued a license to operate a raffle.
- j. *Net proceeds* means the gross receipts from the conduct of raffles, less sums expended for prizes, local license fees, and other reasonable operating expenses incurred as a result of operating a raffle.
- k. *Non-profit* means organized, operated, and conducted on a not-for-profit basis with no personal profit incurring to anyone as a result of said operation.
- l. *Person* means an individual, firm, organization, public or private corporation, government, partnership, or unincorporated association.
- m. *Raffle* means a form of lottery, as defined in S28-2(b) of the “Criminal Code of 1961,” conducted by an organization licensed under this Article in which:
 - (1) The player pays or agrees to pay something of value for a chance represented and differentiated by a number or by a combination of numbers or by some other means, one or more of which chances is to be designated the winning chance; and
 - (2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.
- n. *Religious organization* is any church, congregation, society, or organization founded for the purpose of religious worship.
- o. *Veterans organization* is an organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of

veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

Sec. 24.184 License Requirements

It shall be unlawful to conduct or operate a raffle or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle unless said raffle has been licensed in accordance herewith.

Sec. 24.185 Multiple Raffles

A person eligible for licensure desiring to hold more than one raffle during a calendar year may apply for an annual license. For purposes of this paragraph only, a “raffle” is considered to be a single location and time of determining a winning chance(s). Multiple prizes and drawings may be held at any one time and location.

Sec. 24.186 Application

Any person seeking to conduct or operate a raffle shall file an application therefor with the Village Clerk on forms provided by the Clerk. Said application shall contain the following information:

- a. The name, address, and type of organization;
- b. The length of existence of the organization and, if incorporated, the date and state of incorporation;
- c. The name, address, telephone number, social security number, and date of birth of the organization’s presiding Officer, secretary, raffles manager, and any other members responsible for the conduct and operation of the raffle;
- d. The annual aggregate retail value of all prizes to be awarded;
- e. The maximum retail value of each prize to be awarded;
- f. The maximum price charged for each raffle chance issued or sold;
- g. The estimated Gross Annual Sales of chances;
- h. The geographic area or areas in which raffle chances will be sold or issued;
- i. The time period during which raffle chances will be issued or sold;
- j. The time and location at which winning chances will be determined (NOTE: The application may be amended by a telephone call from an officer of the organization to the Clerk not less than 3 days prior to the drawing and confirmed in writing by the Organization);

- k. A sworn statement attesting to the not-for-profit character of the applicant organization, signed by its presiding officer and secretary; and
- l. A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

Sec. 24.187 Licensee Qualifications

Raffle licenses shall be issued only to bona fide charitable, educational, fraternal, labor, religious, and veterans organizations that operate without profit to their members and which have been in existence continuously for a period of five years or more immediately before making application for a license and which have had during that entire five-year period a bona fide membership engaged in carrying out their objects. The following are ineligible for any raffle license:

- a. Any person who has been convicted of a felony;
- b. Any person who is or has been a professional gambler or gambling promoter;
- c. Any person who is not of good moral character;
- d. Any organization in which a person defined in a., b., or c. above has a proprietary, equitable or credit interest, or in which such person is active or employed;
- e. Any organization in which a person defined in a., b., or c. above is an officer, director, or employee, whether compensated or not; and
- f. Any organization in which a person defined in a., b., or c. above is to participate in the management or operation of a raffle as defined herein.

Sec. 24.188 License Issuance

The Village Clerk shall review all raffle license applications within ten days from the date of application and shall, within thirty days from the date of application, approve or deny a raffle license application. If an application is approved, the Village Clerk shall forthwith issue a raffle license to the applicant. A raffle license shall be valid for a period of thirty days from and after its issuance in the instance of a single raffle license. Raffle licenses issued under the provisions of Section 24.185 (Multiple Raffles) shall be valid for the specific periods set forth in the application.

All licenses shall be numbered consecutively in the order in which they are issued. The Village Clerk shall keep an accurate record of the licenses and numbers issued.

Sec. 24.189 Conduct Of Raffles

The operation and conduct of raffles are subject to the following restrictions:

- a. The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the licensee;
- b. No person except a bona fide member of the licensee may participate in the management or operation of the raffle;
- c. No person may receive remuneration or profit for participating in the management or operation of the raffle;
- d. A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this ordinance;
- e. Raffle chances may be sold, offered for sale, conveyed, issued, or otherwise transferred for value only within the area specified on the license; and the winning chances may be determined only at the location specified on the license;
- f. Each chance shall bear the raffle license number as assigned by the Village Clerk. EXCEPTION: if all chances are sold only at the site of the drawing, on the day of the drawing the chances need not bear the raffle license number; in such an event, the license number shall be displayed in some prominent place on the premises;
- g. No person under the age of 18 years may participate in the operation or conduct of raffles. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his parent or legal guardian; and
- h. No chance shall be sold, offered for sale, conveyed, issued, or otherwise transferred for value to any person under the age of 18 years; however, any person may make a gift of a chance to any person of any age.

Sec. 24.190 Raffles Manager

The operation and conduct of a raffle shall be under the supervision of a single raffle manager designated by the licensee. The manager shall give a fidelity bond equal in amount to the aggregate retail value of all prizes to be awarded in favor of the licensee conditioned upon his honesty in the performance of his duties. The terms of the bond shall provide that notice shall be given in writing to the Village not less than 30 days prior to its cancellation.

Sec. 24.191 Records

- a. Each licensee shall keep records of its gross receipts, expenses, and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount, and date of payment.

- b. Gross receipts from the operation of raffles shall be segregated from other revenues of the licensee including bingo gross receipts. If bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, proceeds must be placed in a separate account. Each licensee shall keep separate records of its raffles. The person who accounts for gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the licensee.
- c. Raffle records shall be preserved for three years, and organizations shall make available their records relating to the operation of raffles for public inspection at reasonable times and places.

Sec. 24.192 Fee Schedule

The following fees shall be paid to the Village Clerk at the time the application for a raffle license is filed. The fee shall be based upon the estimated GROSS ANNUAL SALE OF CHANCES by the organization.

<u>GROSS ANNUAL SALES</u>		<u>FEE</u>
Under	\$100.00	No Fee
	\$100.00 – \$499.99	\$10.00
	\$500.00 – \$1,499.99	\$20.00
	\$1,500.00 – \$2,499.99	\$30.00
	\$2,500.00 – \$4,999.99	\$40.00
	\$5,000.00 – \$10,000.00	\$50.00
Over	\$10,000.00	\$50.00 plus \$10.00 for each \$5,000 or multiples thereof in excess of \$10,000.

Said application fees are non-refundable even should the application be denied by the Village Clerk; provided, however, in no event shall the Board retain more than \$50.00 if any application is denied.

Sec. 24.193 Prize Limitations

The annual aggregate retail value of all prizes awarded in a single year by a single licensee shall not exceed \$50,000, and not the retail value of any one prize awarded in a single raffle shall not exceed \$50,000.00.

Sec. 24.194 Chance Limitation

The prize which may be charged for each raffle chance sold, offered for sale, conveyed, issued, or otherwise transferred for value shall not exceed \$100.00.

Sec. 24.195 Penalties

Failure to comply with any of the requirements of this Article shall constitute a violation; and any person, upon conviction thereof, shall be fined not more than \$500 for each offense. Each day the violation continues shall be considered a separate offense.

Sec. 24.196 Severability Clause

If any provision of this Article or the application thereof is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect any other provisions of this Article not specifically included in such ruling or which can be given effect without the unconstitutional or invalid provision or application; and to this end, the provisions of this Article are declared severable.

Sec. 24.197 Appeals

Any persons whose application is denied may appeal the denial to the Board. Such appeal shall be in writing and must be filed with the Village Clerk within 10 days of the date of the written notice of denial. The Board shall hear the appeal at its next regularly scheduled meeting. Any person appealing a denial may be represented by an attorney, may call witnesses and may cross examine. The President of the Board shall preside over such appeal and the majority vote of the Board members present in favor of issuance or denial shall prevail.

Sec. 24.198 Intergovernmental Agreement

The President is hereby authorized to enter into an Intergovernmental Agreement with the Peoria County Board for the purpose of allowing the Peoria County Clerk to administer the conduct of raffles pursuant to this Article in and for the Village upon such terms and provisions as the Board may approve. In the event such Intergovernmental Agreement is executed, the duties hereunder assigned to the Village Clerk shall be performed by the County Clerk and the duties hereunder assigned to the Village Board shall be performed by the County Board during the term of such Intergovernmental Agreement.

Sec. 24.199 – 24.219 Reserved

ARTICLE XI. PARKS

Sec. 24.220 **Definition – Parks**

As used in this Article, the term *park* shall mean the facilities and grounds owned by the Village located between Calhoun Street and Interstate 74 known as the *Brimfield Community Park* and at the Village Hall located at the Southeast corner of Knoxville Street and Galena Avenue. It shall also include all lands and facilities acquired by the Village after adoption of this Code used or for park purposes. The term *person* shall mean an individual, person, corporation and any other form of legal entity.

Sec. 24.221 **Building And Other Property**

a. **Disfiguration and Removal:**

- (1) No person in a park shall willfully deface, disfigure, tamper with or displace or remove any building, bridges, tables, benches, barricades, fireplaces, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, equipment, facilities or park property or appurtenances whatsoever, either real or personal.

b. **Restrooms and Washrooms:**

- (1) No person in a park shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of four (4) years shall use the restrooms and washrooms designated for the opposite sex.

c. **Removal of Natural Resources:**

- (1) No unauthorized person shall dig, or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs, or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency within any park.

d. **Erection of Structures:**

- (1) No unauthorized person shall construct or erect any building or structure (including tents) of whatever kind within any park, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.

e. **Animals:**

- (1) No person shall allow an unleashed dog, cat, or other domesticated animal on any park area and will not allow any dog, cat or other domesticated animal in any park area, on a leash longer than 10 feet.

- (2) No person shall allow any leashed animal to be left in any park unattended and not under the specific physical control of the owner or person designated by the owner. The owner person designated by the owner for dogs or other animals must have proof that their animal has a current rabies inoculation certificate or a valid license.
- (3) No person shall keep a noisy, or vicious, or dangerous dog or animal, or one which is disturbing to other persons, in any park and to remain therein after being asked by a Village official or assigned employee to leave.
- (4) No person shall ride or lead any horse in any park.
- (5) No person shall allow livestock to roam or graze in any park.
- (6) No person shall allow a dog or cat, or other domesticated animal in any park area designated as "NO PETS".
- f. No person shall build any fire in any park except in charcoal or other types of metal grills which are furnished by the visitor at a specific campfire site designated by the Village.
- g. No person shall swim, wade or bodily enter into the water or lake at any park.
- h. No person shall operate a snowmobile, motor driven bicycle, mini-bike, motorcycle or off-road vehicle in any park.

Sec. 24.222 Trees, Shrubbery, Lawns

- a. Injury and Removal:
 - (1) No unauthorized person shall damage, cut, carve, transplant, or remove any tree or plant or injure the bark, or pick the flowers or seeds of any tree or plant in any park. Nor shall any unauthorized person attach any rope, wire, or other contrivance to any tree or plant. No unauthorized person shall dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any park area.
- b. Climbing Trees, etc.:
 - (1) No person in a park shall climb any tree or walk, stand or sit upon monuments, vases, fountains, railing fences or gun-carriages or upon any other property not designated or customarily used for such purposes.
- c. Spray or Disseminate Toxic Substances:
 - (1) No unauthorized person shall spray or disseminate any toxic substance for pest control or any other purpose.

Sec. 24.223 Wild Animals, Birds, Etc.

- a. Hunting/fishing/ice skating/boating:
 - (1) No person while on park property shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, throw missiles, destroy, capture, gig, spear, ensnare or lure any animal, bird, reptile, amphibian, crayfish or mussels nor shall he/she remove or have in his/her possession the young of any wild animal or the eggs, nest or young of any bird, reptile, amphibian, crayfish or mussel.
 - (2) It shall be unlawful to sell or barter or offer to sell or barter, buy or barter, or offer to buy or barter, or ship in any way any animal, reptile, fish, amphibian, crayfish or mussel taken from any park.
 - (3) No person shall fish in any body of water in any park without the proper license.
 - (4) No person in a park shall hunt, trap or pursue wildlife at any time. No person in a park shall use, carry or possess firearms of any description, or air rifles, spring guns, bow and arrows, slings or other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with fire blank cartridges, or any kind trapping device. Shooting into park areas from beyond park boundaries is forbidden.
 - (5) No person shall ice skate on any lake in a park.
 - (6) No boats or rafts shall be allowed on any lake within a park.
- b. Feeding:
 - (1) No unauthorized person shall give or offer, or attempt to give to any animal or bird any food or known noxious substances in any park.

Sec. 24.224 Traffic

- a. No person in a park shall fail to comply with all applicable provisions of the State Motor Vehicles Traffic Laws in regard to equipment and operation of vehicles together with such regulations and speed limits as are contained in this Code.

Sec. 24.225 Behavior

- a. No person shall drink, use, possess or be under the influence of any alcoholic (intoxicating) beverages on any park property.
- b. No person shall use, possess or be under the influence or any controlled substance, as defined in the “Controlled Substance Act” or of cannabis, as defined in the “Cannabis Control Act” of the State of Illinois, as amended from time to time.

Sec. 24.226 Hours

- a. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be from 6:00 A.M. to 11:00 P.M. unless otherwise posted at the park entrance.

Sec. 24.227 Parental Responsibility – Definitions

- a. Unless the context otherwise requires, the terms specified have the meanings ascribed in them.
 - (1) *Legal Guardian* means a person appointed guardian, or given custody, of a minor by a Circuit Court of the State, but does not include a person appointed guardian, or given custody, of a minor under the Juvenile Court Act.
 - (2) *Minor* means a person who is above the age of seven (7) years, but not yet seventeen (17) years of age.

Sec. 24.228 Parental Responsibility – General Requirements

The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary, to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described below with the knowledge and permission of the parent or guardian, in violation of this Article, upon the concurrence of the events described in a., b. , and c. below:

- a. An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law or statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or statute prohibiting willful and malicious acts causing injury to a person or property; and
- b. Said parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service returned from police officials following adjudication or non-judicial sanction; and
- c. If at any time within one (1) year following receipt of the notice set forth in b. above, said minor is either adjudicated to be in violation of any ordinance, law or statute as described in a. above, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or statute as described in a. above.

Sec. 24.229 Penalty

Any person, who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 24.230 – 24.249 Reserved

ARTICLE XII. LOCALLY IMPOSED/ADMINISTERED TAXES – REGULATIONS

Sec. 24.250 Scope

The provisions of this Article shall apply to the Village's procedures in connection with all of the Village's locally imposed and administered taxes.

Sec. 24.251 Definitions

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

Act means the "Local Government Taxpayers' Bill of Rights Act."

Corporate Authorities means the Village's President and Board of Trustees.

Locally imposed and administered tax or *tax* means each tax imposed by the Village that is collected or administered by the Village not an agency or department of the State. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the Village other than infrastructure maintenance fees. It does not include sewer and water user charges, license or permit fees

Local tax administrator, the Village's Collector, is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax administrator shall have the authority to implement the terms of this ordinance to give full effect to this ordinance. The exercise of such authority by the local tax administrator shall not be inconsistent with this ordinance and the Act.

Village means the Village of Brimfield, Illinois.

Notice means each audit notice, collection notice or other similar notice or communication in connection with each of the Village's locally imposed and administered taxes.

Tax Ordinance means each ordinance adopted by the Village that imposes any locally imposed and administered tax.

Taxpayer means any person or legal entity required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the Village.

Sec. 24.252 Notices

Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than 7 calendar days prior to the day fixed for any applicable hearing, audit or other

scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

- a. First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or
- b. Personal service or delivery.

Sec. 24.253 Late Payment

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

Sec. 24.254 Payment

Any payment or remittance received for a tax period shall be applied in the following order: (1) first to the tax due for the applicable period; (2) second to the interest due for the applicable period; and (3) third to the penalty for the applicable period.

Sec. 24.255 Certain Credits and Refunds

- a. The Village shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.
- b. The statute of limitations on a claim for credit or refund shall be 4 or less years after the end of the calendar year in which payment in error was made. The Village shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the Village.
- c. The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:
 - (1) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:
 - (a) The name of the locally imposed and administered tax subject to the claim;
 - (b) The tax period for the locally imposed and administered tax subject to the claim;

- (c) The date of the tax payment subject to the claim and the cancelled check or receipt for the payment;
 - (d) The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and
 - (e) A request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the Village.
- (2) Within 10 days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:
- (a) Grant the claim; or
 - (b) Deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.
- (3) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of 12.0% per annum, based on a year of 365 days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

Sec. 24.256 Audit Procedure

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

- a. Each notice of audit shall contain the following information:
 - (1) The tax;
 - (2) The time period of the audit; and
 - (3) A brief description of the books and records to be made available for the auditor.
- b. Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within 30 days after the originally designated audit and during normal business hours.
- c. The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than 7 days nor more than 30 days from the date the notice is given,

unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the 30 days, approved in writing, that is convenient to the taxpayer and the local tax administrator.

- d. Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the Village.
- e. It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the Village. If the taxpayer (or tax collector) fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.
- f. If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within 30 days of the Village's determination of the amount of overpayment.
- g. In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax.

Sec. 24.257

Appeal

- a. The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:
 - (1) The reason for the assessment;
 - (2) The amount of the tax liability proposed;
 - (3) The procedure for appealing the assessment; and
 - (4) The obligations of the Village during the audit, appeal, refund and collection process.
- b. A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within 45 days of receipt of the written notice of the tax determination and assessment.

- c. If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within 14 days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.
- d. If a written protest and petition for hearing is not filed within the 45 day period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.
- e. Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than 90 days after the expiration of the 45 day period.

Sec. 24.258 Hearing

- a. Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under Section 24.257, above, the local tax administrator shall conduct a hearing regarding any appeal.
- b. No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed 14 days.
- c. At the hearing the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.
- d. At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

Sec. 24.259 Interest and Penalties

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

- a. Interest. Unless otherwise specified or provided for in the controlling tax ordinance, the Village hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, to be 12.0% per annum, based on a year of 365 days and the number of days elapsed.
- b. Late Filing and Payment Penalties. Unless otherwise specified or provided for in the controlling tax ordinance, if a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty of 5% of the amount of tax required to be

shown as due on a return shall be imposed; and a late payment penalty of 5% of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the Village issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to 25% of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

Sec. 24.260 Abatement

The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.

Sec. 24.261 Installment Contracts

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

Sec. 24.262 Statute of Limitations

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

- a. No determination of tax due and owing may be issued more than 4 years maximum after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.
- b. If any tax return is not filed or if during any 4 year period for which a notice of tax determination or assessment may be issued by the Village the tax paid was less than 75% of the tax due, the statute of limitations shall be 6 years maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.
- c. No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.

Sec. 24.236 Voluntary Disclosure

For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of 1% per month, for all periods prior to the filing of the application but not more than 4 years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than 90 days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within 90 days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

Sec. 24.264 Publication of Tax Ordinances

Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the Village Clerk's office.

Sec. 24.265 Internal Review

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

- a. Timely remove the lien at the Village's expense;
- b. Correct the taxpayer's credit record; and
- c. Correct any public disclosure of the improperly imposed lien.

Sec. 24.266 Application

This Article shall be liberally construed and administered to supplement all of the Village's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this Article, this Article shall be controlling.

Sec. 24.267**Severability**

If any section, paragraph or provision of this Article shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Article.

CHAPTER 25

MISCELLANEOUS OFFENSES

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ARTICLE I. GAMBLING

Sec. 25.1 Prohibition

It shall be unlawful to gamble or attend any gambling resort or to make any bet, lottery or gambling hazard, or to buy or sell any chances or tickets in any gambling game, arrangement or device. The provisions of this Article shall not apply to lawful raffles, which are regulated by other provisions of this Code, and activity that is lawfully conducted under the Video Gaming Act, 230 ILCS 40/1, *et. seq.* (2012-6; 6/4/12)

Sec. 25.2 Devices

It shall be unlawful to possess any gambling device or paraphernalia with the intent to use the same for an unlawful purpose; and any such device or paraphernalia kept with such intent may be confiscated by law enforcement officials. The provisions of this Section shall not apply to gambling devices lawfully permitted under the Video Gaming Act, 230 ILCS 40/1, *et. seq.* (2012-6; 6/4/12)

Sec. 25.3 Gambling Houses

It shall be unlawful to maintain or patronize any establishment maintained for a gambling house or resort anywhere in the Village.

Sec. 25.4 Advertising

It shall be unlawful to advertise any gambling house or resort in any street, alley or other public place within the Village.

Sec. 25.5 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 25.6 – 25.19 Reserved

ARTICLE II. PROSTITUTION

Sec. 25.20 Practice

It shall be unlawful for any person to practice prostitution in the Village.

Sec. 25.21 Soliciting

It shall be unlawful for any person to solicit on any street, alley or other public place in the Village for the purpose of inducing any person to engage in prostitution or any unlawful sexual intercourse of any kind.

Sec. 25.22 House of Ill-Fame

It shall be unlawful to maintain, frequent or patronize any house of ill-fame or house of prostitution in the Village or within three miles thereof.

Sec. 25.23 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 25.24 – 25.39 Reserved

ARTICLE III. OTHER OFFENSES

Sec. 25.40 Disorderly Conduct

It shall be unlawful for any person to be guilty of disorderly conduct or of any conduct tending toward a breach of the peace. The causing or making of any unnecessary loud noise and shouting or yelling shall be considered disorderly conduct.

Sec. 25.41 Intoxication

It shall be unlawful for any person to be in an intoxicated condition in or on any street, alley or other public place in the Village.

Sec. 25.42 Consumption of Alcoholic Liquor in Public Places or in Non-Licensed Premises

No person shall consume or carry any alcoholic liquor in or on any public building, publically owned real estate, or on any public right of way within the Village, except on premises licensed for the retail sale of alcoholic liquor for consumption on the premises, without the written permission of the President. It shall be unlawful for any person to carry any alcoholic liquors in an unsealed or opened container from the licensed premises where such alcoholic liquor was purchased. As used herein *public* includes the Village Park, and all Village grounds and buildings located within the Village owned or under the control of municipal corporations or political subdivisions of the State.

Sec. 25.43 Profanity

It shall be unlawful to use profanity in any street, alley or other public place in the Village.

Sec. 25.44 Indecent Conduct

It shall be unlawful for any person to commit any indecent or immoral act; or to appear in any public place in clothes properly belonging to the opposite sex, or not properly or decently garbed.

Sec. 25.45 Fighting

It shall be unlawful for any person to commit any assault or battery or to fight in any public place in the Village.

Sec. 25.46 False Alarms

It shall be unlawful for any person to knowingly start or spread any false alarm of fire in the Village.

Sec. 25.47 Disturbing Assemblages

It shall be unlawful for any person to disturb any lawful assemblage or gathering in the Village.

Sec. 25.48 Hunting

It shall be unlawful for any person to engage in killing or to hunt any animal other than as prescribed by law in the Village.

Sec. 25.49 Combustible Refuse

It shall be unlawful to permit or store any combustible refuse in such a way as to create a fire hazard or to store or throw away refuse of any kind on any street, alley or other public place.

Sec. 25.50 Missiles

It shall be unlawful to cast, throw, or propel any missile on any street, alley or public place; and it shall be unlawful to throw or deposit any glass, nails, tacks, or other similar articles on any street, alley, sidewalk or other public place in the Village.

Sec. 25.51 Advertising

It shall be unlawful to advertise any unlawful business or article in the Village and it shall be unlawful to injure or deface any lawful advertisement or notice.

Sec. 25.52 Unlawful Assemblages

It shall be unlawful to collect, gather or be a member of any disorderly crowd, or any crowd gathered together for any unlawful purpose.

Sec. 25.53 Fires

It shall be unlawful to burn any landscape waste (grass, leaves, trees, branches, etc.), hay, straw, or other combustible material within any street, alley, sidewalk, or public place in the Village, nor shall such burning be within twenty feet of any house, barn, shed, fence, wooden building, or other structure. Such prohibition shall not apply to cooking food in proper equipment on private property or in designated areas of the Village parks nor to controlled burning for fire fighter training purposes.

Sec. 25.54 Discharge of Firearms

It shall be unlawful to discharge any firearms or airgun in the Village; provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to any citizen to discharge a firearm when lawfully defending his person or property.

Sec. 25.55 Bathing

It shall be unlawful for any person to bathe at any public place or in any place open to the public view unless such person is adequately garbed in a bathing suit.

Sec. 25.56 Posting Bills

It shall be unlawful to post any bills or advertisements on any public property without the authority of the President and Board of Trustees; and it shall be unlawful to post any bill or advertisement on any property without the written consent of the owner thereof.

Sec. 25.57 Soliciting or Peddling

It shall be unlawful for any person to go upon the premises of another for the purpose of soliciting orders, selling or peddling without the consent or invitation of the owner or occupant.

Sec. 25.58 Medical Advertisements

It shall be unlawful for any person, firm or corporation by himself/herself, or his/her or its agents or servants to distribute, cast, throw or place or cause to be distributed, thrown, cast or placed in, upon, or along any of the streets, alleys or other public places in the Village, or upon the porches or yards or private residences therein or within any dwelling or building in the Village, any samples of merchandise or medicinal preparations for the purpose of with the intent of advertising or making known in a general or promiscuous manner any business, occupation, proposition, medical treatment, medicine or any other article whatsoever.

Sec. 25.59 Indecent Publications

It shall be unlawful to sell or offer for sale, or to circulate, pass from one person to another, or expose in any public place or anywhere in view of a store or place frequented by the public any immoral, indecent or obscene publications, printed or written or pictures or other representation.

It shall be unlawful to keep any such publications, printed or written matter, picture or other representation in any place frequented by, or where it may come into the possession of minors, or to disclose or expose any such material to minors.

Sec. 25.60 Scaffolds

Any scaffold or ladders placed in such a position that they overhang or can fall onto any public sidewalk, street, alley or other public place in the Village, shall be firmly and properly constructed and safeguarded; and it shall be unlawful to place or leave any tools or article on any such place in such a manner that the same can fall into any such street, sidewalk, alley or other public way from a greater height than four feet.

Sec. 25.61 Articles on Windows

It shall be unlawful to place any movable article on any window ledge, or other place abutting on a public street, alley or other place at a height above four feet from the ground, in such a manner that the same can be or is in danger of falling onto such sidewalk, street, alley or other public place.

Sec. 25.62 Whistles

It shall be unlawful to blow or cause to be sounded any steam whistle of any stationary engine or steam engine in the Village except as a signal for starting or stopping work or in emergencies to avoid or to prevent injury to persons or property.

Sec. 25.63 Obstructing Stairways or Exits

It shall be unlawful to obstruct or permit the obstruction of any stairway, aisle, corridor, or exit in any office building, factory, hotel, school, church, theater, assembly hall, lodge or other public hall, or any building used by two or more tenants or families in such a manner that it interferes with the free use of such stairway, aisle, corridor or exit.

Sec. 25.64 Mendicants or Vagrants

It shall be unlawful for any mendicant or vagrant to frequent any depot, store, theater, street, alley, sidewalk, park or other public place or any place frequented by the public in the Village.

Any person found sleeping in such place, and who has no established domicile or residence, shall be considered to be a vagrant.

Sec. 25.65 Fuel Tanks

It shall be unlawful to install or maintain any fuel oil, gas or liquid gas tanks unless such tanks and all equipment connected therewith is installed and maintained in accordance with the regulation of the State Fire Marshall or any other State agency having jurisdiction thereof.

Sec. 25.66 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

CHAPTER 26

THE CODE

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ARTICLE I. TITLE: INTERPRETATION

Sec. 26.1 Title

This Ordinance shall be known as the “Municipal Code of Brimfield of 2001”. Any reference to the number of any Section contained herein shall be understood to refer to the position of the same under its appropriate Chapter heading, its Article heading, if any, and to the penalty clause relating thereto, as well as to the Section itself, when reference is made to this Ordinance by title in any legal document or Ordinance of the Village.

Sec. 26.2 Construction of Words

Whenever any word in any Section of this Ordinance importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this Ordinance by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included. The words “Person, firm or corporation” shall be deemed to include any association or organization of any kind. Words in the present shall include the future. The words “this Ordinance” whenever used in this Code shall be held and taken to mean the entire Code, including each and every Section thereof. The word “Village” whenever used in this ordinance shall be held and taken to mean the Village of Brimfield. The words “written or in writing” may include printing. Provided that these rules of construction shall not be applied to any Section of this Ordinance which contains any express provisions excluding such construction or where the subject matter or content of such Section may be repugnant thereto.

Sec. 26.3 Distinction Between Wholesaler and Retailer

In all cases where the words “Wholesale” or “wholesale dealer” are used in this Ordinance, unless otherwise specifically defined, they shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer.

Sec. 26.4 Penalties

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

Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not less than \$25.00, nor more than \$500.00. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this Section,

unless another penalty is expressly provided by this Code, shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Village may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

Sec. 26.5 Officers and Employees

Whenever reference is made in this Ordinance to a Village officer or employee by title only, this shall be construed as though followed by the words “of the Village of Brimfield”; and shall be taken to mean the officer or employee of this Village having the title mentioned or performing the duties mentioned.

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

Sec. 26.6 Intent

All general provisions, terms, phrases, and expressions contained in this Ordinance shall be liberally construed in order that the true intent of the Board of Trustees may be fully carried out.

Sec. 26.7 – 26.9 Reserved

ARTICLE II. AMENDMENTS

Sec. 26.10 Reference to Code

Any additions or amendments to this Code when passed in such form as to indicate the intention of the President and Board of Trustees to make the same part of this Ordinance shall be deemed to be incorporated in this Ordinance so that a reference to the Municipal Code of Brimfield shall be understood to include them.

Sec. 26.11 Penalties

In case of amendment of any Section of this Ordinance containing the provisions for which a penalty is provided in another Section, the penalty so provided in such other Section shall be held to relate to the Section so amended or the amending Section, whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

Sec. 26.12 Recording Amendments

The Village Clerk shall keep two copies of this Code current. These copies shall be printed, pasted or otherwise mounted on paper sufficiently thick and tough to withstand heavy usage, and shall be preserved by the Village Clerk in a book or binder in loose leaf form, or in such other form as the Village Clerk may consider most expedient, so that all amendments thereto and all general ordinances hereafter passed may be inserted in their appropriate places in such volumes, and all Sections of this Code or ordinances repealed from time to time may be extracted therefrom for the purpose of maintaining such two copies in such condition that they will show all general ordinances passed up to date at any time in such manner that ready reference may be had thereto.

The above mentioned records shall be kept in addition to any record of Ordinances which the Village Clerk is required to keep by statute.

Sec. 26.13 – 26.19 Reserved

ARTICLE III. PRINTING

Sec. 26.20 Authorization

This Ordinance shall be printed and published in book or pamphlet form.

Sec. 26.21 Distribution of Copies

All of the printed copies of this Code belonging to the Village shall be deposited with the Village Clerk. The Clerk shall deliver one copy thereof to the President and each member of the Board of Trustees, and copies to such other persons as the President and Board of Trustees may direct.

Sec. 26.22 Presentation of Copies

The President and Board of Trustees shall have the power to extend or reciprocate courtesies of other municipalities by presenting them with a copy of this Code, bound at the expense of the Village, as to them shall seem suitable.

Sec. 26.23 – 26.29 Reserved

ARTICLE IV. REPEALING CLAUSE

Sec. 26.30 Repeal of General Ordinances

All general ordinances of the Village passed by the President and Board of Trustees prior to the passage of this Ordinance, including the Municipal Code of Brimfield of 1961 (passed August 7, 1961), are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following Section), from which are excluded the following ordinances which are not hereby repealed: tax levy ordinances, appropriation ordinances; ordinances relating to boundaries and annexation; franchise and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances approving/granting special uses and zoning district changes for particular parcels of real estate; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the village; civil defense ordinances; ordinances creating offices not provided for herein; and all special ordinances. All general ordinances of the Village passed by the President and the Board of Trustees, prior to the passage of this Ordinance or any part thereof, contrary or repugnant to this Ordinance, or any part thereof, are hereby repealed.

Sec. 26.31 Public Utility Ordinances

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

Sec. 26.32 Pending Suits

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

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

Nothing contained in this or the preceding Sections shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village herein repealed; or 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 Section or provision of ordinances existing at the time of the passage of this Ordinance.

Sec. 26.33 Time of Taking Effect

This Ordinance consisting of Sections 1.1 to 26.33 both inclusive, the same being designated as the “MUNICIPAL CODE OF BRIMFIELD OF 2001” shall take effect and be in full force from and after its passage and publication in pamphlet (book) form as provided by statute.

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