

CITY OF MINONK, ILLINOIS

CODE OF ORDINANCES

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§ 1.01.010 ADOPTION.

Pursuant to the provisions of 65 ILCS 5/1-2-1, the “Minonk Municipal Code” is hereby adopted.
(Ord. 2004-05, passed - -)

§ 1.01.020 TITLE-CITATION-REFERENCE.

This Code shall be known as the “Minonk Municipal Code” and it shall be sufficient to refer to this Code as the “Minonk Municipal Code”, “Minonk City Code”, or “City Code” in any prosecution for the violation of any provision hereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion hereof as an addition to, amendment to, correction, or repeal of the “Minonk Municipal Code”. Further reference may be had to the titles, chapters, sections, and divisions of this “City Code” and such references shall apply to that numbered title, chapter, section, or division as it appears in the Code.

(Ord. 2004-05, passed - -; Ord. 723 § 2, passed - -1978)

§ 1.01.030 CODIFICATION AUTHORITY.

This City Code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city, codified pursuant to the provisions of 65 ILCS 5/1-2-3.

(Ord. 2004-05, passed - -; Ord. 723 § 3, passed - - 1978)

§ 1.01.040 ORDINANCES PASSED PRIOR TO ADOPTION OF THE CODE.

The last ordinance included in the Code revision of 2017 is Ord. 2017-004, passed March 6, 2017. This Code revision of 2016 shall not affect the enforceability of any ordinance, resolution, or motion passed prior to the adoption of this Code, which does not seek to amend the Code, except as may otherwise conflict with the provisions hereof.

§ 1.01.050 REFERENCE APPLIES TO ALL AMENDMENTS.

Whenever a reference is made to this Code or to any portion thereof, or to any ordinance of the city, the reference shall apply to all amendments, corrections, and additions heretofore, now, or hereafter made.

(Ord. 2004-05, passed - -; Ord. 723 § 5, passed - -1978)

§ 1.01.060 TITLE, CHAPTER, AND SECTION HEADINGS.

Title, chapter, and section headings contained in this Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any title, chapter, or section of this Code.

(Ord. 2004-05, passed - -; Ord. 723 § 6, passed - -1978)

§ 1.01.070 REFERENCE TO SPECIFIC ORDINANCES.

The provisions of this Code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code.

(Ord. 2004-05, passed - -; Ord. 723 § 7, passed - -1978)

§ 1.01.080 EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS.

Neither the adoption of this Code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

(Ord. 2004-05, passed - -; Ord. 723 § 8, passed - -1978)

§ 1.01.090 PENALTY.

Unless a lesser penalty is specified in this Code for violation for a specific section, any violations shall be punishable by a fine of not less than \$100, and not more than \$750 and for the second and each subsequent offense any violation of the City Code shall be punishable by a fine of no less than \$300 and not more than \$750.

(Ord. 2014-07, passed 5-19-2014)

§ 1.01.100 EFFECTIVE DATE.

This Code shall become effective on the tenth day after the date the ordinance adopting this Code as the "Minonk Municipal Code" is passed.

(Ord. 2004-05, passed - -; Ord. 723 § 10, passed - -1978)

§ 1.01.110 CONSTITUTIONALITY.

If any section, subsection, sentence, clause, or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Council declares that it would have passed this Code, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

(Ord. 2004-05, passed - -; Ord. 723 § 11, passed - -1978)

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§ 1.04.010 DEFINITIONS.

The following words and phrases, whenever used in the ordinances of the city, shall be construed as defined in this section, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases.

CITY and **TOWN**. The City of Minonk, Illinois, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

COUNCIL. The City Council of the City of Minonk. "All its members" or "all Council members" means the total number of Council members holding office.

COUNTY. The County of Woodford.

LAW. Denotes applicable federal law, the Constitution and statutes of the state, the ordinances of the city and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

MAY. The act referred to is permissive.

MONTH. A calendar month.

MUST and **SHALL**. The act referred to is mandatory.

OATH. Includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

OWNER. Applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

PERSON. Includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer, or employee of any of them.

PERSONAL PROPERTY. Includes money, goods, chattels, things in action, and evidences of debt.

PRECEDING and **FOLLOWING.** Next before and next after, respectively.

PROPERTY. Includes real and personal property.

REAL PROPERTY. Includes lands, tenements, and hereditaments.

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

STATE. The State of Illinois.

STREET. Includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

TENANT and **OCCUPANT.** Applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

WRITTEN. Includes printed, typewritten, mimeographed, multigraphed, word processed, electronically transmitted by computer or facsimile, or otherwise reproduced in permanent visible form.

YEAR. A calendar year.
(Added during 1978 codification.)

§ 1.04.020 TITLE OF OFFICE.

Use of the title of any officer, employee, department, board, or commission means that officer, employee, department, board, or commission of the city.
(Added during 1978 codification.)

§ 1.04.030 INTERPRETATION OF LANGUAGE.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
(Added during 1978 codification.)

§ 1.04.040 GRAMMATICAL INTERPRETATION.

The following grammatical rules shall apply in the ordinances of the city, unless it is apparent from the context that a different construction is intended:

(A) *Gender*. Each gender includes the masculine, feminine, and neuter genders;

(B) *Singular and plural*. The singular number includes the plural and the plural includes the singular; and

(C) *Tenses*. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
(Added during 1978 codification.)

§ 1.04.050 AUTHORIZED ACT BY AGENT DEEMED ACT BY PRINCIPAL.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.
(Added during 1978 codification.)

§ 1.04.060 PROHIBITED ACTS INCLUDE CAUSING AND PERMITTING.

Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.
(Added during 1978 codification.)

§ 1.04.070 COMPUTATION OF TIME.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.
(Added during 1978 codification.)

§ 1.04.080 CONSTRUCTION OF PROVISIONS.

The provisions of the ordinances of the city and all proceedings under them are to be construed with a view to affect their objects and to promote justice. Words used which are in the masculine context are meant to include the feminine where appropriate.
(Added during 1978 codification.)

§ 1.04.090 REPEAL SHALL NOT REVIVE ANY ORDINANCE.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby.

(Added during 1978 codification)

CHAPTER 1.08: CITY SEAL

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- 1.08.020 Custody designated

§ 1.08.010 CITY SEAL DESIGNATED.

The seal provided and used by the city, which is in circular form, with the words "Seal of the City of Minonk, Ill." in the interior circle, and transversely across the center the figure "1876" surrounded by a wreath, shall be and is hereby established to have been and now to be the seal of the city, and shall be used as such seal in all cases that have heretofore or shall hereafter be provided for by law, or by the ordinances of the city, and in all other cases where by law or custom it is necessary or usual for the corporation to use a seal.

(Ord. 2004-05, passed - -; Ord. 14 § 1, passed - -1869)

§ 1.08.020 CUSTODY DESIGNATED.

The seal shall be and remain in the custody of the City Clerk, and his or her successor in office.
(Ord. 2004-05, passed - -; Ord. 14 § 2, passed - -1869)

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§ 2.03.010 CREATION OF OFFICE.

There is created and established the employment position of City Administrator for the city. The City Administrator shall receive such compensation as may, from time to time, be recommended by the Mayor and approved by the City Council.

(Ord. 2004-05, passed - -; Ord. passed 3-1-1982; Ord. passed 6-4-1984; Ord. 84-7, passed 1985)

§ 2.03.020 APPOINTMENT OF THE CITY ADMINISTRATOR.

The City Administrator shall be appointed for an indefinite term or for a specified term established by contract agreement, by the Mayor with the advice and consent of the City Council. The City Administrator may be removed from office in the same manner. At the time of appointment, he or she need not be a resident of the city, but shall establish such residence within 180 days from appointment. (Ord. 2004-05, passed - -; Ord. passed 3-1-1982 § 1; Ord. passed 6- -1983 § 1; Ord. passed 6-4-1984; Ord. 84-7, passed - -1985)

§ 2.03.030 DUTIES AND RESPONSIBILITIES.

(A) The City Administrator shall serve as the Mayor's assistant chief administrative officer of the city in dealings with citizens, service vendors, civic groups, and other governmental agencies, and shall act as an intermediary between the Mayor and the City Council and all city employees.

(B) The City Administrator shall have the following duties and responsibilities:

(1) To supervise and direct the day-to-day operations of the city's departments and personnel including, but not limited to, the Superintendent of Public Works (streets and alleys, water and sewer treatment and collection system), the Chief of Police, Ambulance Chief, and all other municipal employees and officers, and to consult with the City Clerk, City Treasurer, and City Attorney;

(2) To implement and carry out the policy direction and procedures established by the Mayor and the City Council;

(3) To recruit, screen, and evaluate all candidates for employment with the city, and to submit recommended candidates to the Mayor for appointment with the advice and consent of the City Council. The recruitment, screening, and evaluation process shall conform to policies and procedures outlined in Chapter 004, *Standard Policies and Procedures Manual*;

(4) To assist the Mayor and the City Council in the appointment and removal process of officers, which by statute or ordinance are to be removed by them;

(5) After consultation with the Mayor, to recommend appointment or removal of any other municipal supervisory employee to the City Council for confirmation;

(6) After consultation with municipal supervisory employee involved, to recommend appointment or removal of all subordinate city employees, workers, and laborers to the City Council for confirmation;

(7) To develop work schedule plans for the city work force, and to supervise implementation of those work schedule plans by the city's supervisory staff;

(8) To serve as the city's Zoning Enforcement Officer, with duties and responsibilities prescribed for that officer in Title 17 of this Code;

(9) To attend all meetings of the City Council, Council committees, various city boards and commissions, with right to take part in the discussions, but without right to vote;

(10) To approve all city purchases not requiring prior City Council action;

(11) To prepare bid specifications, with concurrence of appropriate city supervisory personnel, and other related documents for other purchases;

(12) To prepare and recommend annual operating and long-range capital improvements programs, to prepare annual budget for the city, and to serve as the city's budget officer;

(13) To prepare other written documents and reports at the direction of the Mayor, the City Council, and other city boards and commissions; and to provide written evaluation and progress reports to the City Council no less frequently than monthly on the operations of the various city departments; and

(14) To perform such other duties as may be prescribed from time to time by the Mayor and the City Council.

(Ord. 2004-05, passed - -; Ord. passed 3-1-1982 § 2; Ord. passed 6- -1983 § 2; Ord. passed 6-4-1984; Ord. 84-7, passed - -1985)

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§ 2.04.010 CHIEF EXECUTIVE OFFICER-TERM.

The chief executive officer of the city shall be the Mayor. He or she shall hold his or her office for four years, and until his or her successor is elected and qualified.
(Added during 1978 codification.)

§ 2.04.020 POWERS AND DUTIES.

The Mayor shall perform all the duties which are prescribed by law, including the city ordinances, and shall take care that the laws and ordinances are faithfully executed.
(Added during 1978 codification.)

§ 2.04.030 BOOKS, RECORDS INSPECTION.

The Mayor may at all times examine and inspect the books, records, and papers of any agent, employee, or officer of the city.
(Added during 1978 codification.)

§ 2.04.040 SIGNATURE AUTHORITY-BY DESIGNEE WHEN.

(A) The Mayor may designate another to affix the signature of the Mayor to any written instrument which is required to be signed by the Mayor. The Mayor shall send written notice of this designation to the City Council, stating the name of the person whom he or she has selected and what instrument the person will have authority to sign. A written signature of the Mayor executed by the person so designated, with the signature of the person so designated underneath, shall be attached to the notice.

(B) The notice, with the signatures attached, shall be recorded in the journal of the City Council and then filed with the City Clerk. When the signature of the Mayor is placed on a written instrument at the direction of the Mayor in the specified manner, the instrument in all respects shall be as binding on the city as if signed by the Mayor in person.

(C) The authority provided in the original notice may be limited in scope or expire according to its terms. The Mayor may revoke any such authority given by sending written notice of the revocation to the City Council in the same manner.

(Added during 1978 codification.)

§ 2.04.050 POWER TO REMOVE OFFICERS-CONDITIONS.

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

(B) If the Mayor fails or refuses to report to the Council the reasons for the removal, or if the Council, by a two-thirds vote of all of its members authorized by law to be elected, disapproves of the removal, the officer shall be restored to the office from which he or she was removed. The vote shall be by yeas and nays, which shall be entered upon the Council's journal. Upon restoration, the officer shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense.

(Added during 1978 codification.)

§ 2.04.060 RESIGNATION FROM OFFICE-CONDITIONS.

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

(Added during 1978 codification.)

§ 2.04.070 VACANCY FILLING-PROCEDURE.

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

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

(Ord. 2004-05, passed - -; Ord. 86-7, passed - -1986) (Added during 1978 codification.)

§ 2.04.080 TEMPORARY MAYOR-APPOINTMENT WHEN-POWERS AND DUTIES.

(A) If a majority of the City Council members present at a regular meeting, or at a meeting specially called by any member of the Council pursuant to this section, agree at such meeting that an emergency exists within the municipality during:

(1) A vacancy in the office of Mayor; or

(2) The temporary absence of the Mayor from the municipality, then the City Council may appoint a member of the City Council to exercise the duties of the Mayor until:

(a) A vacancy in the office of Mayor ceases to exist;

(b) The return of the Mayor; or

(c) Until such time as the City Council revokes the appointment of the member of the City Council to exercise the duties of the Mayor.

(B) During such temporary appointment, the appointed member of the City Council shall be designated temporary Mayor. The temporary Mayor shall receive no additional compensation because of such appointment.

(Added during 1978 codification.)

§ 2.04.090 MAYOR PRO TEM-ELECTION WHEN-POWERS AND DUTIES.

If a temporary absence or disability of the Mayor incapacitates him or her from the performance of his or her duties but does not create a vacancy in the office, the City Council shall elect one of its members to act as Mayor pro tem. The Mayor pro tem, during this absence or disability, shall perform the duties and possess all the rights and powers of the Mayor or as may otherwise be provided by law.

(Added during 1978 codification.)

§ 2.04.100 COMPENSATION.

The Mayor, if beginning his or her term of elected office on or after the first regular or special meeting held in the month of May during the year 2009, shall be compensated during his or her term of office in the amount of \$5,600 per year in office.

(Ord. 2008-6, passed - -)

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2.08.160	Unauthorized contract or expenditure prohibited
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2.08.180	Council meeting agenda
2.08.190	Submission of bills

§ 2.08.010 MEMBERS-OPEN MEETING-JOURNAL.

The City Council shall consist of the Mayor and aldermen. It shall sit with open doors as provided by the state's Open Meetings Act, 5 ILCS 120/1 et seq. it shall keep written minutes of its proceedings.
(Added during 1978 codification.)

§ 2.08.020 JURISDICTIONAL LIMITS.

The City Council shall have jurisdiction in and over all places within the city limits; and, for the purpose of enforcing subdivisions as well as health and quarantine issues, it shall have jurisdiction in and over all places within one-half mile of the city limits.
(Added during 1978 codification.)

§ 2.08.030 REGULAR MEETINGS-TIME AND PLACE.

(A) The City Council shall hold its regular meeting on the first Monday of each month at 7:00 p.m. in the City Council Chamber in the City Hall Building, or such other time and place as may be proscribed by the City Council. All business of the city shall be conducted at the regular or special meetings.

(B) The public shall be permitted to address the City Council, in accordance with the provisions of this Code and the state's Open Meeting Act, 5 ILCS 120/1 et seq., at the regular and special meetings only.

(C) (1) The City Council shall meet as a committee of the whole on the third Monday of each month for the purpose of discussing the business of the city.

(2) However, when either the first or third Monday is also a legal holiday, then the City Council shall meet at the same hour and the same place on the following day for the designated purpose. (Ord. 2004-05, passed - -; Ord. 88-2, passed - -1988; Ord. 90-07, passed - -1990; Ord. 2013-03, passed - -2013) (Added during 1978 codification.)

§ 2.08.040 SPECIAL MEETINGS.

Special meetings may be held upon call of the Mayor or any three aldermen by written notice to all other elected officials and entities as required by the state's Open Meetings Act, 5 ILCS 120/1 et seq., but no business shall be transacted in any special meeting except such as specifically set forth on the agenda or otherwise permitted by state law. (Ord. 2013-03, passed - -2013) (Added during 1978 codification.)

§ 2.08.050 QUORUM.

A majority of the City Council shall constitute a quorum to do business. A smaller number, however, may adjourn from time to time, and may compel the attendance of absentees, under whatever penalties the Council may prescribe by ordinance, including a fine for a failure to attend. (Added during 1978 codification.)

§ 2.08.060 MAYOR TO PRESIDE-VOTING RESTRICTIONS.

(A) The Mayor shall preside at all meetings of the City Council. He or she shall not vote on any ordinance, resolution, or motion except:

(1) Where the vote of the aldermen has resulted in a tie;

(2) Where one-half of the aldermen elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or

(3) Where a vote greater than a majority of the City Council is required by this Code to adopt an ordinance, resolution, or motion.

(B) In each instance specified, the Mayor shall vote. Nothing in this section shall deprive an acting Mayor, temporary Mayor, or Mayor pro tem from voting in his or her capacity as alderman, but he or she shall not be entitled to another vote in his or her capacity as acting Mayor, temporary Mayor, or Mayor pro tem.

(Added during 1978 codification.)

§ 2.08.070 TEMPORARY CHAIRPERSON-APPOINTMENT WHEN-POWERS.

In the absence of the Mayor, acting Mayor, temporary Mayor, or Mayor pro tem, the City Council may elect an alderman to act as a temporary chairperson. He or she shall have only the powers of a presiding officer and a right to vote in his or her capacity as alderman on any ordinance, resolution, or motion.

(Added during 1978 codification.)

§ 2.08.080 RULES OF PROCEEDING-EXPULSION FOR DISORDERLY CONDUCT WHEN.

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

(Added during 1978 codification.)

§ 2.08.090 JUDGMENT OF ALDERMAN ELECTION AND ELIGIBILITY.

The City Council shall be the sole judge of the election to office of the aldermen. It shall also be the sole judge whether the aldermen are eligible to their offices.

(Added during 1978 codification.)

§ 2.08.100 ORDINANCES AND RESOLUTIONS-PASSAGE PROCEDURES.

The passage of all ordinances, for whatever purpose, and of any resolution or motion to create any liability against a city or for the expenditure or appropriation of its money, shall require the concurrence of a majority of all members then holding office on the City Council, including the Mayor. The yeas and nays shall be taken upon the question of the passage of the designated ordinances, resolutions, or motions and recorded in the minutes of the City Council.

(Added during 1978 codification.)

§ 2.08.110 ORDINANCES AND RESOLUTIONS-MAYOR APPROVAL, DISAPPROVAL AUTHORITY.

(A) All resolutions and motions which create any liability against a city, or which provide for the expenditure or appropriation of its money, or the sale of any city property, and all ordinances passed by the City Council, shall be deposited with the City Clerk. If the Mayor approves of them, he or she shall sign them. Those of which he or she disapproves he or she shall return to the City Council, with his or her written objections, at the next regular meeting of the City Council occurring not less than five days after their passage.

(B) The Mayor may disapprove of any one or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the Mayor may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the Mayor fails to return any ordinance or any specified resolution or motion with his or her written objections, within the designated time, it shall become effective despite the absence of his or her signature.
(Added during 1978 codification.)

§ 2.08.120 ORDINANCES AND RESOLUTIONS-RECONSIDERATION AND PASSAGE WHEN.

Every resolution and motion specified in § 2.08.110 and every ordinance which is returned to the City Council by the Mayor shall be reconsidered by the City Council. If, after such reconsideration, two-thirds of all the aldermen then holding office on the City Council shall agree to pass an ordinance, resolution, or motion, notwithstanding the Mayor's refusal to approve it, then it shall be effective.
(Added during 1978 codification.)

§ 2.08.130 COMMITTEE REPORTS-DEFERRAL PERMITTED WHEN.

Any report of a committee of the City Council shall be deferred for final action thereon to the next regular meeting of the Council after the report is made upon the request of any two aldermen present.
(Added during 1978 codification.)

§ 2.08.140 MUNICIPAL INDEBTEDNESS LIMIT-PAYMENT PROCEDURE.

(A) The City Council may, whenever the interests of the city require it, borrow money on the credit of the city for corporate purposes and issue bonds therefor, in such amounts and forms, and on such conditions as it shall prescribe, but the city shall not become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate to exceed 8.625% on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness.

(B) Before or at the time of incurring any indebtedness, the city shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within 20 years after contracting the same.
(Ord. 86-9, passed - -1986) (Added during 1978 codification.)

§ 2.08.150 EXCEEDING ANNUAL APPROPRIATION AUTHORIZED WHEN-CONDITIONS.

(A) Neither the City Council nor any department or officer of the city shall add to the corporate expenditures in any one year anything over and above the amount provided for in the annual appropriation bill of that year, except as herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the General Fund of the corporation shall exceed, in any one year, the amount provided for such improvement in the annual appropriation bill; provided, however, that nothing herein contained shall prevent the City Council from ordering, by a two-thirds vote, any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made.

(B) The City Council may, by a like vote, order the Mayor and the finance committee to borrow a sufficient sum to provide for the expenses necessary to be incurred in making any improvements, the necessity for which has arisen, as is last above mentioned, for a space of time not exceeding the close of the next fiscal year, which sum and the interest shall, in like manner, be added to the amount authorized to be raised in the general tax levy of the next year and embraced therein.
(Added during 1978 codification.)

§ 2.08.160 UNAUTHORIZED CONTRACT OR EXPENDITURE PROHIBITED.

No contract shall be made by the City Council or any committee, or any member thereof, and no expense shall be incurred by any of the officers or departments of the city, whether the object of the expenditure shall have been previously made concerning such expenses, except as in this chapter otherwise provided.
(Added during 1978 codification.)

§ 2.08.170 LETTING OF CONTRACTS.

Any work or other public improvement which is not to be paid in whole or in part by special assessment or special taxation, when the expense thereof will exceed \$5,000, shall be constructed either:

(A) By a contract let to the lowest responsible bidder after advertising for bids, except that any such contract may be entered into by the proper officers without advertising for bids, if authorized by a vote of two-thirds of all the aldermen or trustees then holding office; or

(B) By a contract approved by the City Council, if authorized by a vote of two-thirds of all the aldermen then holding office.
(Ord. 2004-05, passed - -; Ord. 86-10, passed - -1986)

§ 2.08.180 COUNCIL MEETING AGENDA.

In order to control the meetings before the City Council, the following rules are made.

(A) For no more than five minutes, any person to be heard on any subject before the City Council.

(B) Notwithstanding the above, there are many and various emergencies which might arise and the City Council may, by a two-thirds vote, waive requirements of the notice to be presented by the citizen.

(C) Nothing in this section shall prevent the aldermen from bringing up a point of issue and the aldermen are not required to present this notice in advance, and furthermore, nothing in this section shall prevent any citizen from discussing the matters with the aldermen outside the City Council meeting.
(Ord. 2004-05, passed - -; Ord. 719, passed - -1978; Ord. 9019, passed - -1990)

§ 2.08.190 SUBMISSION OF BILLS.

Any bills against the city expected to be approved at the first regular monthly meeting of the City Council must be submitted fully itemized, including labor charges, to the City Administrator prior to the closing of business on the Wednesday immediately preceding the scheduled first regular monthly meeting of the City Council.

(Ord. 2004-05, passed - -; Ord. passed 6-5-1978; Ord. passed 5-6-1985; Ord. 90-19, passed - -1990)

CHAPTER 2.12: ALDERMEN

Section

- 2.12.010 Eligibility for office
- 2.12.020 Resignation from office-vacancy filling
- 2.12.030 Compensation

§ 2.12.010 ELIGIBILITY FOR OFFICE.

No person shall be eligible to the office of alderman:

(A) If he or she is not a qualified elector of the city or has not resided therein at least one year at the time of his or her election;

(B) If he or she does not reside within the ward for which he or she is elected;

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

(D) If he or she has been convicted in state courts of malfeasance in office, bribery, or other corrupt crimes.

(Added during 1978 codification.)

§ 2.12.020 RESIGNATION FROM OFFICE-VACANCY FILLING.

(A) An alderman may resign from his or her office. A vacancy occurs in the office of alderman for the following reasons:

- (1) Resignation;
- (2) Failure to elect or qualify;
- (3) Death;
- (4) Permanent physical or mental disability;
- (5) Conviction of a disqualifying crime;
- (6) Abandonment of office;
- (7) Removal from office; or

(8) Removal of residence from the ward.

(B) If a vacancy occurs in the office of alderman in any such manner or otherwise, the vacancy shall be filled at the next succeeding general election for alderman, at which time the vacancy shall be filled for the unexpired balance of the term. The Mayor, with the advice and consent of the City Council, may appoint a person to serve as alderman in the vacancy until the next general election.
(Ord. 2004-05, passed - -; Ord. 86-10, passed - -1989) (Added during 1978 codification.)

§ 2.12.030 COMPENSATION.

An aldermen, if beginning his or her term of elected office on or after the first regular or special meeting held in the month of May during the year 2009, shall be compensated during his or her term of office in the amount of \$80 per City Council meeting attended and \$30 per City Council committee meeting attended.
(Ord. 2008-7, passed - -)

CHAPTER 2.16: CITY CLERK

Section

- | | |
|----------|---|
| 2.16.010 | Seal, papers, journal-keeping duties |
| 2.16.020 | Form of ordinance-recording memorandum |
| 2.16.030 | Ordinance publication and deposit duties |
| 2.16.040 | City revenues-financial, supervisory, and report duties described |
| 2.16.050 | License issuance, recordation, and fee collection |
| 2.16.060 | Delivery of property, books, and effects to successor |

§ 2.16.010 SEAL, PAPERS, JOURNAL-KEEPING DUTIES.

The City Clerk shall keep the corporate seal, to be provided by the City Council, and all papers belonging to the city, the custody and control of which are not given to other officers. He or she shall attend all meetings of the City Council and keep the minutes of its meetings as provided by the state's Open Meeting Act, 5 ILCS 120/1 et seq.
(Added during 1978 codification.)

§ 2.16.020 FORM OF ORDINANCE-RECORDING MEMORANDUM.

It shall be the duty of the City Clerk to record in a book to be kept for that purpose all ordinances passed by the City Council, and at the foot of the record of each ordinance so recorded, the Clerk shall make a memorandum of the date of the passage and of the publication or posting of such ordinance, which memorandum shall be in the following form, as near as the circumstances will permit:

"State of Illinois, Woodford County)
) ss.
City of Minonk.)

I, _____ Clerk of the City of Minonk, do hereby certify that I am the keeper of the records and ordinances of said city, and that the foregoing ordinance entitled _____ was duly passed by the City Council of said city on the _____ day of _____ A.D. 20____, and was duly approved by the Mayor of said city on the _____ day of _____ A.D. 20____, and that the same was afterwards, on the _____ day of _____ A.D. 20____, duly published in the said City of Minonk in a newspaper called the _____ published in the City of Minonk aforesaid.

Witness my hand and seal of the said city, this day of A.D. 20 .

City Clerk”

(Added during 1978 codification.)

§ 2.16.030 ORDINANCE PUBLICATION AND DEPOSIT DUTIES.

The City Clerk shall cause all ordinances of the City Council imposing any fine, penalty, imprisonment, or forfeiture, or making any appropriation, to be duly published within one month after the passage thereof at least once in a newspaper published in the city, and he or she shall see that all ordinances so passed by the City Council shall, before they take effect, be deposited in his or her office. The City Clerk shall forward all ordinances amending this Code to the City Attorney or codifier to ensure that appropriate revisions are made.

(Added during 1978 codification.)

§ 2.16.040 CITY REVENUES-FINANCIAL, SUPERVISORY, AND REPORT DUTIES DESCRIBED.

(A) (1) The City Clerk shall exercise a general supervision over all the officers of the city charged in any manner with the receipt, collection, or disbursement of the city revenues and the collection and return of all such revenues into the treasury. He or she shall have charge, custody, and control of all deeds, leases, warrants, vouchers, books, and papers of any kind, the custody and control of which is not herein given to any other officers.

(2) He or she shall, on or before May 15 in each year, and before the annual appropriations to be made by the City Council, submit to the City Council a report of his or her estimates, as nearly as may be, of moneys necessary to defray the expenses of the city during the current fiscal year. He or she shall, in said report, class the different objects and branches of expenditures, giving as nearly as may be the amount required for each.

(B) (1) For the purpose of making such report, he or she is authorized to require of all officers their statement of the condition and expenses of their respective offices or departments, with any proposed improvements and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpected appropriations of the preceding year. He or she shall, in such report, show the aggregate income of the preceding fiscal year from all sources, the amount of liabilities outstanding upon which interest is to be paid, and the bonds and debts payable during the year, when due and when payable.

(2) In such report, he or she shall give such other information to the Council as he or she may deem necessary, to the end that the City Council may fully understand the money exigencies and demands upon the corporation for the current year. He or she shall keep in his or her office, in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the city, showing the number and amount of each and for and to whom the said bonds are issued. When any city bonds are purchased, paid or canceled, he or she shall describe particularly the bonds sold during the year, and the terms of sale, with each and every item of expense thereof.

(Added during 1978 codification.)

§ 2.16.050 LICENSE ISSUANCE, RECORDATION, AND FEE COLLECTION.

(A) The City Clerk shall issue and deliver all licenses, and enter upon the license register a true record of the same, showing the purpose for which, and the person to whom the same is issued, the amount paid for, and the date of issuing and expiration of same.

(B) The said record may be in the following form:

Name of the person to whom issued	Date	Expires	Purpose	Amount
John Smith	July 1, 1876	Oct. 1, 1876	Dramshop	\$75

LICENSE RECORD

(Added during 1978 codification.)

§ 2.16.060 DELIVERY OF PROPERTY, BOOKS, AND EFFECTS TO SUCCESSOR.

The City Clerk shall, upon the termination of his or her term of office, deliver to his or her successor in office all property, books, and effects of every description in his or her possession belonging to the city or appertaining to his or her office. If he or she shall refuse to do so within five days after notification and request, he or she shall be liable upon his or her bond for all damages caused thereby.

(Added during 1978 codification.)

CHAPTER 2.18: ACCESS TO RECORDS UNDER FREEDOM OF INFORMATION ACT

Section

2.18.001 Superseded

§ 2.18.001 SUPERSEDED.

The provisions of this Chapter 2.18 have been superseded by Chapter 2.19 under the terms and conditions outlined therein.

(Ord. 2010-02, passed 3-15-2010)

CHAPTER 2.19: FREEDOM OF INFORMATION ACT

Section

- 2.19.01 Officers
- 2.19.02 Procedure for officer
- 2.19.03 Officer training
- 2.19.04 Retrieval of information
- 2.19.05 Fees
- 2.19.06 Denial; appeal
- 2.19.07 City Administrator's duties

§ 2.19.01 OFFICERS.

(A) The City Administrator is hereby designated as the FOIA Officer to whom all initial requests for access to the records of the city are to be referred. Such requests are to be made at City Hall, between the hours of 8:00 a.m. through 12:00 p.m. and 1:00 p.m. through 5:00 p.m., Monday through Friday.

(B) In the event that the City Administrator is not available during the times described above, the Administrative Assistant is designated as the Deputy FOIA Officer to whom such initial requests are to be made. Except in instances when records are furnished immediately, the FOIA Officer or his or her designees shall receive requests submitted to the city under the Freedom of Information Act, ensure that the city responds to requests in a timely fashion, and issue responses under the Act.

(C) The FOIA Officer shall develop a list of documents or categories of records that the city shall immediately disclose upon request.
(Ord. 2010-02, passed 3-15-2010)

§ 2.19.02 PROCEDURE FOR OFFICER.

Upon receiving a request for a public record, the FOIA Officer shall:

- (A) Note the date the city receives the written request;
- (B) Compute the day on which the period for response will expire and make a notation of that date on the written request;
- (C) Maintain an electronic or paper copy of a written request, including all documents submitted with the request, until the request has been complied with or denied; and

(D) Create a file for the retention of the original request a copy of the response, a record of written communications with the requester, and a copy of other communications.
(Ord. 2010-02, passed 3-15-2010)

§ 2.19.03 OFFICER TRAINING.

The FOIA Officer and Deputy FOIA Officer shall, within six months after January 1, 2010, successfully complete an electronic training curriculum to be developed by the Public Access Counselor of the state and thereafter successfully complete an annual training program. Whenever a new Freedom of Information Officer is designated by the city, that person shall successfully complete the electronic training curriculum within 30 days after assuming the position.
(Ord. 2010-02, passed 3-15-2010)

§ 2.19.04 RETRIEVAL OF INFORMATION.

Any records which are the subject of a request under the Freedom of Information Act shall be retrieved from such place as they are stored by the FOIA Officer or by an employee of the city acting under the direction of the FOIA Officer. In no event shall records be retrieved by the party requesting them or by any person who is not employed by the city.
(Ord. 2010-02, passed 3-15-2010)

§ 2.19.05 FEES.

If copies of records are requested, the fees for such copies, whether certified or not, shall be as determined from time to time by the FOIA Officer pursuant to § 6(b) of the Freedom of Information Act, 5 ILCS 140/6(b). The City Clerk shall maintain a written schedule of current fees in the Clerk's office. The fees so charged shall reflect the actual cost of copying the records, and the cost of certifying copies, if certification is requested.
(Ord. 2010-02, passed 3-15-2010)

§ 2.19.06 DENIAL; APPEAL.

In the event that a request to inspect city records is denied by the FOIA Officer, the denial may be appealed to the Public Access Counselor of the state.
(Ord. 2010-02, passed 3-15-2010)

§ 2.19.07 CITY ADMINISTRATOR'S DUTIES.

The City Administrator shall prepare:

(A) A city information directory;

(B) A block diagram of the functional subdivisions of the city;

(C) A city records directory; and

(D) A records catalogue, all of which shall be substantially in the same form as the documents attached to Ord. 2010-02 and made a part thereof as Exhibits A, B, C, and D.

(Ord. 2010-02, passed 3-15-2010)

CHAPTER 2.20: CITY TREASURER

Section

- 2.20.010 Bookkeeping and account duties-inspection authorized when
- 2.20.020 Monthly accounting statement-warrant procedures
- 2.20.030 Deposit of city funds
- 2.20.040 Yearly accounting required-contents-publication
- 2.20.050 Special assessment moneys-special fund required-use restrictions

§ 2.20.010 BOOKKEEPING AND ACCOUNT DUTIES-INSPECTION AUTHORIZED WHEN.

The City Treasurer shall receive all money belonging to the city, and shall keep his or her books and accounts in the manner prescribed by ordinance. He or she shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. These books and accounts shall always be subject to the inspection of any member of the City Council.

(Added during 1978 codification.)

§ 2.20.020 MONTHLY ACCOUNTING STATEMENT-WARRANT PROCEDURES.

(A) At the end of every month, the City Treasurer shall render an account under oath to the City Council showing the state of the treasury at the date of the account and the balance of money in the treasury. He or she shall accompany the account with a statement of all money received into the treasury and on what account, together with all warrants redeemed and paid by him or her.

(B) On the day he or she renders an account, these warrants, with all vouchers held by him or her, shall be delivered to the City Clerk and filed, together with the account, in the Clerk's office. He or she shall return all warrants paid by him or her marked "paid". He or she shall keep a register of all warrants, which shall describe each warrant, showing its date, amount, number, the fund from which paid, the name of the person to whom paid, and when paid.

(C) The Treasurer shall collect and draw all warrants upon the treasury in pursuance of any resolution, ordinance, or order of the City Council and countersign the same after its having been signed by the Mayor. He or she shall state in said order the particular fund or appropriation to which the warrant is chargeable and the person to whom payable.

(Added during 1978 codification.)

§ 2.20.030 DEPOSIT OF CITY FUNDS.

The City Treasurer is required to keep all funds and money in his or her custody belonging to the city in such places of deposit as designated by the City Council.

(Added during 1978 codification.)

§ 2.20.040 YEARLY ACCOUNTING REQUIRED-CONTENTS-PUBLICATION.

Within 30 days following the end of the fiscal year, the City Treasurer shall make out and file with the City Clerk a full and detailed account of all city receipts and expenditures, and of all his or her transactions as Treasurer during the preceding fiscal year, and he or she shall show in that account the state of the treasury at the close of the fiscal year. The Clerk shall publish the account at least once, within ten days, in one or more newspapers published in the city.

(Added during 1978 codification.)

§ 2.20.050 SPECIAL ASSESSMENT MONEYS-SPECIAL FUND REQUIRED-USE RESTRICTIONS.

All money received on any special assessment shall be held by the City Treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and the money shall be used for no other purpose, except to reimburse the city for money expended for such improvement.

(Added during 1978 codification.)

CHAPTER 2.24: CITY ATTORNEY

Section

- 2.24.010 Appointment
- 2.24.020 Prosecution of city actions, suits, and proceedings
- 2.24.030 Prosecution for recovery of city revenues
- 2.24.040 Defense of city against legal action
- 2.24.050 Legal opinion required when
- 2.24.060 Additional counsel authorized when

§ 2.24.010 APPOINTMENT.

The City Attorney shall be appointed by the Mayor subject to provisions of § 2.28.050.
(Added during 1978 codification.)

§ 2.24.020 PROSECUTION OF CITY ACTIONS, SUITS, AND PROCEEDINGS.

It shall be the duty of the City Attorney to attend and prosecute all actions, suits, legal proceedings, and prosecutions, civil and quasi-criminal, in all the county courts which the city may be concerned.
(Added during 1978 codification.)

§ 2.24.030 PROSECUTION FOR RECOVERY OF CITY REVENUES.

It shall also be the duty of the City Attorney to prosecute all forfeited bonds and recognizance, and all action for the recovery of debts, revenues, moneys, fines, penalties, and forfeitures accruing to the city.
(Added during 1978 codification.)

§ 2.24.040 DEFENSE OF CITY AGAINST LEGAL ACTION.

He or she shall defend all actions and proceedings brought against the city in the county.
(Added during 1978 codification.)

§ 2.24.050 LEGAL OPINION REQUIRED WHEN.

He or she shall give his or her legal opinion to the Mayor or City Administrator upon any and all questions of law relating to any matter in which the city may be concerned.
(Added during 1978 codification.)

§ 2.24.060 ADDITIONAL COUNSEL AUTHORIZED WHEN.

The City Council may, if in its opinion the public interests require it, employ additional counsel to assist the City Attorney.

(Added during 1978 codification.)

CHAPTER 2.28: CITY OFFICERS

Section

- 2.28.010 Officers to be elected
- 2.28.020 Clerk election when, vacancy filling
- 2.28.030 Officers not to hold other office-exception
- 2.28.040 Officers' bonds
- 2.28.050 Appointed officers-requirements generally-resignation from office
- 2.28.060 Appointed officers-Chief of Police, Ambulance Chief, and City Treasurer
- 2.28.070 Appointed officers-Superintendent of Streets and Water and Sewer Commissioner
- 2.28.080 Appointed officers-discontinuance of office-officer to have no claim against city

§ 2.28.010 OFFICERS TO BE ELECTED.

There shall be elected under this Code a Mayor, six aldermen, and a City Clerk.
(Ord. 2009-04, passed - -) (Added during 1978 codification.)

§ 2.28.020 CLERK ELECTION WHEN, VACANCY FILLING.

(A) The City Clerk shall be elected when the Mayor is elected, except in case of a special election. If a vacancy occurs in the office of City Clerk, it shall be filled by the Mayor with the advice and consent of the City Council.

(B) The person so appointed shall hold office for the unexpired term of the officer elected.
(Added during 1978 codification.)

§ 2.28.030 OFFICERS NOT TO HOLD OTHER OFFICE-EXCEPTION.

No Mayor or alderman shall hold any other office, compensated or non-compensated, under the city government during his or her term of office, except for the offices of acting Mayor, temporary Mayor, and Mayor pro-tem.
(Ord. 2004-05, passed - -; Ord. 93-02, passed - -1993) (Added during 1978 codification.)

§ 2.28.040 OFFICERS' BONDS.

The official bond of the Mayor is hereby fixed at \$50,000; of the City Clerk: \$50,000; and of the City Treasurer: \$300,000.
(Added during 1978 codification.)

§ 2.28.050 APPOINTED OFFICERS-REQUIREMENTS GENERALLY-RESIGNATION FROM OFFICE.

(A) All other officers of the city shall be appointed by the Mayor, by and with the advice and consent of the City Council. Vacancies in all such city offices shall be filled in the same manner. By ordinance, the City Council may prescribe the duties, define the powers, and fix the term of office of all such officers, but the term of office shall not exceed that of the Mayor.

(B) Any such officer of the city may resign from his or her office. If such officer resigns, he or she shall continue in office until his or her successor has been chosen and has qualified. If such officer ceases to perform the duties or to hold his or her office by reason of death, permanent physical or mental disability, conviction of a disqualifying crime or dismissal from or abandonment of office, the Mayor may appoint a temporary successor to the office.

(Added during 1978 codification.)

§ 2.28.060 APPOINTED OFFICERS-CHIEF OF POLICE, AMBULANCE CHIEF, AND CITY TREASURER.

The Chief of Police, Ambulance Chief, and City Treasurer shall be appointed by the Mayor, after nomination by the board each will be head of respectively. They will be appointed for one-year terms. The Chief of Police shall perform the duties that the City Council prescribes for the preservation of the public peace and the observance and enforcement of ordinances and laws.

(Ord. 2004-05, passed - -; Ord. 2009-04, passed - -; Ord. 86-8, passed - -1986) (Added during 1978 codification.)

§ 2.28.070 APPOINTED OFFICERS-SUPERINTENDENT OF STREETS AND WATER AND SEWER COMMISSIONER.

The Mayor shall appoint a Street and Water Commissioner, and any other officers which the City Council considers necessary or expedient.

(Added during 1978 codification.)

§ 2.28.080 APPOINTED OFFICERS-DISCONTINUANCE OF OFFICE-OFFICER TO HAVE NO CLAIM AGAINST CITY.

By ordinance or resolution, to take effect at the end of the current fiscal year, the City Council, by a two-thirds vote, may discontinue any appointive office and assign the duties of that office on any other city officer. After such discontinuance, no officer filling any office so discontinued shall have any claim against the city for salary alleged to accrue after the date of discontinuance.

(Added during 1978 codification.)

CHAPTER 2.30: PERSONNEL CODE

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 Reasonable Suspicion Drug and Alcohol Testing
 Disciplinary Action
 COBRA Election Form
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 Request for Extended Leave

SECTION 100 - PURPOSE OF POLICIES AND POLICY MANUAL

§ 2.30.100 PURPOSE OF POLICIES AND POLICY MANUAL.

(A) *Purpose.* These policies set forth the principles and procedures that will be followed by the city in the administration of its personnel program. They are intended to establish an efficient, equitable, and functional system of consistent handling of matters related to the personnel function. The personnel policy manual was developed to assist managers and supervisors with the systematic approach to

administering the city's personnel policies and practices. The policy manual is designed as a fundamental communications tool for members of management to help clarify policies and practices, and thus prevent morale problems, complaints, and grievances before they arise.

(B) *Disclaimer.* This manual is not intended to create a contract of employment between the city and any employee, nor is it intended as a guarantee of continued employment. Rather, it is simply intended to describe the city's present personnel policies and procedures. Needless to say, these policies and procedures may, and likely will, be changed from time to time, as the city deems appropriate. No representative of the city, other than the Council, has the authority to enter into any agreement for a specific period of time or to make any agreement contrary to the foregoing. Such agreement, if any, must be in writing and signed by the Council and employee.

SECTION 200 - DEFINITIONS AND GENERAL PROVISIONS

§ 2.30.200 DEFINITIONS.

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

BUSINESS DAY. Any normal working day in which City Hall is open.

CITY. The City of Minonk and its authorized representatives.

CITY ADMINISTRATOR. The administrative head of the municipal government of the city as appointed by the Mayor and City Council.

DEPARTMENT DIRECTOR. An employee of the city designated by the City Administrator as the director of a city department.

DEPARTMENT POLICY. Any policy, personnel related or otherwise, created by and for a specific department of the city.

DOUBLE PAY. Two times the employee's standard pay rate.

EVALUATIONARY EMPLOYEE. An employee who has not completed the term of their evaluation period or whose evaluation period has been extended.

FULL-TIME EMPLOYEE. An employee of the city who works the full standard work week in accordance with the schedule adopted by his or her department director.

LOCAL VENDORS. A provider of a good or service which is in the city or relative proximity.

OFF-DUTY EMPLOYEE. An employee of the city who is currently not "on-duty" and not performing work or services for the city on the behest of the city or one of its authorized representatives.

ON-DUTY EMPLOYEE. An employee of the city who is performing work or services for the city on the behest of the city or one of its authorized representatives.

PART-TIME EMPLOYEE. An employee of the city who works less than the standard work week for his or her position or department, or works on a pay per call arrangement.

POLICY. The personnel policy of the city, unless specifically noted otherwise.

PREMIUM PAY. One and one-half times the employee's straight time.

REGULAR EMPLOYEE. An employee of the city who has completed the evaluation period.

SEASONAL EMPLOYEE. An employee of the city appointed to work on a seasonal basis, usually with a fixed termination date.

STRAIGHT-TIME PAY RATE. The employee's normal pay rate as generally determined by taking their annual base earnings divided by 2080 hours.

START DATE. The first day of an employee's employment with the city at a specific position.

SUPERVISOR. An employee of the city in a position to make work duty assignments, guide and direct work of subordinates, discipline, evaluate, and assess work performance.

TEMPORARY EMPLOYEE. An appointment made to meet a special demand, usually with a fixed termination date or upon completion of a specified project(s).

TERMINATION. The last day of any employee's employment with the city upon action by the city.

TERMINATION DATE. The last day of an employee's employment with the city at a specific position.

VOLUNTEER. An individual with no employee/employer relationship whom may be given a gratuity for their volunteer work.

§ 2.30.201 PERSONNEL COVERED BY THE POLICIES.

This policy applies to all non-elected city employees. Certain sections of this policy may not apply to specific positions or departments. If a position or department is explicitly exempted from a provision of this policy, it shall not affect the application of other sections of this policy on that position. If there is any conflict between the specific provisions contained in the policy and the specific provisions of any collective bargaining agreement between the city and the city employees, the specific terms of the collective bargaining agreement shall take precedence. Differences between the city's personnel policy and state or federal law shall follow state and federal law.

§ 2.30.202 ADMINISTRATION OF THE POLICIES.

(A) The City Administrator shall be responsible for the administration and interpretation of these policies and may promulgate such directions as are necessary to clarify, supplement, or implement these provisions as set forth.

(B) The City Administrator may submit any situation that arises of such authority to the City Council. The City Council will be appointed in accordance with city ordinance.

(C) If personnel matters not covered by these policies should arise, the City Administrator may render a decision and refer the matter to the City Council for confirmation. If such confirmation indicates a change in or additions to these policies, the change or additions shall be referred to the City Council to amend the appropriate section of these policies.

(D) Actions and decisions of the City Council shall be final. The Mayor and Council shall meet with the City Administrator as necessary to review priority lists and offer comments on possible reallocation of priorities. The Mayor or Council shall not require any employee of the city to perform personal favors that may be of questionable value to the city. Individual members of the City Council shall not use their influence to disrupt or alter the established priority list or work schedule of the city. However, they may, from time to time, present the Administrator with lists of projects which they would like to be carried out; and the Administrator shall establish a priority according to the overall benefit to the city. If projects proposed by different aldermen are in conflict, the Administrator shall consult with the Mayor on the appropriate action to take.

(E) In the absence of the City Administrator, his or her designee shall have the authority to act for him or her.

§ 2.30.203 DEPARTMENTAL RULES.

Since each operating department will have a requirement for additional rules and procedures for day-to-day operations, nothing in this policy precludes the establishment of written departmental policies and procedures for that department's personnel. If a conflict occurs between the rules of the city and the rules of any department, the policy or procedure identified with this policy shall prevail.

§ 2.30.204 REVISION OF POLICIES.

This personnel policy may, from time to time, be amended or revised in order to meet constant changing conditions. Upon approval by the City Council of revision of these policies, formal written notice will be given to all city employees within five working days of the revision.

§ 2.30.205 ACKNOWLEDGMENT OF RECEIPT.

Each supervisor and department director shall be given a copy of the personnel policy manual and an acknowledgment of receipt form, which they are to sign and return to the City Administrator. All employees will be given a personnel handbook and an acknowledgment of receipt form, which they are to sign and return to the City Administrator. Upon receipt of the personnel policy manual and/or the personnel handbook, employees will be given the opportunity to ask questions regarding the policy and its interpretation.

§ 2.30.206 PERSONNEL RECORDS.

(A) *Administration.* Employee's personnel records shall be kept, in their original form, in the city's central repository. The City Administrator, or his or her designee, shall establish a central repository for all personnel files and records. At a minimum, the personnel file for each employee shall contain information relating to initial appointment, rate of pay assigned, withholding tax proposed, application, performance appraisals, salary increases, promotions, transfers, leave time accrued and taken, grievance actions, appeals, disciplinary action, drug and alcohol testing and other actions that affect the status of the employee. All information concerning performance appraisals, grievance actions, appeals, disciplinary actions, and drug and alcohol testing shall be kept in a separate personnel file from employee's primary personnel file.

(B) *Release.* It is the city's policy that only those who have a legitimate "need to know" may have access to employee personnel information. All requests for review of personnel records must be made in writing to the City Administrator.

(1) (a) Employees may view their personnel file, up to twice annually, upon a written request to the City Administrator. The City Administrator shall, within ten working days of the written request, allow the employee to view the file on the city's premises.

(b) Personnel files may not be removed from the city's premises. The employee may photocopy at his or her own expenses or take notes on the contents of his or her personnel file.

(2) The employee's right to view his or her personnel file generally includes documents that have been or will be used in determining the employee's qualifications for employment, promotion, transfer, additional compensation, discharge, or other disciplinary action.

(3) Employee's right to view their personnel records generally does not include:

(a) Letter of reference for the employee;

(b) Any portion of a test document, except a record of a cumulative test score;

(c) Materials used for management planning, including external peer review documents concerning future salary increases and other wage treatments, management bonus plans, promotions, and job assignments;

(d) Personal information about a person other than the employee, if disclosure would constitute a clearly unwarranted invasion of the other person's privacy;

(e) Records that may be discovered in a judicial proceeding as part of a pending claim between the employer and the employee; and

(f) Records that relate to an employer's investigation of an employee's criminal activity, unless the employer acts adversely based on information in those records.

(4) (a) Requests for information regarding an employee's personnel file, on the behalf of the employee, shall be made in writing by the employee and the party representing the employee. Request for information regarding an employee's personnel file, not on behalf of the employee, shall be reviewed by the employee.

(b) With the exception of payroll information requests, where an employee does not grant access to his or her personnel file, but the request must be fulfilled due to legal obligation, the City Attorney shall review the request prior to any release of information.

(5) Requests for personnel payroll records shall be directed to the City Administrator and referred to the payroll department.

SECTION 300 - REGULATIONS AND POLICIES

§ 2.30.300 TRAVEL REIMBURSEMENT.

(A) Purpose.

(1) The purpose of this section and referenced regulations is to bring the city, into compliance with Illinois Public Act 99-0604. This law requires "All local public agencies shall, by resolution or ordinance, regulate the reimbursement of all travel, meal, and lodging expenses of the officers and employees, including, but not limited to: (1) the types of official business for which travel, meal, and lodging expenses are allowed; (2) maximum reimbursement for travel, meal, and lodging expenses; and (3) a standardized form for submission of travel, meal, and lodging expenses supported by the minimum documentation required under the act."

(2) To provide consistent travel regulations and reimbursement, this section is expanded to cover regular city employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense.

(B) Enforcement. The City Administrator or chief administrative officer (CAO) of the City or his or her designee shall be responsible for the enforcement of these travel regulations.

(C) Travel policy.

(1) In the interpretation and application of this section, the term **TRAVELER** or **AUTHORIZED TRAVELER** means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this section. **AUTHORIZED TRAVELER** shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this section.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions and seminars;

and other actual and necessary expenses related to official business as determined by the CAO. Entertainment expenses are not eligible for reimbursement unless ancillary to the program or event. No reimbursement shall be provided for entertainment as defined in P.A. 99-0604.

(3) (a) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences and similar expenses.

(b) Travel advance requests are not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) The travel expense reimbursement form will be used to document all expense claims.

(6) (a) To qualify for reimbursement, travel expenses must be:

1. Directly related to the conduct of the city business for which travel was authorized; and

2. Actual, reasonable and necessary under the circumstances. The CAO may make exceptions for unusual circumstances.

(b) Expenses considered excessive will not be allowed.

(7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee and other reimbursable costs.

(8) Any person attempting to defraud the city or misuse city travel funds is subject to termination and legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the city are not ordinarily considered eligible expenses for reimbursement.

(10) The maximum allowable reimbursement is set at \$2,500 per event.

(D) *Travel reimbursement rate schedules.*

(1) Authorized travelers shall be reimbursed according to the State of Illinois travel regulation rates. The city's travel reimbursement rates will automatically change when the State of Illinois rates are adjusted.

(2) The municipality may pay directly to the provider for expenses such as meals, lodging and registration fees for conferences, conventions, seminars and other education programs.

(E) *Approval of expenses.*

(1) Travel expenses of elected city officers must be approved by a roll call vote at an open meeting of the City Council.

(2) Travel expenses exceeding the maximum allowable reimbursement must be approved by a roll call vote at an open meeting of the City Council.

(3) The city adopts and incorporates by reference, as if fully set out herein, the administrative procedures that are attached to the ordinance codified herein and are on file in the city offices.

(F) *Effect.* This section shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after the date of adoption. (Ord. 2016-008, passed 9-6-2016)

§ 2.30.301 PURCHASING POLICY.

(A) *General policy.* The city's purchasing policy goal is the procurement of goods and services through the most efficient, cost-effective, and equitable means available. Where efficient and cost-effective, purchases should be made through local vendors. Purchases should be based solely on the needs of the city and availability of suppliers with no special preferences given to vendors on the basis of personal preference.

(B) *Procedure.* Purchases made with city funds, or purchases made from an employee's personal funds to be reimbursed by the city, shall follow the purchasing policy for the city. All purchases, other than those from a designated local vendor and those specifically exempted, shall require a purchase order prior to purchase. In the case of emergencies, purchase orders may be completed following the purchase.

(1) Purchases less than or equal to \$500 may be authorized by department directors as outlined by departmental policy. Department directors shall consult with the City Administrator on non-routine purchases of significant cost. Purchase orders shall be signed and approved by the department director.

(2) Purchases of more than \$500, but not exceeding \$2,000, shall require the approval of the City Administrator, may require formal solicitation of bids, and should be budgeted items. Purchase order shall be signed and approved by the City Administrator.

(3) Purchases of more than \$2,000 shall require the approval of the City Administrator, may require formal solicitation of bids, may require City Council approval, and should be budgeted items. Purchase order shall be signed and approved by the City Administrator.

(4) Emergency expenditures are at the discretion of the City Administrator or the Mayor.

(5) Purchases made through a joint purchasing agreement, or other similar cooperative purchasing programs, which may entail contractual obligations for the city above the normal cost of the purchase, must be approved by the City Council. In the case of human-made or natural disasters, the Emergency Services Disaster Coordinator, upon the approval of the Mayor, may make any purchase or enter into any contracts necessary to combat the disaster in accordance with the City Code.

§ 2.30.302 USE OF CITY EQUIPMENT AND MATERIALS.

(A) Employee use of city equipment, materials, and services for personal gain is prohibited. Some city resources may be used, while the employee is off duty, upon prior approval of the City Administrator for non-city use. Non-city use should be kept to a minimum.

(B) Employees may be issued city-owned vehicles for use during and away from work. Personal use of city vehicles should be kept to a minimum. Employee use of city clothing, or clothing purchased through clothing reimbursements, outside of employment is prohibited.

§ 2.30.303 POLITICAL ACTIVITY.

(A) It is the city's policy that certain political activities of its employees be restricted while maintaining their constitutional rights to engage in the political process. Limited restrictions serve the best interests of the residents, whom the employees serve, by preserving the employees' unbiased service towards city residents.

(B) Therefore, employees are prohibited from:

(1) Using their official authority or influence for the purpose of interfering with or affecting the result of a nomination or election for office;

(2) Directly or indirectly coercing, attempt to coerce, or command another city employee to pay, lend, or contribute anything of value for a political purpose;

(3) Campaigning or conducting political functions while in city uniform;

(4) Endorsing a political position or candidate by giving or implying the city's support or endorsement for said political position or candidate; and

(5) Using working hours for campaign or political purposes in an election for office.

(C) Any employee of the city who wishes to seek any partisan elective governmental office must first take a leave of absence from the city. This leave is to begin with the first formal activities of the employee to obtain nominations or election to the office and will end upon the completion of all activities with the office.

§ 2.30.304 OUTSIDE EMPLOYMENT.

(A) Employment with the city is the primary job of each full-time employee. Any other part- or full-time employment must have the approval of the City Administrator. This applies to any form of

non-city activity, whether occasional, part-time, temporary, or permanent, for which the employee receives money, goods, services, or other forms of compensation. Employees wishing to hold outside jobs shall apply in writing to the City Administrator.

(B) In granting or withholding such requests, the Administrator shall consider the following criteria.

(1) *Impairment of efficiency.* The outside job shall not interfere with an employee's effectiveness in his or her city position. Special attention shall be given to the number of hours worked, the location of the job and the nature of the duties performed.

(2) *Physical well being.* The outside work shall not leave the employee tired, therefore more subject to injury on his or her city job.

(3) *Worker's compensation and medical insurance.* Injuries incurred while engaged in outside employment, as defined, will not be the responsibility of the city, nor compensable under the city's worker's compensation policy. Illnesses or treatment required due to outside employment may or may not be covered under the city's health care program, dependent upon the insurer's policy of outside coverage.

(4) *Conflict of interest.* No outside work will be approved if that job places the employee in a position of performing duties or responsibilities that conflict or appear to conflict in ethics or purpose with his or her city position.

(5) *Public relations.* The public relations of outside jobs shall be considered with particular attention to employment that is acceptable in the community.

(6) *City equipment.* Neither city uniforms nor equipment shall be used in connection with outside employment positions, unless specifically provided for by the City Council.

§ 2.30.305 ACCEPTANCE OF GIFTS.

(A) The credibility of the city and its employees is dependent upon the elimination of any hint of impropriety. Therefore, employees are prohibited from accepting moneys or other gifts from individuals or organizations that may attempt to influence city policy.

(B) Token gifts, such as those at Christmas time, shall be made available to all city staff and public. Municipal services are not to be extended in exchange for special awards, gifts, or other compensation from outside individuals or organizations.

§ 2.30.306 SOLICITATION, SELLING, AND PEDDLING AMONG EMPLOYEES.

All solicitations among city employees during working hours for any purpose is prohibited. This restriction applies to all solicitation, selling, or peddling of any nature whether by city employee or non-employee.

§ 2.30.307 DRUG AND ALCOHOL ABUSE POLICY.

(A) *Purpose.* The city is strongly committed to providing a safe and productive working environment for its employees and to establishing programs promoting high standards of employee performance. It is the belief of the city that employee involvement in illegal drugs or abusive use of alcohol is inconsistent with an employee's ability to provide the highest quality of services to its residents. Therefore, all employees are expected to report for work and remain at work in a condition to perform assigned duties free from the effects of alcohol and drugs.

(B) *General policy.* It is the policy of the city that its employees shall not be involved in the unlawful use, possession, sale, or transfer of illegal drugs or narcotics in any manner. Nor shall employees engage in the abusive use of alcohol where it affects the employee's ability to perform his or her job, creates dangerous working conditions, or negatively affects the reputation and credibility of the city. The city reserves the right to search all city property, including employee lockers, to prevent violations of the drug and alcohol abuse policy.

(C) *Prohibitions.* Employees are expressly prohibited from using any Schedule One drugs of the Schedule of Controlled Substance of the U.S. Drug Enforcement Administration or any other habit forming drug while on or off duty, except under the direction of a licensed physician. Employees must report to their supervisor use of any prescribed drug or substance which may affect their ability to perform work safely and effectively.

(1) No employees shall have prohibited Schedule One drugs within their possession on municipal property.

(2) No employee shall report to work or perform work while impaired by any drug, controlled substance, or with an alcohol breath concentration of 0.02 or greater.

(3) No employee shall sell, have in their possession, or otherwise dispense alcohol to others on municipal premises, in or from a municipally owned or leased vehicle.

(4) No employee shall consume alcohol during work or during scheduled breaks before returning to work.

(D) *Testing.* Drug and alcohol testing will generally follow the guidelines below.

(1) When possible, testing will occur during employee's working hours. Employees may be reimbursed for any overtime incurred during tests.

(2) Testing for drugs will be through a split sample urinalysis conducted by a non-city employee trained in such procedures.

(3) Alcohols tests may be done with an Evidential Breath Testing (E.B.T.) device by a Breath Alcohol Technician (B.A.T.).

(4) The testing facility will report a "positive" test only if both of the initial screening and confirmation tests are positive for alcohol or a particular drug.

(5) Employees will be provided with a copy of all information and documentation in connection to their testing and the results.

(6) The employee will not be subject to any adverse employment action, except emergency temporary reassignment or relief to duty, during the pendency of any testing procedure. However, the city reserves the right to take disciplinary action as a result of employee misconduct or grievous error.

(7) The city shall establish a chain of custody for test results to ensure the accuracy and validity of the tests and privacy of the employee.

(8) Collection procedures shall be done so as to ensure the employee's privacy and the validity of the tests free from adulteration.

(9) The city may require its employees to submit to drug and/or alcohol testing as hereafter provided on a random basis at a time and place designated by the city.

(10) Drug and alcohol tests may be required and conducted at the option of management as a part of the investigation involving an accident (vehicular or personal) or "near accident" in which safety precautions or city policy have been violated and/or employee negligence were or may have been performed.

(11) Drug and/or alcohol tests may be conducted when there is reasonable suspicion that an employee is under the influence of drugs or alcohol.

(12) Drug tests may be conducted on all employees as part of their pre-employment physical. Any employee candidate testing positive for illegal drugs shall be disqualified from employment with the city.

(13) Return-to-duty and follow-up drug and alcohol tests may be conducted randomly upon employees returning to work after testing positive for drugs or alcohol.

(14) Employees failing to provide an adequate drug or alcohol test sample may be reviewed by a Medical Review Officer (MRO) to determine cause. The MRO shall make a conclusion to the city whether the failure is genuine or constitutes a refusal to test.

(15) Employee's refusal to test may constitute a positive test.

(16) Immediately following notification of a positive test, the employee may request a re-test using the split sample taken during the original collection. If the re-test is negative, the employee is considered to have tested negative and the city may incur the costs of re-testing the split sample.

(E) *Disciplinary action.* The city reserves the right to terminate an employee at any time for just cause upon grievous action by said employee. In cases where an employee's conduct is wanton and negligent, one violation of the drug and alcohol abuse policy may be grounds for discharge.

(F) *Disciplinary guidelines.* Generally, the following progressive disciplinary guidelines may apply.

(1) Upon one violation of the drug and alcohol abuse policy, the employee may be subject to disciplinary action as warranted on a case-by-case basis, generally not to include termination. Positive results on a drug screening may be cause for referral to an Employee Assistance Program (E.A.P.) and disciplinary action.

(2) Upon two violations of the drug and alcohol abuse policy, the employee may be subject to disciplinary action including termination.

(G) *Test results.* The test results from all drug and alcohol tests may become a part of the employee's personnel file that shall be placed in a secured location with controlled access and retained as specified by state and federal regulation. Test results will not be released to any unauthorized party without the employees' written consent.

(H) *Assistance program.* An Employee Assistance Program (E.A.P.) may be conducted by the city to provide educational information concerning the effects and consequences of drug and alcohol use on personal health, safety, and work environment.

(I) *Voluntary request for assistance.*

(1) The city shall take no adverse employment action against any employee who voluntarily seeks treatment, counseling, or other support for alcohol or drug related problems, other than the city may require reassignment of the employee with pay if he or she is unfit for duty in his or her current assignment. The foregoing is conditioned upon:

(a) The employee agreeing to appropriate treatment as determined by the physician(s) involved;

(b) The employee discontinuing his or her use of illegal drugs or consumption of alcohol;

(c) The employee completing the course of treatment prescribed, including an "after-care" group for a period recommended by the physician(s) involved; and

(d) The employee agreeing to submit to unlimited random testing at any time, including off-duty hours, during the period of "after-care".

(2) Employees who do not agree to or act in accordance with the foregoing shall be subject to discipline, up to and including discharge. This division (I) shall not be construed as an obligation on the part of the city to retain an employee on active status throughout the period of rehabilitation if it is appropriately determined that the employee's current use of alcohol or drugs prevents such individual from performing the duties of their position. Such employee shall be afforded the opportunity, at his or her option, to use accumulated paid leave or taken an unpaid leave of absence pending treatment. All costs associated with an employee's voluntary request for assistance shall be the responsibility of the employee.

(J) *Laws and regulations.* The city will comply with all federal, state, and local regulations governing any violations of criminal drug and alcohol use status in the work place.

(K) *Record keeping.* All drug and alcohol testing records will be retained in accordance with state and federal law. Records of all personnel actions taken in accordance with the drug and alcohol abuse policy shall be maintained by the personnel office in their original form. Requests for an employee's personnel file, in whole or in part, shall follow the city's policy for administration of personnel records. Records shall be made available to a subsequent employer, as required by state or federal law, upon receipt of a written request.

(L) *Costs of re-tests and return-to-duty tests.* The costs of re-testing shall be the responsibility of the employee in the event the re-test confirms the original positive. All testing costs for employee required to undergo return-to-duty tests shall be the responsibility of the employee. All testing costs for employees required to undergo follow-up tests shall be the responsibility of the employee. The costs of pre-employment, reasonable suspicion, post-accident, and random drug and alcohol tests may be borne by the city.

(M) *Costs of treatment, counseling, and related items.* All treatment costs for substance abuse, both in and outpatient services, shall be the responsibility of the employee. All costs for the counseling or the services of a Substance Abuse Professional (S.A.P.) shall be the responsibility of the employee. All other costs related to a positive test for prohibited activities including, but not limited to, medication, shall be the responsibility of the employee.

(N) *Health care coverage.* The city's health care program provider may provide for limited coverage of substance abuse treatment costs. Employees should contact the city's health care provider for information regarding substance abuse coverage. The city reserves the right to change health care providers or coverage at any time.

§ 2.30.308 APPEARANCE, CONDUCT, AND UNIFORMS.

(A) Public relations is an integral part of each employee's job. Neat appearance, proper conduct, and a helpful attitude, both on and off the job, are of utmost importance in gaining favorable public opinion. City employees should take pride in proper and efficient service and strive to do the best job possible for the people of the city.

(B) Directors may establish appearance and conduct standards as necessary. Those employees required to wear self-contained breathing apparatus, or other respiratory equipment necessitating a tight facial seal shall be clean shaven per OSHA and State Department of Labor safety regulations. Employee attire should be fitting to the tasks they are required to perform; however, employee clothes should be free from excessive wear and dirt.

(C) Employees may receive a uniform or clothing allowance on a quarterly basis. Employees may be required to present receipts for reimbursement. Purchases must be for work required clothing and equipment to be eligible for reimbursement.

(D) Employees must wear a uniform if one is provided. If a uniform is provided, the employee will not receive a quarterly clothing allowance.

(E) Any damage to personal clothing must be documented at the time of the incident. Reimbursement for like or similar clothing may be made at the discretion of the department director if personal clothing is significantly damaged. Clothing reimbursement requests must be made within a reasonable time and a receipt must be provided prior to reimbursement. Any clothing damaged due to blood borne pathogens being unable to be removed must be disposed of by the department in the appropriate manner.

(F) Upon completion of employment, all clothing, uniforms, or equipment owned by the city shall be turned into the employee's department director. Upon approval of the City Administrator, the city may reimburse employees for clothing or equipment damage due to non-routine incidents occurring while conducting work on behalf of the city.

§ 2.30.309 LEGAL LIABILITY.

(A) Laws regarding responsibility and liability of municipalities and their employees are complex, but for the most part decisions regarding liability for accidents and injuries are based on proven negligence.

(B) Employees of governmental agencies are not relieved of personal responsibility in cases of injury or accident to the public when negligence on the part of the employee is evident.

§ 2.30.310 EMPLOYEE RESIDENCE.

(A) It is the policy of the city to provide its residents with the best municipal employees and service possible. The city believes that residents of the city bring to the job a better sense of community needs and desires and more responsive service provision.

(B) Therefore, all full-time employees must reside within the corporate limits. Part-time and seasonal employees are not required to reside within the city's corporate limits. Preference will be given to residents, all other qualifications being equal.

(C) Full-time employees hired after the adoption of this policy shall comply with this residence requirement no later than six months after their date of hire. Current full-time resident employees may not move out of the corporate limits.

(D) The City Council may grant extensions or exemptions to the residency requirements for non-departmental employees based upon extenuating circumstances.

§ 2.30.311 JOB SAFETY AND RISK MANAGEMENT.

(A) *General policy.* It is the policy of the city to conduct operations with safety as the prime concern. In all our assignments, the health and safety of all employees and the public should be the first and utmost consideration, regardless of the type of work or situation in which we may become involved. Every effort should be made by city employees to provide for a safe, accident free working environment. A secondary goal of city employees should be the prevention of loss of city resources due to avoidable circumstances.

(B) *Purpose.* The city's risk management program is aimed at proactively eliminating and investigating potentially dangerous or unhealthy working conditions, or conditions which could result in avoidable material loss. Effective risk management requires the involvement of all municipal employees. It is the employees' responsibility to immediately report potentially unsafe conditions, or injuries and illnesses that occur during work, to the supervisor or department director.

(C) *Administration.* The city's risk management program shall be administered by the City Administrator.

SECTION 400 - EMPLOYEE CLASSIFICATION**§ 2.30.400 PURPOSE.**

The purpose of the Classification Plan is to:

- (A) Provide like pay for like work;
- (B) Establish education and work experience qualifications and standards for recruiting;
- (C) Assist the employee selection procedure;
- (D) Provide a basis for developing standards of work performance;
- (E) Establish lines of promotional opportunity;
- (F) Indicate employee-training needs;
- (G) Provide uniform titles for all positions; and

(H) Provide the fundamental basis for the compensation program and other aspects of the personnel program.

§ 2.30.401 ADMINISTRATION OF THE CLASSIFICATION PLAN.

(A) A classification plan, based upon and graded according to work duties and responsibilities, shall be developed and maintained by the City Administrator or his or her designee.

(B) The plan shall include:

- (1) An outline of classes of positions arranged in appropriate occupational groups;
- (2) The respective class specification setting forth the qualifications necessary for appointment to a position of that class; and
- (3) Job descriptions for each class or position, which shall include the title, supervision received, a general description of the work, examples of specific tasks and the pay grade to which the class is assigned.

§ 2.30.402 POSITION CLASSIFICATION.

Positions shall be assigned to a specific class of the same kinds and levels of work, education, experience, knowledge, ability, skills, and other qualifications. Compensation shall be substantively equivalent within pay ranges based upon education, experience, longevity, ability, skills, and other qualifications.

§ 2.30.403 CLASS SPECIFICATIONS AND JOB DESCRIPTIONS.

The duties set forth in the job descriptions are descriptive only and are not restrictive. They describe the more typical types of work which may be allocated to a given class but do not restrict that class to only the types of work or positions described in the job descriptions.

§ 2.30.404 REVISIONS OF THE PLAN.

The Classification Plan shall be reviewed annually during budget reviews. If the City Administrator or City Council finds that a substantial change in organization, the creation or change of positions, or other pertinent conditions make necessary the amendment of the Plan, these amendments will be presented to the City Council for appropriate action.

SECTION 500 - EMPLOYEE COMPENSATION, PROMOTION, AND LAYOFFS**§ 2.30.500 GENERAL POLICY.**

It shall be the policy of the city to establish a compensation plan which factors internal and external compensation equity principles.

§ 2.30.501 THE COMPENSATION PLAN.

The Compensation Plan shall including at a minimum:

(A) A schedule of standard salary ranges and rates of pay indicating the minimum, maximum, and intermediate rates of pay for each pay grade; and

(B) A list of classes of positions by occupational group with the salary grade and related pay range indicated for each class.

§ 2.30.502 STANDARDS FOR DETERMINATION OF PAY RANGES.

Pay ranges shall be related directly to the Classification Plan and shall be determined with due consideration to ranges of pay for other classes, the relative difficulty of the job, and the availability of employees in particular occupational categories; prevailing rates of pay for similar employment in private and other public jurisdiction in the county and cities of comparable size, economic make-up, and demographic characteristics in downstate Illinois; cost-of-living factors, and the financial policies and economic positions shall be those which most nearly reflect these factors.

§ 2.30.503 LONGEVITY PAY.

Full-time, regular employees may be eligible for longevity pay as specified in § 2.30.504 of this policy.

§ 2.30.504 ADMINISTRATION OF THE COMPENSATION PLAN.

(A) *Purpose.* The following provisions in the Compensation Plan assume the funds for salary adjustments have been budgeted and the salary item for the year has been appropriated. These provisions shall guide the City Administrator in establishing a procedure for salary administration, including periodic salary review and the relation of salary rates to the Position Classification Plan.

(B) *Beginning salary.* The minimum rate of pay for a class shall normally be paid to any person on their original appointment to a position with the city. Original appointment above the minimum may be recommended by the City Administrator on the basis of unique qualifications, experience, or the inability to recruit satisfactory candidates. Authorization will require City Council action.

(C) *Salary advancement.* If funds are available and the employee has received a rating of satisfactory or above on the most recent performance appraisal, and if the employee has spent a year in his or her existing step, a salary increase of one step within the appropriate pay range may be recommended by the department director and City Administrator. Such an increase shall take effect on the beginning of the new fiscal year upon Council approval of that fiscal year's budget. For those employees whose salary range is presently above the appropriate step, halfstep increases will be given at the employee's anniversary date. However, no halfsteps will exceed the maximum pay for that classification.

(D) *Longevity increases.* Employees who have reached the maximum rate within a salary range and have spent at least one year in that step may receive longevity pay of \$125 per year if employee has served 20 or more years with the city, but not more than 24. Employee longevity pay may be \$150 per year if employee has served 25 or more years with the city. Such service is not required to be in the same position or department. Such service shall, unless specifically exempted by the City Council, be generally uninterrupted.

§ 2.30.505 PAYDAYS.

Salary payments will be made biweekly, on the Friday of the appropriate week. If the designated payday falls on a holiday, the payday will be the preceding workday. Employees who are not working that payday will be responsible for obtaining their own check from the City Clerk.

§ 2.30.506 EVALUATION PERIOD.

(A) *Purpose.* The evaluation period shall be utilized by department directors as an opportunity to observe the new employee's work and to train and aid an employee whose work performance fails to meet required work standards.

(B) *Duration.* All original appointments of general personnel shall be tentative and subject to an evaluation period of 12 months from the employee's start date. The department director may recommend a three- month extension of the original evaluation period and must inform the employee that an extension has been authorized.

(C) *Dismissal during evaluation period.* At any time during the evaluation period, a department director may recommend to the City Administrator the removal of an employee whose performance does not meet the required standards. Employees dismissed during the evaluation period will not be compensated for earned vacation leave.

(D) *Performance appraisal.* At least ten working days prior to the end of the evaluation period, the employee's supervisor shall conduct a performance appraisal as specified in these policies. The results of such appraisal will assist in determining whether or not the department director chooses to grant the employee "regular" employee status.

(E) *Notification.* At least five working days prior to the end of the evaluation period, the department director shall notify the City Administrator in writing whether the services of the employee shall be continued in this position. Upon receipt of a favorable notice, the employee shall be granted regular employee status at the expiration of the evaluation period.

§ 2.30.507 PERFORMANCE APPRAISALS.

(A) *General policy.* A periodic evaluation of job performance shall be conducted for all employees by their immediate supervisor. Such ratings shall be reviewed by the respective department director or supervisor and the City Administrator, who may investigate the accuracy of appraisals and may take action to secure the adjustment of ratings to conform to the facts as ascertained. It shall be the responsibility of the City Administrator to provide the uniformity of application of the standards by different supervisors.

(B) *Use of appraisal.* The primary purpose of the appraisal is to assist the employee in improving job performance. Appraisals shall also be used for the following purposes:

- (1) To assist in determining training needs;
- (2) To assist in determining promotions;
- (3) To assist in determining step increase eligibility; and
- (4) To assist the employee in career progress.

(C) *Frequency of appraisals.* Employees shall be rated on an annual basis. Annual ratings may be in conjunction with the annual budgeting process. Employees shall also be rated at any time, at the request of an employee's supervisor, for exceptional or unsatisfactory service.

(D) *Standards of performance.* Standards of performance shall have reference to the quality of work, the faithfulness of the employee to their duties and the organization and such other characteristics that measure the value of the employee to the city.

(E) *Appraisal form.* Supervisors shall be provided with a standard appraisal form at the time they are notified that an employee's performance appraisal is due. Such a form shall include instructions for the proper use of the form.

(F) *Discussion of results with employee.* The results of a performance appraisal shall be discussed between the employee, supervisor or department director, and the City Administrator. Discussion may serve to encourage the employee who has performed well, as well as affording an opportunity for an employee to correct weaknesses.

(G) *Appeal.* Any employee who feels that the results of the appraisal are unfounded shall have the opportunity to appeal the results to the City Administrator. The appeal must be received within ten working days of being informed as to the rating received. Specific reasons for the disagreement with the appraisal must be furnished by the employee to substantiate the claim. The decision of the City Administrator is final.

(H) *Effect of ratings.* An employee must receive at least an average rating or above in order to be eligible for an annual step increase or longevity increase. Employees receiving one or more "Below Standard" grading on the Employee Evaluation Form shall be deemed to have an unsatisfactory rating and will be reevaluated in 90 days. Two consecutive unsatisfactory ratings shall be considered grounds for dismissal.

§ 2.30.508 PROMOTIONS.

A promotion is a change to another position with a higher maximum salary and/or significant increase in the tasks, duties, or supervisory requirements of an employee's job. It is the policy of the city to fill vacancies by promotion where it is in the best interests of the city. When merit and technical qualifications are considered equal, seniority will be the controlling factor.

§ 2.30.509 TRANSFERS.

Transfers of employees from one department to another may be allowed if it is determined that such transfers will benefit the city. Requests for transfer must be in writing and must be approved by both effected department directors and the City Administrator. Temporary transfers must specify the duration. Transfers may be made between classifications in order to retain the most qualified employees for the work available. The City Administrator shall appoint the transferred employee to an appropriate salary step based upon previous experience, work history, and appropriate classification.

§ 2.30.510 LAYOFFS.

(A) *Reasons for layoffs.* The City Administrator may lay off employees due to organizational changes, lack of funds, or curtailment of efficiency and performance; however, no regular employee in a classification will be laid off while there are temporary or probationary employees in that department performing similar duties in the same classification. The city will make every reasonable effort to give the effected employee a minimum of seven calendar days' notice of impending layoffs.

(B) *Order.* The basis for the layoffs will be in the following order:

- (1) Job classification;
- (2) Employee evaluation; and

(3) Seniority.

(C) *Appeal*. Within ten working days of notice of layoff, the employee may appeal in writing to the City Council for hearing. Decisions of the City Council will be final.

(D) *Leave*. Regular full-time employees will be entitled to receive compensation for accrued vacation leave to the date of layoff as set forth in these policies.

§ 2.30.511 LIGHT DUTY.

(A) The city's light duty policy is designed to assist in the rehabilitation of injured employees and to maintain the productivity of the city. Light duty policies have been shown to yield the following benefits:

- (1) Reduce worker's compensation costs;
- (2) Reduce employee turnover;
- (3) Reduce training costs for employee replacements;
- (4) Reduce the amount of award settlements; and
- (5) Produce a degree of safety awareness.

(B) Any employee who suffers an injury while on-duty, qualifying him or her for worker's compensation, is encouraged to return to work in a capacity which is compatible with his or her physical ability and meets the recommendations of his or her physician.

(C) The city is not obligated to provide light duty assignment and will do so only if such work exists. The terms of the light duty assignment shall be designated prior to the commencement. The term of light duty shall not exceed eight weeks in duration, except for provisions made on a case-by-case basis by the City Administrator.

(D) Light duty assignments should be of significant value to the city and the employee and may not be created causing another employee to be switched from a position. Compensation during light duty assignment shall be at the employee's current pay rate.

§ 2.30.512 VOLUNTEER SERVICE.

Volunteers must remain within the city corporate limits during their shift unless on an ambulance call. Volunteers may be given a gratuity for each six-hour shift. Ambulance volunteers may also be paid an amount per loaded ambulance mile traveled. Gratuity and mileage rates may be adjusted annually through the budget process.

SECTION 600 - HOURS OF WORK AND OVERTIME**§ 2.30.600 STANDARD HOURS.**

(A) Regular working hours for all full-time employees shall be 40 hours for each week.

(B) Each department director, with approval of the City Administrator, will prescribe the specific starting time, length of lunch break, and finishing time for each shift and employee.

(C) This section is intended only as a basis of calculating overtime payments. Nothing in this policy shall be construed as a guideline of work hours per day or per week or as a guarantee to employee of continued work.

§ 2.30.601 WORK PERIOD.

(A) The work period will be that period of time that will be utilized for compliance with the Fair Labor Standards Act (FLSA), being 29 U.S.C. §§ 201 et seq. In accordance with the FLSA, a workweek is defined as a period of 168 hours during seven consecutive 24-hour periods.

(B) The workweek will begin on Sunday and end on Saturday.

§ 2.30.602 RESCHEDULE WITHIN WORK PERIODS.

Per FLSA guidelines and as meets departmental staffing needs, department directors and supervisors may shift schedules to achieve a 40 hour workweek and minimize overtime in their department.

§ 2.30.603 OVERTIME CONTROL.

(A) It will be the duty of the department director or supervisor to maintain control of overtime to ensure that it is kept to a minimum. Therefore, all overtime must be approved by the department director or appropriate supervisor. In general, overtime should be used for work situations that demand immediate attention but exceed the normal workday. Such situations should be emergencies or special events that require employees to stay on the job until the problem is resolved or project complete.

(B) If the project or work can be safely held until the next business day or the project will not miss an important deadline, overtime should not be used. The employee may take compensatory time at the rate of one and one-half hours per each hour worked or the overtime rate. Any compensatory time due must be taken before vacation leave accrued under § 2.30.707.

(C) There shall be a cap of 60 hours allowable compensatory time accrued. Any overtime in excess of this 60-hour cap shall be reimbursed. The Department Supervisor will maintain a copy of each of his or her employee's compensatory time earned or used and forward a copy to the Administrative Assistant biweekly with the time sheets. Compensatory time may be taken in increments of one to 40 hours. Maximum payout at time of separation for comp time will be 60 hours.

(D) Police officers and ambulance employees will not be eligible for compensatory time. Police officers and ambulance employees shall receive compensation for overtime worked at the appropriate overtime rate.

(Ord. 2017-001, passed - -2017; Ord. 2017-002, passed - -2017)

§ 2.30.604 REST PERIODS.

Department directors and supervisors are authorized to establish two rest periods during an eight hour workday. These periods are not to exceed 15 minutes in duration. The scheduling of the periods is entirely discretionary with the director or supervisor and will be arranged as he or she feels is most compatible with departmental operations and service delivery. Employees cannot accrue unused break periods, in part or in whole, for future use.

SECTION 700 - EMPLOYEE BENEFITS

Benefits are an important part of the employee and employer relationship. Therefore, city policy clearly delineates the benefits to be received to employees and the obligations that must be met by employees to receive the below mentioned benefits. Regular full-time employees are eligible for all benefits. The benefits do not apply to regular part-time employees, paid on-call employees, or temporary employees (except as noted herein). Ambulance personnel scheduled to work 35 hours (or more) per week shall be considered full time. At the discretion of the Ambulance Chief, they may be allowed to be on-call away from the ambulance building for all or a portion of any given shift. Ambulance personnel must remain within the city corporate limits while on-call.

§ 2.30.700 SICK LEAVE AND PERSONAL DAYS.

(A) *Purpose.* Paid sick leave is a benefit allowed to employees in case they become sick or disabled, to care for the employee's immediate family, and to meet medical or dental appointments or other preventive medical measures. Sick leave is not a privilege that an employee is entitled to use at will; claiming sick leave under false pretenses may be cause for dismissal. Accrued or unaccumulated sick leave will not be paid out upon termination or separation of an employee but may be converted as allowed below.

(B) *Use.*

(1) An employee may use up to three sick leave days as personal leave days during the calendar year. Personal leave days may not be carried forward to the succeeding year. Sick leave shall not be used in units of less than in one-hour increments.

(2) Employees who are ill and cannot report for work must promptly notify their supervisor 30 minutes prior to the beginning of their shift. When sick leave uses exceeds three continuous days, the department director, supervisor or City Administrator shall have the right to request a physician's

statement certifying the illness or injury. Excessive absences, those absences taken in excess of sick days earned in a 12-month period without a physician's statement, may subject the employee to termination.

(3) No refund of vacation leave shall be allowed for illness incurred while on vacation. Employees who have completed their evaluation period shall be allowed to utilize accrued vacation leave for sick leave. A full-time employee who has utilized all accrued sick leave and vacation leave may, upon approval from the department director and City Administrator, borrow from future sick leave for medical leave.

(C) *Accrual.* All full-time employees shall earn paid sick leave at the rate of one day per month in any year in which the employee works, with a maximum accrual of 120 days. The city will advise each employee quarterly of the then current amount of accrued sick leave for said employee.

(D) *Administration.* Directors or supervisors shall report employees' use of sick days to the City Administrator. The City Administrator's office shall maintain a record of sick day usage and accrual in the employee's personnel file.

(E) *Conversion.* Employees who qualify for and retire with a normal 20 years retirement may convert accrued sick leave on a straight-time basis. The employee's current straight-time hourly wage rate shall be multiplied by the number of accrued sick days. For example: a retiring employee with 24 accrued sick days, making a pay rate of \$10 per hour, may cash in the sick days for \$1,920 (the \$10/hr wage x 8 hour day x 24 accrued sick days). Payment for accrued sick leave shall not exceed \$2,500.
(Ord. 2016-009, passed 10-17-2016)

§ 2.30.701 JURY DUTY.

A full-time employee may receive leave with pay when required to serve on a jury and the jury duty conflicts with regular working hours. Employees shall notify their supervisor, with the ample prior notice, of the day(s) they will be involved in jury duty. Employees may be required to present documentation of jury duty to their director or supervisor.

§ 2.30.702 MILITARY DUTY.

(A) An employee who leaves his or her position to enter military service in time of war or national defense or by reason of being drafted shall be carried on the rolls in a military leave status. Upon his or her honorable discharge from military service, he or she shall be entitled to be restored to his or her same position or to a position equally acceptable to him or her for which he or she is qualified provided he or she applies for re-employment within 90 days after his or her discharge or before the expiration of any statutory right of re-employment.

(B) Military leave of absence with pay, in accordance with the number of calendar days each calendar year permitted by existing state and federal laws, will be granted to regular employees who are Reservists of the Armed Forces or members of the National Guard engaged in active duty, training, or military aid to enforce the law. Either military pay or city pay may be retained, whichever is greater; the other must be turned over to the city. Benefits shall continue to accrue during military service.

§ 2.30.703 DEATH IN THE FAMILY.

In the event of a death in the immediate family (spouse, parents, parents of spouse, brothers or sisters of employee, brothers or sisters of spouse, stepparents, children, stepchildren, grandchildren and grandparents) the employee shall be entitled to three days leave without loss of pay. Such leave must be used on and around the funeral for purposes of bereavement and may not be accrued for later use or compensation. In the event the above leave is not sufficient, the City Administrator may authorize the use of sick leave for additional days.

§ 2.30.704 FAMILY AND MEDICAL LEAVE.

(A) *Purpose.* The Family and Medical Leave Act (FMLA), being 29 U.S.C. §§ 2601 et. seq., (the "Act") requires employers who employ more than 50 employees to provide up to 12 work weeks (or 26 weeks for the care of a covered service member with a serious injury or illness) of unpaid leave to full-time employees with at least a year of service who request leave for any of the following reasons:

- (1) The birth of an employee's child;
- (2) The placement of a child with an employee for adoption or foster care;
- (3) The care of a spouse, child, or parent who has a serious health condition;
- (4) The employee's own serious health condition, which prevents the employee from performing his or her job;
- (5) The existence of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on active duty in support of a contingency operation; and/or
- (6) The care of an employee's spouse, child, parent, or next of kin who is a covered service member and who sustained a serious injury or illness while in the line of duty.

(B) *Extension of leave of absence benefits.* The city is not required by federal or state law to extend Family and Medical Leave Act provisions to employees. The city may, upon approval of the City Administrator, extend FMLA provisions as outlined below.

- (1) The city may provide up to 12 weeks of unpaid leave with the provision of normal health insurance to those employees qualifying under the Act, or up to 26 weeks for an employee to care for a covered service member with a serious injury or illness.
- (2) Sick days, vacation days, and other leave shall not accrue while the employee is on unpaid medical leave. Longevity shall not accrue during use of non-accrued leave.
- (3) Employees shall be required to substitute any accrued paid leave, including vacations, until such paid leave is exhausted as part of the unpaid leave period. This requirement also applies to sick leave when a serious health condition entitles the employee to leave.
- (4) The city may grant intermittent leave as is medically necessary for treatment or care of qualifying serious health conditions, illness, or injury, but may transfer the employee to another position with equivalent pay and benefits which better accommodates intermittent periods of leave. Temporary

transfers must be approved by the City Administrator and documented by a written request of transfer signed by all effected department directors or supervisors. All transfers must follow the city's policy regarding employee interdepartmental transfers.

(5) The city may allow an employee to take leave intermittently or on a reduced leave schedule, that is, leave that reduces the employee's usual hours per work period or workday, for birth or placement of a child for adoption or foster care with the written consent of their department director. Intermittent leave shall not exceed 12 weeks (or 26 weeks, if applicable) unless approved by the City Administrator. Accrued leave must be exhausted prior to granting of intermittent leave.
(Ord. 2010-08, passed 7-19-2010)

§ 2.30.705 OTHER LEAVE.

Regular employees may be allowed a leave of absence without pay for a period not to exceed three months if approved by the City Administrator. No longevity or other benefits will accrue while on leave. Leave may be extended beyond three months by the City Administrator only in exceptional cases.

§ 2.30.706 HOLIDAYS AND PERSONAL DAYS.

(A) *Holidays.* All full-time regular employees shall receive their regular compensation (eight hours) for the following holidays:

- (1) New Year's Day - January 1;
- (2) Memorial Day - last Monday in May;
- (3) Independence Day - July 4;
- (4) Labor Day - first Monday in September;
- (5) Veteran's Day - November 11;
- (6) Thanksgiving Day - fourth Thursday in November;
- (7) Day after Thanksgiving - Friday following Thanksgiving;
- (8) Christmas Eve - December 24; and
- (9) Christmas Day - December 25.

(B) *Weekends.* When one of the above holidays falls on a Saturday, the preceding Friday will be considered the holiday. For full-time administrative employees scheduled to work Saturdays, holidays falling on a Saturday shall be observed on the Friday and Saturday. Administrative offices will be closed on any Saturday that falls on a scheduled holiday. When one of the above holidays falls on a Sunday, the following Monday will be considered the holiday.

(C) *Holiday pay.* Full-time employees shall receive their standard pay rate eight hours for all regularly scheduled holidays. Any full-time employees who work on a regularly scheduled holiday shall also receive one and one-half times their standard pay for all hours worked on the scheduled holiday. Hours worked on a scheduled holiday by full-time and part-time employees shall apply to the calculation for 40 hours standard week and overtime calculations.

§ 2.30.707 VACATIONS.

(A) *Use.* An employee wishing to use vacation leave should request such leave to the department director or supervisor at least two weeks in advance. The department director or supervisor will determine if the employee has accrued sufficient vacation leave, and if so may approve or reject the request depending upon staffing needs of the department. If the request is rejected, the employee will be given written explanation within three working days of the request. Vacation leave shall not be used in units of less than four hours.

(B) *Rate of pay.* If the employee is required to work on a scheduled vacation day, the rate of vacation pay shall be the employee's straight-time rate of pay in effect on the payday immediately preceding the employee's vacation. If the employee is called to work on a scheduled vacation day, the employee shall not be deemed as using an accrued vacation day.

(C) *Accrual.*

(1) Regular full-time employees may accrue vacation leave to a maximum of one and one-half times the amount that may be earned by said employee in one year. Unused vacation beyond the maximum allowed to be accrued shall be forfeited unless otherwise authorized by the City Administrator.

(2) Regular full-time employees shall earn paid vacation leave at the following rates:

- (a) After one year of continuous service: 40 hours (one week);
- (b) After two years of continuous service: 80 hours (two weeks);
- (c) After eight years of continuous service: 120 hours (three weeks); and
- (d) After fifteen years of continuous service: 160 hours (four weeks).

(3) Full-time employees hired on or before the fifteenth of the month shall earn vacation leave beginning on the first day of that month.

(4) The City Administrator's office shall maintain appropriate records of leave earned and used. Employees under contract shall follow the provisions of their contract.

(D) *Conversion.* Any regular full-time employee leaving the service of the city shall be compensated for unused vacation leave, on a straight-time basis, up to the standard maximum allowed to be accrued.

(E) *Waiving vacation prohibited.* Since vacation leave is granted for a period of recreation, no employee shall be permitted to waive such leave for the purpose of receiving double pay.

(F) *Overlapping holidays and vacations.* Any official holiday, as set forth in these policies, which occurs during an employee's scheduled vacation shall not be considered a day of vacation.

§ 2.30.708 INSURANCE.

(A) *Coverage.*

(1) The city may make available to all regular full-time non-retired employees group health and hospitalization insurance and life insurance coverage and benefits. The city may offer a "cafeteria" plan for its full-time employees. This section does not apply to unsalaried Ambulance Department personnel.

(2) The city reserves the right to change insurance carriers, cost of insurance to employees, or benefits levels to self-insure or to participate in a health maintenance organization as it deems appropriate. The city reserves the right to institute cost containment measures. Such changes may include, but are not limited to, mandatory second opinions for elective surgery, pre-admission and continuing admission review prohibition on weekend admissions except in emergency situations, and mandatory out-patient elective surgery for certain designated surgical procedures.

(B) *Cost of insurance.* The city may pay the entire cost of group health and hospitalization and life insurance coverage for each employee. The employee may be responsible for doctor co-pay and a \$500 deductible on hospital visits. Of the premiums for any dependent group health and hospitalization insurance requested by the employee, there shall be a freeze on the city portion of dependent premiums as of April 15, 2002. The city may pay for dependent coverage at a rate of \$350 per spouse, \$150 per child (one rate for all children) or \$500 for family coverage on any new employee hired after that date.

(C) *Continuation.* The city shall, to the extent required by law, make available to those leaving the employment of the city the ability to participate in its group insurance program for individual and dependent coverage, with such premiums to be paid by the former employee. Employees ending their employment with the city must complete the Election Form; noting that they have been informed of their right to continuation of health insurance.

(D) *Life insurance.* The city may supply each full-time employee with term life and disability insurance.

§ 2.30.709 RETIREMENT.

(A) Immediately upon employment, all full-time employees participate in the Illinois Municipal Retirement Fund (IMRF) and Social Security. Contributions for each employee are set pursuant to state requirements that may vary year to year. IMRF plan participants are encouraged to review information provided by the IMRF regarding plan eligibility, plan benefits, and plan changes.

(B) Employees hired in a position normally requiring less than 1,000 hours per year may be excluded from IMRF participation. If a part-time employee is hired for a position which is required to perform hours of work that would exceed the 1,000 hour limitation, then participation in IMRF would be required. If a new employee would be under an IMRF plan from another employer, the IMRF limitations of their other employer would apply.

(C) All city employees participate in Social Security, with the employee and the city contributing a percent of total earnings in accordance with federal law.

§ 2.30.710 DEFERRED COMPENSATION PLAN.

The city may offer each full-time employee the opportunity to participate in a deferred compensation plan. Deferred compensation is a tax-sheltered retirement plan involving deducting a portion of the employee's salary, with the money transferred to an investment company selected by the city. The employee's gross or taxable income is reduced by the amount deferred, therefore, income taxes are reduced. Income taxes are paid when the funds are paid back to the employee (upon retirement, termination of employment with the city, or in the event of an emergency). The City Administrator's office can provide further information on this program.

§ 2.30.711 TRAINING AND EDUCATIONAL AID.

(A) *Purpose.* The city's policy is to provide the best services possible to its residents. To do this, city employees must be qualified and knowledgeable in their area of work. Keeping updated on changes in their field of work is vital to ensuring the highest level of service to residents. In keeping with this policy, the city will encourage the continued education and training of its employees.

(B) *Training.* The city will maintain an active program of educational and training seminars, workshops, and classes. Employees may be required to attend training and educational sessions, at no cost to the employee, provided by the city. Such sessions will normally be during regular working hours.

(C) *Continuing education.* The city will encourage employees to continue outside education where the classes are of benefit to the employee and employer. Classes should be outside the employee's normal working hours and employees will not be reimbursed for time spent in classes or on classroom work.

(D) *Reimbursement.* The city may reimburse a portion of the cost of books, registration, and tuition for courses related to the employee's job. To be eligible for reimbursement, the employee must receive prior approval from the department director and City Administrator. The city's contribution will not exceed 75% for undergraduate and graduate study and 100% for study undertaken at the direction of the city. The actual percentage of the city's contribution will be determined on a case-by-case basis by the City Administrator. To be eligible for reimbursement, employees must receive a grade of "C" (satisfactory) or better. Proof of completion of class work and a satisfactory grade must be presented immediately after completion of the course to the City Administrator's office for reimbursement.

(E) *Long term and specialized training.* For those employees engaging in professional or specialized training or study wherein the courses are lengthy and expensive (including college study), city reimbursement will only be granted when the participant has previously signed an agreement with the city for a specified additional period of work time. In the event this contract is unfulfilled, the city will place a claim on the individual's final paycheck for recovery of the reimbursement.

Section 800 - Disciplinary Action, Layoffs, and Separation**§ 2.30.800 PURPOSE.**

It is important to understand that employment with the city is “at-will”. An employee may leave city employment at his or her own discretion. Likewise, an employee may be relieved of their duties at the city’s discretion. However, it is the policy of the city to ensure that disciplinary actions taken against employees are fair and consistent without regard to race, religion, age, sex or national origin, and are therefore subject to the procedures set forth in this policy.

§ 2.30.801 ADMINISTRATION.

All written materials referenced in this policy, in the original form, shall be filed with the City Administrator to be included in the employee’s personnel file.

§ 2.30.802 DUTIES AND RESPONSIBILITIES.

It is the duty of all employees to comply with and to assist in carrying out the provisions of the personnel rules and regulations. It is the duty of all supervisory personnel to promptly discuss improper or inadequate performance with employees so as to correct deficiencies and avoid disciplinary action.

§ 2.30.803 DISCIPLINARY GUIDELINES.

(A) Discipline shall be, when circumstances permit, of an increasingly progressive nature for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented in the employee’s personnel record. In recognition of the fact that each instance of misconduct differs in some respect, the city reserves the right to treat each occurrence individually without setting a precedent for future cases.

(B) The following grounds for disciplinary action are not to be a limitation on the retained management rights of the city, but are to be used as a guide. The disciplinary policy shall in no way limit the city’s ability to pursue recourse for negligent actions of an employee through legal means.

§ 2.30.804 CAUSE FOR DISCIPLINARY ACTION.

(A) *Purpose.* Discipline is a corrective action taken by management as a pro-active tool to prevent activities that may hinder the efficient, effective, and economic flow of work and/or any action by the employee that may reflect discredit upon the city.

(B) *Disciplinary guidelines.* The following groups of offenses and recommended penalties are disciplinary guidelines. Discipline may range from an oral reprimand up to and including termination for

any instance depending upon the specific circumstances involved with the offense. When disciplinary action is warranted, the following guidelines should be adhered to.

(1) Offenses will be met with disciplinary action appropriate to the specific circumstances involved with the offense(s).

(2) Each circumstance requiring disciplinary action will be reviewed according to its own merits and is subject to any disciplinary step deemed appropriate by the City Administrator or his or her designee.

(3) Circumstances to be considered when reviewing appropriate disciplinary action include, but are not limited to: employee record, employee discipline record, severity of the circumstances, and liability incurred as a result of the employees action(s).

(4) Appropriate disciplinary actions include oral reprimand, written reprimand, suspension with or without pay for up to 15 days, and termination.

(C) *Group one.* Group one offenses may include, but not limited to, the following actions:

(1) Operating, using, or possessing tools, equipment, or machines to which the employee has not been assigned or performing other than assigned work;

(2) Quitting work, wasting time, loitering, or leaving assigned work areas during working hours without permission;

(3) Discourtesy to persons with whom the employee comes in contact while in the performance of their duties;

(4) Failure to report an absence or unavoidable late arrival at work to the supervisor or other designated departmental representative by the time required by departmental policy;

(5) Taking more than specified time for meals or rest periods;

(6) Productivity or workmanship not up to required standards of performance;

(7) Abuse of sick leave privileges or falsification of any leave records;

(8) Violating a safety rule or safety practice, including refusal to wear safety equipment, not following city and/or departmental safety rules, failure to submit timely accident reports, and failure to report accidents in accordance with on the job or similar types of disorderly conduct;

(9) Creating or contributing to unsafe and unsanitary conditions, or poor housekeeping;

(10) Failure to report other employment to the City Administrator;

(11) Unauthorized posting or removal of any matter on city bulletin boards or city property at any time;

(12) Unauthorized distribution of written or printed materials of any description on city premises;

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(13) Vending, soliciting, or collecting contributions for any purpose whatsoever at any time on city premises unless authorized by the department director or his or her designee; and

(14) Working overtime hours unauthorized by the appropriate supervisor.

(D) *Group two.* Group two offenses may include, but not be limited to, the following actions:

(1) Failure to work overtime, special hours, or special shifts after being scheduled or assigned according to overtime and standby duty policies;

(2) Provoking or instigating a fight or participating in a fight at any time on city property or while on duty (unless such activity is within the scope of job performance);

(3) Threatening, intimidating, coercing, or interfering with co-workers or supervisors at any time, including the use of abusive or obscene communication;

(4) Sleeping during working hours;

(5) Participating in illegal chain letter organizations, illegal gambling, illegal lottery, or engaging in any other illegal games of chance at any time while on duty;

(6) Making or publishing false, vicious, or malicious statements concerning any employee, supervisor, elected or appoint officials of the city, the city, or its operation;

(7) Leaving the job during regular working hours without permission, carelessness that results in injury to city personnel, or damage to materials, equipment, tools, or property;

(8) Failure to report an accident or personal injury in which the employee was involved while on the job, prior to the end of the workday or shift (which is first); and

(9) Tardiness (Guide: three times in a 30-calendar day period, or six times in any 90-calendar day period).

(E) *Group three.* Group three offenses may include, but not be limited to the following actions:

(1) Wanton or willful neglect in the performance of assigned duties;

(2) Deliberately misusing, destroying, or damaging any city property or property of any employee;

(3) Falsification of personnel or city records including, but not limited to, accident records, work records, purchase order, time sheets, or any other report, record, or application;

(4) Making false claims or misrepresentation in an attempt to obtain accident benefits, worker's compensation, or unemployment compensation payment for themselves or others;

(5) Unauthorized possession or use of firearms, illegal explosives, or weapons on city property;

(6) Theft or removal from city locations without proper authorization any city property or property of any employee;

(7) Immoral, unlawful, or improper conduct or indecency, either on or off the job, which would tend to affect the employee's relationship to their job, their fellow workers, their reputation, or goodwill in the community;

(8) Violations of the city's drug and alcohol abuse policy as defined by that policy;

(9) Failure to return from an authorized leave of absence within three working days from scheduled date of return;

(10) Incompetence or inefficiency in the performance of assigned duties;

(11) Acceptance of gifts or favorable treatment from vendors, resulting from being a city employee, which violate the city's acceptance of gifts policy;

(12) Use or attempted use of political influence or bribery to secure an advantage of any manner that concerns employment with the city;

(13) Failure to report an accident or personal injury in which the employee was involved while on the job;

(14) Failure to report a medical or unsafe working condition that may place imminent danger upon employees or residents; and

(15) Concerting curtailment or restriction of production or interference with work in or about the city's work stations including, but not limited to, instigating, leading, or participating in any walkout, strike, sit-down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.

§ 2.30.805 DISCIPLINARY PROCEDURES.

When disciplinary action is warranted, the following guidelines should be adhered to.

(A) *Oral reprimand/counseling.*

(1) A supervisor may give an oral reprimand/counseling to correct minor deficiencies. The supervisor should talk with the employee and review the following:

(a) Exaction what is expected of the employee and why;

(b) Explanation to the employee how they have not met the job requirements and why their performance has been unsatisfactory;

(c) Allow the employee to give reasons for their actions or failure;

(d) Make suggestions for correcting action; and

(e) Record the date of the interview and the other pertinent information for future reference and place in the employee's personnel file.

(2) In the event a second or subsequent reprimand is deemed appropriate, the City Administrator must be informed prior to action being taken. The City Administrator may attend any disciplinary action at his or her discretion.

(B) *Written reprimand.* If, because of the seriousness or repetition of the situation, the supervisor determines that a written reprimand is necessary, the following action should be taken.

(1) The department director and the City Administrator should review the contents of the written reprimand before the reprimand is issued to the employee. The written reprimand should include:

(a) The nature and date of the offense;

(b) The corrective action needed by the employee; and

(c) A notice to the employee that continued unsatisfactory performance may result in suspension and/or dismissal.

(2) The employee shall be required to sign the reprimand to acknowledge that they have seen the letter, not that they agree or disagree with the contents.

(3) A copy of the letter (written reprimand) will be placed in the employee's personnel file.

(C) *Suspension.*

(1) Due to continuing disciplinary problems or extenuating circumstances of a serious nature, a department director or supervisor may suspend an employee for a specific period of time. Two types of suspension are available for use by a supervisor: suspension with pay; and suspension without pay. Employees suspended without pay will not accrue leave benefits during said suspension.

(a) *Suspension with pay.* A supervisor may take immediate action with an employee whose behavior may jeopardize themselves or others or may be considered to be offensive to others by the supervisor. This action will allow a supervisor adequate time to prepare investigative materials, consult with their department director, and determine what final disciplinary action is appropriate.

(b) *Suspension without pay.* A department director may suspend an employee without pay when the circumstances and/or investigation warrant such action. Suspensions without pay should be regarded as a final warning that further action such as that taken by the employee in incurring the suspension will not be allowed and may call for immediate termination. FLSA exempt employees shall be suspended in intervals of one week.

(2) If a suspension is warranted, the following guidelines must be followed:

(a) Note the time card or time sheet as "leave without pay - suspension" or "leave with pay - suspension";

(b) A letter from the department director should be issued to the employee. The letter should then be given to the employee with a copy placed in the employee's personnel file. The letter will indicate:

1. Any previous disciplinary steps or counseling sessions relating to the deficiencies in performance;
2. The reasons for the disciplinary action;
3. The corrective action needed by the employee;
4. The specific dates of the suspension;
5. Dismissal may result in the case of recurrence or in the case of other acts requiring disciplinary action; and
6. The employee's right of appeal under the grievance procedure.

(c) The employee shall be required to sign that he or she has received the suspension notice, not that he or she agrees with its contents or its conclusions. If the employee refuses to sign the suspension notice, the refusal will be witnessed by the department director and a supervisor; and

(d) Periods of suspension shall be limited to the maximum of 15 calendar days.

(3) If the investigation does not bear out the charges and the employee is retained, he or she shall be paid for the period of suspension at the time of the next regularly scheduled payroll distribution. In addition, the above findings will be placed on file in the employee's personnel file.

(D) Termination.

(1) An employee may be terminated due to the frequency or nature of deficiencies, misconduct or because of continued substandard performance. Also, group three offenses may be grounds for immediate dismissal without prior progressive disciplinary steps.

(2) An employee who is terminated is usually terminated immediately. Termination should be given to the employee in writing with a copy to be placed in the employee's personnel file. The termination letter should indicate:

- (a) Previous disciplinary steps (if applicable);
- (b) The reasons for termination;
- (c) The effective date (usually immediate);
- (d) The right of a timely appeal per the city's grievance procedure;

(e) Signatures of the City Administrator, department director, or supervisor and employee. The employee is required to sign the letter acknowledging receipt, not that they agree or disagree with its contents. If the employee refuses to sign the dismissal letter, the refusal will be witnessed by the City Administrator, department director, and a supervisor; and

(f) Any employee dismissed from the city shall be disqualified from future employment with the city unless approval is obtained from the City Administrator.

§ 2.30.806 RESIGNATION OR DEATH.

(A) An employee may resign from employment with the city by presenting a resignation in writing to the City Administrator in advance, no later than ten working days prior to the effective date of the resignation. Such resignation may be withdrawn by the employee at any time prior to the effective date, however, only after approval of the department director or City Administrator. Unpaid wages and accumulated vacation leave will be paid to the resigning employees at the next regularly scheduled payday for such employee. No payment shall be made for accumulated sick leave.

(B) Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee, except for sum as by law must be paid to the surviving spouse.
(Ord. 2016-009, passed 10-17-2016)

§ 2.30.807 EXIT INTERVIEW.

Upon retirement, resignation, or termination of a full-time employee, the department director and City Administrator's Office shall conduct an exit interview. This interview shall be used to: account for all city property; complete all terminations of employment procedures; and survey the employee's experience with the city.

SECTION 900 - EMPLOYEE RELATIONS AND GRIEVANCES

§ 2.30.900 GENERAL POLICY.

It is the city's policy to establish such written or unwritten policies and procedures as are necessary to ensure effective means of communication between employees and management, and to promote a high level of employee morale.

§ 2.30.901 WORKING CONDITIONS.

The city will make every reasonable effort to provide and maintain working conditions which are conducive to maximum work effort and which are in no way harmful to the employee. The provision of a safe and amicable workplace for employees is a priority for the city and a necessity to the provision of quality services to its residents.

§ 2.30.902 SEXUAL HARASSMENT.

(A) *General policy.* The city does not condone or permit actions of harassment or intimidation by any employees.

(B) *Prohibitions.* Employees shall not engage in actions that explicitly or implicitly create hostile working conditions of a sexual nature or with sexual overtones.

(C) *Definition.* **SEXUAL HARASSMENT** refers to behavior that is unwelcome, personally offensive, undermining, or weakening to employee morale. **SEXUAL HARASSMENT** includes, but is not limited to, such conduct as:

- (1) Unwelcome physical contact;
- (2) Sexually explicit language or gestures;
- (3) Uninvited or unwanted sexual advances;

(4) Implicit or explicit overtones that compliance is a basis for employee's continued employment or advancement; and/or

(5) An offensive overall environment, including the use of vulgar language, the presence of sexually explicit photographs or other materials, and the telling of sexual stories or jokes.

(D) *Reporting procedure.*

(1) If an employee feels sexual harassment has occurred to himself or herself or another employee, they should immediately contact one of the following:

- (a) Employee's supervisor;
- (b) Employee's department director;
- (c) City Administrator; or
- (d) Mayor and City Council.

(2) Due to the seriousness of this issue, nothing in this policy will preclude an employee from directly appealing to the Mayor and City Council. If the employee does not feel comfortable reporting the incident to any of the city's representatives, they have the right, under state law, to contact the state's Department of Human Rights or the state's Human Rights Commission.

(3) The city will investigate and take all remedial action deemed warranted. There will be no retaliation against an employee who brings forth a complaint and his or her confidentiality will be maintained.

§ 2.30.903 ORIENTATION OF NEW EMPLOYEES.

It shall be the responsibility of the department directors and supervisors to ensure that each new employee receives the training necessary to safely and competently perform his or her duties. Further, directors and supervisors shall inform employees as to the rights and obligations of employees, working conditions, safety procedures, duties, the general function of the city, and other personnel matters including, but not limited to, working hours, overtime policies, leave, paychecks and deductions, insurance programs, pay increases, and promotions.

§ 2.30.904 COMMUNICATION.

Every effort shall be made to ensure that employees are made aware of changes in policy or procedures, additional responsibilities, changes in personnel, general city business, and other information necessary for effective job performance. Employees shall be given updates to city policy that affects their rights and obligations as a city employee. Employees shall be given the opportunity to make suggestions for good and betterment of the city and organization and to request clarification of policy and management decisions.

§ 2.30.905 GRIEVANCES.

(A) *Agreement.* The city agrees to resolve employee grievances promptly and fairly. All employees are to present grievances from orderly settlement and shall be assured freedom from discrimination, coercion, restraint, or reprisal. Documentation of the full grievance procedure shall be kept in the employee's personnel file.

(B) *Definition.* A **GRIEVANCE** is a dispute or difference of opinion raised by an employee against the city regarding an alleged violation of the city's personnel policy.

(C) *Procedure.*

(1) *Step one.* An employee who has a grievance should first present the grievance to the employee's department director or supervisor. The alleged grievance should be presented within five business days of the date of the alleged occurrence, or five business days after the employee, through the use of reasonable diligence, could have obtained knowledge of the occurrence of the event giving rise to the grievance. Every effort should be made to find a mutually satisfactory solution at this level.

(2) *Step two.* Should this effort fail, the employee may appeal to the City Administrator, if he or she is not the immediate supervisor, within five business days of the conferment with the supervisor, he or she shall seek to come to a satisfactory solution. The department director or supervisor shall perform any investigatory work and review any materials he or she deems necessary to make a decision regarding the alleged grievance. The City Administrator shall render a written response to the grievant within five business days after the grievance is presented.

(3) *Step three.* The employee, if not satisfied with the solution of the grievance, may submit within five business days a signed statement to the City Administrator detailing the nature of the grievance, and requesting a hearing before the Mayor and City Council. The Mayor shall arrange a hearing of not less than two-thirds of the members of the City Council to adjudicate the grievance within 30 business days of notification unless, in the judgment of the Chairperson, additional time is needed. A simple majority vote of the City Council members present shall be binding and final.

(D) *Adjustments.* All adjustments of grievances processed under the procedures described shall be retroactive to the time the grievance is first submitted by the employee to the immediate supervisor.

(E) *Appeal.* Any full-time regular employee that is suspended, demoted, laid off, or terminated shall have the right to appeal this action directly to the Mayor and City Council. This appeal must be made in writing within ten business days of notification of the action and must set forth the reasons why the disciplinary action is believed to be improper.

SECTION 1000 - APPLICATION AND SCREENING**§ 2.30.1000 ANNOUNCEMENTS OF VACANCIES.**

(A) Notice of all vacancies may be disseminated by posting on the City Hall bulletin board, notification to the state's Job Service Office, and advertising in the local newspaper and professional publications, if appropriate.

(B) The announcements shall specify: the class, title, and salary range of the class for which the vacancy is announced; the nature of the work to be performed; the minimum qualifications required for the performance of the work; the time, place, and manner of making application; the closing date for receiving applications; and other pertinent information.

§ 2.30.1001 APPLICATION.

(A) All applications shall be made on forms prescribed by the city and shall be filed with the City Administrator's Office on or prior to the closing date specified in the announcement. Applications shall contain only that information considered relevant to the duties and qualifications for the job.

(B) All applications shall be signed and the truth of the statements contained therein certified by such signatures. The city may require such proof of information contained in the application as deemed appropriate.

(C) All applications will remain on file in the City Administrator's Office for a period of one year.

§ 2.30.1002 SCREENING.

Department directors and supervisors, along with the City Administrator's office, shall review applications and conduct interviews. Applicant may be asked to sign a form authorizing the release of his or her personnel file from previous employer(s).

§ 2.30.1003 QUALIFICATIONS.

(A) *Age requirement.* Minimum age requirements shall be established only for positions which might require a valid driver's license, applicable state laws regarding the employment of youth, or as otherwise may be determined by the City Administrator.

(B) *Residency requirements.* All new full-time employees must be residents of the city (living in the corporate limits) or become residents within 180 days from the date of hire. The City Council may waive residency requirements upon extenuating circumstances.

(C) *Equal opportunity.* The city extends equal opportunity of employment to all qualified persons. Preference will be given to city residents when all other factors are considered equal.

§ 2.30.1004 EQUAL EMPLOYMENT OPPORTUNITY.

(A) It is the policy of the city to provide equal opportunity for all qualified persons, to prohibit discrimination in employment because of race, creed, color, sex, age, national origin, religion, or physical or mental handicap and to encourage the employment of veterans.

(B) All relations and decisions pertaining to employment, promotion, demotion, transfer, recruitment, layoff, terminations, training, and rates of pay to employees will be executed without regard to race, creed, color, sex, age, national origin, physical or mental handicap, or veteran status. The city shall create and maintain a program to educate employees on issues of equal opportunity and prevention of discrimination.

(C) The hiring of seasonal employees in any season is not, and should not, be construed as any indication of the city's willingness to hire such worker in any subsequent year.

§ 2.30.1005 NEPOTISM.

A person cannot be hired as a full-time employee in a department of the city in which there is a regular employee who is a first cousin or closer in relationship to the applicant. The provisions of this section will not apply to individuals currently employed at the time of passage of this policy.

§ 2.30.1006 PRE-EMPLOYMENT PHYSICAL.

A physical examination will be required prior to appointment to any city position. The post-offer employment physical exam will be scheduled by the city and will be at the city's expense. The exam will be conducted by a physician chosen by the city and will be used to determine if the candidate is able to perform essential job requirements.

§ 2.30.1007 PRE-EMPLOYMENT DRUG TEST.

The pre-employment examination shall include a drug screening. Drug screening shall be in accordance with the city's drug and alcohol abuse policy and state and federal laws. Any candidate testing positive for the use of prohibited drugs shall be eliminated from consideration of employment.

§ 2.30.1008 DISQUALIFICATIONS.

The City Administrator may disqualify an applicant if:

(A) The applicant does not meet the preliminary requirements established for the pertinent class;

(B) The applicant has established an unsatisfactory employment record, as evident by reference check, of such a nature to demonstrate unsuitability for employment with the city;

(C) The applicant has made a false statement of material fact on the application;

- (D) The applicant has failed to submit an application correctly or within the prescribed time limits;
or
- (E) The applicant fails to pass a pre-employment physical.

CHAPTER 2.32: AMBULANCE DEPARTMENT

Section

- 2.32.010 Department established
- 2.32.020 Object and jurisdiction of Department
- 2.32.030 Members-compensation and requirements
- 2.32.040 Ambulance Chief-powers and duties
- 2.32.050 Meetings-records kept
- 2.32.060 Cleanup session-equipment upkeep

§ 2.32.010 DEPARTMENT ESTABLISHED.

There is created and established an ambulance service consisting of an Ambulance Service Chief, Secretary, and such other positions as may from time to time be determined and appointed by the Mayor and approved by the City Council. This department shall be known as the "Minonk Emergency Squad", as set forth by the City Council and its Mayor, effective June 4, 1984.
(Ord. 2004-05, passed - -; Ord. 86-13, passed - -1986; Ord 94-01, passed - -1994)

§ 2.32.020 OBJECTIVE AND JURISDICTION OF DEPARTMENT.

(A) The object of this Department is to provide emergency medical services to the general public in the city as well as other areas designated by the City Council.

(B) This Department shall participate in any mutual aid agreements as directed by the City Council for the provision of emergency medical services for the general public in the service area.

(C) This Department shall provide emergency assistance as requested by other agencies including fire, rescue, police, and civil defense departments, if the Department can provide emergency medical services.

(D) This Department shall be under the jurisdiction of its duly elected and appointed officers who shall in turn be governed by the City Council.

(E) The Department shall provide non-emergency ambulance transport service only by pre-arranged scheduling with the Department Chief, to ensure sufficient number of personnel is available to provide non-emergency ambulance transport service without hindering the Department's capability to perform any required emergency medical service that may be needed during the time period non-emergency service is performed.

(Ord. 2004-05, passed - -; Ord. 86-13, passed - -1986; Ord 94-01, passed - -1994)

§ 2.32.030 MEMBERS-COMPENSATION AND REQUIREMENTS.

(A) All licensed members of the Department shall be 18 years of age or older; shall be residents of the city's Ambulance Service Area, and non-residents of the service area shall be licensed Emergency Medical Technicians (EMT's - EMT-A, EMT-A-D, EMT-I, EMT-ID) authorized and provided through the city's resource hospital Emergency Medical Services Director, and other non-residents of the city's Ambulance Service Area provided they are readily accessible within the service area to respond to call for duty; shall be of good character; and shall possess adequate physical condition and health necessary to perform all duties that may be required of an EMT in any given emergency response incident. All members shall be appointed by the Mayor with concurrence of the City Council.

(B) Licensed EMT membership in the Department shall consist of not less than 15 members or more than 25 members. Support personnel membership shall not exceed two certified licensed drivers and five student trainee-observers. Certified licensed drivers qualification shall be currently certified in emergency vehicle defensive driving, cardiopulmonary resuscitation (CPR), and basic first aid. All emergency vehicle drivers shall be 21 years of age or older. Student trainee-observers shall enroll in a certified EMT training course sponsored by the resource hospital Emergency Medical Services Director as soon as course is available after appointment to the Department.

(C) Written application shall be submitted first to the Department Chief for review and recommendation from the Department, then submitted to the City Administrator for confirmation of application, then presented to the Mayor for consideration. The Mayor, at his or her discretion, may accept or reject the recommendation of the Department.

(D) The city shall reimburse student trainee-observers when not reimbursed by the training center, cost of tuition, textbooks, and supplies necessary to the training course, and mileage to and from the resource hospital training center or other designated training site at current Internal Revenue Service mileage allowance rate upon satisfactory completion of mandatory training course(s) and receipt of state license when copy of license is received in the City Administrative Office. All expenses shall be documented by a receipt of payment to the vendor showing date, name of vendor, and purpose of the expense. Mileage documentation shall show name of member, dates of travel, destination, and mileage. Whenever more than one student is attending a training course, car pooling of students shall be required. In addition, the city shall reimburse cost of re-certification fees to all members upon submission of proper receipt.

(E) Utilization of non-resident members in the Department shall be temporary and limited to periods when there is an insufficient number of resident members available to provide required emergency medical service in the service area. Non-resident members shall be scheduled for specified duty periods, provided with an adequate duty station at the City Administration Building during the duty period, cost of meals during the scheduled duty period with a limit of \$5 per meal, shall be paid the appropriate run pay for any completed run during the scheduled duty period, and shall be paid mileage from their origin point to and from the city at the established mileage rate.

(F) All volunteer members of the Department, resident and non-resident, licensed EMTs, drivers and students, shall file a bi-weekly duty roster on Friday of each bi-weekly period with the Department Chief indicating time periods the member can be available for duty. Time periods selected by the volunteer member shall be on volunteer sign-up basis. Should the member find that he or she or she has no time available for a bi-weekly period, a roster shall be submitted stating "No time available". The Department Chief shall then prepare and post a volunteer duty roster for each bi-weekly period, with a copy to each

member and the City Administrator. Each member shall be responsible to find a replacement if it becomes necessary to change his or her schedule, and notice of the change shall be given to the Department Chief and the City Administrator.

(G) Departmental officers' salaries, pay scales for all licensed personnel and support personnel, and service rates shall be determined by the Mayor and City Council, and shall be adjusted from time to time as deemed necessary. All accounting procedures for billing, collections, and the like shall conform to the city's accounting system. Purchases shall be subject to written purchase order, submitted to the City Administrator for justification and approval before placing order. No money or other type of payment or reward shall be accepted by any member except for payment by the city to the member. All moneys, memorials, or other rewards shall be given to the City Collector and be deposited into the appropriate funds within the Ambulance Department Operating Fund.

(H) Provisions of divisions (B) and (D) above shall apply only to the service area resident applicants and members. Non-resident members of the service area shall be trained, certified, and approved by the resource hospital Emergency Medical Services.

(Ord. 2004-05, passed - -; Ord. 86-13, passed - -1986; Ord, 94-01, passed - -1994; Ord. 94-04 §§ A and H, passed - -1994)

§ 2.32.040 AMBULANCE CHIEF-POWERS AND DUTIES.

(A) The Chief of the ambulance service is appointed by the Mayor with the advice and consent the City Council. The Mayor, with approval of the City Council, will at all times retain the responsibility to confirm, or reject, or appoint anyone, including non-certified Emergency Medical Technician Ambulance (EMT-A) individuals, he or she deems to be of proper qualification to manage, coordinate, and supervise the functions of the Department. In the event a vacancy is created in the office of Ambulance Chief, the Mayor shall appoint an Interim Chief until the appointment of a new Chief by the Mayor and approval of the City Council.

(B) The Chief, with approval of the City Council, shall have the authority to appoint a Secretary and other individuals as he or she deems necessary.

(C) Said Chief of the City Emergency Squad shall report to the City Council monthly at the regular meeting of the ambulance committee. Said Ambulance Chief shall report any needs for equipment, training relations with other ambulance services and municipalities as he or she may be called upon from time to time to do by the Mayor and the City Council.

(Ord. 2004-05, passed - -; Ord. 86-13, passed - -1986)

§ 2.32.050 MEETINGS-RECORDS KEPT.

(A) Regular meetings of the Department shall be held at times and dates specified by the Chief. Meetings are to be held at the city's Municipal Building or at a place specified by the Chief. When such meetings occur, said Chief will appoint someone in attendance at the meeting to keep a record or minutes of said meeting, which said minutes shall be filed with the City Clerk within seven days after said meeting.

(B) A regular meeting may be postponed or cancelled by notice given 24 hours prior to the meeting by the Chief to the membership and the Mayor and the ambulance committee.

(C) A special meeting of the Department may be called by the Chief in advance of the regular meeting date upon 24 hour' notice to the Mayor and the ambulance committee.
(Ord. 2004-05, passed - -; Ord. 86-13, passed - -1986)

§ 2.32.060 CLEANUP SESSION-EQUIPMENT UPKEEP.

Regular cleanup sessions shall be held weekly. Ambulance vehicles shall be cleaned after every run. The Chief shall appoint a squad member to clean vehicles, equipment, and garage. During cleanup, all vehicles and equipment shall be checked for operating condition. All necessary repairs are to be reported to the officers immediately so that everything possible can be done to assure that vehicles and equipment shall be in ready-to-respond condition at all times.
(Ord. 2004-05, passed - -; Ord. 86-13, passed - -1986)

CHAPTER 2.33: POLICE DEPARTMENT POLICIES

Section

- 2.33.010 Personnel
- 2.33.020 Hours on duty
- 2.33.030 Appointments
- 2.33.040 Qualifications of applicants
- 2.33.050 Training
- 2.33.055 Hiring and training standards-part-time police officers
- 2.33.060 Patrol area
- 2.33.070 Squad car
- 2.33.080 On call
- 2.33.090 Reporting requirements
- 2.33.100 Enforcement of ordinances
- 2.33.110 Animal calls
- 2.33.120 Uniforms
- 2.33.130 Responsibilities of Chief of Police

§ 2.33.010 PERSONNEL.

The Police Department will be comprised of the Chief of Police and as many assistants, patrol officers, part-time police officers and special police as are employed by the city and determined by the City Council and Chief of Police to be necessary to ensure an efficient and orderly operation in patrolling the city and ensuring the safety of its citizens.

(Ord. 2004-05, passed - -; Ord. passed 6-5-1978; Ord. 86-11, passed - -1986)

§ 2.33.020 HOURS ON DUTY.

The Chief of Police shall establish and control the hours each officer may be on patrol duty, and shall be responsible for scheduling work shifts for all officers.

(Ord. 2004-05, passed - -; Ord. passed 6-5-1978; Ord. 86-11, passed - -1986)

§ 2.33.030 APPOINTMENTS.

(A) As vacancies occur in the Department, the City Administrator shall solicit and receive applications for appointment to fill the vacancies. All applications for appointment to positions in the Department shall be made to the City Administrator and shall be in writing on the form provided by the City Administrator.

(B) All employees in the Department shall be selected by the Mayor by and with the advice and consent of the City Council.
(Ord. passed 6-5-1978; Ord. 2004-05, passed - -; Ord. 86-11, passed - -1986)

§ 2.33.040 QUALIFICATIONS OF APPLICANTS.

Applicants must:

- (A) Have a minimum vision of 20/30 in each eye, with corrective lenses;
 - (B) Be free of color blindness;
 - (C) Have a high school diploma;
 - (D) Be acceptable to the City Administrator on investigation as to reputation and character; and
 - (E) Be able to drive and operate a motor vehicle and have a valid driver's license.
- (Ord. 2004-05, passed - -; Ord. passed 6-5-1978; Ord. 86-11, passed - -1986)

§ 2.33.050 TRAINING.

Police officers are expected to take advantage of any training possible and approved by Council.
(Ord. 2004-05, passed - -; Ord. passed 6-5-1978; Ord. 86-11, passed - -1986)

§ 2.33.055 HIRING AND TRAINING STANDARDS-PART-TIME POLICE OFFICERS.

(A) (1) *Training.* All police officers, other than those officers who shall be employed on a full-time basis, shall be qualified to enter and successfully complete any training mandated by the state's Law Enforcement Training Standards Board; and

(2) *Part-time officers.* All police officers hired by the city as part-time police officers shall be submitted to the state's Law Enforcement Training Standards Board as required by statute.

(B) (1) *Employment.* The city may employ part-time police officers from time to time as the corporate authorities deem necessary.

(2) *Duties.* A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the general orders of the City Police Department or city ordinances, but the number of hours a part-time officer may work within a calendar year is restricted as provided by law. Part-time police officers shall not be assigned to supervise or direct full-time police officers. Part-time police officers shall be trained in accordance with the state's Police Training Act, 50 ILCS 705/1 et seq., and the rules and requirements of the ILETSB.

(3) *Hiring standards.* Any person employed as a part-time police officer must meet the following standards:

- (a) Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties;
- (b) Be at least 21 years of age;
- (c) Pass a medical examination;
- (d) Possess a high school diploma or GED certificate;
- (e) Possess a valid State of Illinois driver's license;
- (f) Possess no prior felony convictions; and
- (g) Any individual who has served in the U.S. military must have been honorably discharged.

(4) *Discipline.* Part-time officers shall be under the disciplinary jurisdiction of the Chief of Police and shall comply with all applicable rules and general orders of the Police Department; provided, however, that discipline, removal, and other matters expressly addressed by any collective bargaining agreement in place that covers part-time police officers shall be controlled by such agreement. In the absence of such an agreement, part-time police officers serve at the discretion of the city authorities, shall not have any property rights in said employment, and may be removed by the city authorities at any time. (Ord. passed 6-5-1978; Ord. 97-02, passed - -1997; Ord. 2012-07, passed - -)

§ 2.33.060 PATROL AREA.

(A) Officers on duty are to patrol only within the city limits.

(B) In case of an emergency, officers may travel outside the city limits when called to assist another agency or governmental body. The officer must return to the city limits immediately after arrival of proper authorities.

(C) Officers may travel outside the city limits when in pursuit of an individual whom the officer has reasonable bases to believe has violated a law or ordinance of the municipality or as otherwise authorized by law.

(D) Officers leaving the city limits for any reason must call out someone to patrol if he or she will be gone longer than 30 minutes.
(Ord. 2004-05, passed - -; Ord. passed 6-5-1978; Ord. 86-11, passed - -1986)

§ 2.33.070 SQUAD CAR.

(A) Only city officers, city employees, police trainees, and other law enforcement officers are allowed in the city squad car.

(B) Squad cars will not be parked at the home of whomever is on call when not in use, except within city limits.

(C) An unattended squad car will be locked at all times.

(D) The engine of the squad car should be turned off whenever possible to conserve fuel.
(Ord. 2004-05, passed - -; Ord. passed 6-5-1978; Ord. 86-11, passed - -1986)

§ 2.33.080 ON CALL.

(A) Police officers will be on call during the day of their night shift and will make court appearances if necessary.

(B) Mileage will be paid only if the squad car is not available and a personal auto has to be used for city police business.
(Ord. 2004-05, passed - -; Ord. passed 6-5-1978; Ord. 86-11, passed - -1986)

§ 2.33.090 REPORTING REQUIREMENTS.

(A) A monthly report to Council of tickets, warnings, arrests, and the like, and fine money received will be presented by the Chief.

(B) All break-in reports, attempted break-in reports, and theft reports will be filed with the County Sheriff's office.
(Ord. 2004-05, passed - -; Ord. passed 6-5-1978; Ord. 86-11, passed - -1986)

§ 2.33.100 ENFORCEMENT OF ORDINANCES.

(A) All city ordinances pertaining to law enforcement shall be strictly enforced.

(B) It will be the duty of each officer to inform himself or herself of any new city ordinance pertaining to law enforcement as well as county, state, or federal laws.
(Ord. 2004-05, passed - -; Ord. passed 6-5-1978; Ord. 86-11, passed - -1986)

§ 2.33.110 ANIMAL CALLS.

(A) It shall be the duty of the Police and Woodford County Animal Control to pick up and impound all animals.

(B) It shall be the duty of the Police Department to post the necessary papers or to call the proper authorities for disposal of same.

(C) The Police Department will file all complaints or issue tickets against the violators of the city animal control ordinance.
(Ord. 2004-05, passed - -; Ord. passed 6-5-1978; Ord. 86-11, passed - -1986)

§ 2.33.120 UNIFORMS.

Police officers shall be dressed in the proper clean, pressed uniform while on duty and shall be neat and clean in appearance at all times when on duty.

(Ord. 2004-05, passed - -; Ord. passed 6-5-1978; Ord. 86-11, passed - -1986)

§ 2.33.130 RESPONSIBILITIES OF CHIEF OF POLICE.

The Chief of Police shall be responsible for:

(A) The proper assignment of personnel under his or her command;

(B) The delivery of the proper and complete reports as described herein;

(C) Giving the police committee, Mayor, and dispatch a copy of the monthly work schedule; and

(D) Any other duty not herein listed as prescribed by law or directed by the Mayor and/or City Council.

(Ord. 2004-05, passed - -; Ord. passed 6-5-1978; Ord. 86-11, passed - -1986)

CHAPTER 2.34: PUBLIC WORKS DEPARTMENT

Section

2.34.010	Personnel
2.34.020	Employees
2.34.030	Duties-Superintendent of Public Works
2.34.035	Duties-Public Works Supervisor
2.34.040	Riders in city vehicles
2.34.050	Parking
2.34.060	Emergencies
2.34.070	Meeting the public

§ 2.34.010 PERSONNEL.

The Public Works Department will be comprised of the Superintendent of Public Works and as many assistants, laborers, trainees, and part-time employees as are employed by the city and deemed by the City Council and Superintendent of Public Works to be necessary to ensure an efficient operation and maintenance of the Street and Water Departments, and to ensure that the streets, roads, alleys, waterworks, sewer works, and all other city property are maintained for the use of the citizens of the city. (Ord. 718, passed - -; Ord. 2004-05, passed - -; Ord. 90-04, passed - -1990)

§ 2.34.020 EMPLOYEES.

(A) The City Administrator shall solicit and receive applications for all positions within this Department. All applications for appointment to positions in this Department shall be made to the City Administrator and shall be in writing on the form provided by the City Administrator.

(B) All employees in this Department shall be hired by the Mayor by and with the advice and consent of the City Council, and the Mayor shall notify the City Council 72 hours in advance of all individuals hired and shall fill all vacancies without delay.

(Ord. 718, passed - -; Ord. 2004-05, passed - -; Ord. 90-04, passed - -1990)

§ 2.34.030 DUTIES-SUPERINTENDENT OF PUBLIC WORKS.

The Superintendent of Public Works will be responsible for:

(A) Proper care and use of all tools, equipment, machinery, and vehicles assigned to his or her job;

(B) Filling holes in streets and alleys with the proper materials;

(C) Chipping of streets;

(D) Maintenance, repair, and cleaning of manholes and catch basins;

(E) Cleaning, sweeping, and maintenance of streets;

(F) Trimming and removal of trees;

(G) Picking up brush, limbs, and stray animals;

(H) Picking up discarded appliances, furniture, and the like during clean-up week (as designated by the City Council);

(I) Snow plowing and removal of snow on streets and city properties;

(J) Spreading salt and cinders when needed;

(K) Mowing city properties;

(L) Repairing sidewalks and assisting summer sidewalk crews;

(M) Feeding stray dogs at pound;

(N) Changing light bulbs outside library;

(O) Installing and removing street signs;

(P) Operating and maintaining water and sewage plants;

(Q) Maintaining the furnace at the library;

(R) Repairing, installing, and reading water meters;

(S) Any other operation as required to provide water and sewer service;

(T) Spraying mosquitoes;

(U) Coordinating with City Administrator daily work program schedule and all operating needs and problems;

(V) Assigning daily work schedule and detail to all Department personnel to achieve maximum effectiveness and efficiency for the general benefit to the city and the public;

(W) Maintaining all operating records of water and sewer plants and streets/alleys in accordance with all government agencies regulations; and

(X) Maintaining records for all city vehicles, equipment, water, and sewer systems.
(Ord. 718, passed - -; Ord. 2004-05, passed - -; Ord. 90-04, passed - -1990)

§ 2.34.035 DUTIES-PUBLIC WORKS SUPERVISOR.

The Supervisor shall be in charge of daily operations of water treatment plant and distribution system including, but not limited to:

- (A) Monitor water flow and system pressure;
- (B) Chemical feed into treatment system;
- (C) Pressure filter monitor and maintenance;
- (D) RO plant monitor and maintenance;
- (E) Monitor and maintain all water pump and chemical feed pumps;
- (F) Monitor and maintain all motors in the system;
- (G) Routine inspection and maintenance of all plumbing valves, chemical feed lines, and check valves;
- (H) Maintain daily monitor and maintenance records pertaining to well performances, RO plant performance, and chemical usage;
- (I) Maintain daily/monthly IEPA records and reports;
- (J) Calibrate and use laboratory equipment to test water qualities;
- (K) Monitor and adjust chemical feed rates and blend rates to provide highest possible water quality;
- (L) Collect monthly bacteria samples from wells and distribution system to ensure water is safe;
- (M) Maintain, repair, and expand distribution system as needed, and shall issue boil orders as needed;
- (N) Install taps into the public water main;
- (O) Supervise service line installations;
- (P) Read water meters;
- (Q) Repair/replace water meters;
- (R) Enforce cross-connection ordinance and maintain required IEPA records of cross-connection installations;
- (S) Shall order and maintain inventory of all parts, chemicals, and other operating supplies;
- (T) Shall have ability to operate and use all city motor vehicles and equipment;

(U) Shall keep informed of all rules and regulations and sample requirements set forth by USEPA and IEPA;

(V) Shall oversee and assign daily work projects according to priority established by the Supervisor, City Administrator, and/or the Mayor;

(W) Shall have ability to cooperate with the public and employees, addressing needs and desires in respectful manner;

(X) Shall have ability to train employees in the Public Works Departments;

(Y) Shall be responsible to evaluate each employees work performance;

(Z) Shall have authority to discipline employees in his or her charge;

(AA) Shall keep a daily log of work activity;

(BB) Shall attend all City Council meetings as deemed necessary by the City Administrator and/or Mayor; and

(CC) Shall have ability to oversee and participate in wastewater treatment plant operations and maintenance, and in streets, alleys, and sidewalks maintenance and repairs.
(Ord. 718, passed - -)

§ 2.34.040 RIDERS IN CITY VEHICLES.

Only city employees and city officials are allowed in city vehicles.
(Ord. 718, passed - -; Ord. 2004-05, passed - -; Ord. 90-04, 1990)

§ 2.34.050 PARKING.

(A) The city pickups will be parked at the home of the Superintendent of Public Works or wherever he or she so designates.

(B) All other city vehicles will be parked in the city shed.
(Ord. 718, passed - -; Ord. 2004-05, passed - -; Ord. 90-04, passed - -1990)

§ 2.34.060 EMERGENCIES.

(A) When one of the following emergencies arises:

(1) Broken water main;

(2) Broken sewer main;

(3) Snow and/or wind or rain storms; or

(4) Spraying mosquitoes.

(B) All city employees shall unite to correct the problem, when called upon.
(Ord. 718, passed - -; Ord. 2004-05, passed - -; Ord. 90-04, passed - -1990)

§ 2.34.070 MEETING THE PUBLIC.

All city employees will greet the public in a friendly and courteous manner.
(Ord. 718, passed - -; Ord. 2004-05, passed - -; Ord. 90-04, passed - -1990)

CHAPTER 2.36: ELECTION OF CITY OFFICIALS

Section

2.36.010	Time and place designated
2.36.020	Division of city into wards
2.36.030	Ward boundaries designated
2.36.040	Notice-form and contents

§ 2.36.010 TIME AND PLACE DESIGNATED.

A general election for city officers shall be held in the city on the third Tuesday of April in each year, at such places in the several wards of the city as may be designated by the City Council.
(Ord. 2004-05, passed - -; Ord. 2 § 1, passed - -1867)

§ 2.36.020 DIVISION OF CITY INTO WARDS.

The city shall have three wards. The City Council, from time to time, shall divide the city into that number of wards. In the formation of wards, the population of each shall be equal, as nearly as possible, and the wards shall be as compact and contiguous in territory as practicable. Two aldermen will be elected from each ward to four-year terms.
(Ord. 2004-05, passed - -; Ord. Div. 3 § 3, passed - -)

§ 2.36.030 WARD BOUNDARIES DESIGNATED.

The city is divided into three wards, as follows.

(A) All that portion of the city which lies east of the line of the Illinois Central Railroad and south of the line of the Atchison, Topeka and Santa Fe Railway is established as and denominated the "First Ward".

(B) All that portion of the city which lies west of the line of the Illinois Central Railroad and south of the line of the Atchison, Topeka and Santa Fe Railway except lots one and two in block 11 of the original town, now City of Minonk, is established as and denominated the "Second Ward".

(C) All that portion of the city which lies north of the line of the Atchison, Topeka and Santa Fe Railway and lots one and two in block 11 of the original town, now City of Minonk, is established as and denominated the "Third Ward".
(Ord. 2004-05, passed - -; Ord. 2 § 2, passed - -1867; Ord. 709, passed - -1975; Ord. passed 11-3-1980)

§ 2.36.040 NOTICE-FORM AND CONTENTS.

(A) The City Council shall, at least 20 days prior to the third Tuesday of April in each year, designate the place in each ward of the city for holding the general election for city officers.

(B) The City Clerk shall thereupon make out and deliver to the Chief of Police three notices thereof for each ward in which the said election is to be held, which notices shall be substantially as follows.

"Election Notice - Notice is hereby given that on Tuesday the ____ day of April A.D. 20____, at _____ in the ward of the City of Minonk, County of Woodford, and State of Illinois, an election will be held for _____, which election will be opened at _____ o'clock in the morning, and continue open until _____ o'clock in the afternoon of the same day.

"Dated at Minonk, Illinois, this ____ day of _____ A.D. 20____.

City Clerk."

(Ord. 2004-05, passed - -; Ord. 2 § 6, 1867)

CHAPTER 2.40: PUBLIC LIBRARY

Section

2.40.010	Established-purpose
2.40.020	Designated as Filger Library
2.40.030	Board of Directors-appointment
2.40.040	Board of Directors-term of office-removal when
2.40.050	Board of Directors-vacancy filling
2.40.060	Board of Directors-organization-powers and duties generally
2.40.070	Use to be free, subject to certain rules and regulations
2.40.080	Board of Directors-annual report-information required
2.40.090	Injury or misuse of property-penalties
2.40.100	Building plan and cost estimate-tax levy when-limitation
2.40.110	Donations authorized
2.40.120	Tax levy authorized-limitation
2.40.130	Rental or lease prohibited

§ 2.40.010 ESTABLISHED-PURPOSE.

There is established and maintained a public library and reading room in the city for the use and benefit of the inhabitants of this city.

(Ord. 2004-05, passed - -; Ord. 385 § 1, passed - -1913)

§ 2.40.020 DESIGNATED AS FILGER LIBRARY.

The public library provided for in § 2.40.010 shall be known as “The Filger Library”, in memory of the parents of David Filger, deceased, who provided a legacy of \$20,000 and a site for the same by his last will and testament.

(Ord. 2004-05, passed - -; Ord. 385, passed - -1913; Ord. 420 § 1, passed - -1915)

§ 2.40.030 BOARD OF DIRECTORS-APPOINTMENT.

(A) The Mayor shall, with the approval of the City Council, proceed to appoint a board of nine directors for the library and reading room, chosen from the citizens at large with reference to their fitness for such office.

(B) Not more than one member of the City Council shall be at any one time a member of the Board.
(Ord. 2004-05, passed - -; Ord. 385 § 2, passed - -1913)

§ 2.40.040 BOARD OF DIRECTORS-TERM OF OFFICE-REMOVAL WHEN.

The Board of Directors shall hold office one-third for one year, one-third for two years, and one-third for three years from July 1 following their appointment, and at the first regular meeting shall cast lots for the respective terms. Annually thereafter, the Mayor shall, before July 1 of each year, appoint, as before, three directors to take the place of the retiring directors, who shall hold office for three years and until their successors are appointed. The Mayor may, by and with the consent of the City Council, remove any director for misconduct or neglect of duty.

(Ord. 2004-05, passed - -; Ord. 385 § 3, passed - -1913)

§ 2.40.050 BOARD OF DIRECTORS-VACANCY FILLING.

Vacancies in the Board of Directors, occasioned by removals, resignation, or otherwise, shall be reported to the City Council and be filled in like manner as original appointments, and no director shall receive compensation as such.

(Ord. 2004-05, passed - -; Ord. 385 § 4, passed - -1913)

§ 2.40.060 BOARD OF DIRECTORS-ORGANIZATION-POWERS AND DUTIES GENERALLY.

(A) The Board of Directors shall, immediately after appointment, meet and organize by the election of one of their number to be president, and by the election of such other officers as it may deem necessary. It shall make and adopt such bylaws, rules, and regulations for its own guidance and for the government of the library and reading room as may be expedient, not inconsistent with this chapter. It shall have exclusive control of the expenditure of all moneys collected to the credit of the Library Fund, and of the construction of any library building, and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose.

(B) All moneys received for the library shall be deposited in the treasury of this city to the credit of the Library Fund, and shall be kept separate and apart from other moneys of this city, and drawn upon by the proper officers of the library, upon the properly authenticated vouchers of the Library Board. The Board shall have power to purchase or lease grounds, to occupy, lease, or erect an appropriate building or buildings for the use of the library, shall have power to appoint a suitable librarian and necessary assistants and fix their compensation, and shall also have power to remove such appointees. The Board shall, in general, carry out the spirit and intent of this chapter in establishing and maintaining a free public library and reading room.

(Ord. 2004-05, passed - -; Ord. 385 § 5, passed - -1913)

§ 2.40.070 USE TO BE FREE, SUBJECT TO CERTAIN RULES AND REGULATIONS.

The library and reading room established under this chapter shall be forever free to the use of the inhabitants of this city, and shall always be subject to such reasonable rules and regulations as the Library Board may adopt, in order to render the use of said library and reading room of the greatest benefit to the greatest number. The Board may exclude from the use of the library and reading room any and all persons who violate the rules. The Board may extend the privilege and use of the library and reading room to persons residing outside of this city in this state, upon such terms and conditions as the Board may from time to time by its regulations prescribe.

(Ord. 2004-05, passed - -; Ord. 385 § 6, passed - -1913)

§ 2.40.080 BOARD OF DIRECTORS-ANNUAL REPORT-INFORMATION REQUIRED.

(A) The Board of Directors shall make, on or before the second Monday in June, an annual report to the City Council, stating the following:

(1) The condition of their trust on June 1 of that year, the various sums of money received from the Library Fund and other sources, and how such moneys have been expended and for what purpose;

(2) The number of books and periodicals on hand, the number added by purchase, gift, or otherwise, during the year;

(3) The number of books and periodicals lost or missing;

(4) The number of visitors attending;

(5) The number of books loaned out and the general character and kind of such books; and

(6) Such other statistics, information, and suggestions as it may deem of general interest.

(B) All such portions of the report as relate to the receipt and expenditure of money, as well as the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit. (Ord. 2004-05, passed - -; Ord. 385 § 7, passed - -1913)

§ 2.40.090 INJURY OR MISUSE OF PROPERTY-PENALTIES.

The City Council shall from time to time, as occasion requires, pass ordinances imposing suitable penalties for the punishment of persons committing injury upon the library or the grounds, or other property thereof, and for the injury to or failure to return any book belonging to such library. (Ord. 2004-05, passed - -; Ord. 385 § 8, passed - -1913)

§ 2.40.100 BUILDING PLAN AND COST ESTIMATE-TAX LEVY WHEN- LIMITATION.

(A) The Directors shall cause a plan for the library building to be prepared, and an estimate to be made of the cost, and if the site which David Filger, deceased, devised is not satisfactory, and another site is to be provided, they shall also cause an estimate to be made of the cost of such site, and how much can be realized from the sale or trade of the site which David Filger devised.

(B) If the City Council approves the action of the Board, and if for any cause it appears the amount bequeathed and devised by David Filger, deceased, will not be sufficient for the purposes for which it was devised and bequeathed, then the Board shall divide the deficiency of the cost of such building, or site if the site is changed from that devised by David Filger, deceased, or both, into as many parts as they shall determine to spread the collection thereof, and shall certify the amount of one of the parts to the City Council each and every year during the time or terms over which they shall determine to spread the collection, and the City Council on the receipt of the certificate, shall in its next annual appropriation bill include the amount so certified, and shall for the amount certified levy and collect a tax to pay the same with the other general taxes of the city.

(C) Such tax shall not exceed five mills on the dollar in any one year, and shall not be levied more often than the number of years into which the Board shall determine to spread the collection of the tax, and when collected as last aforesaid shall cease.

(Ord. 2004-05, passed - -; Ord. 385 § 10, passed - -1913)

§ 2.40.110 DONATIONS AUTHORIZED.

Any person desiring to make donations of money, personal property, or real estate for the benefit of the library shall have the right to vest the title to the money or real estate so donated in the Board of Directors created under this chapter, to be held and controlled by the Board, when accepted, according to the deed, gift, devise, or bequest of such property; and as to such property, the Board shall be held and considered to be the special trustees.

(Ord. 2004-05, passed - -; Ord. 385 § 9, passed - -1913)

§ 2.40.120 TAX LEVY AUTHORIZED-LIMITATION.

If the bequest under the last will and testament of David Filger, deceased, shall at any time be insufficient to maintain the library and reading room, then the City Council may levy a tax of not to exceed 0.23% of the full, fair cash value on all the taxable property in this city for the purpose of maintaining the library and reading room. The taxes levied under this chapter may be in addition to the general taxes which the city is authorized to levy.

(Ord. 2004-05, passed - -; Ord. 385 § 14, passed - -1913; Ord. 86-12, passed - -1986)

§ 2.40.130 RENTAL OR LEASE PROHIBITED.

No part of the library building shall be rented or leased.

(Ord. 2004-05, passed - -; Ord. 385 § 13, passed - -1913; Ord. 420 § 2, passed - -1915)

CHAPTER 2.44: EMERGENCY SERVICES AND DISASTER AGENCY

Section

2.44.010	Created-purpose-composition
2.44.020	Coordinator appointment-powers and duties-vacancy filling
2.44.030	Functions and duties
2.44.040	Mobile support team-composition-compensation
2.44.050	Agreements with other political subdivisions
2.44.060	Emergency action
2.44.070	Compensation of officers and employees
2.44.080	Certain expenses to be reimbursed by state
2.44.090	Purchases and expenditures authorized when
2.44.100	Oath required when
2.44.110	Office space authorized
2.44.120	Appropriation of funds-tax levy-limitation

§ 2.44.010 CREATED-PURPOSE-COMPOSITION.

There is hereby created the city's Emergency Services and Disaster Agency (herein known as ESDA) to prevent, minimize, repair, and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or human-made disaster, in accordance with the Illinois Emergency Management Act. The city ESDA shall consist of the coordinator and such additional members as may be selected by the coordinator.

(Ord. 2004-05, passed - -; Ord. 715 § 1, passed - -1977)

§ 2.44.020 COORDINATOR APPOINTMENT-POWERS AND DUTIES-VACANCY FILLING.

(A) The coordinator of the city ESDA shall be appointed by the Mayor and shall serve until removed by same. The coordinator shall have direct responsibility for the organization, administration, training, and operation of the ESDA, subject to the direction and control of the Mayor, as provided by statute.

(B) In the event of the absence, resignation, death, or inability to serve of the coordinator, the Mayor, or any person designated by him or her, shall be and act as coordinator until a new appointment is made as provided in this chapter.

(Ord. 2004-05, passed - -; Ord. 715 § 2, passed - -1977)

§ 2.44.030 FUNCTIONS AND DUTIES.

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

be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided by the state's Illinois Emergency Management Act, 20 ILCS 3305/1 et seq.

(Ord. 2004-05, passed - -; Ord. 715 § 3, passed - -1977)

§ 2.44.040 MOBILE SUPPORT TEAM-COMPOSITION-COMPENSATION.

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

(B) The leader of the mobile support team shall be designated by the coordinator of the city ESDA organization.

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

(Ord. 2004-05, passed - -; Ord. 715 § 4, passed - -1977)

§ 2.44.050 AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS.

The coordinator of ESDA may negotiate mutual aid agreements with other cities or political subdivisions of the state, but no such agreement shall be effective until it has been approved by the Mayor and by the state director of ESDA.

(Ord. 2004-05, passed - -; Ord. 715 § 5, passed - -1977)

§ 2.44.060 EMERGENCY ACTION.

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

(Ord. 2004-05, passed - -; Ord. 715 § 6, passed - -1977)

§ 2.44.070 COMPENSATION OF OFFICERS AND EMPLOYEES.

(A) Members of the ESDA who are paid employees or officers of the city, if called for training by the state director of ESDA, shall receive for the time spent in such training the same rate of pay as is attached to the position held.

(B) Members who are not such city employees or officers shall receive for such training time such compensation as may be established by the Mayor.

(Ord. 2004-05, passed - -; Ord. 715 § 7, passed - -1977)

§ 2.44.080 CERTAIN EXPENSES TO BE REIMBURSED BY STATE.

The State Treasurer may receive and allocate to the appropriate fund any reimbursement by the state to the city for expenses incident to training members of the ESDA, as prescribed by the state director of ESDA, compensation for services and expenses of members of a mobile support team while serving outside the city in response to a call by the Governor or state director of ESDA, as provided by law, and any other reimbursement made by the state incident to ESDA activities as provided by law. (Ord. 2004-05, passed - -; Ord. 715 § 8, passed - -1977)

§ 2.44.090 PURCHASES AND EXPENDITURES AUTHORIZED WHEN.

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

(B) In the event of enemy-caused or other disaster, the city coordinator of ESDA is authorized, on behalf of the city, to procure such services, supplies, equipment, or material as may be necessary for such purposes, in view of the exigency, without regard to the statutory procedures or formalities normally prescribed by law pertaining to city contracts or obligations, as authorized by the Illinois Emergency Management Act, 20 ILCS 3305/1 et seq.; provided, that if the Mayor meets at such time he or she shall act subject to the directions and restrictions imposed by that body. (Ord. 2004-05, passed - -; Ord. 715 § 9, passed - -1977)

§ 2.44.100 OATH REQUIRED WHEN.

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

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

(Ord. 2004-05, passed - -; Ord. 715 § 10, passed - -1977)

§ 2.44.110 OFFICE SPACE AUTHORIZED.

The Mayor is authorized to designate space in a city building, or elsewhere, as may be provided for by the Mayor, for the city ESDA as its office.

(Ord. 2004-05, passed - -; Ord. 715 § 11, passed - -1977)

§ 2.44.120 APPROPRIATION OF FUNDS-TAX LEVY-LIMITATION.

The Mayor may make an appropriation for ESDA purposes in the manner provided by law and may levy, in addition, for ESDA purposes only, a tax not to exceed \$0.05 per \$100 of the assessed value of all taxable property in addition to all other taxes, as provided by the Illinois Emergency Management Act, 20 ILCS 3305/1 et seq.; however, that amount collectable under such levy shall in no event exceed \$0.25 per capita.

(Ord. 2004-05, passed - -; Ord. 715 § 12, passed - -1977)

CHAPTER 2.48: MUNICIPAL RETIREMENT FUND

Section

- 2.48.010 Participation in state fund elected
- 2.48.020 Certified copy to be filed

§ 2.48.010 PARTICIPATION IN STATE FUND ELECTED.

The city does hereby elect to participate in the state's Municipal Retirement Fund, effective January 1, 1974.
(Ord. 2004-05, passed - -; Ord. 699 § 1, passed - -1974)

§ 2.48.020 CERTIFIED COPY TO BE FILED.

The City Clerk is directed to promptly file a certified copy of the ordinance codified in this chapter with the Board of Trustees of the state's Municipal Retirement Fund.
(Ord. 2004-05, passed - -; Ord. 699 § 2, passed - -1974)

CHAPTER 2.50: ETHICS

Section

2.50.010	Definitions
2.50.020	Prohibited political activities
2.50.030	Gift ban
2.50.040	Discipline or discharge

§ 2.50.010 DEFINITIONS.

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

CAMPAIGN FOR ELECTIVE OFFICE. Any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the selection, nomination, or election of presidential or vice-presidential electors, but does not include activities:

- (1) Relating to the support or opposition of any executive, legislative, or administrative action;
- (2) Relating to collective bargaining; or
- (3) Are otherwise in furtherance of the person's official duties.

CANDIDATE. A person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in §§ 1 through 3 of the Election Code (10 ILCS 5/1-3).

COLLECTIVE BARGAINING. The same meaning as that term is defined in § 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

COMPENSATED TIME. With respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this chapter, does not include any designated holidays, vacation periods, personal time, compensatory time off, or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, **COMPENSATED TIME** includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

COMPENSATORY TIME OFF. Authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

CONTRIBUTION. The same meaning as that term is defined in § 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

EMPLOYEE. A person employed by the city whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

EMPLOYER. The City of Minonk.

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

LEAVE OF ABSENCE. Any period during which an employee does not receive:

- (1) Compensation for employment;
- (2) Service credit towards pension benefits; and
- (3) Health insurance benefits paid for by the employer.

OFFICER. A person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

POLITICAL ACTIVITY. Any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities:

- (1) Relating to the support or opposition of any executive, legislative, or administrative action;
- (2) Relating to collective bargaining; or
- (3) Are otherwise in furtherance of the person's official duties.

POLITICAL ORGANIZATION. A party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under § 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

PROHIBITED POLITICAL ACTIVITY. Includes:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event;
- (2) Soliciting contributions including, but not limited to, the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event;

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution;

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question;

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls;

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question;

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office;

(10) Preparing or reviewing responses to candidate questionnaires;

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question;

(12) Campaigning for any elective office or for or against any referendum question;

(13) Managing or working on a campaign for elective office or for or against any referendum question;

(14) Serving as a delegate, alternate, or proxy to a political party convention; and

(15) Participating in any recount or challenge to the outcome of any election.

PROHIBITED SOURCE. Any person or entity who:

(1) Is seeking official action by an officer, by an employee, or by the officer or another employee directing that employee;

(2) Does business or seeks to do business with the officer, with an employee, or with the officer or another employee directing that employee;

(3) Conducts activities regulated by the officer, by an employee, or by the officer or another employee directing that employee; or

(4) Has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee.

§ 2.50.020 PROHIBITED POLITICAL ACTIVITIES.

(A) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the city in connection with any prohibited political activity.

(B) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity as part of that officer or employee's duties, as a condition of employment, or during any compensated time off (such as holidays, vacation, or personal time off).

(C) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(D) Nothing in this section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this chapter.

(E) No person either in a position that is subject to recognized merit principles of public employment or in a position the salary for which is paid in whole or in part by federal funds and that is subject to the federal standards for a merit system of personnel administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

Penalty, see § 2.50.040

§ 2.50.030 GIFT BAN.

(A) *Gift ban.* Except as permitted by this section, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this section.

(B) *Exceptions.*

(1) Division (A) above is not applicable to the following:

(a) Opportunities, benefits, and services that are available on the same conditions as for the general public;

(b) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value;

(c) Any contribution that is lawfully made under the Election Code or activities associated with a fundraising event in support of a political organization or candidate;

(d) Educational materials and missions;

(e) Travel expenses for a meeting to discuss business;

(f) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse, and the individual's fiancé or fiancée;

(g) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

1. The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

2. Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

3. Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(h) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are consumed on the premises from which they were purchased or prepared, or catered. For the purposes of this section, **CATERED** means food or refreshments that are purchased ready to consume which are delivered by any means;

(i) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances;

(j) Intra-governmental and inter-governmental gifts. For the purpose of this chapter, **INTRAGOVERNMENTAL GIFT** means any gift given to an officer or employee from another officer or employee, and **INTER-GOVERNMENTAL GIFT** means any gift given to an officer or employee by an officer or employee of another governmental entity;

(k) Bequests, inheritances, and other transfers at death; and

(l) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

(2) Each of the exceptions listed in this section is mutually exclusive and independent of every other.

(C) *Disposition of gifts.* An officer or employee, his or her spouse, or an immediate family member living with the officer or employee does not violate this chapter if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under § 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.
Penalty, see § 2.50.040

§ 2.50.040 DISCIPLINE OR DISCHARGE.

In addition to any other penalty that may be applicable, an officer or employee who intentionally violates any provisions of §§ 2.50.020 or 2.50.030 of this code is subject to discipline or discharge.
(Ord. 2004-04, passed - -)

CHAPTER 2.54: IDENTITY PROTECTION POLICY

Section

2.54.010	Prohibited acts
2.54.020	Exclusions from prohibitions
2.54.030	Freedom of Information Act requests
2.54.040	Applicability
2.54.050	Identity protection procedures
2.54.060	Distribution of policy

§ 2.54.010 PROHIBITED ACTS.

No city employee may do any of the following:

(A) Publicly post or publicly display or otherwise intentionally communicate or otherwise intentionally make available to the general public in any manner an individual's Social Security number;

(B) Print an individual's Social Security number on any card required for the individual to access products or services provided by the city;

(C) Require an individual to transmit his or her Social Security number over the internet, unless the connection is secure or the Social Security number is encrypted;

(D) Print an individual's Social Security number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless state or federal law requires the Social Security number to be on the document to be mailed. Notwithstanding any provision in this section to the contrary, Social Security numbers may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the state's Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the Social Security number. A Social Security number that may permissibly be mailed under this section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope's having been opened;

(E) Collect, use, or disclose a Social Security number from an individual, unless:

(1) Required to do so under state or federal law, rules, or regulations, or the collection, use, or disclosure of the Social Security number is otherwise necessary for the performance of that agency's duties and responsibilities;

(2) The need and purpose for the Social Security number is documented before collection of the Social Security number; and

(3) The Social Security number collected is relevant to the documented need and purpose.

(F) Require an individual to use his or her Social Security number to access an internet website;

(G) Use the Social Security number for any purpose other than the purpose for which it was collected; or

(H) Encode or embed a Social Security number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the Social Security number as required by this policy.

(Res. 2011-01, passed - -2011) Penalty, see § 1.01.090

§ 2.54.020 EXCLUSIONS FROM PROHIBITIONS.

The above-listed prohibitions do not apply in the following circumstances.

(A) The disclosure of Social Security numbers to agents, employees, contractors, or subcontractors of a governmental entity or disclosure by a governmental entity to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the governmental entity must first receive from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under the Identity Protection Act, 5 ILCS 179/1 et seq., on a governmental entity to protect an individual's Social Security number will be achieved.

(B) The disclosure of Social Security numbers pursuant to a court order, warrant, or subpoena.

(C) The collection, use, or disclosure of Social Security numbers in order to ensure the safety of:

(1) State and local government employees;

(2) Persons committed to correctional facilities, local jails, and other law enforcement facilities or retention centers;

(3) Wards of the state; and

(4) All persons working in or visiting a state or local government agency facility.

(D) The collection, use, or disclosure of Social Security numbers for internal verification or administrative purposes.

(E) The disclosure of Social Security numbers by a state agency to any entity for the collection of delinquent child support or of any state debt or to a governmental agency to assist with an investigation or the prevention of fraud.

(F) The collection or use of Social Security numbers to investigate or prevent fraud, to conduct background checks, to collect a debt to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, 12 U.S.C. §§ 1830 to 1831 and 15 U.S.C. §§ 1681 et seq., to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, 12 U.S.C. §§ 24a et seq. and 15 U.S.C. §§ 80 et seq., or to locate a missing person, a lost relative, or a person who is due a benefit, such as a pension benefit or an unclaimed property benefit, (Res. 2011-01, passed - -2011)

§ 2.54.030 FREEDOM OF INFORMATION ACT REQUESTS.

Consistent with the state's Freedom of Information Act, 5 ILCS §§ 140/1 et seq., city employees must redact Social Security numbers from information or documents being supplied to the public pursuant to a Freedom of Information Act request before allowing the public inspection or copying of the information or documents. (Res. 2011-01, passed - -2011)

§ 2.54.040 APPLICABILITY.

(A) This policy does not apply to the collection, use, or disclosure of a Social Security number as required by state or federal law, rule, or regulation. This policy does not apply to documents that are recorded with a county recorder or required to be open to the public under any state or federal law, rule, or regulation, applicable case law, Supreme Court rule, or the Constitution of the state.

(B) If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, any city employee that complies with the federal law shall be deemed to be in compliance with this policy. (Res. 2011-01, passed - -2011)

§ 2.54.050 IDENTITY PROTECTION PROCEDURES.

(A) All city employees having access to Social Security numbers in the course of performing their duties shall be trained to protect the confidentiality of Social Security numbers. The training shall include instructions on the proper handling of information that contains Social Security numbers from the time of collection through the destruction of the information.

(B) Only city employees who are required to use or handle information or documents that contain Social Security numbers have access to such information or documents.

(C) Social Security numbers requested from an individual shall be provided in a manner that makes the Social Security number easily redacted if required to be released as part of a public records request.

(D) When collecting a Social Security number, or upon request by the individual, a statement of the purpose or purposes for which the city is collecting and using the Social Security number shall be provided to the individual.

(Res. 2011-01, passed - -2011)

§ 2.54.060 DISTRIBUTION OF POLICY.

(A) A written copy of this policy has been provided to the city's elected officials.

(B) Each current city employee shall be provided and shall acknowledge receipt of a copy of this policy. Each employee hereinafter hired by the city shall be provided and shall acknowledge receipt of a copy of this policy upon commencing his or her employment. A copy of this policy shall be made available to any member of the public upon request. If the City Council amends this policy, the city shall file a written copy of the amended policy with the City Administrator, shall also advise all city employees of the existence of the amended policy, and make a copy of the amended policy available to each of its employees. The acknowledged copy of this policy shall be filed and maintained in each city employee's personnel file.

(Res. 2011-01, passed - -2011)

TITLE 3: REVENUE AND FINANCE

Chapter

3.04. FISCAL YEAR

3.06. ANNUAL BUDGET

3.08. PURCHASING

3.16. POLICE PROTECTION TAX

3.20. MUNICIPAL RETAILERS' OCCUPATION TAX

3.24. MUNICIPAL SERVICE OCCUPATION TAX

3.28. MUNICIPAL USE TAX

3.32. MUNICIPAL UTILITY TAX

3.34. ELECTRICITY TAX

3.36. STREET LIGHTING TAX

3.38. HOTEL TAX

CHAPTER 3.04: FISCAL YEAR

Section

3.04.010 Designated

§ 3.04.010 DESIGNATED.

The fiscal and municipal year of the City Council shall commence on the first day of May in each year, and the terms **FISCAL YEAR** and **MUNICIPAL YEAR** shall be construed to mean the period of time elapsing between the first day of May in each year and the first day of May in the next succeeding year. (Ord. Div. 5 § 13, passed - -; Ord. 2004-05, passed - -; Ord. 86-12, passed - - 1986)

CHAPTER 3.06: ANNUAL BUDGET

Section

3.06.010	Adoption
3.06.020	Budget officer
3.06.030	Computation
3.06.040	Public inspection, notice and hearing
3.06.050	Revision

§ 3.06.010 ADOPTION.

The city adopts 65 ILCS 8/2-9.1 through 8/2-9.10 providing for an annual municipal budget in lieu of the passage of an annual appropriation ordinance.

(Ord. 2004-05, passed - -; Ord. 84-9 § 1, passed - -1984)

§ 3.06.020 BUDGET OFFICER.

The Mayor, with the approval of the City Council, shall appoint a budget officer, who shall have the powers, duties and responsibilities enumerated in 65 ILCS 8/2-9.1 through 8/2-9.10 as they are now or may hereafter be amended. The budget officer shall be recompensed at a sum designated by the City Council. The budget officer shall give a bond in such sum as may be required by statute.

(Ord. 2004-05, passed - -; Ord. 84-9 § 2, passed - -1984)

§ 3.06.030 COMPUTATION.

The budget officer shall compile a budget pursuant to 65 ILCS 8/2-9.1 through 8/2-9.10 as they are now, or may hereafter be amended, containing estimates of the revenues available before the beginning of the fiscal year to which it applies together with recommended expenditures for the municipality and all of its boards, commissions, and departments. Said budget shall be adopted prior to May 1 of each fiscal year.

(Ord. 2004-05, passed - -; Ord. 84-9 § 3, passed - -1984)

§ 3.06.040 PUBLIC INSPECTION, NOTICE AND HEARING.

Copies of the tentative annual budget shall be made available for public inspection in printed or typewritten form in the office of the City Clerk for at least ten days prior to the passage of the annual budget. Not less than one week after the budget is available for inspection, and prior to final action on the budget, at least one public hearing shall be held on the budget by the City Council. Notice of this

hearing shall be given by publication in a newspaper having a general circulation in the city at least one week prior to the time of hearing.

(Ord. 2004-05, passed - -; Ord. 84-9 § 4, passed - -1984)

§ 3.06.050 REVISION.

The City Council may delegate authority to heads of municipal departments, boards, or commissions to delete, add to, or change items previously budgeted to the department, board, or commission, subject to such limitation or requirement for prior approval by the budget officer as the City Council upon a two-thirds vote of the members may establish. The annual budget may be revised by a vote of two-thirds of the City Council by deleting, adding to, or changing budgeted items. No revision of the budget shall be made increasing the budget in the event funds are not available to effectuate the purpose of the revision.

(Ord. 2004-05, passed - -; Ord. 84-9 § 5, passed - -1984)

CHAPTER 3.08: PURCHASING

Section

3.08.010 Use of State Department of General Services, Procurement Division, authorized

§ 3.08.010 USE OF STATE DEPARTMENT OF GENERAL SERVICES, PROCUREMENT DIVISION, AUTHORIZED.

The city may hereby use the State Department of General Services, Procurement Division, which will allow the city to purchase certain equipment and property at a rate and price of considerably less than the city can purchase the same generally. The Mayor, with the approval of the City Council, shall make all purchases authorized under this chapter.

(Ord. 2004-05, passed - -; Ord. 714, passed - -1976)

CHAPTER 3.16: POLICE PROTECTION TAX

Section

3.16.010 Imposition-rates

§ 3.16.010 IMPOSITION-RATES.

A tax is hereby imposed for the purpose of police protection in this city at the rate of 0.05% of the value, as equalized or assessed by the Department of Local Government Affairs of all the taxable property therein for the first year in which this tax is levied, and at a rate of 0.075% of the value as equalized or assessed by the Department of Local Government Affairs for all taxable property therein in all succeeding years, all in accordance with the provisions of 65 ILCS 5/11-1-3.

(Ord. 2004-05, passed - -; Ord. Div. 3 § 1, passed - -; Ord. 669 § 1, passed - -1969)

Statutory reference:

Tax for police protection, see 65 ILCS 5/11-1-3

CHAPTER 3.20: MUNICIPAL RETAILERS' OCCUPATION TAX

Section

- 3.20.010 Imposition-rates
- 3.20.020 Report required when
- 3.20.030 Payment required when
- 3.20.040 Certified copy to be transmitted when
- 3.20.050 Publication required when-effective date

§ 3.20.010 IMPOSITION-RATES.

A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in this city at the rate of 1% of the gross receipts from such sales made in the course of such business while the provisions codified in this chapter are in effect, in accordance with the provisions of 65 ILCS 5/8-11-1.

(Ord. 2004-05, passed - -; Ord. 666 § 1, passed - -1969)

Statutory reference:

Municipal retailers' occupation tax, see 65 ILCS 5/8-11-1

§ 3.20.020 REPORT REQUIRED WHEN.

Every person engaged in the business of selling tangible personal property in the city shall file, on or before the last day of each calendar month, the report to the State Department of Revenue required by 35 ILCS 120/3.

(Ord. 2004-05, passed - -; Ord. 666 § 2, passed - -1969)

§ 3.20.030 PAYMENT REQUIRED WHEN.

At the time the report required in § 3.20.020 is filed, there shall be paid to the State Department of Revenue the amount of tax imposed by this chapter on account of the receipts from sales of tangible personal property during the preceding month.

(Ord. 2004-05, passed - -; Ord. 666 § 3, passed - -1969)

§ 3.20.040 CERTIFIED COPY TO BE TRANSMITTED WHEN.

The City Clerk is directed to transmit to the State Department of Revenue a certified copy of the ordinance codified in this chapter not later than five days after the effective date of such ordinance.

(Ord. 2004-05, passed - -; Ord. 666 § 4, passed - -1969)

§ 3.20.050 PUBLICATION REQUIRED WHEN-EFFECTIVE DATE.

The ordinance codified in this chapter shall be published within ten days of its enactment, as provided in 65 ILCS 5/1-2-4, and shall be effective from and after October 1, 1969.
(Ord. 2004-05, passed - -; Ord. 666 § 5, passed - -1969)

CHAPTER 3.24: MUNICIPAL SERVICE OCCUPATION TAX

Section

- 3.24.010 Imposition-rates
- 3.24.020 Report required when
- 3.24.030 Payment required when
- 3.24.040 Certified copy to be transmitted when
- 3.24.050 Publication required when-effective date

§ 3.24.010 IMPOSITION-RATES.

A tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service at the rate of 1% of the cost price of all tangible personal property transferred by said servicemen, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with the provisions of 65 ILCS 5/8-11-5.

(Ord. 2004-05, passed - -; Ord. 667 § 1, passed - -1969)

Statutory reference:

Municipal service occupation tax, see 65 ILCS 5/8-11-5

§ 3.24.020 REPORT REQUIRED WHEN.

Every supplier or serviceman required to account for municipal service occupation tax for the benefit of this municipality shall file, on or before the last day of each calendar month, the report to the State Department of Revenue required by § 9 of the Service Occupation Tax Act, approved July 10, 1961, as amended.

(Ord. 2004-05, passed - -; Ord. 667 § 2, passed - -1969)

§ 3.24.030 PAYMENT REQUIRED WHEN.

At the time the report described in § 3.24.020 is filed, there shall be paid to the State Department of Revenue the amount of tax imposed by this chapter.

(Ord. 2004-05, passed - -; Ord. 667 § 3, passed - -1969)

§ 3.24.040 CERTIFIED COPY TO BE TRANSMITTED WHEN.

The City Clerk is directed to transmit to the State Department of Revenue a certified copy of the ordinance codified in this chapter not later than five days after the effective date of such ordinance.

(Ord. 2004-05, passed - -; Ord. 667 § 4, passed - -1969)

§ 3.24.050 PUBLICATION REQUIRED WHEN-EFFECTIVE DATE.

The ordinance codified in this chapter shall be published within ten days of its enactment as provided in 65 ILCS 5/1-2-4, and shall be effective from and after October 1, 1969.

(Ord. 667 § 5, passed - -1969; Ord. 2004-05, passed - -)

CHAPTER 3.28: MUNICIPAL USE TAX

Section

- 3.28.010 Imposition-rates
- 3.28.020 Certified copy, to be transmitted when
- 3.28.030 Publication required when-effective date

§ 3.28.010 IMPOSITION-RATES.

A tax is hereby imposed, in accordance with the provisions of 65 ILCS 5/8-11-6, upon the privilege of using in the municipality any item of tangible personal property which is purchased outside the state at retail from a retailer, and which is titled or registered with an agency of the state government. The tax shall be at a rate of 1% of the selling price of such tangible property. **SELLING PRICE** shall have the meaning as defined in the Use Tax Act, 35 ILCS 105/1 et seq., approved July 14, 1955.

(Ord. 2004-05, passed - -; Ord. 700 § 1, passed - -1974)

Statutory reference:

Municipal use tax, see 65 ILCS 5/8-11-6

§ 3.28.020 CERTIFIED COPY, TO BE TRANSMITTED WHEN.

The City Clerk is hereby directed to transmit to the State Department of Revenue a certified copy of the ordinance codified in this chapter not later than five days after the effective date of such ordinance.

(Ord. 2004-05, passed - -; Ord. 700 § 3, passed - -1974)

§ 3.28.030 PUBLICATION REQUIRED WHEN-EFFECTIVE DATE.

The ordinance codified in this chapter shall be published within ten days of its enactment, as provided in 65 ILCS 5/1-2-4, and shall be effective ten days after such publication.

(Ord. 2004-05, passed - -; Ord. 700 § 4, passed - -1974)

CHAPTER 3.32: MUNICIPAL UTILITY TAX

Section

3.32.005 Superseded

§ 3.32.005 SUPERSEDED.

The provisions of this chapter have been superseded by Chapter 3.34 under the terms and conditions outlined therein.

CHAPTER 3.34: ELECTRICITY TAX

Section

3.34.010	Tax imposed
3.34.020	Exceptions
3.34.030	Additional taxes
3.34.040	Collection
3.34.050	Reports to the municipality
3.34.060	Credit for over-payment
3.34.070	Penalty
3.34.080	Severability

§ 3.34.010 TAX IMPOSED.

(A) A tax is imposed on all persons engaged in the following occupations or privileges. The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality at the following rates, calculated on a monthly basis for each purchaser:

(1) For the first 2,000 kilowatt-hours used or consumed in a month: 0.380 cents per kilowatt-hour;

(2) For the next 48,000 kilowatt-hours used or consumed in a month: 0.249 cents per kilowatt-hour;

(3) For the next 50,000 kilowatt-hours used or consumed in a month: 0.224 cents per kilowatt-hour;

(4) For the next 400,000 kilowatt-hours used or consumed in a month: 0.218 cents per kilowatt-hour;

(5) For the next 500,000 kilowatt-hours used or consumed in a month: 0.212 cents per kilowatt-hour;

(6) For the next 2,000,000 kilowatt-hours used or consumed in a month: 0.199 cents per kilowatt-hour;

(7) For the next 2,000,000 kilowatt-hours used or consumed in a month: 0.196 cents per kilowatt-hour;

(8) For the next 5,000,000 kilowatt-hours used or consumed in a month: 0.193 cents per kilowatt-hour;

(9) For the next 10,000,000 kilowatt-hours used or consumed in a month: 0.190 cents per kilowatt-hour; and

(10) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month: 0.187 cents per kilowatt-hour.

(B) Pursuant to 65 ILCS 5/8-11-2, the rates set forth in division (A) above shall be effective on August 3, 1998 for residential customers, and on the earlier of the last bill issued prior to December 31, 2000 or the date of the first bill issued pursuant to 220 ILCS 5/16-104 for non-residential customers.

(C) Pursuant to 65 ILCS 5/8-11-2, Chapter 3.32 of the City Code (commonly known as the municipal utility tax) shall specifically remain in effect for receipts attributable to residential customers, until October 1, 1998, and for receipts attributable to non-residential, the earlier of through the last bill issued prior to December 31, 2000 or the date of the first bill issued to such non-residential customer pursuant to 220 ILCS 5/16-104.

(D) The provisions of Chapter 3.32 shall not be effective until October 1, 1998.

§ 3.34.020 EXCEPTIONS.

None of the taxes authorized by this chapter may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this state or any political subdivision thereof nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this chapter for those transactions that are or may become subject to taxation under the provisions of the municipal retailers' occupation tax as authorized by 65 ILCS 5/8-11-1; nor shall any tax authorized by this chapter be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality.

§ 3.34.030 ADDITIONAL TAXES.

Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

§ 3.34.040 COLLECTION.

(A) The tax authorized by this chapter shall be collected from the purchaser by the person maintaining a place of business in this state who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and, if unpaid, is recoverable in the same manner as the original charge for delivering the electricity.

(B) Any tax required to be collected pursuant to this chapter and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the

gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request.

(C) If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering electricity who file returns pursuant to this section shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to this chapter.

§ 3.34.050 REPORTS TO THE MUNICIPALITY.

(A) On or before the last day of each month, each taxpayer who has not paid the tax imposed by this chapter to a person delivering electricity as set forth in § 3.34.010 and who is not otherwise exempted from paying such tax shall make a return to the City Treasurer for the preceding month stating:

- (1) His or her name;
- (2) His or her principal place of business;
- (3) His or her gross receipts and kilowatt-hour usage during the month upon the basis of which the tax is imposed;
- (4) Amount of tax; and
- (5) Such other reasonable and related information as the corporate authorities may require.

(B) The taxpayer making the return herein provided for shall, at the time of making such return, pay to the city the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he or she so elects, report and pay an amount based upon his or her total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts.

§ 3.34.060 CREDIT FOR OVER-PAYMENT.

(A) If it shall appear that an amount of tax has been paid which was not due under the provisions of this chapter, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this chapter from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited.

(B) No action to recover any amount of tax due under the provisions of this chapter shall be commenced more than three years after the due date of such amount.

§ 3.34.070 PENALTY.

Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$200 and, in addition, shall be liable in a civil action for the amount of tax due. (See 65 ILCS 5/8-11-2.)

§ 3.34.080 SEVERABILITY.

In the event that 35 ILCS 640/2-1 et seq., is declared unconstitutional, or if this chapter is voided by court action, Chapter 3.32 of the City Code (commonly known as the municipal utility tax) shall remain in effect in all respects as if it had never been amended by this chapter, and any amounts paid to the city by any person delivering electricity pursuant to this chapter shall be deemed to have been paid pursuant to the municipal utility tax as it existed prior to the passage of this chapter.

CHAPTER 3.36: STREET LIGHTING TAX

Section

- 3.36.010 Rate established
- 3.36.020 Severability

§ 3.36.010 RATE ESTABLISHED.

A tax rate is hereby established for the purpose to provide and maintain street lighting within the city at the rate of 0.05% of the value equalized or assessed by the Department of Revenue on all taxable property within the city, and that rate shall be levied beginning with fiscal year May 1, 1993, and ending April 30, 1994, and said rate shall be levied in all succeeding fiscal year periods thereafter, all in accordance with the provisions of 65 ILCS 5/11-80-5.

§ 3.36.020 SEVERABILITY.

If any section, paragraph, clause, or provision of this chapter shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this ordinance. (Ord. 94-03, passed - -1994)

CHAPTER 3.38: HOTEL TAX

Section

3.38.010	Tax imposed
3.38.020	Collection
3.38.030	Tax use
3.38.040	Books and records
3.38.050	Registration
3.38.060	File tax return

§ 3.38.010 TAX IMPOSED.

The city does hereby impose a tax upon all persons engaged in the city in the business of renting, leasing, or letting rooms in a hotel, as defined in the Hotel Operators' Occupation Tax Act, 35 ILCS 145/1 et seq., at a rate of 5% of the gross rental receipts from such renting, leasing, or letting, excluding, however, from gross rental receipts, the proceeds of such renting, leasing, or letting to permanent residents of that hotel and proceeds from the tax imposed under § 13(c) of the Metropolitan Pier and Exposition Authority Act, 70 ILCS 210/13.

§ 3.38.020 COLLECTION.

The Mayor and City Council shall provide for the administration and enforcement of the tax and shall be responsible for the collection thereof from the persons subject to the tax.

§ 3.38.030 TAX USE.

The amounts collected by the city pursuant to § 3.38.020 shall be expended by the city solely to promote tourism and conventions within the city or otherwise to attract non-resident overnight visitors to the city.

§ 3.38.040 BOOKS AND RECORDS.

Every person subject to the tax imposed by this chapter shall keep separate books and records of their business as an operator so as to show the rents and occupancies taxable under this section separately from his or her transactions not taxable hereunder. If any such operator fails to keep such separate books or records, they shall be liable to tax at the rate designated herein upon the entire gross proceeds from the operation of the hotel.

§ 3.38.050 REGISTRATION.

All persons engaged within the city in the business of renting, leasing, or letting rooms in a hotel, or as to be the subject to the tax imposed hereby, shall register their operation in the office of the City Clerk upon a registration form to be adopted and prescribed by the City Administrator, which forms will include such information as shall be reasonably necessary in order to assure collection and enforcement of the tax imposed by this chapter.

§ 3.38.060 FILE TAX RETURN.

(A) Each person required to be registered hereunder and subject to the tax imposed by this chapter shall, on or before the last day of each calendar month, file a tax return in the office of the City Clerk on a form to be adopted and prescribed by the City Administrator which shall include the information required to be reported on the tax return filed by such person with the State Department of Revenue pursuant to the Hotel Operators' Occupation Act hereinabove cited, for the preceding calendar month.

(B) If a return is not filed when and as required, or if a payment is not made as required, the taxpayer shall be liable for a penalty equal to 5% of the tax due during the applicable period of each month, or fraction of a month, until return is filed and payment is made as required.

TITLE 4: RESERVED

TITLE 5: BUSINESS TAXES, LICENSES, AND REGULATIONS

Chapter

5.04. ALCOHOLIC LIQUOR

5.08. LIQUOR LICENSE FOR V.F.W. POST 7185

5.12. MALT BEVERAGES

5.16. GATE RECEIPTS FEE

5.20. ADULT USE LICENSING AND REGULATION

5.28. MASSAGE PARLORS

5.40. PEDDLERS AND SOLICITORS

CHAPTER 5.04: ALCOHOLIC LIQUOR

Section

5.04.010	Definitions
5.04.020	License-required
5.04.030	License-application-contents
5.04.040	License-restrictions on issuance
5.04.050	License-term-prorating of fee
5.04.060	License-classifications-fees
5.04.070	Fees-payment and disposition
5.04.080	Bond amount-requirements-generally
5.04.090	Bond-form
5.04.095	Insurance requirements
5.04.100	Licenses-number permitted
5.04.110	License-list required
5.04.120	License-Class B-restrictions
5.04.130	License-revocation
5.04.140	License-nontransferable-exception
5.04.150	Premises-to be kept in sanitary condition
5.04.160	Premises-hours of operation
5.04.170	Premises-location restrictions
5.04.180	Premises-change of location
5.04.190	Premises-view from street required
5.04.200	Premises-minors and habitual drunkards prohibited-penalty
5.04.210	Sale to persons under 21 years of age
5.04.220	Persons under 21 years of age prohibited on premises-exception
5.04.230	Age limitation on sale or acceptance of alcoholic liquor
5.04.240	Identification required for sale when
5.04.250	Penalty for violation of §§ 5.04.210 through 5.04.240
5.04.260	Employee restrictions
5.04.270	Sales on election days
5.04.280	Peddling prohibited
5.04.285	Gambling; licensed video gaming
5.04.290	Penalty for violation

§ 5.04.010 DEFINITIONS.

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

ALCOHOLIC LIQUOR. Any spirits, wine, beer, ale, or other liquid containing more than 0.5% of alcohol by volume, which is fit for beverage purposes.

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

MINOR. Any person below the age of 18 years.

(Ord. 2004-05, passed - -; Ord. 494 § 1, passed - -1934; Ord. 90-01, 1990; Ord. 2016-007, passed - -2016)

§ 5.04.020 LICENSE-REQUIRED.

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

(Ord. 2004-05, passed - -; Ord. 494 § 2, passed - -1934; Ord. 90-01, passed - -1990) Penalty, see § 5.04.290

§ 5.04.030 LICENSE-APPLICATION-CONTENTS.

(A) Application for retail liquor dealer's licenses shall be submitted in writing, on a form provided by the city, to the Mayor, not less than 15 days prior to the effective date of the license, and shall be signed by the applicant if an individual, or by all partners if the applicant is a partnership, or by a duly authorized agent thereof if the applicant is a corporation. Application for a corporation must include a certified copy of the certificate of incorporation. All applications must include certificate of general and public liability insurance and dram shop insurance with effective dates equal to the license period requested. All applications must include the appropriate fee.

(B) All applications must include the following information and statements:

(1) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, each person entitled to share in the profits thereof; or in the case of a corporation, resident agent of the corporation;

(2) The citizenship of the applicant, his or her place of birth, and, if a naturalized citizen, the time and place of his or her naturalization and naturalization number;

(3) The character of business engaged in by the applicant;

(4) The length of time that the applicant has been in business of that character;

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

(6) The location and description of the premises or place of business at the address stated in the application and which is to be operated under the license; and description and of the type of business to be conducted and entertainment to be provided at the address stated in the application for which the license is needed;

(7) A statement whether the applicant has made similar application for a similar or other license on premises other than those described in this application, and the disposition of the other license application;

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

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

(10) A statement that the applicant will not violate any of the laws of the state, of the United States, or any ordinance of the city in the conduct of his or her place of business.

(Ord. 2004-05, passed - -; Ord. 94-08 § F, passed - -; Ord. 494 § 3, passed - -1934; Ord. 90-01, passed - -1990)

§ 5.04.040 LICENSE-RESTRICTIONS ON ISSUANCE.

No retail liquor dealer's license shall be issued to:

(A) A person who is not of good character and reputation in the community in which he or she resides;

(B) A person who has been convicted of a felony under any federal or state law, if the State Liquor Control Commission determines, after investigation, that such person has not been sufficiently rehabilitated to warrant public trust;

(C) A person who has been convicted of being the keeper or is keeping a house of ill fame;

(D) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;

(E) A person whose license, issued under §§ 5.04.020 and 5.04.030, has been revoked for cause;

(F) 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;

(G) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license;

(H) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee;

(I) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, subsequent to the passage of the ordinance codified in this chapter, or who has forfeited his or her bond to appear in court to answer charges for any such violation;

(J) A person who does not own the premises for which a retail liquor dealer's license is sought, or who does not have a lease thereon for the full period for which the license is to be issued;

(K) Any law-enforcing public official, any Mayor, alderman, or member of the City Council. No such official shall be interested in any way, either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquor;

(L) Any person not eligible for a state retail liquor dealer's license;

(M) A person who is not a citizen of the United States;

(N) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;

(O) A person who is not a beneficial owner of the business to be operated by the licensee; or

(P) A person who intends to sell alcoholic liquors for use or consumption of his or her licensed retail premises who does not have liquor liability insurance coverage for the premises in an amount that is at least equal to the maximum liability amounts set out in § 6-21(a) of the Liquor Control Act of 1934 found at 235 ILCS 5/1-1 et seq., or any successor provision of state law.

(Ord. Div. 3 § 3, passed - -; Ord. 2004-05, passed - -; Ord. 494 § 4, passed - -1934; Ord. 90-01, passed - -1990; Ord. 01-07, passed - -2001)

§ 5.04.050 LICENSE-TERM-PRORATING OF FEE.

Each license shall terminate on April 30 next following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

(Ord. 2004-05, passed - -; Ord. 494 § 6, passed - -1934; Ord. 90-01, passed - -1990)

§ 5.04.060 LICENSE-CLASSIFICATIONS-FEES.

(A) Class A licenses shall authorize the retail sale, on the premises specified, of alcoholic liquor for consumption on the premises, as well as other retail sales of such liquor. The annual fee for a Class A license shall be \$250, payable after April 1 and prior to April 30 of each year.

(B) Class B licenses shall authorize the retail sale of beer for consumption on premises; the word **BEER** meaning a beverage obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter, and the like. The annual fee for a Class B license shall be \$100, payable after April 1 and prior to April 30 of each year.

(C) Class C licenses shall authorize the retail sale of alcoholic liquor in the original package as defined in Art. 1, § 2.06 of the Liquor Control Act, as added by an act approved August 3, 1949, said liquor not to be consumed on the premises. The annual fee for Class C licenses shall be \$250, payable after April 1 and prior to April 30 of each year.

(D) Class D licenses shall be issued only as a special event license and shall be issued only to a responsible chartered service organization similar to Lions Club, Chamber of Commerce, Rotary Club, and the like, and shall authorize the retail sale of beer, the word **BEER** meaning the same as defined

under Class B license, for consumption on premises and within an approved designated enclosed area defined in the application for the special event license. The fee for a Class D special event license shall be \$25 per day, not exceeding three days per event. The total fee shall be payable in advance.

(Ord. 2004-05, passed - -; Ord. 494 § 7, passed - -1934; Ord. 494 A, passed - -1946; Ord. 608 § 1, passed - -1958; Ord. 613 § 1, passed - -1959; Ord. § 1, passed 7-5-1983; Ord. 90-01, passed - -1990)

§ 5.04.070 FEES-PAYMENT AND DISPOSITION.

All fees for retail liquor dealer's licenses shall be paid to the Mayor at the time application is made, and shall be forthwith turned over to the City Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the Council by proper action.

(Ord. 2004-05, passed - -; Ord. 494 § 8, passed - -1934; Ord. 90-01, passed - -1990)

§ 5.04.080 BOND AMOUNT-REQUIREMENTS-GENERALLY.

(A) Before any person is licensed to sell alcoholic liquors within the city, the applicant shall first provide a personal bond in penal sum of \$3,000 for self and each co-signor of personal bond, payable to the city, or secure bond issued by an acceptable surety bonding company. The accepted bond shall be conditioned on:

(1) The licensee will pay to all persons all damages that they may sustain, either in person or in property, or means of support, by reason of the person, who is about to obtain a license, selling or giving away intoxicating liquors;

(2) The licensee will well and truly observe and obey all laws of the state concerning the sale of alcoholic liquors and ordinances of this city, which are or may be in force during the continuance of any license granted under this bond;

(3) The licensee will keep a good, orderly, and quiet place of business, and keep the business closed in accordance with the provisions of any ordinance that is now or may hereafter be passed by the City Council regulating the hours during which an alcoholic liquor may be sold within the city limits;

(4) The licensee will not keep his or her place of business open except during the hours and on the days as provided in § 5.04.160, or provided in any subsequent ordinance that may be in effect during the term for which said license is granted;

(5) The licensee will not sell or give away any alcoholic liquors to any minor or to any person in a state of intoxication;

(6) The licensee will not permit any riotous, disorderly, indecent, or offensive conduct of any kind whatever to be practiced in or about any premises occupied by licensee in the conduct of the business, and shall report all such incidents to the local authorities should they occur;

(7) The licensee will not sell or give away any alcoholic liquors to any habitual drunkard or habitually intoxicated person;

(8) The licensee will pay the license fee which shall be fixed by the City Council under provisions of this chapter from time to time as is or may hereafter be provided; and

(9) The conviction of the licensee for a breach of any of the conditions of the bond shall work a forfeiture of \$200 of its penalty to the city for each and every breach thereof, the amount of which forfeiture may be sued for in the name of the people of the state for the use of the city, and recovered in any court of competent jurisdiction.

(B) The retail liquor dealer's bond shall be executed and acknowledged before some officer authorized by law to take acknowledgments, and shall be filed in the office of the City Clerk. Any bond taken under the provisions of this section may be sued upon for the use of any person or his or her legal representatives who may be injured by reason of the selling or giving away of any alcoholic liquors, as defined in this chapter, by the person so licensed or by his or her agent or servant. If, after the giving and acceptance of any such bond, any person who, having signed the bond or any surety, during the lifetime of the license, dies or becomes a non-resident of this state, or insolvent, or if the City Council or Mayor deems the bond or the sureties thereof to be insufficient, the City Council or the Mayor of the city may revoke the license issued under § 5.04.020 until such time as a satisfactory bond is furnished and approved by the City Council.

(Ord. 2004-05, passed - -; Ord. 494 § 9, passed - -1934; Ord. 90-01, passed - -1990)

§ 5.04.090 BOND-FORM.

The bond, as provided in § 5.04.080, may be in form and substance as follows:

KNOW ALL MEN BY THESE PRESENTS, that we, A. B., as principal, and C. D. and E. F., as sureties, of the County of Woodford, and State of Illinois, each are held and firmly bound unto the people of the State of Illinois in the penal sum of \$3,000, lawful money of the United States, for the payment of which, well and truly to be made and performed, we, and each of us, do hereby bind ourselves, our heirs, executors, administrators and assigns, and legal representatives, jointly and severally by these presents.

Witness our hands and seals at Minonk, Illinois, this ____ day of _____, A.D. 20____.

The conditions of this obligation are such, that whereas the above bounden A. B. desires to sell alcoholic liquor at retail in the City of Minonk, in said County, for the period from the day _____ of _____, A.D. 20____.

First, now, if the said A. B. shall well and truly pay all damages to any person or persons which may be inflicted upon them, either in person or property or means of support, by reason of said A. B. selling or giving away alcoholic liquors, and shall well and truly observe all the laws of the State of Illinois concerning the sale of alcoholic liquors, and the ordinances of the City of Minonk which are or may be in force during the continuance of any license granted under this bond.

Second, and if the said A. B. shall well and truly comply with all of the provisions of an ordinance of the City of Minonk entitled "An Ordinance to Regulate the Sale of Alcoholic Liquor", passed and approved May 7, 1934, and any amendments that may hereafter be made thereto, or any ordinance that may hereafter be enacted by the City Council regulating the sale of alcoholic liquors at retail, and

if the said A. B. shall well and truly pay the license which has been or which may be fixed by the City Council under the provisions of the ordinances of the City of Minonk, then this obligation to be void, otherwise to remain in full force and effect.

And a conviction for a breach of any of the conditions of this bond shall work a forfeiture of \$200 of its penalty to the City of Minonk. The amount of said forfeiture may be sued for in the name of the people of the State of Illinois for the use of the City of Minonk, and recovered in any court having jurisdiction of said amount.

Signed and sealed this _____ day of _____, 20____.

Signed, sealed, and delivered in presence of:

(Ord. 2004-05, passed - -; Ord. 494 § 10, passed - -1934; Ord. 90-01, passed - -1990)

§ 5.04.095 INSURANCE REQUIREMENTS.

All licensed retail liquor dealers shall be required to provide the city with a certificate of insurance for general liability and dram shop with application for license. Effective dates of said insurances shall be for period for which license is issued.

(Ord. 2004-05, passed - -; Ord. 90-01, passed - -1990)

§ 5.04.100 LICENSES-NUMBER PERMITTED.

There shall be no limit imposed on the amount of licenses in effect.

(Ord. 2004-05, passed - -; Ord. 494 § 12, passed 1934; Ord. 537 § 2, passed - -1948; Res. passed 5-3-1954; Ord. § 2, passed 7-5-1983; Ord. 90-01, passed - -1990)

§ 5.04.110 LICENSE-LIST REQUIRED.

The Mayor shall keep or cause to be kept a complete record of all such licenses issued by him or her, and shall furnish the Clerk, Treasurer, and Chief of Police each with a copy thereof. Upon the issuance of any new license or the revocation of any old license, the Mayor shall give written notice of the action to each of the above officers within 48 hours of such action.

(Ord. 2004-05, passed - -; Ord. 494 § 13, passed - -1934; Ord. 90-01, passed - -1990)

§ 5.04.120 LICENSE-CLASS B-RESTRICTIONS.

No holder of a Class B license issued under § 5.04.060 shall keep or allow to be kept on the premises specified in such license any alcoholic liquor other than beer, except and unless such licensee shall also be the holder of a Class A license issued under § 5.04.060 for the same premises.

(Ord. 2004-05, passed - -; Ord. 494 § 23, passed - -1934; Ord. 90-01, passed - -1990)

§ 5.04.130 LICENSE-REVOCATION.

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

(Ord. 2004-05, passed - -; Ord. 494 § 24, passed - -1934; Ord. 90-01, passed - -1990)

§ 5.04.140 LICENSE-NONTRANSFERABLE-EXCEPTION.

(A) A retail liquor dealer's license shall be purely a personal privilege, good for not to exceed one year after issuance, unless sooner revoked as provided in § 5.04.130, 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.

(B) Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee; provided, that executors 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 order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, insolvency, or bankruptcy of the licensee, until the expiration of the license, but not longer than six months after death, bankruptcy, or insolvency of the licensee.

(C) A refund shall be made of that portion of the license fees paid for any period in which the licensee is prevented from operating under the license in accordance with the provisions of this section.

(Ord. 2004-05, passed - -; Ord. 494 § 14, passed - -1934; Ord. 90-01, passed - -1990)

§ 5.04.150 PREMISES-TO BE KEPT IN SANITARY CONDITION.

All premises used for the retail sale of alcoholic liquor, or for the storage of liquor for sale, shall be kept in a clean and sanitary condition.

(Ord. 2004-05, passed - -; Ord. 494 § 17, passed - -1934; Ord. 90-01, passed - -1990)

§ 5.04.160 PREMISES-HOURS OF OPERATION.

(A) *Retail sales hours.* It is unlawful to sell or offer to sale at retail or to give away in or upon any licensed premises, any alcoholic liquor between the hours of 1:00 a.m. and 6:00 a.m. on any Sunday through Friday, nor between the hours of 1:30 a.m. and 6:00 a.m. on any Saturday.

(B) *Closing hours.* It shall be unlawful to keep open for business, or to admit the public to, or permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises on which alcoholic liquor is sold at retail between the hours of 1:30 a.m. and 6:00 a.m. on any Sunday through Friday, nor between the hours of 2:00 a.m. and 6:00 a.m. on any Saturday; provided, that in the case of restaurants, such establishments may be kept open for business during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours.

(C) *Special holiday closing.* It is unlawful to sell, or offer for sale at retail, or to give away in or upon any licensed premises, any alcoholic liquor between the hours of 6:00 p.m. Christmas Eve and 12:00 noon Christmas Day nor between the hours of 1:30 a.m. and 6:00 a.m. New Year's Day.

(D) *Time*. All times used in this section shall be the prevailing local time.

(E) *Variances*. Any request for variances from the closing times specifically stated in this section may be requested by any holder of a municipal liquor license in the form of a written request to the Liquor Commissioner. The Liquor Commissioner, at his or her discretion, can grant a variance limited to one specific event or day. The Liquor Commissioner shall issue his or her variance in writing and the license holder must display the variance permit in his or her establishment for the day or event the variance is granted.

(F) *Penalties for violation*. Violation of any provision of this section shall be penalized as follows:

(1) *First offense*. Fine of at least \$100, but not to exceed \$300;

(2) *Second offense*. Fine of at least \$100, but not to exceed \$300, plus ten-day suspension of offender's liquor license; and

(3) *Third offense*. Suspension of not more than 30 days and/or revocation for cause of offender's liquor license.

(Ord. 2004-05, passed - -; Ord. 2008-04, passed - -; Ord. 494 § 20, passed - -1934; Ord. 497, passed - -1934; Ord. §§ 1 through 6, passed 12-3-1979; Ord. 90-01, passed - -1990)

§ 5.04.170 PREMISES-LOCATION RESTRICTIONS.

No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, undertaking establishment, or mortuary, unless the place of business has been established for such purposes prior to the effective date of the ordinance codified in this chapter.

(Ord. 2004-05, passed - -; Ord. 494 § 19, passed - -1934; Ord. 90-01, passed - -1990)

§ 5.04.180 PREMISES-CHANGE OF LOCATION.

(A) A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. The location may be changed only upon the written permit to make such change issued by the Mayor.

(B) No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this state and the ordinances of the city.

(Ord. 2004-05, passed - -; Ord. 494 § 15, passed - -1934; Ord. 90-01, passed - -1990)

§ 5.04.190 PREMISES-VIEW FROM STREET REQUIRED.

(A) In premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed, no screen, blind, curtain, partition, article, or thing shall be permitted in the windows or upon the doors of the licensed premises, nor inside such premises, which prevents a clear view into the interior of the licensed premises from the street, road, or sidewalk at all times.

(B) No booth, screen, partition, or other obstruction, nor any arrangement of lights or lighting, shall be permitted in or about the interior of the premises which prevents a full view of the entire interior of the premises from the street, road, or sidewalk.

(C) The premises must be so located that there shall be full view of the entire interior of the premises from the street, road, or sidewalk. All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises are clearly visible. In case the view into any licensed premises, required by this section, is willfully obscured by the licensee or by him or her willfully suffered to be obscured or in any manner obstructed, then his or her license shall be subject to revocation in the manner provided in § 5.04.130.

(Ord. 2004-05, passed - -; Ord. 494 § 22, passed - -1934; Ord. 604 § 1, 1958; Ord. 90-01, passed - -1990)

§ 5.04.200 PREMISES-MINORS AND HABITUAL DRUNKARDS PROHIBITED-PENALTY.

No retailer of liquors shall employ any minor or habitual drunkard as a servant or clerk in his or her business, nor shall such retailer harbor or entice or suffer any minor or intoxicated person or habitual drunkard to remain or loiter in or about his or her place of business, under a penalty of not less than \$100 and not more than \$500 for each offense.

(Ord. 2004-05, passed - -; Ord. 494 § 11, passed - -1934; Ord. 90-01, passed - -1990)

§ 5.04.210 SALE TO PERSONS UNDER 21 YEARS OF AGE.

The sale, gift, or delivery of beer, liquor, and wine may not be made to persons under the age of 21 years.

(Ord. 2004-05, passed - -; Ord. 494, passed - -1934; Ord. 697, passed - -1973; Ord. 90-01, passed - -1990)

§ 5.04.220 PERSONS UNDER 21 YEARS OF AGE PROHIBITED ON PREMISES-EXCEPTION.

No establishment which has heretofore been licensed for the sale of alcoholic beverages shall allow any person on their premises under 21 years of age unless that person is accompanied by a parent, or parents, or by such other person or person standing in loco parentis.

(Ord. 2004-05, passed - -; Ord. 494, passed - -1934; Ord. 697, passed - -1973; Ord. 90-01, passed - -1990)

§ 5.04.230 AGE LIMITATION ON SALE OR ACCEPTANCE OF ALCOHOLIC LIQUOR.

(A) The sale, gift, or delivery of any alcoholic liquors is prohibited to those persons under the age of 21 years of age.

(B) These persons shall not accept as a gift any alcoholic liquors or have alcoholic liquors in their possession.

(Ord. 2004-05, passed - -; Ord. 494, passed - -1934; Ord. 697, passed - -1973; Ord. 90-01, passed - -1990)

§ 5.04.240 IDENTIFICATION REQUIRED FOR SALE WHEN.

Any licensee who believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the non-age of the prospective recipient shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his or her official duties.

(Ord. 2004-05, passed - -; Ord. 494, passed - -1934; Ord. 697, passed - -1973; Ord. 90-01, passed - -1990)

§ 5.04.250 PENALTY FOR VIOLATION OF §§ 5.04.210 THROUGH 5.04.240.

Whoever violates any of the provisions of §§ 5.04.210 through 5.04.240 shall be guilty of a misdemeanor and shall be fined not less than \$100 and not more than \$500 for each offense.

(Ord. 2004-05, passed - -; Ord. 494, passed - -1934; Ord. 697, passed - -1973; Ord. 90-01, passed - -1990)

§ 5.04.260 EMPLOYEE RESTRICTIONS.

It is unlawful to employ in any premises used for the retail sale of alcoholic liquor, any person who is below the age of 18 years to sell, dispense, and/or serve alcoholic liquor; and/or to employ any person who is afflicted with, or who is a carrier of any contagious, infectious, or venereal disease. It is unlawful for any person below the age of 18 years to work in any premises where duty includes selling, dispensing, and/or serving alcoholic liquor.

(Ord. 2004-05, passed - -; Ord. 494 § 18, passed - -1934; Ord. 90-01, passed - -1990; Ord. 2016-007, passed - -2016) Penalty, see § 5.04.290

§ 5.04.270 SALES ON ELECTION DAYS.

(A) Legislation enacted by the state allows all places that serve and sell intoxicating liquor to remain open at the option of the local government.

(B) Therefore, the establishments in the city have the right to remain open between the hours that have heretofore been established on all election days unless otherwise directed by the Council.

(Ord. 2004-05, passed - -; Ord. 494 § 21, passed - -1934; Res. §§ 1, 2, passed 10-1-1979; Ord. 90-01, passed - -1990)

§ 5.04.280 PEDDLING PROHIBITED.

It is unlawful to peddle alcoholic liquor in the city.

(Ord. 2004-05, passed - -; Ord. 494 § 16, passed - -1934; Ord. 90-01, passed - -1990) Penalty, see § 5.04.290

§ 5.04.285 GAMBLING; LICENSED VIDEO GAMING.

(A) Except to the extent licensed by the City Council, no gambling game shall be played, kept, allowed, or used on any premises licensed hereunder. For purposes hereof, **GAMBLING GAME** includes, but is not limited to, the following when used as a wagering device: baccarat, twenty-one, poker, craps, slot machine, video game of chance, roulette, Klondike table, punchboard, faro, keno, numbers ticket, push card, jar ticket, pull tab, and the like.

(B) Notwithstanding, video gaming terminals may be operated in licensed establishments to the extent permitted by the Video Gaming Act, 230 ILCS 40/1 et seq., and the regulations of the state's Gaming Board promulgated thereunder. The owner of a licensed establishment where a video gaming terminal is operated shall conspicuously post the license for such video gaming terminal in view of the public.

(Ord. 2012-04, passed 6-4-2012)

§ 5.04.290 PENALTY FOR VIOLATION.

Any person, firm, or corporation violating any provisions of this chapter shall be fined not less than \$100 nor more than \$500 for each offense. A separate offense is deemed committed on each day during or on which a violation occurs or continues.

(Ord. 2004-05, passed - -; Ord. 494 § 25, passed - -1934; Ord. 90-01, passed - -1990)

CHAPTER 5.08: LIQUOR LICENSE FOR V.F.W. POST 7185

Section

5.08.010	License-granted-limitations
5.08.020	License-fee
5.08.030	Compliance with city provisions required
5.08.040	Sale of package goods prohibited
5.08.050	Compliance with city, state, and federal regulations required-violation-penalty

§ 5.08.010 LICENSE--GRANTED--LIMITATIONS.

A license is granted to the Veterans of Foreign Wars Post 7185, for the sale of liquor over the bar at the premises at 541 Oak Street in the city, only on special occasions or at regular meetings.
(Ord. 2004-05, passed - -; Ord. 663, passed - -1969)

§ 5.08.020 LICENSE-FEE.

The license fee shall be \$50 per year, and shall be paid in the same manner and at the same time as other liquor license fees in the city.
(Ord. 2004-05, passed - -; Ord. 663, passed - -1969)

§ 5.08.030 COMPLIANCE WITH CITY PROVISIONS REQUIRED.

This liquor license is granted subject to provisions and regulations concerning all taverns in the city, and the bar shall be closed at the times provided in and by such provisions.
(Ord. 2004-05, passed - -; Ord. 663, passed - -1969)

§ 5.08.040 SALE OF PACKAGE GOODS PROHIBITED.

This license shall not permit the sale of package goods, bottles, or cartons of liquor, and is issued solely for the purpose of permitting the sale of liquor by measure or drink to the patrons to be served on the premises.
(Ord. 2004-05, passed - -; Ord. 663, passed - -1969)

**§ 5.08.050 COMPLIANCE WITH CITY, STATE, AND FEDERAL REGULATIONS
REQUIRED-VIOLATION-PENALTY.**

This license shall be issued with a further understanding that the licensee shall obey all regular municipal, state, and federal regulations, ordinances, and laws, and that upon the violation of any of them shall give the city or the Liquor Commissioner the right to revoke such license.
(Ord. 2004-05, passed - -; Ord. 663, passed - -1969)

CHAPTER 5.12: MALT BEVERAGES

Section

5.12.010	Short title
5.12.020	License-required-fee-expiration date
5.12.030	License-term
5.12.040	License-application-bond-issuance
5.12.050	License-bond required
5.12.060	Bond-conditions and form
5.12.070	Compliance with city provisions required
5.12.080	Right of entry to premises-penalty
5.12.090	License-suspension or revocation when
5.12.100	Violation-penalty

§ 5.12.010 SHORT TITLE.

The ordinance codified in this chapter shall be known as "The Malt Beverage Ordinance".
(Ord. 2004-05, passed - -; Ord. 492 § 1, passed - -1933)

§ 5.12.020 LICENSE-REQUIRED-FEE-EXPIRATION DATE.

(A) A license shall entitle the licensee to sell malt beverages in the city, and no person shall conduct a malt beverage business in any stand, place, room or enclosure, or any suite of rooms, unless he or she shall have secured a license for the same and has paid to the City Clerk the license fee for such establishment, which is \$50 per year.

(B) All licenses shall expire on the first day of January of the next succeeding calendar year, and a license fee shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

(Ord. 2004-05, passed - -; Ord. 492 § 2, passed - -1933)

§ 5.12.030 LICENSE-TERM.

(A) No license shall be granted or issued under the provisions of this chapter for a longer period than one year from the date of its issue. No license shall in any case extend beyond the end of the calendar year for which it has been granted or issued. Each license shall be dated from the day of the issuing thereof.

(B) All license money shall be paid in advance for the entire period covered by the license issued.
(Ord. 2004-05, passed - -; Ord. 492 § 3, passed - -1933)

§ 5.12.040 LICENSE-APPLICATION-BOND-ISSUANCE.

Every person desiring a license under the provisions of this chapter shall make a written application therefor to the City Clerk, upon blanks to be furnished by the Clerk, specifying:

(A) The name and residence address of applicant;

(B) The place of birth of applicant, and, if a naturalized citizen, the time and place of naturalization; and

(C) The location where he or she proposes to sell malt beverages. The applicant shall file with his or her application a bond with good and sufficient sureties thereon. The applicant shall have bond on file as provided in § 5.12.050. The City Clerk shall present the application and bond to the City Council at their next meeting. If the City Council deems the applicant a fit person to keep a malt beverage shop, and if the Council, by vote, grants a license to said applicant and approves the bond, then the City Clerk, on payment to him or her of the sum of money required, shall issue a license to the applicant under the provisions of this chapter. In the case of a partnership, the information required by this section shall be furnished by each partner.

(Ord. 2004-05, passed - -; Ord. Div. 3 § 3, passed - -; Ord. 492 § 4, passed - -1933)

§ 5.12.050 LICENSE-BOND REQUIRED.

Before any person is licensed to keep a malt beverage business, he or she shall first give bond in the penal sum of \$500, payable to the people of the state, with at least two good and sufficient sureties, freeholders of the county, each of whom shall be worth at least \$500 over and above all debts and all exemptions under and by virtue of the homestead exemption laws of this state, to be approved by the City Council under the provisions of § 5.08.040. The bond shall be conditioned for:

(A) The faithful observance of the provisions of the laws of the state and the ordinances of this city;

(B) The maker of the bond will pay the license fee as fixed by the City Council under the provisions of § 5.12.020; and

(C) A conviction of such person for a breach of any of the conditions of the bond shall work a forfeiture of \$200 of its penalty to the city for each and every breach thereof, the amount of which forfeiture may be sued for in the name of the people of the state for the use of the city, and recovered in any court having jurisdiction. The bond shall be executed before an officer authorized by law to take acknowledgments, and shall be filed in the office of the City Clerk. If after the giving and acceptance of any such bond, any person who signs the same, or any sureties, during the lifetime of the license, dies or becomes a non-resident of this state or insolvent, or if the City Council or Mayor shall deem the bond or the sureties of the bond as insufficient, the City Council or Mayor may revoke the license issued under § 5.08.020 until such time as a satisfactory bond is furnished and approved by the City Council.

(Ord. 2004-05, passed - -; Ord. 492 § 5, passed - -1933)

§ 5.12.060 BOND-CONDITIONS AND FORM.

The bond required by § 5.12.050 may be given to cover all licenses which are granted to the obligor therein from the time of the filling of the bond to the end of that calendar year, but in no case shall the

acceptance of such bond be so construed as to entitle the obligor therein to any license except as provided in § 5.12.020. The bond may be in form and substance as follows:

“KNOW ALL MEN BY THESE PRESENTS that we, A. B., as principal, and C. D. and E. F., as sureties, of the County of Woodford and State of Illinois, are held and firmly bound unto the people of the State of Illinois in the penal sum of \$500, lawful money of the United States, for the payment of which well and truly to be made and performed we and each of us do hereby bind ourselves, our heirs, executors, administrators, and assigns and legal representatives, jointly and severally, by these presents.

WITNESS our hands and seals at Minonk, Woodford County, Illinois this ____ day of _____, A.D. 20 ____.

The condition of this obligation is such that WHEREAS the above bounden A. B. desires to keep a malt beverage shop in the City of Minonk, in said county, for the period from the ____ day of _____, A.D. 20 ____, to the expiration of the calendar year next following.

Now if the above bound principal shall well and truly and faithfully observe the provisions of the laws of the State of Illinois and the ordinances of the City of Minonk, and the maker of this bond shall pay the license fee fixed by the City Council under the provisions of this ordinance in accordance with the provisions thereof, then this obligation to be void, otherwise to remain in full force and effect.

And a conviction for a breach of any of the conditions of this bond shall work a forfeiture of \$200 of its penalty to the City of Minonk, Woodford County, Illinois. The amount of said forfeiture may be sued for in the name of the People of the State of Illinois for the use of the City of Minonk, Woodford County, Illinois and recovered in any court having jurisdiction of said amount.

Signed and sealed this ____ day of _____, A.D. 20 ____.

Signed, sealed, and delivered in the presence of _____.”

(SEAL)

(SEAL)

(SEAL)

(Ord. 2004-05, passed - -; Ord. 492 § 6, passed - -1933)

§ 5.12.070 COMPLIANCE WITH CITY PROVISIONS REQUIRED.

All persons engaged in selling malt beverages shall be subject to and be governed by all ordinances of the city in force at the time of issuing the license under which they are selling the same, and all ordinances that may afterwards be lawfully passed.

(Ord. 2004-05, passed - -; Ord. 492 § 7, passed - -1933)

§ 5.12.080 RIGHT OF ENTRY TO PREMISES-PENALTY.

All persons selling malt beverages under the provisions of this chapter are required at all times to allow the Chief of Police to enter their premises in the discharge of his or her duty. Any person who refuses to allow the Chief of Police to so enter his or her premises shall, on conviction thereof, forfeit and pay to the city a fine of not less than \$5 nor more than \$200 for each offense.
(Ord. 2004-05, passed - -; Ord. 492 § 8, passed - -1933)

§ 5.12.090 LICENSE-SUSPENSION OR REVOCATION WHEN.

The Mayor may suspend or revoke any license issued under this chapter for any one or more of the following reasons:

(A) Any violation of the laws of the state or of any of the provisions of this chapter;

(B) The willful making of any false statement as to a material fact in the application for a license; and/or

(C) Permitting any disorderly or immoral practices upon the premises where the licensee is licensed to sell malt beverages.

(Ord. 2004-05, passed - -; Ord. 492 § 9, passed - -1933)

§ 5.12.100 VIOLATION-PENALTY.

Whoever violates any of the provisions of this chapter shall, upon conviction, be punished by a fine of not less than \$25 and not more than \$200.

(Ord. 2004-05, passed - -; Ord. 492 § 10, passed - -1933)

CHAPTER 5.16: GATE RECEIPTS FEE

Section

- 5.16.01 Definitions
- 5.16.02 License required
- 5.16.03 Gate receipts fee imposed
- 5.16.04 Collection
- 5.16.05 Penalty
- 5.16.06 Suspension
- 5.16.07 Refund or credit

§ 5.16.01 DEFINITIONS.

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

AMUSEMENT. Any activity or event where persons engage in or observe a recreational activity, physical activity, or performance including, but not limited to, motor vehicle racing or similar activities. **AMUSEMENTS** shall not include those activities where the manner in which one participates in a recreational activity is instructional in nature and constitutes lessons or classes.

GROSS GATE RECEIPTS. The total selling price or charge imposed upon all persons participating in or witnessing all amusements within the city. **GROSS GATE RECEIPTS** shall not include any sums charged for the right to participate in an activity within an amusement park.

§ 5.16.02 LICENSE REQUIRED.

No person, firm, or corporation shall produce, present, or conduct any amusement for gain or profit without first obtaining a license from the city.
Penalty, see § 5.16.05

§ 5.16.03 GATE RECEIPTS FEE IMPOSED.

A gate receipts fee is hereby imposed upon all persons participating in or witnessing all amusements within the city in an amount equal to 3% of the gross gate receipts; provided, however, that the fee shall not apply nor be imposed upon the privilege of witnessing in any business or trade show or any amusement the proceeds of which, after payment of reasonable expenses, inure exclusively to the benefit of any religious, educational, or charitable institution, or any society or organization conducted and maintained for the purpose of civic improvement, provided that no part of the net earnings of such entity inure to the benefit of any shareholder or person.

§ 5.16.04 COLLECTION.

(A) The fee shall be collected by any natural person or corporation conducting an amusement from those persons who attend and witness or participate in such amusement.

(B) The fee so collected shall be due and payable on the fifteenth day of each month for the preceding calendar month. The fee shall be paid to and collected by the City Collector.

(C) The owner or operator of the amusement shall keep complete and accurate records, books, and accounts in detail of all gross receipts for such amusements and such receipts shall be kept and made available at the place of amusement or such other place as the city may designate in writing by the person liable for the fee. The City Treasurer, either personally or through his or her authorized agent, shall have the right at all reasonable times to check the books and records of any person, corporation, or any other entity that carries on an amusement for the purpose of auditing the collection of such fee.

(D) On or before the fifteenth day of each calendar month, each person or corporation responsible for collection of the fee provided for in this chapter shall make a report in writing and file it with the City Treasurer stating the total number of paid admissions, if applicable, the gross receipts for paid admissions for amusement and the total fee collected for such period.

(E) Such report shall accompany delivery of the aggregate gross gate receipts for the prior month.

§ 5.16.05 PENALTY.

(A) Any person or corporation failing to pay the fee provided for in this chapter, or refusing to allow the inspection of books or records as required by this chapter, or failing to file the report of fees and charges required by this chapter, or willingly and knowingly making a false report or violating any of the terms of this chapter shall be fined a penalty in the sum of not less than \$200 and not more than \$500. A separate offense shall be deemed committed on each day during or on which a violation occurs. Upon a finding of a violation of this chapter, the Circuit Court may direct and order the person or corporation to pay the fee amounts not paid to the city.

(B) In addition to the penalty above, an additional amount of 5% of the fee required to be shown due on the return shall be imposed for a failure to file a report on or before the due date prescribed for filing such return and an additional 15% of the fee shown on the return or required to be shown due on the return shall be imposed for a failure to pay such amount on or before the due date prescribed for filing the return.

§ 5.16.06 SUSPENSION.

The Mayor of the city may suspend or revoke any license issued to a person or corporation responsible for collecting the fee provided for in this chapter for failure to comply with the provisions of this chapter. A revocation or suspension shall take place only after a hearing based upon previously presented written charges and with at least 14 days' prior written notice. At the hearing, the party charged may be represented by counsel and any witnesses called shall be subject to cross examination. The Mayor of the city shall issue a written opinion, with findings of fact, after the conclusion of the hearing.

§ 5.16.07 REFUND OR CREDIT.

Notwithstanding any other provision of the ordinances of the city, in order to permit sound fiscal planning and budgeting by the city, no person shall be entitled to a refund of or credit for any fee imposed under this chapter unless the person files a claim for refund or credit within one year of the date on which the fee was paid or remitted to the city.

(Ord. 2005-03, passed - -)

CHAPTER 5.20: ADULT USE LICENSING AND REGULATION

Section

- 5.20.11 Purpose
- 5.20.02 Definitions
- 5.20.03 License required
- 5.20.04 Issuance of license
- 5.20.05 Fees
- 5.20.06 Inspection
- 5.20.07 Expiration of license
- 5.20.08 Suspension
- 5.20.09 Revocation
- 5.20.10 Transfer of license
- 5.20.11 Business records
- 5.20.12 Adult entertainment cabarets; restrictions
- 5.20.13 Video viewing booths; restrictions
- 5.20.14 Other restrictions
- 5.20.15 Zoning
- 5.20.16 Hours of operation
- 5.20.17 Alcoholic beverages prohibited
- 5.20.18 Minors prohibited
- 5.20.19 Penalty

§ 5.20.01 PURPOSE.

The purpose of this chapter is to regulate adult uses to protect the community from the many types of criminal activity frequently associated with such uses. The city recognizes that such regulation cannot in effect prohibit such uses. This chapter has balanced the competing interest of the community in reducing criminal activity and protecting property values versus the protected rights of the owners, operators, employees, and patrons of adult uses.

§ 5.20.02 DEFINITIONS.

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

ADULT BOOKSTORE. An establishment having as a substantial or significant portion of its sales or stock in trade, or for viewing on premises by use of motion picture devices or by coin-operated means, any books, magazines, films, and 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 materials; or an

establishment that holds itself out to the public as a purveyor of such materials, based upon its signage, advertising, displays, actual sales, presence of video preview, or coin-operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such materials.

ADULT ENTERTAINMENT CABARET. A public or private establishment which:

- (1) Features topless dancers, strippers, "go-go" dancers, male or female impersonators, or lingerie or bathing suit fashion shows;
- (2) Not infrequently features entertainers who display specified anatomical areas; or
- (3) Features entertainers who, by reason of their appearance or conduct, perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in, explicit stimulation of specified sexual activities.

ADULT MOTION PICTURE THEATER. A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT NOVELTY STORE. An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing, novelties, lotions, and other items distinguished or characterized by their emphasis on or use for specialized sexual activities or specified anatomical areas, or any establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises, or any other factors showing the establishment's primary purpose is to purvey such materials.

ADULT USE. Adult bookstores, adult motion picture theaters, adult entertainment cabarets, and other similar uses.

EMPLOYEE. Employees, independent contractors, or any other persons who are retained by the licensee or subject to dismissal from working at the licensed premises.

SPECIFIED ANATOMICAL AREAS. Shall include:

- (1) Less than completely and opaquely covered human genitals, public region, buttock, and female breasts below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED CRIMINAL ACTIVITY.

- (1) Includes any of the following offenses: prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a minor; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a

child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; distribution of a controlled substance; or any similar offenses to those described above under the criminal and penal code of other states or counties for which:

(a) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(b) Less than five years have elapsed since the date of conviction or the date of release from confinement for conviction, whichever is the later date, if the conviction is a felony offense; or

(c) Less than five years have elapsed since the date of the last conviction or the date of release from confinement from the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

(2) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

SPECIFIED SEXUAL ACTIVITIES. Shall include:

(1) Human genitals in the state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse, or sodomy; and

(3) Fondling or other erotic touching of human genitals, public region, buttock, or female breasts.

§ 5.20.03 LICENSE REQUIRED.

(A) It shall be unlawful for any person to operate an adult use without a valid adult use business license issued by the city pursuant to this chapter.

(B) An application for a license shall be made on a form provided by the city.

(C) All applicants must be qualified according to the provisions of this chapter. The application may request and the applicant shall provide such information as is needed to enable the city to determine whether the applicant meets the qualifications established in this chapter.

(D) If a person who wished to operate an adult use is an individual, that person must sign the application for a license as applicant. If a person who wishes to operate an adult use is other than an individual, each individual who has a 20% or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under § 5.20.04, and each applicant shall be considered a licensee if the license is granted.

(E) The completed application for an adult use business license shall contain the following information:

(1) If is an individual, the individual shall submit proof that he or she is 18 years of age;

(2) If the applicant is a partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any; and

(3) If the applicant is a corporation, the corporation shall state its complete name, the date of incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors, and principal shareholders, and the name and address of the registered corporate agent.

(F) If the applicant intends to operate the adult use business under a name other than that of the applicant; he or she must state the business' assumed name and submit any required registration documents.

(G) If the applicant has been convicted of any specified criminal activity as defined in this chapter, he or she must specify the criminal activity involved and the date, place, and jurisdiction of such.

(H) The applicant must state if a previous license under this chapter or similar ordinance from another city or county was denied, suspended, or revoked. He or she must include the name and location of the business, as well as the date of the denial, suspension, or revocation.

(I) It must be stated whether the applicant holds any other license under this chapter or other similar ordinance from another city or county and, if so, the names and locations of such other licensed businesses.

(J) The applicant must submit a sketch or diagram showing the configuration of the premises, including a statement of total floor area occupied by the business. This sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.

Penalty, see § 5.20.19

§ 5.20.04 ISSUANCE OF LICENSE.

(A) Within 60 days after receipt of a completed adult use business license application, the corporate authorities of the city shall approve or deny the issuance of the license. The corporate authorities of the city shall approve the issuance of a license, unless they determine by a preponderance of the evidence any one or more of the following:

(1) The applicant is under 18 years of age;

(2) The applicant is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon him or her in relation to any business;

(3) The applicant has failed to provide information reasonably necessary for the issuance of the license or has falsely answered a question or request for information on the application form;

(4) The applicant has been denied a license, by the corporate authorities of the city or any other city, village, town, township, or county to operate an adult use business within the preceding 12 months, or whose license to operate an adult use business has been revoked within the preceding 12 months;

(5) The applicant has been convicted of a specified criminal activity defined in this chapter;

(6) The premises to be used for the adult use business have not been approved by the Fire Protection District and the Building Department as being in compliance with the applicable laws and ordinances;

(7) The license fee required by this chapter has not been paid; and/or

(8) The applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter.

(B) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the adult use business. All licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(C) The Fire Protection District and Code Enforcement Officers shall complete their certification that the premises are in compliance or not in compliance with city codes within 20 days of receipt of the application by the city.

(D) No adult use business license shall be issued unless the premises at which the adult use will operate are in conformance with the restriction set forth in the Zoning Ordinance.

Penalty, see § 5.20.19

§ 5.20.05 FEES.

Every application for an adult use business license (whether a new license or for renewal of an existing license) shall be accompanied by a \$500 non-refundable application and investigation fee.

Penalty, see § 5.20.19

§ 5.20.06 INSPECTION.

(A) An applicant or licensee shall permit representatives of the Police Department, Fire Protection District, Building Department, or other city or city-designated departments or agencies to inspect the premises of the adult use for the purpose of ensuring compliance with the law at any time the business is occupied or open for business.

(B) A person who operates an adult use or his or her agent or employee violates this chapter if he or she refuses to permit such lawful inspection of the premises at any time the business is occupied or open for business.

Penalty, see § 5.20.19

§ 5.20.07 EXPIRATION OF LICENSE.

(A) Each license shall expire on the January 1 after it was issued and may be renewed only by making an application as provided in § 20.04. Application for renewal shall be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the license will not be affected.

(B) If the city denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the city finds that the basis for denial of the license has been corrected or abated, the applicant may be granted a license.

§ 5.20.08 SUSPENSION.

(A) The city may suspend a license for a period not to exceed 30 days if, after a hearing, it determines that a licensee or an employee of a licensee:

- (1) Violated or is not in compliance with any section of this chapter;
- (2) Refused to allow an inspection of the adult use business premises as authorized by this chapter; or
- (3) Knowingly permitted gambling by any person on the adult use business premises.

(B) If the licensee or an employee of the licensee has been found guilty in a court of law of a violation of this chapter, no hearing is necessary prior to suspension of the license.

§ 5.20.09 REVOCATION.

(A) The city shall revoke a license if a cause of suspension as set forth in § 5.20.08 occurs and the license has been suspended within the preceding 12 months, or if the licensee is convicted of any specified criminal activity.

(B) The city shall revoke a license if the city determines; after a hearing, that:

- (1) A licensee gave false or misleading information in the material submitted during the application process;
- (2) A licensee has knowingly allowed possession, use, or sale of alcohol or controlled substances on the premises;
- (3) A licensee has knowingly allowed prostitution on the premises;
- (4) A licensee has knowingly operated the adult use business during a period of time when the licensee's license was suspended;
- (5) A licensee has knowingly allowed any act of sexual intercourse, oral copulation, masturbation, or other sex act to occur in or on the licensed premises;
- (6) A licensee is delinquent in payment to the city, county, or state for any taxes or fees past due; or
- (7) A licensee has knowingly or intentionally facilitated another commission of the offense of public indecency.

(C) If the city revokes a license, the revocation shall continue for one year, and the licensee shall not be issued an adult use business license for one year from the date the revocation became effective. If, subsequent to revocation, the city finds that the factual basis for the revocation did not occur, the applicant may be granted a license.

(D) After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such action in any court of competent jurisdiction.

§ 5.20.10 TRANSFER OF LICENSE.

A licensee shall not transfer his or her license to another person or business, nor shall a licensee operate an adult use business under the authority of a license at any place other than the address on the license.

§ 5.20.11 BUSINESS RECORDS.

All adult uses shall file a verified report with the city showing the licensees' gross receipts and amounts paid to employees during the preceding calendar year. In addition, all adult uses shall maintain and retain for a period of two years the names, addresses, and ages of all persons employed, including independent contractors, by the licensee.

Penalty, see § 5.20.19

§ 5.20.12 ADULT ENTERTAINMENT CABARETS; RESTRICTIONS.

(A) All dancing and other performances shall occur on a stage intended for that purpose which is raised at least two feet from the level of the floor. No dancing or other performances shall occur closer than ten feet to any patron. In addition, no performer shall fondle, caress, or otherwise touch any patron and no patron shall fondle, caress, or otherwise touch any performer.

(B) No patron shall directly pay or give any gratuity to any performer, and no performer shall solicit any pay or gratuity from any patron. Gratuities may be indirectly given to performers by placing the gratuity on the stage.

Penalty, see § 5.20.19

§ 5.20.13 VIDEO VIEWING BOOTHS; RESTRICTIONS.

(A) No booths, stalls, or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment shall have doors, curtains, or portal partitions, but all such booths, stalls, or partitioned portions of a room or individual rooms so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room.

(B) All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.

Penalty, see § 5.20.19

§ 5.20.14 OTHER RESTRICTIONS.

(A) *Distance from other buildings.*

(1) No adult use shall be within 600 feet from the property line of a school, church, park, residential neighborhood, business serving alcoholic beverage, state controlled highway, or another adult use facility. *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *North Avenue Novelties v. City of Chicago*, 88 F.2d 941 (7th Cir. 1986).

(2) For the purposes of this division (A), distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the adult use establishment is located to the nearest point on any property line of a residential property, or any lot on which a protected use or other adult use establishment is located, as the case may be.

(B) *Limited exception for subsequent protected uses and residential property.* An adult use lawfully operating under this chapter and under the city's Adult Use Licensing Ordinance shall not be deemed to be in violation of the location restrictions set forth in this division (B) solely because a protected use subsequently locates within the minimum required distance of the adult use establishment or when any other lot or tract within the required minimum distance of the adult use establishment subsequently becomes residential property. This division (B) shall not apply to an adult use establishment at a time when an application for an adult use license under the Adult Use Establishment Licensing Ordinance for that establishment is submitted after the license has previously expired, has been revoked, or is at that time under suspension.

§ 5.20.15 ZONING.

Adult use facilities shall only be allowed to operate in the I-Industrial Zoning District, as said I-Industrial Zoning District existed as of December 18, 2000. No adult use will be allowed in the I-Industrial District as to property annexed into the city after January 1, 2001.

Penalty, see § 5.20.19

§ 5.20.16 HOURS OF OPERATION.

No adult use facility shall be open prior to 10:00 a.m. or after 10:00 p.m., Monday through Saturday. Said adult use facilities shall be closed on Sundays and all legal holidays. *Mitchell v. Commission on Adult Entertainment Establishments*, 10 F.3d 123 (3rd Cir. 1993).

§ 5.20.17 ALCOHOLIC BEVERAGES PROHIBITED.

No alcoholic beverages shall be served, consumed, possessed, delivered, or transported on or about the premises at any time.

Penalty, see § 5.20.19

§ 5.20.18 MINORS PROHIBITED.

No person under the age of 18 years shall be allowed on, about, or inside the adult use premises.

Penalty, see § 5.20.19

§ 5.20.19 PENALTY.

Should anyone violate any provision of this chapter, they shall be fined not less than \$50 nor more than \$500 for each occurrence. Each day that the violation of any of the provisions contained in this chapter continues shall be considered a separate violation.

(Ord. 2005-05, passed - -)

CHAPTER 5.28: MASSAGE PARLORS

Section

5.28.010	License-required
5.28.020	License-application-contents
5.28.030	License-prerequisites for issuance-stamp-to be placed conspicuously
5.28.040	License-amount of fee
5.28.050	Minors prohibited on premises-exception
5.28.060	License-revocation authorized when

§ 5.28.010 LICENSE-REQUIRED.

No person, firm, or corporation shall operate, maintain, or conduct a massage parlor, sauna bath, or similar place of establishment open to the public without having first obtained a license as required in this chapter.

(Ord. 2004-05, passed - -; Ord. 706 § 1, passed - -1975) Penalty, see § 1.01.090

§ 5.28.020 LICENSE-APPLICATION-CONTENTS.

The application for a massage parlor license shall be made to the City Clerk and shall specify the place where the massage establishment is to be operated and the number of square feet to be used therein.

(Ord. 2004-05, passed - -; Ord. 706 § 2, passed - -1975)

§ 5.28.030 LICENSE-PREREQUISITES FOR ISSUANCE-STAMP-TO BE PLACED CONSPICUOUSLY.

No license shall be issued except to a person of good character, approved by the City Council. Upon approval of the applicant and payment of the license fee, the City Clerk shall issue a stamp bearing the notation "City of Minonk License" for the calendar year. One license shall be issued for each establishment and it shall be placed in a conspicuous place in the establishment.

(Ord. 2004-05, passed - -; Ord. 706 § 3, passed - -1975)

§ 5.28.040 LICENSE-AMOUNT OF FEE.

The annual fee for such license shall be \$16,000 for the first 100 square feet, and an additional fee of \$4,000 for each additional 100 square feet or a part thereof.

(Ord. 2004-05, passed - -; Ord. 706 § 4, passed - -1975)

§ 5.28.050 MINORS PROHIBITED ON PREMISES-EXCEPTION.

Minors under the age of 18 years shall under no circumstances frequent, loiter, go into, or remain in any parlor licensed hereunder at any time, unless it be upon some lawful errand and sent under the direction and consent and knowledge of the parent, guardian, or other person having the lawful custody of such minor. It shall be unlawful for the proprietor of any parlor so licensed to allow or permit any minor to frequent, loiter, or remain within the parlor in violation of this section.

(Ord. 2004-05, passed - -; Ord. 706 § 5, passed - -1975) Penalty, see § 1.01.090

§ 5.28.060 LICENSE-REVOCATION AUTHORIZED WHEN.

The Mayor shall have the right to revoke any license issued under § 5.28.030 for the violation of any of the provisions of this chapter.

(Ord. 2004-05, passed - -; Ord. 706 § 6, passed - -1975)

CHAPTER 5.40: PEDDLERS AND SOLICITORS

Section

5.40.010	Recitals
5.40.020	Definitions
5.40.030	Prohibited solicitation
5.40.040	"No Knock" registry
5.40.050	Commercial door-to-door solicitation license required
5.40.060	No license required for non-commercial door-to-door solicitation
5.40.070	Door-to-door solicitation
5.40.080	Application for commercial door-to-door solicitation license
5.40.090	Denial or revocation of a license
5.40.100	Penalty

§ 5.40.010 RECITALS.

All recitals in the ordinance codified herein are incorporated into and made a part of this chapter.
(Ord. 2017-004, passed 3-6-2017)

§ 5.40.020 DEFINITIONS.

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

DOOR-TO-DOOR COMMERCIAL SOLICITATION. Attempting to make personal contact with any person at his residence, without prior invitation by or appointment with the resident, for the primary purpose of:

(1) Attempting to sell, for present or future delivery, any goods, wares or merchandise, newspaper or magazine subscriptions, or any services to be performed immediately or in the future, whether or not the person has, carries or exposes a sample of such goods, wares or merchandise, and whether or not he is collecting advance payments for such sales and services;

(2) Seeking or attempting to obtain contributions of money or any other thing of value for the benefit of any association, organization, corporation, or program, excluding those defined under door-to-door non-commercial solicitation; or

(3) Personally delivering to the resident a handbill or flyer advertising a commercial event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a future time.

DOOR-TO-DOOR NON-COMMERCIAL SOLICITATION. Attempting to make personal contact with any person at his residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

(1) Seeking or asking for a gift or donation for a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. § 501(c);

(2) Soliciting the sale of goods, wares or merchandise for present or future delivery, or the sale of services to be performed immediately or in the future, with the entire proceeds of such sale to be paid directly to, or used exclusively for the benefit of, a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. § 501(c);

(3) Personally delivering to the resident a handbill or flyer advertising a future not-for-profit event, activity, good or service;

(4) Distribution of religious tracts and information on behalf of a religious organization;

(5) Door-to-door canvassing and pamphleteering as a vehicle for the dissemination of ideas, or views or opinions by one engaged in political activities as a candidate or on behalf of a candidate in a recognized federal, state or local election, or on behalf of an issue on an upcoming ballot.

LICENSE. A document issued by the City Clerk authorizing a commercial solicitor to engage in door-to-door commercial solicitation.

PUBLIC ENTITY. The United States of America, the State of Illinois, and any county, municipality, school district, special district, and any other kind of district, agency, instrumentality, or political subdivision thereof organized pursuant to law and any separate entity created by intergovernmental contract or cooperation only between or among the federal, state, county, municipality, school district, special district, and every other kind of district, agency, instrumentality, or political subdivision thereof.

RESIDENCE. A private residence in the city, including but not limited to condominium units and apartments, and shall include the yards, grounds or hallways, thereof.
(Ord. 2017-004, passed 3-6-2017)

§ 5.40.030 PROHIBITED SOLICITATION.

(A) No person may engage in door-to-door commercial solicitation at any residence without prior invitation from the occupant if the residence is:

(1) Registered with the city's "No Knock" registry for door-to-door commercial solicitation; or

(2) Prominently displays a notice stating "No Commercial Solicitors" or "No Commercial Solicitation" on or near the main entrance or door to any dwelling unit in the residence.

(B) No person may engage in any door-to-door commercial or noncommercial solicitation upon any residence without prior invitation from the occupant thereof if the residence is:

(1) Registered with the city's "No Knock" registry for door-to-door commercial and non-commercial solicitation; or

(2) Prominently displays a notice stating “No Solicitors” or “No Solicitation” on or near the main entrance or door to any dwelling unit in the residence.

(C) No person may engage in door-to-door commercial or non-commercial solicitation at any residence after the owner or occupant asks the person to leave the residence.
(Ord. 2017-004, passed 3-6-2017)

§ 5.40.040 “NO KNOCK” REGISTRY.

(A) An occupant may prohibit door-to-door commercial and/or noncommercial solicitation without prior invitation at his residence by registering the residence with the City Clerk's office.

(B) The City Clerk will maintain and publish a “No Knock” registry on the city's website, indicating those occupants prohibiting door-to-door commercial and/or non-commercial solicitation at his or her residence.
(Ord. 2017-004, passed 3-6-2017)

§ 5.40.050 COMMERCIAL DOOR-TO-DOOR SOLICITATION LICENSE REQUIRED.

It shall be unlawful for any person to engage in door-to-door commercial solicitation at a residence without first obtaining a license issued by the City Clerk. Unless authorized or permitted pursuant to the terms and provisions of this chapter, the practice of being in and upon private residential property within the city by door-to-door commercial solicitors is a nuisance prohibited and punishable as set forth in this chapter.
(Ord. 2017-004, passed 3-6-2017)

§ 5.40.060 NO LICENSE REQUIRED FOR NON-COMMERCIAL DOOR-TO-DOOR SOLICITATION.

Persons engaged in non-commercial door-to-door solicitation are not required to obtain a license.
(Ord. 2017-004, passed 3-6-2017)

§ 5.40.070 DOOR-TO-DOOR SOLICITATION.

(A) Every person licensed pursuant to this chapter must at all times possess and display their license in a conspicuous place while soliciting, and shall produce the same whenever requested to do so by a police officer or other person.

(B) Not more than two individuals will engage in door-to-door commercial or non-commercial solicitation at any residence at the same time.
(Ord. 2017-004, passed 3-6-2017)

§ 5.40.080 APPLICATION FOR COMMERCIAL DOOR-TO-DOOR SOLICITATION LICENSE.

(A) Each person applying for a door-to-door commercial solicitation license must make a written application on forms provided by the city with payment of the license fees to the city. The applicant shall state upon oath or affirmation that the information contained in the application is truthful to the best of their knowledge and belief.

(B) The applicant must supply the following information and any such additional information that the city may include upon the application form:

- (1) Applicant's true and correct name, and any former names or aliases;
- (2) Applicant's business address and business telephone number;
- (3) If different from the applicant, the name, address, and phone number of the responsible person or entity;
- (4) The name, address, and phone number of the applicant's immediate supervisor, if any;
- (5) Information regarding the applicant's business including, without limitation, its legal status and proof of registration with, or a certificate of good standing from the Illinois Secretary of State;
- (6) Proof the applicant or the applicant has registered with the Illinois Department of Revenue for the payment of sales tax;
- (7) A brief explanation of the nature and duration of the applicant's proposed solicitation activity that requires a permit under this chapter;
- (8) Whether the applicant's permit, license or registration in connection with soliciting has ever been revoked by any jurisdiction and an explanation of the circumstances;
- (9) A complete list of all persons to be authorized to solicit under the license;
- (10) For each person authorized to solicit under a license, the following information:
 - (a) Name, address, phone number and date of birth;
 - (b) Proof of identification by submittal of any of the following that bear a photograph of the person:
 1. A valid U.S. driver's license or identification card issued by any state;
 2. A valid United States uniformed service identification card;
 3. A valid U.S. passport; or
 4. U.S. Citizenship and Immigration Services Green Card;
- (11) Any other information determined to be relevant by the City Clerk; and

(12) A \$250 application fee, plus a \$50 per person license fee.

(C) Within five business days of the City Clerk's receipt of a complete application, the City Clerk will issue a license for a term of one year, unless the City Clerk determines that the license application should be denied under the criteria stated in § 5.40.090.
(Ord. 2017-004, passed 3-6-2017)

§ 5.40.090 DENIAL OR REVOCATION OF A LICENSE.

(A) The City Clerk will send the applicant or licensee a "Notice of Denial" or "Notice of Revocation" for a door-to-door commercial solicitation license by first class mail, if the City Clerk determines that the applicant:

(1) Made any material misrepresentation or false statement in the license application;

(2) Failed to notify the city if any person authorized to solicit under the license, including the applicant, had a city license previously revoked within the past five years;

(3) Failed to comply with applicable laws, including registration with the Illinois Department of Revenue for the payment of sales tax;

(4) Failed to conduct and/or supervise solicitation activities under the license so as to reasonably ensure that such solicitation is in compliance with the terms of the license and with the provisions of this chapter; or

(5) Authorized, condoned or knowingly tolerated any unlawful solicitation or any solicitation conducted under the license in such a manner as to constitute a nuisance, crime, fraud, trespass, or invasion of privacy.

(B) Within five business days of the "Notice of Denial" or "Notice of Revocation," the applicant or licensee may submit a written request to the Mayor for a hearing to dispute the license denial or revocation.

(C) Within five business days of the applicant or licensee's request for a hearing, the Mayor will submit a "Notice of Hearing" to the applicant or licensee by first class mail, not less than five business days prior to the date of the hearing. The "Notice of Hearing" will describe the City Clerk's grounds for denial or revocation of the license, and notify the applicant of the time and place of the hearing, and their right to counsel, to submit evidence, and to cross-examine witnesses.

(D) The Mayor will deny the application or revoke the license:

(1) In the absence of a timely request for hearing; or

(2) Upon finding of grounds for denial or revocation of the license based upon the preponderance of the evidence after a hearing.
(Ord. 2017-004, passed 3-6-2017)

§ 5.40.100 PENALTY.

It is a misdemeanor for any person to violate any of the provisions of this chapter, and upon conviction thereof, shall be punished by a fine of not more than \$750 to which court or adjudication costs may be added.

(Ord. 2017-004, passed 3-6-2017)

TITLE 6: ANIMALS

Chapter

6.04. DOGS

6.08. ANIMAL NUISANCES

CHAPTER 6.04: DOGS

Section

6.04.002	Definitions
6.04.004	Public nuisances
6.04.005	License-required-owner responsibility
6.04.006	Dog ownership, custody, or control-limit
6.04.007	Excess multiple dog ownership-license required
6.04.010	Running at large prohibited
6.04.020	Disturbing peace and quiet prohibited-owner responsibility
6.04.030	Deemed nuisance-impounded when
6.04.040	Impoundment-payment of fees and charges
6.04.050	Impoundment-redemption procedure
6.04.060	Impoundment-report and public notice-destruction authorized when
6.04.070	Impoundment-owner to be notified when
6.04.075	Excreta nuisance prohibited
6.04.076	Abandoning dogs prohibited
6.04.077	Poisoning dogs prohibited
6.04.080	Violation-penalty
6.04.08	Notice to appear
6.04.082	Prosecuting attorney compensation and court cost

§ 6.04.002 DEFINITIONS.

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

DOG. Both male and female, more than six months old.

DOG HAVING DANGEROUS OR DESTRUCTIVE PROPENSITIES. A dog which has been trained or taught to attack humans or other animals, or a dog which habitually turns over garbage receptacles; habitually destroys shrubs, flowers, grass, and other plant growth; habitually kills other animals; habitually attacks or attempts to attack persons; or habitually performs other similar acts.

OWNER. Any person, firm, or corporation owning, keeping, or harboring a dog. The head of a household shall be deemed to be the owner in respect to any dog or dogs, owned, kept, or harbored by any person residing in said household and kept on said premises.

PROPER ENCLOSURE. A structure from which a dog cannot escape, or an outside area enclosed by a fence at least six feet high secured to the ground in a manner that the dog cannot escape. (Ord. 2004-05, passed - -; Ord. 89-10, passed - -1989)

§ 6.04.004 PUBLIC NUISANCES.

(A) *Nuisance declared.* The keeping or maintenance outside a proper enclosure of any dog or dogs having dangerous propensities is declared to be a public nuisance and shall be abated as provided herein.

(B) *Complaint and notice.* Upon the receipt of a detailed written and signed complaint being made to the Police Department by any resident or residents that any person is maintaining a public nuisance as described in this section, the Chief of Police shall cause the owner or keeper of the dog or dogs in question to be notified that a complaint has been received, and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing by the investigating officer.

(C) *Abatement.* If the written findings of the investigating officer indicate that the complaint is justified, the Chief of Police shall cause the owner or keeper of the dog or dogs in question to be so notified in writing, and ordered to abate such nuisance within 48 hours. In the event the owner or keeper of the dog or dogs is unknown or cannot be ascertained, such notice and order, along with a general description of the dog or dogs, shall be posted for 48 hours at the Municipal Building.

(D) *Impoundment.* If any person being the owner or keeper of a dog or dogs described in this section shall fail or refuse to abate such nuisance upon order of the Chief of Police within the specified time, the Chief shall cause the dog or dogs in question to be apprehended or impounded in a suitable place, and the owner or keeper shall be notified in writing of such impoundment. If the owner or keeper shall so request, the dog or dogs shall be released to him or her upon his or her execution of a written agreement to comply with the abatement order, and payment of any penalties and costs incurred in accordance with this chapter. If no such request and execution is made by the owner or keeper within seven days after written notice is sent, the Chief of Police shall cause such dog or dogs to be destroyed. In the event of a dog or dogs, the owner or keeper of which was unknown, the Chief shall cause apprehension and impoundment to be carried out if no one claims such dog within 48 hours after the notice, order, and description were posted, and shall cause a notice of impoundment, along with a general description of the dog or dogs to be posted at the Municipal Building. If no request for release of such dog or dogs and execution or agreement to comply with the order of abatement is made within such seven-day period, the Chief shall cause such dog or dogs to be destroyed.

(E) *Teasing or molesting.* It is unlawful for any person to tease, molest, bait, or in any way bother any dog not belonging to him or her or legally under his or her control.

(F) *Violation-penalty.*

(1) If any person, being the owner or keeper of a dog or dogs for which an order is given under this section, shall fail or refuse to comply as ordered, he or she shall be guilty of a misdemeanor, punishable upon conviction by a fine of not less than \$25 nor more than \$100.

(2) Enforcement of this section may be injunction, restraining order, or order of abatement in a court of competent jurisdiction.

(Ord. 2004-05, passed - -; Ord. 89-10, passed - -1989)

§ 6.04.005 LICENSE-REQUIRED-OWNER RESPONSIBILITY.

(A) Every owner of any dog shall obtain and maintain current dog registration and license issued by the County Animal Control for each such dog, except where:

- (1) The dog is less than four months old;
- (2) The dog is owned by a non-resident of the city who is visiting the city less than 45 days; or
- (3) The dog is a police dog being used in Police Department activity.

(B) It shall be the responsibility of every owner of any dog to ensure that current license is adequately attached to every dog and displayed at all times.
(Ord. 2004-05, passed - -; Ord. 92-03, passed - -1992)

§ 6.04.006 DOG OWNERSHIP, CUSTODY, OR CONTROL-LIMIT.

(A) It is unlawful for any resident within the city to own, maintain custody, or control of more than three dogs exceeding the age of four months at any time on any public or private property within the corporate boundaries of the city, except as provided in § 6.04.007(A)(2).

(B) In addition, it is unlawful to own, maintain custody, or control of more than one breeding female dog within the three dog limitation at any time on any public or private property within the corporate boundaries of the city, except as provided in § 6.04.007(A)(2).

(C) Any person violating the provisions of this section shall be fined \$100 for each dog exceeding the limits established herein.
(Ord. 2004-05, passed - -; Ord. 92-03, passed - -1992) Penalty, see § 6.04.080

§ 6.04.007 EXCESS MULTIPLE DOG OWNERSHIP-LICENSE REQUIRED.

Provisions of this section shall apply to all owners of dogs exceeding the multiple dog limits established in § 6.04.006, except as provided for owners of certified professional show dogs in division (A)(2) below.

(A) *Excess multiple dog license requirement-owners responsibility.*

(1) All excess multiple dog owners shall obtain an excess multiple dog owner's license for the fourth and each additional dog exceeding the age of four months, and will maintain ownership, custody, or control of each such dog more than a 30-day period.

(2) Owners of certified professional show dogs shall not exceed owning, maintaining custody, or control of more than six dogs at any one time, nor shall they exceed owning, maintaining custody, or control of more than three breeding female dogs at any one time.

(3) Existing excess multiple dog owners residing within corporate boundaries of the city on or prior to the date the ordinance codified in this chapter is adopted shall be exempt from multiple dog owner's license requirement for all dogs in excess of three dogs exceeding age of four months until start of first annual license period following the effective date of the ordinance codified in this chapter.

(B) *License period-license fee-nontransferable.* The annual license period shall be June 1 through May 31 each year. The annual multiple dog license fee shall be \$50 per year or portion thereof, for each dog in excess of three dogs exceeding four months in age. Annual license renewal shall not be renewed

earlier than 45 days prior to June 1, nor later than June 1 of each year. License shall be nontransferable from one dog to another dog.

(C) *License application requirement-license to be issued when.* Excess multiple dog owners shall make application at the City Administration Building for multiple dog owner's license. The applicant shall consent to and allow the following conditions to be confirmed before license is issued or renewed. The applicant shall:

(1) Consent to inspection of premises where animals will be kept and maintained. Such inspection shall be completed and site approved prior to issuance of license and prior to issuance of annual renewal license;

(2) Consent to inspection of premises where animals are kept and maintained each time a signed public complaint is received and investigated by the city, to investigate complaint that premises is source of public nuisances such as offensive odor, noise, and other neighborhood disturbances;

(3) Provide a site for the animals that has continuous supply of fresh water, sufficient food supply to maintain adequate body weight, proper shelter and protection from weather, and sufficient veterinarian care to prevent suffering and disease;

(4) Provide documentation that dogs have been inoculated against rabies; and

(5) Provide for daily sanitation maintenance and removal of waste.

(D) *Revocation of multiple dog owner's license-penalty.*

(1) First conviction shall be a written violation warning of record to the animal owner(s). Said document will be served by any city official, police personnel, or by certified U.S. Postal Service. Violation shall be corrected within ten days from receipt of warning. Upon expiration of ten-day period, the site shall be inspected for compliance. Failure to comply within the ten-day period shall be considered to be an immediate second violation of this section and will be cause to initiate proceedings to revoke license;

(2) Upon second conviction of violation of this section, multiple dog owner's license shall be revoked for a period of not less than three months nor more than two years and fined \$500. The duration of the revocation of license shall be governed by the number of complaints and severity of violations of record pertaining to the owner and the site that is provided;

(3) The license shall not be automatically reinstated or renewed upon expiration of revocation period; and

(4) The former licensee shall make re-application for multiple dog owner's license, demonstrating ability to conform to existing requirements of this section before license will be issued. All prior violations must be corrected and fines must be paid before multiple dog owner's license is issued a second time to anyone that has had license revoked.

(Ord. 2004-05, passed - -; Ord. 92-03, passed - -1992)

§ 6.04.010 RUNNING AT LARGE PROHIBITED.

(A) No owner or custodian of any dog shall cause or permit such dog to be or to run at large upon any public or private property other than that of the owner or custodian of such dog except with prior

consent of the person in charge of such private property. The owner or custodian of any such dog shall be responsible to have such dog securely restrained by a substantial leash and under the charge and control of a person competent to keep such dog under effective charge and control when such dog is removed from own private property.

(B) The owner or custodian of any female dog shall keep such dog confined in a secure enclosure during the time that such dog is in heat to prevent the attraction of other dogs.
(Ord. 2004-05, passed - -; Ord. 92-03, passed - -1992) Penalty, see § 6.04.080

§ 6.04.020 DISTURBING PEACE AND QUIET PROHIBITED-OWNER RESPONSIBILITY.

No person owning any dog shall suffer or permit such dog to disturb the peace and quiet of the neighborhood by barking or making other loud or unusual noises, or by running through or across another person's property.
(Ord. 2004-05, passed - -; Ord. 660 § 2, passed - -1968) Penalty, see § 6.04.080

§ 6.04.030 DEEMED NUISANCE-IMPOUNDED WHEN.

Any dog found in the city, either with or without a license, or found running at large, or making such noise as to create a disturbance under the conditions set forth in §§ 6.04.010 and 6.04.020, is declared to be a nuisance and shall be impounded.
(Ord. 2004-05, passed - -; Ord. 660 § 3, passed - -1968)

§ 6.04.040 IMPOUNDMENT-PAYMENT OF FEES AND CHARGES.

The owner or owners of dogs impounded may redeem any impounded dog by paying to the city a \$25 impoundment fee for the first offense and a \$35 impoundment fee for each subsequent offense. In addition, if a dog is transferred from city to county impoundment, then the owner or owners shall pay all fees imposed by the County Animal Control and comply with all requirements imposed by the County Animal Control.

§ 6.04.050 IMPOUNDMENT-REDEMPTION PROCEDURE.

The owner or owners of dogs impounded may redeem any impounded dog by paying to the city a \$25 impoundment fee for the first offense and a \$35 impoundment fee for each subsequent offense. In addition, if a dog is transferred from city to county impoundment, then the owner or owners shall pay all fees imposed by the County Animal Control and comply with all requirements imposed by the County Animal Control.
(Ord. 2013-10, passed 9-3-2013)

§ 6.04.060 IMPOUNDMENT-REPORT AND PUBLIC NOTICE-DESTRUCTION AUTHORIZED WHEN.

(A) Immediately after impounding any dog, it shall be the duty of the county veterinarian to enter upon the records of his or her office the date of the impounding, a description of the dog impounded, and a record as to whether or not the dog has a license or a rabid license.

(B) Public notice of the impounding of any dog shall begin by the posting of one copy of the description of the dog and date of impounding on the front door of the City Hall by the Chief of Police. Any dog not redeemed by the owner thereof within three days after the posting of such notice by the Chief of Police shall be declared to be a public nuisance. The county veterinarian shall immediately thereafter kill or destroy such dog.

(Ord. 2004-05, passed - -; Ord. 660 § 6, passed - -1968; Ord. 86-12, passed - -1986)

§ 6.04.070 IMPOUNDMENT-OWNER TO BE NOTIFIED WHEN.

It shall be the duty of the Chief of Police to cause notice to be served immediately upon the registered owner of any licensed dog impounded under this chapter. Such notice shall be delivered to said owner prior to the posting of notice of impoundment provided for in § 6.04.060.

(Ord. 2004-05, passed - -; Ord. 660 § 7, passed - -1968; Ord. 89-03, passed - -1989)

§ 6.04.075 EXCRETA NUISANCE PROHIBITED.

It is unlawful for the owner or person having charge, custody, or control of any dog to permit, either willfully or through failure to exercise due care and control, any such dog to commit any nuisance by leaving its excreta and to allow such nuisance to therefor remain on any public sidewalk or street, public park, or any other public property or on any private property other than that of the owner or person who has custody or control of such animal.

(Ord. 2004-05, passed - -; Ord. 92-03, passed - -1992) Penalty, see § 6.04.080

§ 6.04.076 ABANDONING DOGS PROHIBITED.

It is unlawful to abandon any dog, dead or alive, within the city limits.

(Ord. 2004-05, passed - -; Ord. 92-03, passed - -1992) Penalty, see § 6.04.080

§ 6.04.077 POISONING DOGS PROHIBITED.

It is unlawful to place, leave, or expose, in any place accessible to any dog with intent to kill or harm such dog, any poisonous substance or ingredient which has in any manner been treated or prepared with any poisonous substance or ingredient.

(Ord. 2004-05, passed - -; Ord. 92-03, passed - -1992) Penalty, see § 6.04.080

§ 6.04.080 VIOLATION-PENALTY.

Any person violating any provision of this chapter, excluding §§ 6.04.006 and 6.04.007, shall be fined \$50 for first offense and \$100 for second and each subsequent offense thereafter. In addition, any person violating any provision of this chapter, excluding §§ 6.04.006 and 6.04.007, shall be assessed, in addition to the fine, wage cost of animal control officer based on time accrued in response and handling of violation, impoundment fees, boarding fees, and any and all charges and fees incurred resulting from impoundment of the dog. Said fine and all charges and fees accrued shall be paid to the city by the identified owner or custodian of the dog.

(Ord. 2004-05, passed - -; Ord. 660 § 8, passed - -1968; Ord. 89-03, passed - -1989; Ord. 92-03, passed - -1992; Ord. 95-10 § 2, passed - -1995)

§ 6.04.08 NOTICE TO APPEAR.

A defendant which has been issued a city ordinance citation for a violation of Ord. 95-10, this chapter, that has failed or refused to pay a fine to the city, for the cited offense, or has plead not guilty to the offense, a notice to appear shall be issued to them by the Chief of Police, arresting officer, or prosecuting attorney advising them of a date, time, and location to appear in court.
(Ord. 2004-05, passed - -; Ord. 96-06, passed - -1996)

§ 6.04.082 PROSECUTING ATTORNEY COMPENSATION AND COURT COST.

(A) A defendant who is found guilty for a violation of Ord. 95-10, this chapter, in Circuit Court, in addition to the fine imposed, shall pay all court costs and prosecuting attorney fees.

(B) When the Circuit Court Clerk has collected the fine and prosecuting attorney fees assigned by the Court, the Circuit Court Clerk shall pay said fine and fees to the city. The city shall pay said fees to the prosecuting attorney for services rendered in the prosecution of the ordinance violation.

(C) When a defendant who is found not guilty in the Circuit Court for a violation of Ord. 95-10, this chapter, the city shall compensate the prosecuting attorney for services rendered for prosecuting the case.

(Ord. 2004-05, passed - -; Ord. 96-06, passed - -1996)

CHAPTER 6.08: ANIMAL NUISANCES

Section

6.08.010	Disposal of dead animals
6.08.020	Animal and chicken fighting prohibited
6.08.030	Livestock defined
6.08.040	Keeping livestock
6.08.050	Enforcement
6.08.060	Violation-penalties

Cross-reference:

Prohibition of animal excrement nuisances, see § 6.04.075

§ 6.08.010 DISPOSAL OF DEAD ANIMALS.

No person shall deposit, or cause to be deposited, the carcass of any dead animal in the streets, roads, alleys, woods, or waters within the corporate limits of the city.

(Ord. 2004-05, passed - -; Ord. 89-10, passed - -1989) Penalty, see § 6.08.060

§ 6.08.020 ANIMAL AND CHICKEN FIGHTING PROHIBITED.

No person shall incite or cause any dogs or other animals or any chicken to fight within the city.

(Ord. 2004-05, passed - -; Ord. 89-10, passed - -1989) Penalty, see § 6.08.060

§ 6.08.030 LIVESTOCK DEFINED.

For the purpose of this chapter, **LIVESTOCK** shall be defined as any animals (excluding rabbits, dogs and cats, or those animals kept as pets), including farm animals, poultry, wild animals, and exotic or unusual animals kept for agricultural purposes; or any animal used for breeding purposes.

(Ord. 2004-05, passed - -; Ord. 89-10, passed - -1989)

§ 6.08.040 KEEPING LIVESTOCK.

Except as provided in this chapter, it is unlawful for any person, firm, or corporation to possess or harbor any livestock within the corporate limits of the city.

(Ord. 2004-05, passed - -; Ord. 89-10, passed - -1989) Penalty, see § 6.08.060

§ 6.08.050 ENFORCEMENT.

(A) Upon receipt of a complaint, the City Administrator or his or her assigns will investigate the complaint.

(B) If a complaint is, in his or her discretion, warranted, he or she will notify the person against whom the complaint is derived, and thereupon said person shall abate the nuisance within 15 days of notification.

(Ord. 2004-05, passed - -; Ord. 89-10, passed - -1989)

§ 6.08.060 VIOLATION-PENALTIES.

Persons found guilty of violating this chapter shall be guilty of a misdemeanor, punishable upon conviction by a fine of not less than \$25 nor more than \$200.

(Ord. 2004-05, passed - -; Ord. 89-10, passed - -1989)

TITLE 7: RESERVED

TITLE 8: HEALTH AND SAFETY

Chapter

8.20. TALL GRASS, WEEDS, PLANTS, AND BUSHES

CHAPTER 8.20: TALL GRASS, WEEDS, PLANTS, AND BUSHES

Section

8.20.010	Weeds
8.20.020	Tall grass
8.20.030	European Barberry
8.20.040	Notice not required
8.20.050	Abatement-by city-cost responsibility
8.20.060	Lien upon premises-procedure
8.20.070	Lien upon premises-failure to record or to mail notice not to affect
8.20.080	Lien upon premises-sale for nonpayment-disposition of proceeds
8.20.090	Lien against property-legal proceedings authorized for collection
8.20.100	Penalty
8.20.110	Notice to appear
8.20.120	Prosecuting attorney compensation and court costs

§ 8.20.010 WEEDS.

No weeds such as jimson, burdock, ragweed, thistle, cocklebur, poison ivy, or other poisonous vine, plant, or noxious weeds shall be permitted to grow on any property in the city, and they may be destroyed by the city at the expense of the owners and/or tenants of any property in the city where they are found to be growing.

Penalty, see § 8.20.100

§ 8.20.020 TALL GRASS.

It is unlawful for any owner and or tenants of any property to permit any grass exceeding ten inches in height to grow. Tall grass found growing in excess of ten inches on any property within the city shall be mowed by the city at the expense of the owners and or tenants of the property. This includes a parkway adjacent to any private property within the city. The **PARKWAY** is defined to be the area between the property owner's real estate and the street or alley surfaced by the city and shall be maintained by the said property owner.

Penalty, see § 8.20.100

§ 8.20.030 EUROPEAN BARBERRY.

It is unlawful for any owner and or tenant of any property to plant or permit to grow within the city the bush of the species of tail, common European Barberry (further known as Berbers Vulgaris), or its horticultural varieties. European Barberry may be destroyed by the city at the expense of the owners and or tenants of any property in the city where it is found to be growing.

Penalty, see § 8.20.100

§ 8.20.040 NOTICE NOT REQUIRED.

(A) Individual notice to abate weeds such as jimson, burdock, ragweed, thistle, cocklebur, poison ivy, or other poisonous vine or plant, noxious weed, and or grass exceeding ten inches in height, and European Barberry is not required.

(B) Yearly, in the spring, the city will publish a notice in a local newspaper that it is a violation of the City Code to allow weeds such as jimson, burdock, ragweed, thistle, cocklebur, poison ivy, or other poisonous vine or plants, noxious weeds, or grass exceeding ten inches in height, and European Barberry to grow within the corporate boundaries of the city. The notice will advise property owners and or tenants that the city will mow and cleanup property where grass, weeds, and plants growth exceeds ten inches in height. The notice will advise property owners and or tenants that a lien covering mowing, cleanup, and administrative cost will be placed on the property or premises and that the estimated minimum cost will be in the amount of \$150.

§ 8.20.050 ABATEMENT-BY CITY-COST RESPONSIBILITY.

The city will keep an account of the expenses for the abatement of a violation of this chapter; such expense shall be charges to and paid by such owner and or tenant of the property. The City Administrator will prepare a statement of city expenses incurred to abate a violation of this chapter and submit it to the property owner for payment to the city.

§ 8.20.060 LIEN UPON PREMISES-PROCEDURE.

Charges for the abatement of a violation of this chapter shall be a lien upon the property. Whenever a bill for such charges remains unpaid for 60 days after it has been rendered, the City Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement of lien shall contain a legal description of the property, the expenses and cost incurred, the date the grass or weeds were mowed and or European Barberry destroyed and brush, plants, weeds, and bushes removed, and notice that the city claims a lien for this amount.

§ 8.20.070 LIEN UPON PREMISES-FAILURE TO RECORD OR TO MAIL NOTICE NOT TO AFFECT.

Failure of the City Clerk to record a lien claim or to mail notice of same, or failure of the owner to receive such notice, shall not affect the right to foreclose the lien for such charges, as provided in § 8.20.090.

§ 8.20.080 LIEN UPON PREMISES-SALE FOR NONPAYMENT-DISPOSITION OF PROCEEDS.

Property subject to a lien for unpaid grass and weed mowing or cutting and removal of certain plants, bushes, and brush charges shall be sold for non-payment of the same. The proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosures shall be in equity in the name of the city.

§ 8.20.090 LIEN AGAINST PROPERTY-LEGAL PROCEEDINGS AUTHORIZED FOR COLLECTION.

The City Attorney is authorized and directed to institute proceedings in the name of the city in any court having jurisdiction against any property for which the bill has remained unpaid 60 days after it has been rendered.

§ 8.20.100 PENALTY.

(A) Any owner and or tenant of any property within the corporate boundaries of the city who violates this chapter shall be fined \$250 for the first offense, \$500 for the second offense, and \$750 for the third and subsequent offense.

(B) The Chief of Police or his or her designee will issue a city ordinance citation to the defendant for a violation of this chapter. The Chief of Police or his or her designee will serve the ordinance violation citation to the defendant either by posting it on the property on which the alleged violation exists in a conspicuous place at the entrance door or avenue of access to the property, by mailing a copy of the citation to the defendant by certified mail, by delivering a copy of the citation to the defendant in person, or by leaving it in the possession of any person in charge of the property at that time.

§ 8.20.110 NOTICE TO APPEAR.

A defendant whom has been issued a city ordinance citation for a violation of this chapter that has failed or refused to pay the fine to the city for the cited violation, or has plead not guilty to the violation, shall be issued a notice to appear by the Chief of Police, arresting officer, or prosecuting attorney advising him or her of a date, time, and location to appear in court.

§ 8.20.120 PROSECUTING ATTORNEY COMPENSATION AND COURT COSTS.

(A) A defendant who is found guilty in Circuit Court for a violation of this chapter, in addition to the fine imposed, shall pay all court costs and prosecuting attorney's fees associated in the prosecution of the ordinance violation.

(B) When the Circuit Court Clerk has collected the fine and prosecuting attorney's fees assigned by the court for the prosecution of the ordinance violation, the Circuit Court Clerk shall pay said fine and fees to the city. The city shall pay said fees to the prosecuting attorney for services rendered in the prosecution of the ordinance violation.

(C) When a defendant is found not guilty in Circuit Court for violation of this chapter, the city shall compensate the prosecuting attorney for services rendered for prosecuting the case.
(Ord. 2004-05, passed - -; Ord. 2004-08, passed - -; Ord. 9613, passed - -1996)

TITLE 9: PUBLIC PEACE, MORALS, AND WELFARE

Chapter

9.10. NUISANCE REGULATIONS

9.12. SKATEBOARDING REGULATIONS

9.14. CIVIL EMERGENCIES

9.16. PUBLIC DRINKING

9.22. CONSUMPTION AND POSSESSION OF ALCOHOL BY MINORS

9.24. SALE OF ALCOHOLIC BEVERAGES TO MINORS

9.30. TOBACCO

9.36. FIREARMS

9.38. FIREWORKS

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CHAPTER 9.10: NUISANCE REGULATIONS

Section

9.10.010	Public nuisance defined
9.10.020	Nuisance visible to public
9.10.030	Filing complaints and inspections
9.10.040	Notice to abate-abatement by city-appeal
9.10.050	Cost of abatement as a lien
9.10.060	Authority to issue failure-to-comply ticket
9.10.070	Failure-to-comply tickets-service, content, fine
9.10.080	Violations-prosecution
9.10.090	Prosecuting attorney compensation and court cost
9.10.100	Effective date

Cross-reference:

Animal nuisance, see Ch. 6.08

Tall grass, weeds, plants and bushes, see Ch. 8.20

§ 9.10.010 PUBLIC NUISANCE DEFINED.

(A) As used in this chapter, a **PUBLIC NUISANCE** means any act, thing, occupation, condition, or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;
- (2) In any way render the public nuisance in life or in the use of property;
- (3) Greatly offend the public morals or decency; or

(4) Unlawfully and substantially interfere with, obstruct or tend to obstruct, or render dangerous for passage any street, alley, highway, navigable body of water, or other public way.

(B) Public nuisances shall include, but not be limited to, the following acts, conduct, omissions, conditions, or things.

(1) *Farm and wild animals.* Whoever shall keep, use, or maintain within the city any pen, stable, lot, or premises in which any hogs, cattle, horses, domestic or wild animals, birds, or fowls may be confined or kept in such a manner as to be nauseous, foul, offensive, noisy, dangerous, hazardous, or from any cause to be an annoyance shall be guilty of a nuisance. Whoever shall keep, use, or maintain a premises with any of the foregoing animals anywhere in the city shall be guilty of a nuisance.

(2) *Waste accumulation.* Whoever shall allow to accumulate on any premises owned or controlled by such owner or tenant, containers with garbage or refuse which are not covered by solid, tight-fitting lids or which have any uncovered holes or for which at least weekly removal of garbage is not provided, or any animal feces, manure, yard waste, trash, rubbish, or junk materials in such a manner as to omit noxious, disagreeable, or offensive odors, cause a potential health or safety hazard, or create an inappropriate and unsightly accumulation shall be deemed guilty of a nuisance.

(3) *Waste pollutants.* Whoever shall cause or permit any nauseous, foul, or putrid material or substance, or any material or substance likely to become nauseous, foul, putrid, or offensive, to be discharged, placed, or thrown or to flow from or out of any premises into or upon any adjacent premises or any adjacent public street or alley or commons area shall be deemed to be guilty of causing a nuisance.

(4) *Waste dumping.* Whoever shall deposit or place in or upon any public or private property, within the city, any waste, debris, rubbish, filth, refuse, or junk of a character likely to affect the public health or to produce offensive odor(s) or the carcass of any dead animal, shall be deemed to have caused a nuisance.

(5) *Waste in public streets and sewers.* Whoever shall throw, cast, deposit, or allow to be deposited any substance, trash, waste, vegetable matter, or junk in any public or private right-of-way, street, alley, natural or human-made waterway, drainage ditch, or storm sewer apparatus, including dumpsters, trash containers, or trash container stands, located on a public way shall be deemed guilty of committing a nuisance, provided further, that trash containers may be placed on the public way only on the day the owner has the trash in the container scheduled for removal.

(6) *Noise.*

(a) It is unlawful for any person, firm, or corporation to create or assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing, and unnecessary noise in the city. Noise of such character, intensity, and duration as to be detrimental to the life or health of any individual is prohibited. Any act, which creates a noise level in excess of decibel levels, adopted by the Environmental Protection Agency as not being detrimental to the life or health of any individual is hereby declared a nuisance and prohibited.

(b) No person shall emit beyond the boundaries of his or her property any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity.

(7) *Unsafe structures.* Whoever shall keep, construct, or allow to exist on any premises owned or controlled by such owner or tenant any structure or building that is in a state of dilapidation, deterioration, or decayed, is of faulty construction, is open to intrusion, abandoned, damaged by fire to the extent as not to provide shelter, is extremely unsound, in danger of collapse or failure, and endangers the health and safety of the public, shall be deemed guilty of committing a nuisance.

(8) *Storage of vehicles.* Whoever shall keep on private property any vehicle not on a weed-free surface made of gravel, crushed stone, asphalt or concrete, or storage of motorized vehicles on front porches, back porches and balconies if the motorized vehicle is visible to the public from any public right-of-way; shall be deemed guilty of committing a nuisance.

(9) *Signage regulated.* Whoever shall place on any public property any political sign or any other sign not approved by the City Administrator or his or her designee shall be deemed guilty of committing a nuisance.

(10) *Obstructions of sidewalks/streets.* Whoever shall erect, suspend, keep, or maintain any item, object, or structure on, over, or across any street or sidewalk or commons sidewalk of the city, or any tree or shrub overhanging the same in such a manner as to obstruct any sidewalk, commons walkway(s), or street(s), or render travel thereon inconvenient or unsafe, shall be deemed to have caused a nuisance.

(11) *Obstructions/excavations.* All obstructions, wires, or cables on streets, alleys, sidewalks, or commons walkways of the city and all excavations in or under the same, which may be made without lawful permission, are declared to be nuisances.

(12) *Construction hazards.* Wherever, in the judgment of the City Administrator or the City Administrator's designee, any building, stack, wall, or chimney or other structure then in process of construction is unsafe or dangerous to persons or properties, the City Administrator or the City Administrator's designee may cause notice to be served on the owner or company or their agents or contractors or person(s) having charge of the building or structure thereof to stop or cease and desist work until the plans of such building shall be so changed so as to render the same secure and safe and to meet the codes and ordinance requirements of the city. Such condition is declared a nuisance.

(13) *Illegal dumping.* Any person(s), contractor(s), or other entities who accumulate on any property junk, building materials, trash, garbage, landscape waste, or noxious or hazardous materials, or any person, contractor, or other who dumps, throws, casts, or deposits such above materials on another person's property or upon public property or street or highway rights-of-way without prior approval from the persons or from the City Council shall be deemed to be guilty of causing a nuisance.

(14) *Hazardous cables/wires.* Any contractor, utility, company, person, or other who places, affixes, installs, or allows cables, wires, pipe, hoses, or other materials to remain on the surface of public property or private property which interfere with mowing or care taking of the property or cause an unsafe condition where person(s) could be hurt by falling or injured by cutting into the wire, cable, or pipe or other material, shall be deemed guilty of causing a nuisance.

(15) *Uncovered depressions.* Any person owning real estate or in possession thereof in the city to permit or maintain on such premises an open or uncovered well, cistern, cesspool, or other deep hole, shall be deemed guilty of causing a nuisance.

(16) *Unsafe depressions.* Any person owning real estate with any well, cistern, or cesspool or deep hole that has a cover thereon that will not safely hold the weight of any person who might step thereon, shall be deemed guilty of causing a nuisance.

(17) *Air pollution.* Any person causing or threatening or allowing the discharge or emission of any contaminate into the environment of the city so as to cause or tend to cause air pollution in the city, either alone or in combination with contaminates from other sources, shall be deemed guilty of causing a nuisance.

(18) *Air pollution.* Any person failing to get any required permit from the state's Environmental Protection Agency to construct, install, or operate any equipment, facility, vehicle, vessel, or aircraft type or vehicles capable of causing or contributing to air pollution shall be deemed guilty of causing a nuisance.

(19) *Open burning.* Any person causing or allowing of open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of refuse in any chamber not specifically designed for the purpose and approved by the state's Environmental Protections Agency shall be deemed guilty of causing a nuisance.

(20) *Illegal fuel.* Any person selling, offering, or using any fuel or other article in any area in which the State Environmental Protection Agency may by regulation forbid its sale, offering, or use for reasons of air pollution control shall be deemed guilty of causing a nuisance.

(21) *Open fire.* Any person lighting or maintaining any fire anywhere in the city so close to any building or structure, or any flammable material other than that to be burned, as to cause a fire hazard shall be deemed guilty of causing a nuisance. The term **FIRE**, as used in this section, shall not be construed to mean or include a fire in a furnace, stove, boiler, grill, or fireplace.

(22) *Leaf burning.* Any person who burns leaves and or other landscape waste between 8:00 p.m. and 6:00 a.m. shall be deemed guilty of causing a nuisance.

(23) *Burning on streets.* Any person building a fire on any asphalt street or sidewalk shall be deemed guilty of causing a nuisance.

(24) *Uncontained burning.* Any person burning off the leaves or vegetation from any area in the city shall be deemed guilty of causing a nuisance.

(25) *Trash burning.* Any person burning trash and other combustibles materials within the city shall be deemed guilty of causing a nuisance.

(26) *Campfires.* A small campfire shall be permissible for a wiener roast, and the like, within the city anytime between daylight and midnight. Any person having a campfire within the city between midnight and daylight shall be deemed guilty of causing a nuisance.

(27) *Indoor furniture.* Whoever shall place, use, keep, store, or maintain any upholstered furniture not manufactured for outdoor use on any open porch, yard, or exterior area of structures, or permit such to occur shall be guilty of causing a nuisance. For purposes of this division (B)(27), upholstered furniture not manufactured for outdoor use includes, without limitation, upholstered chairs, upholstered couches, and any mattresses. The interior of any fully enclosed porch shall not be considered an open porch. For purposes of this division (B)(27), a fully enclosed porch includes, without limitation, a porch enclosed by screening material that cannot be accessed from outside except through a door that can be locked. This division (B)(27) shall not apply during a lawful yard sale or garage sale while such furniture is offered for sale; nor shall it apply while such furniture is otherwise lawfully held for garbage collection or recycling at the curbside, or other such area designated by the city for such pick-up.
(Ord. 2014-09, passed 8-4-2014) Penalty, see § 9.10.080

§ 9.10.020 NUISANCE VISIBLE TO PUBLIC.

(A) Whoever shall keep conditions which are defined as nuisances in this chapter located within a carport, if the conditions are visible to the public from any public right-of-way, shall be deemed guilty of committing a nuisance.

(B) Whoever shall keep conditions which are defined as a nuisance in this chapter and are located in an open garage, if the conditions are visible to the public from any public right-of-way, shall be deemed guilty of committing a nuisance.

(C) Whoever shall keep conditions which are defined as a nuisance in this chapter and are located on a front porch, back porch, or balcony, if the condition is visible to the public from any right-of-way, shall be deemed guilty of committing a nuisance.

(D) Each day any of the foregoing enumerated nuisances continue is deemed a separate offense and the fine imposed may be imposed for each separate day such nuisance continues.

§ 9.10.030 FILING COMPLAINTS AND INSPECTIONS.

(A) All complaints alleging the existence of a public nuisance shall be filed with the City Administrator or the City Administrator's designee.

(B) The City Administrator or the City Administrator's designee shall promptly inspect the premises or cause them to be inspected and shall make a written report of the findings of the inspection. Whenever practical, photographs of the premises shall be attached to the written report. The City Administrator or the City Administrator's designee shall keep all such written reports on file for at least three years.

§ 9.10.040 NOTICE TO ABATE-ABATEMENT BY CITY-APPEAL.

(A) Upon determining that a public nuisance exists on private property and that there is danger to the public health, safety, peace, morals, or decency, the City Administrator or such other designated by the City Council shall cause such a notice to be served on the owner or occupant of the private property where the public nuisance exists or upon the person causing, permitting, or maintaining such nuisance or post a copy of the notice on the premises where the public nuisance exists.

(B) If the public nuisance does constitute a great and immediate danger to the public health, safety, or welfare, such notice shall specifically describe the public nuisance and shall direct the owner or the occupant of the private property where the public nuisance exist or the person causing, permitting, or maintaining such nuisance to abate or remove such nuisance within 72 hours of service or posting of the notice. If such owner, occupant, or person cannot be located after reasonable inquiry, posting shall be sufficient notice. The notice shall state that unless such nuisance is so abated or removed, the city will cause it to be abated or removed, that the cost thereof will be charged to the owner, occupant, or person causing, permitting, or maintaining the nuisance and that such cost shall be a lien on the real property where the nuisance was abated or removed. Such notice shall also state that the failure of such owner, occupant, or person to abate the nuisance as required by such notice shall be deemed an implied consent for the city to abate or remove such nuisance. Such implied consent shall be deemed to form a contract between such owner, occupant, or person and the city.

(C) If the public nuisance does not constitute a great and immediate danger to the public health, safety, or welfare, the City Administrator or the City Administrator's designee may serve the owner or occupant of such premises or the person in whose name such real estate was last billed for property tax purposes a notice to demand the abatement or removal of the violation within ten days, as determined by the City Administrator or the City Administrator's designee. Service may be had by certified mail or personal service, or by posting the notice on the property and mailing notice by first class mail.

(D) If a nuisance is not abated or removed after notice pursuant to this section and within the time specified in the notice, the City Administrator or the City Administrator's designee may cause the abatement or removal of such public nuisance. The reasonable cost thereof shall be a lien on the real property where the nuisance was abated or removed.

(E) The owner or occupant of the private property where the public nuisance exists who fails to abate or to remove the nuisance required by this section, thereby consents, under the terms of this section, to have the city abate or remove the nuisance. Further, the owner or occupant thereby also consents to the formation of a contract between the owner and occupant and the city for the payment of costs in relation to abatement or removal of the nuisance.

(F) The person upon whom a notice to abate a nuisance is served, the property owner, tenant, or other affected person may appeal the determination of nuisance in writing to the City Council. The written appeal must be made within the time period in which to abate the nuisance is given in the notice. The City Council shall meet with the appellant within five days of the receipt of the written appeal. The City Council may extend the time in which the nuisance must be abated, determine that a nuisance does not or no longer exists, or that the nuisance must be abated within the time period set out in the notice or immediately if the period has run; provided, however, that if the nuisance was determined to be an emergency and that the opportunity for an appeal was not available due to the short period of time to abate the nuisance, an appeal to be heard after the abatement of the nuisance by the city. In that event, the City Council may determine that the appellant is liable for the costs, or that, upon good cause shown, that the appellant is not liable for the cost and that a lien shall not be filed by the city upon the property. The notice to abate shall contain a statement of the right of appeal.

§ 9.10.050 COST OF ABATEMENT AS A LIEN.

(A) (1) Whenever a bill for the reasonable costs of abatement or removal of a nuisance pursuant to this chapter is unpaid for 30 days after it has been sent, the City Administrator or the City Administrator's designee shall file a notice of lien with the County Recorder. Any notice of lien pursuant to this chapter shall be filed within 90 days after the cost and expense of abatement or removal of nuisance has been incurred by the city.

(2) The notice shall consist of a sworn statement setting out:

- (a) A description of the real estate sufficient for identification thereof;
- (b) The amount of money representing the cost and expense incurred or payable by the city; and
- (c) The date or dates when such cost and expense was incurred by the city.

(3) However, any purchaser whose rights in such real estate have arisen subsequent to removal of the public nuisance and prior to the filing of such notice shall not be held liable for the cost of abatement or removal, and the lien of the city shall not have priority as to any mortgage, judgment creditor, or other lienor whose rights in and to such real estate arise prior to the filing of such notice.

(B) Costs and expenses under this chapter include, but are not limited to, the actual costs and expenses in time of city employees or city authorized contractors and in materials concerning the actual actions of abatement of the nuisance pursuant to this chapter, transportation to and from the property,

title searches or certifications, preparation of lien documents, foreclosures, and other related expenses including, but not limited to, reasonable attorney's expenses.

(C) A copy of the notice of lien shall be mailed by the City Administrator or the City Administrator's designee to the owner of the property or to the occupant, or to the person or persons in whose name such real estate was last billed for property tax purposes.

(D) The real estate subject to a lien for such an unpaid assessment of such costs and expenses may be sold for nonpayment thereof, and the proceeds of the sale applied to pay the charges, after deducting costs.

(E) The City Attorney may institute proceedings in the name of the city in any court having jurisdiction over such matters against any property for which such cost and expenses have remained unpaid 30 days after a statement of such cost and expenses have been mailed to the property owner, to the occupant, or to the person or persons in whose name the property was last billed for property tax purpose.

(F) Upon payment of the costs and expenses, plus interest from the date 30 days after the bill was sent after notice of lien has been filed, the City Administrator or the City Administrator's designee shall file with the County Recorder a release of the lien.

(G) If the payment of the city's cost of removal or abatement of the nuisance is not paid to the city within 30 days of filing of the notice of lien, the City Attorney is empowered to commence proceedings in the Circuit Court seeking a personal judgment from the owner of or persons interested in such property as noticed pursuant to § 9.10.040, at the time the complaint for removal or abatement was filed with the Circuit Clerk in the amount of such costs. Such action shall be based upon the implied consent for persons to form a contract for the removal or abatement of the nuisances, and/or statutory authority for municipal liens in such circumstances. The action authorized by this division (G) shall be in addition to, and without waiver of, any other remedy.

§ 9.10.060 AUTHORITY TO ISSUE FAILURE-TO-COMPLY TICKET.

The City Administrator or the City Administrator's designee shall have the power to issue a failure-to-comply ticket to any person the City Administrator or the City Administrator's designee determines has violated any provisions of this chapter. A failure-to-comply ticket may be issued for each day the violation continues.

§ 9.10.070 FAILURE-TO-COMPLY TICKETS-SERVICE, CONTENT, FINE.

(A) The city may utilize a failure-to-comply ticket regarding a violation of this chapter as provided in § 9.10.060. A failure-to-comply ticket shall be served by posting it on the property on which the violation is alleged to exist in a conspicuous place at the entrance door or avenue of access to the premises on which the alleged violation exists or by mailing a copy of the ticket by certified mail to the last known address of the person in whose name the real estate taxes were last billed for property on which the violation occurred, or by delivering a copy of the same in person to the owner, occupant of the property, or person in whose name real estate taxes for the property were last billed, or by delivering it and leaving it in the possession of any person in charge of the premises on which the violation is alleged to exist.

(B) A failure-to-comply ticket shall state the name of the person charged with the offense, the nature of the violation, and instruct the person on the method of voluntarily settling the claim administratively.

(C) The tickets issued under this section shall be a courtesy in lieu of prosecution. The person issued a failure-to-comply ticket may compromise and settle the claim by paying the sum of \$25 within seven days from the time the failure-to-comply ticket is issued or by paying the sum of \$50 subsequent to such seven-day period and prior to the person being charged by written complaint with such violation. Any person issued any additional failure-to-comply tickets alleging the same type of violation at the same address within a 12-month period of the last violation may compromise and settle the claim prior to the person being charged by prosecution in accordance with the following schedule:

- (1) Second offense: \$100;
- (2) Third offense: \$200; and
- (3) Fourth offense: \$400.

(D) If the person accused of the violation does not settle the claim within seven days after being issued a failure-to-comply ticket, a complaint may be filed with the Circuit Court for that violation. Upon conviction, the person shall be subject to a fine of not less than \$50 nor more than \$750 for each violation for which the person was previously issued a failure-to-comply ticket that was not paid prior to a complaint being filed with the Circuit Court.

(E) The city may, at its discretion, select to prosecute violations under § 9.10.080 without first issuing a failure-to-comply ticket.

§ 9.10.080 VIOLATIONS-PROSECUTION.

(A) The city shall, in its discretion, prosecute any violations of this chapter in the appropriate court to enforce this chapter by the imposition of fines and/or orders or injunctions to abate the nuisance and eliminate the prohibited condition, as requested by the city.

(B) Upon conviction of any violation of this chapter, in addition to other remedies of the city, the violation shall be punishable by a fine of not less than \$75 nor more than \$750 for each violation.

§ 9.10.090 PROSECUTING ATTORNEY COMPENSATION AND COURT COST.

(A) A defendant who is found guilty in Circuit Court for a violation of this chapter, in addition to the fine imposed, shall pay all court costs and prosecuting attorney's fees associated in the prosecution of this chapter violation.

(B) When the Circuit Court Clerk has collected the fine and prosecuting attorney's fees assigned by the court for the prosecution of this chapter violation, the Circuit Court Clerk shall pay said fine and fees to the city. The city shall pay said fees to the prosecuting attorney for services rendered in the prosecution of the chapter violation.

(C) When a defendant is found not guilty in Circuit Court for violation of this chapter, the city shall compensate the prosecuting attorney for services rendered for prosecuting the case.
(Ord. 2004-05, passed - -; Ord. 2004-07, passed - -; Ord. 96-13, passed - -1996)

§ 9.10.100 EFFECTIVE DATE.

This chapter shall become effective and in full force ten days after its adoption by the City Council and its approval and publication in pamphlet form as provided by law.
(Ord. 2004-07, passed - -; Ord. 96-13, passed - -1996)

CHAPTER 9.12: SKATEBOARDING REGULATIONS

Section

- 9.12.010 Skateboarding-prohibited locations
- 9.12.020 Violation-penalty

§ 9.12.010 SKATEBOARDING-PROHIBITED LOCATIONS.

No person shall operate or ride on a skateboard:

(A) On any roadway in the city except when crossing a crosswalk;

(B) On any sidewalk, parking lot, or public area within the area bounded by Fourth Street on the south, Oak Street on the east, Seventh Street on the north, and Walnut Street on the west;

(C) On any public or private property where signs have been posted at the entrance and/or display prominently on the property prohibiting the use of skateboards; and

(D) Any place in the city in such a manner as to be dangerous to persons or property.
(Ord. 2004-05, passed - -; Ord. 90-15, passed - -1990) Penalty, see § 9.12.020

§ 9.12.020 VIOLATION-PENALTY.

Any person, including a minor child, violating any provision of this chapter shall be fined not less than \$10 nor more than \$100 for each offense.

(Ord. 2004-05, passed - -; Ord. 90-15, passed - -1990)

CHAPTER 9.14: CIVIL EMERGENCIES

Section

- 9.14.010 Definitions
- 9.14.020 Mayor-emergency proclamation authority
- 9.14.030 Mayor-curfew imposition authority
- 9.14.040 Mayor-additional orders authorized when
- 9.14.050 Mayor-emergency powers
- 9.14.060 Penalty for violation

Cross-reference:

Emergency Services and Disaster Agency, see Chapter 2.44

Police Department policies, see Chapter 2.33

§ 9.14.010 DEFINITIONS.

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

CIVIL EMERGENCY. Includes:

(1) A riot or unlawful assembly characterized by the use of actual force or violence, or any threat to use force if accompanied by immediate power to execute such force by three or more persons acting together without authority of law; and

(2) Any natural disaster or human-made calamity, including flood, conflagration, cyclone, tornado, earthquake, or explosion, within the corporate limits of the city resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare.

CURFEW. A prohibition against any person or persons walking, running, loitering, standing, or motoring upon any alley, street, highway, public property, or vacant premises within the corporate limits of the city during the hours in which a curfew has been imposed, excepting persons officially designated to duty with reference to said civil emergency.

(Ord. 2004-05, passed - -; Ord. 671 § 1, passed - -1969)

§ 9.14.020 MAYOR-EMERGENCY PROCLAMATION AUTHORITY.

When, in the judgment of the Mayor, a civil emergency, as defined in § 9.14.010, is deemed to exist, he or she shall forthwith proclaim in writing the existence of same.

(Ord. 2004-05, passed - -; Ord. 671 § 2, passed - -1969)

§ 9.14.030 MAYOR-CURFEW IMPOSITION AUTHORITY.

After proclamation of a civil emergency by the Mayor, he or she may order a general curfew applicable to such geographical areas of the city, or to the city as a whole, as he or she deems advisable and applicable, and during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.

(Ord. 2004-05, passed - -; Ord. 671 § 3, passed - -1969)

§ 9.14.040 MAYOR-ADDITIONAL ORDERS AUTHORIZED WHEN.

After proclamation of a civil emergency, the Mayor may also, in the interest of public safety and welfare, make any or all of the following orders:

(A) The closing of all retail liquor stores;

(B) The closing of all taverns; liquor and/or beer is permitted;

(C) The closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted;

(D) The discontinuance of the sale of beer;

(E) The discontinuance of selling, distributing, or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

(F) The closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution, or dispensing of liquid flammable or combustible products;

(G) The discontinuance of selling, distributing, dispensing, or giving away of any firearms or ammunition of any character whatsoever;

(H) The closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing, or giving away of firearms and/or ammunition; and

(I) Issue such other orders as are imminently necessary for the protection of life and property.

(Ord. 2004-05, passed - -; Ord. 671 § 4, passed - -1969)

§ 9.14.050 MAYOR-EMERGENCY POWERS.

During the period of a declared state of emergency, the Mayor shall have the power to invoke any or all of the following provisions.

(A) *Alcoholic beverages.* No person shall consume any alcoholic beverages in a public street or place which is publicly owned, or in any motor vehicle driven or parked thereon which is within a duly designated restricted area.

(B) *Weapons.* No person shall carry or possess any rock, bottle, club, brick, or weapon, who uses or intends to use the same unlawfully against the persons or property of another.

(C) *Incendiary missiles*. No person shall make, carry, possess, or use any type of "Molotov cocktail", gasoline, or petroleum-based firebomb or other incendiary missile.

(D) *Restricted areas*. No person shall enter any area designated by the Mayor as a restricted area unless in the performance of official duties or with written permission from the Mayor or his or her duly designated representative, unless such person shall prove residence therein.
(Ord. 2004-05, passed - -; Ord. 671 § 5, passed - -1969)

§ 9.14.060 PENALTY FOR VIOLATION.

Any person violating any provision of this chapter shall be punishable by a fine of not more than \$500.
(Ord. 2004-05, passed - -; Ord. 671 § 6, passed - -1969)

CHAPTER 9.16: PUBLIC DRINKING

Section

- 9.16.010 Consuming alcoholic beverages in public areas prohibited
- 9.16.015 Possession of open alcoholic beverage containers
- 9.16.020 Penalty for violation
- 9.16.030 Provisions deemed in public welfare

Cross-reference:

Consumption of alcohol by minors, see Chapter 9.22

Sale of alcohol to minors, see Chapter 9.24

§ 9.16.010 CONSUMING ALCOHOLIC BEVERAGES IN PUBLIC AREAS PROHIBITED.

(A) It is declared a public nuisance and it is unlawful for anyone, male or female, to consume alcoholic beverages in public and upon city property, including property owned by other governmental agencies or property leased by the city, such as: streets, alleys, parking lots, parks, and athletic fields, except the City Council shall have the authority to issue a limited license for the consumption of beer on said above described property as part of the annual Independence Day celebration.

(B) This limited license shall be available only to local civic oriented groups which must provide their own insurance, including dram shop coverage, and will adequately control the consumption of beer to a specifically defined area using uniformed police officers to enforce this license.

(Ord. 2004-05, passed --; Res. 701 § 1, passed --1974; Ord. passed 5-5-1980) Penalty, see § 9.16.020

§ 9.16.015 POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINERS.

It shall be unlawful for any person to possess any open alcoholic beverage container, containing any amount of an alcoholic beverage while upon any city street, alleys, city parking lots, city parks, and other public property, within the corporate limits of the city.

Penalty, see § 9.16.020

§ 9.16.020 PENALTY FOR VIOLATION.

(A) Any person found guilty of a violation of the ordinance codified in this chapter, after it has been enacted and published, shall upon the first offense pay a fine of not less than \$25 or more than \$100.

(B) Any person found guilty and in violation of any provision of this chapter a second time shall be fined not less than \$50 or more than \$100.

(Ord. 2004-05, passed --; Res. 701 § 3, passed --1974)

§ 9.16.030 PROVISIONS DEEMED IN PUBLIC WELFARE.

The City Council deems that the provisions of the ordinance codified in this chapter are in the interest of the public welfare.

(Ord. 2004-05, passed - -; Res. 701 § 2, passed - -1974)

CHAPTER 9.22: CONSUMPTION AND POSSESSION OF ALCOHOL BY MINORS

Section

9.22.010	Illegal consumption of alcohol by a minor
9.22.020	Illegal possession of alcohol by a minor
9.22.030	Exceptions
9.22.040	Penalty
9.22.050	Notice to appear
9.22.060	Prosecuting attorney compensation and court costs

§ 9.22.010 ILLEGAL CONSUMPTION OF ALCOHOL BY A MINOR.

It shall be unlawful for any person under the age of 21 years old to consume alcoholic liquor within the corporate boundaries of the city.

Penalty, see § 9.22.040

§ 9.22.020 ILLEGAL POSSESSION OF ALCOHOL BY A MINOR.

It shall be unlawful for any person under the age of 21 years old to possess alcoholic liquor within the corporate boundaries of the city.

Penalty, see § 9.22.040

§ 9.22.030 EXCEPTIONS.

The consumption and possession of alcoholic liquor by a person under the age of 21 in the performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parent or parents or legal guardian, in the privacy in their home shall not be unlawful.

§ 9.22.040 PENALTY.

Any person who violates this chapter is guilty of a misdemeanor and shall be fined \$100 for the first offense and \$200 for the second and subsequent offense.

(Ord. 94-27, passed - -1994)

§ 9.22.050 NOTICE TO APPEAR.

A defendant which has been issued a city ordinance citation for a violation of § 9.22.010 who has failed or refused to pay a fine to the city for the cited offense, or has plead not guilty to the offense, a notice to appear shall be issued to him or her by the Chief of Police, arresting officer, or prosecuting attorney advising them of a date, time, and location to appear in court.
(Ord. 96-10, passed - -1996)

§ 9.22.060 PROSECUTING ATTORNEY COMPENSATION AND COURT COSTS.

(A) A defendant who is found guilty for a violation of § 9.22.010 in Circuit Court, in addition to the fine imposed, shall pay all court costs and prosecuting attorney fees.

(B) When the Circuit Court Clerk has collected the fine and prosecuting attorney fees assigned by the court, the Circuit Court Clerk shall pay said fine and fees to the city. The city shall pay said fees to the prosecuting attorney for services rendered in the prosecution of the ordinance violation.

(C) When a defendant is found not guilty in the Circuit Court for a violation of § 9.22.010, the city shall compensate the prosecuting attorney for services rendered for prosecuting the case.
(Ord. 96-10, passed - -1996)

CHAPTER 9.24: SALE OF ALCOHOLIC BEVERAGES TO MINORS

Section

9.24.010	The unlawful sale, serving, delivering, or giving of alcoholic beverages to minors
9.24.020	The unlawful providing, allowing, giving, or permitting of parties, ceremonies, or social events where alcoholic beverages are provided to or served to minors
9.24.030	Exemption
9.24.040	Penalty
9.24.050	Notice to appear
9.24.060	Prosecuting attorney compensation and court costs

§ 9.24.010 THE UNLAWFUL SALE, SERVING, DELIVERING, OR GIVING OF ALCOHOLIC BEVERAGES TO MINORS.

It shall be unlawful to sell, serve, deliver, or give any alcoholic beverage to any person or persons under the age of 21 years of age within the corporate boundaries of the city.

Penalty, see § 9.24.040

§ 9.24.020 THE UNLAWFUL PROVIDING, ALLOWING, GIVING, OR PERMITTING OF PARTIES, CEREMONIES, OR SOCIAL EVENTS WHERE ALCOHOLIC BEVERAGES ARE PROVIDED TO OR SERVED TO MINORS.

It shall be unlawful for any person, persons, or business firm, within the corporate boundaries of the city, to allow, provide, deliver, or furnish at their place of residence, yard, or building to be used for the purpose of a party, ceremony, or social event, in which any type of alcoholic beverage is being served to persons under the age of 21.

Penalty, see § 9.24.040

§ 9.24.030 EXEMPTION.

It shall not be unlawful for any parent or legal guardian to provide any type of alcoholic beverage to their own children, legal adopted children, foster children, or step children at their own residence, yard, or church in the course of a religious ceremony, within the corporate boundaries of the city.

§ 9.24.040 PENALTY.

Any person, persons, or business firm who is guilty of violating this chapter shall be guilty of a misdemeanor and shall be fined \$500.

(Ord. 94-26, passed - 1994)

§ 9.24.050 NOTICE TO APPEAR.

A defendant which has been issued a city ordinance citation for a violation of § 9.24.010 that has failed or refused to pay a fine to the city for the cited offense, or has plead not guilty to the offense, a notice to appear shall be issued to them by the Chief of Police, arresting officer, or prosecuting attorney advising them of a date, time, and location to appear in court.
(Ord. 96-11, passed - -1996)

§ 9.24.060 PROSECUTING ATTORNEY COMPENSATION AND COURT COSTS.

(A) A defendant who is found guilty for a violation of § 9.24.010 in Circuit Court, in addition to the fine imposed, shall pay all court costs and prosecuting attorney fees.

(B) When the Circuit Court Clerk has collected the fine and prosecuting attorney fees assigned by the court, the Circuit Court Clerk shall pay said fine and fees to the city. The city shall pay said fees to the prosecuting attorney for services rendered in the prosecution of the ordinance violation.

(C) When a defendant is found not guilty in the Circuit Court for a violation of § 9.24.010, the city shall compensate the prosecuting attorney for services rendered for prosecuting the case.
(Ord. 96-11, passed - -1996)

CHAPTER 9.30: TOBACCO

Section

9.30.010	Sale of tobacco to minors
9.30.020	Possession of tobacco by minors
9.30.030	Penalty
9.30.040	Notice to appear
9.30.050	Prosecuting attorney compensation and court costs

§ 9.30.010 SALE OF TOBACCO TO MINORS.

It shall be unlawful for any person, firm, or corporation to sell, buy for, furnish, exchange, or give away any cigarettes, cigars, or tobacco in any form to children under the age of 18 years.

Penalty, see § 9.30.030

§ 9.30.020 POSSESSION OF TOBACCO BY MINORS.

(A) No minor under 18 years of age shall have in his or her possession any cigar or cigarette or tobacco in any of its forms.

(B) It shall not be a violation of this section for any person under 18 years of age to possess tobacco while in the presence of his or her parent or guardian, or in the performance of a religious ceremony, or while participating in a theatrical performance.

Penalty, see § 9.30.030

§ 9.30.030 PENALTY.

Any person who violates this chapter is guilty of a petty offense and for the first offense shall be fined \$50, and for a second or subsequent offense shall be guilty of a petty offense and shall be fined \$100 for each offense.

(Ord. 2013-11, passed 9-3-2013)

§ 9.30.040 NOTICE TO APPEAR.

A defendant which has been issued a city ordinance citation for a violation of Ord. 94-23, entitled "Ordinance to Prohibit the Sale and Possession of Tobacco to Minors", that has failed or refused to pay a fine to the city for the cited offense, or has plead not guilty to the offense, a notice to appear shall be

issued to them by the Chief of Police, arresting officer or prosecuting attorney advising them of a date, time, and location to appear in court.

(Ord. 2004-05, passed - -; Ord. 96-02, passed - -1996)

§ 9.30.050 PROSECUTING ATTORNEY COMPENSATION AND COURT COSTS.

(A) A defendant who is found guilty for a violation of § 9.30.010 in Circuit Court, in addition to the fine imposed, shall pay all court costs and prosecuting attorney fees.

(B) When the Circuit Court Clerk has collected the fine and prosecuting attorney fees assigned by the court, the Circuit Court Clerk shall pay said fine and fees to the city. The city shall pay said fees to the prosecuting attorney for services rendered in the prosecution of the ordinance violation.

(C) When a defendant is found not guilty in the Circuit Court for a violation of § 9.30.010, the city shall compensate the prosecuting attorney for services rendered for prosecuting the case.

(Ord. 96-03, passed - -1996)

CHAPTER 9.36: FIREARMS

Section

- 9.36.010 Discharge of firearms-prohibited within city limits
- 9.36.020 Discharge of firearms-officers of the law excepted
- 9.36.030 Shooting and destruction of blackbirds-authorized under certain conditions
- 9.36.040 Shooting and destruction of blackbirds-Mayor empowered to authorize personnel
- 9.36.050 Shooting and destruction of blackbirds-only authorized persons permitted to use firearms
- 9.36.060 Penalty for violation

§ 9.36.010 DISCHARGE OF FIREARMS-PROHIBITED WITHIN CITY LIMITS.

It is unlawful to discharge or use any firearm, pellet gun, or air rifle within the city.
(Ord. 2004-05, passed - -; Ord. 630 § 1, passed - -1961) Penalty, see § 9.36.060

§ 9.36.020 DISCHARGE OF FIREARMS-OFFICERS OF THE LAW EXCEPTED.

The provisions codified in § 9.36.010 shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his or her official duty.
(Ord. 2004-05, passed - -; Ord. 630 § 2, passed - -1961)

§ 9.36.030 SHOOTING AND DESTRUCTION OF BLACKBIRDS-AUTHORIZED UNDER CERTAIN CONDITIONS.

The shooting and destruction of blackbirds within the city limits is permitted under the conditions set forth in §§ 9.36.040 and 9.36.050.
(Ord. 2004-05, passed - -; Ord. 708 § 3, passed - -1975)

§ 9.36.040 SHOOTING AND DESTRUCTION OF BLACKBIRDS-MAYOR EMPOWERED TO AUTHORIZE PERSONNEL.

(A) The Mayor is empowered and directed, if in his or her opinion the presence of the blackbirds in excessive numbers contributes detrimentally to the safety and health of the people of the city, to have the blackbirds shot and destroyed.

(B) If the Mayor, in his or her discretion, deems that this is necessary, he or she shall authorize personnel solely for the purpose of destroying said blackbirds.
(Ord. 2004-05, passed - -; Ord. 708 § 4, passed - -1974)

§ 9.36.050 SHOOTING AND DESTRUCTION OF BLACKBIRDS-ONLY AUTHORIZED PERSONS PERMITTED TO USE FIREARMS.

No person or persons other than those authorized in § 9.36.040, shall be ordained to use any firearms, pellet guns, or air rifles within the city limits for the purposes described in § 9.36.040. (Ord. 2004-05, passed - -; Ord. 708 § 5, passed - -1975) Penalty, see § 9.36.060

§ 9.36.060 PENALTY FOR VIOLATION.

The penalty for violation of this chapter shall be a fine of not less than \$5 nor more than \$50 for each such violation.

(Ord. 2004-05, passed - -; Ord. 630 § 4, passed - -1961)

CHAPTER 9.38: FIREWORKS

Section

9.38.010	Definition
9.38.020	Sale, explosion, and possession of fireworks prohibited
9.38.030	Exemptions
9.38.040	Application for permit
9.38.050	Conditions of permit
9.38.060	Discharge prohibited in certain areas
9.38.070	Use of fireworks in theaters or public halls
9.38.080	Regulations not to prohibit signals or fuses used for transportation
9.38.090	Penalty
9.38.100	Notice to appear
9.38.110	Prosecuting attorney compensation and court costs

§ 9.38.010 DEFINITION.

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

FIREWORKS. Include any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration, or detonation, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, or other fireworks of like construction and any fireworks containing any explosive substance, or containing combustible substances producing visual effects: provided, however, that the term **FIREWORKS** shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as “party poppers”, “booby traps”, “snappers”, “trick matches”, “cigarette loads”, and “auto burglar alarms”; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come into contact with the cap when in place for the explosion; and toy pistol, paper, or plastic caps which contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

§ 9.38.020 SALE, EXPLOSION, AND POSSESSION OF FIREWORKS PROHIBITED.

It shall be unlawful, for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any fireworks.

Penalty, see § 9.38.090

§ 9.38.030 EXEMPTIONS.

The City Council shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks. Every such display shall be handled by a competent individual designated by the City Council herein specified, and shall be of such a character and so located, discharged, or fired, as not to be hazardous to property or endanger any arson and persons.

§ 9.38.040 APPLICATION FOR PERMIT.

(A) Application for permits shall be in writing at least 30 days in advance of the date of the display and action shall be taken on such application at the next regularly scheduled City Council meeting after such application is made. After such privilege shall have been granted, sales, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit hereunder shall be transferable.

(B) Permits may be granted hereunder to any groups of three or more adult individuals applying therefor. No permit shall be required, under the provisions of this chapter, for supervised public displays by state or county fairs associations.

(C) The city shall require a bond from the licensee in a sum of not less than \$1,000, conditioned on compliance with provisions of this chapter and the regulations of the State Fire Marshal adopted hereunder, except the city shall not be required to file such bond.

§ 9.38.050 CONDITIONS OF PERMIT.

(A) Such permit shall be issued only after inspection of the display site by the Mayor, City Administrator, and the Chief of Police to determine that such display shall not be hazardous to property or endanger any person or persons. Forms for such application and permit may be obtained from the office of the State Fire Marshal. One copy of such permit shall be on file with the City Administrator, who is the issuing officer, and one copy forwarded to the office of the State Fire Marshal.

(B) Possession by any party holding a certificate of registration under "The Fireworks Regulation Act of Illinois", 425 ILCS 30/1 et seq., filed July 20, 1935, or by any person transporting fireworks for such party, shall not be a violation, provided such possession is within the scope of business of the fireworks plant registered under the Act.

§ 9.38.060 DISCHARGE PROHIBITED IN CERTAIN AREAS.

(A) No fireworks shall be discharged, ignited, or exploded at any point within the city within 1,000 feet of any nursing home, doctors office, or medical clinic.

(B) No fireworks shall be discharged, ignited, or exploded less than 600 feet from any building structure.

Penalty, see § 9.38.090

§ 9.38.070 USE OF FIREWORKS IN THEATERS OR PUBLIC HALLS.

The use of what are technically known as fireworks showers or any mixture containing potassium chlorate and sulphur in theaters or public halls is hereby prohibited.

§ 9.38.080 REGULATIONS NOT TO PROHIBIT SIGNALS OR FUSES USED FOR TRANSPORTATION.

Nothing in this chapter shall be construed as prohibiting the manufacture, storage, or use of signals or fuses necessary for the safe operation of railroads, trucks, aircraft, or other instrumentalities of transportation.

§ 9.38.090 PENALTY.

Any person, firm, business, and/or organization who violates this chapter shall be guilty of a misdemeanor and shall be fined \$100 for the first offense, and \$200 for the second and subsequent offense.

§ 9.38.100 NOTICE TO APPEAR.

A defendant which has been issued a city ordinance citation for a violation of Ord. 95-19, entitled "An Ordinance to Prohibit the Sale, Explosion, and Possession of Fireworks", within the corporate boundaries of the city, that has failed or refused to pay a fine to the city for the cited offense, or has plead not guilty to the offense, a notice to appear shall be issued to them by the Chief of Police, arresting officer, or prosecuting attorney advising them of a date, time, and location to appear in court.

§ 9.38.110 PROSECUTING ATTORNEY COMPENSATION AND COURT COSTS.

(A) A defendant who is found guilty for a violation of Ord. 95-19, entitled "An Ordinance to Prohibit the Sale, Explosion, and Possession of Fireworks", within the corporate boundaries of the city, in Circuit Court, in addition to the fine imposed shall pay all court cost and prosecuting attorney fees associated in the prosecution of this chapter. When the Circuit Court Clerk has collected the fine and prosecuting attorney fees assigned by the court for the prosecution of this chapter, the Circuit Court Clerk shall pay said fine and fees to the city.

(B) The city shall pay said fees to the prosecuting attorney for services rendered in the prosecution of the ordinance violation. When a defendant who is found not guilty in the Circuit Court for a violation of Ord. 95-19, entitled "An Ordinance to Prohibit the Sale, Explosion, and Possession of Fireworks", within the corporate boundaries of the city, shall compensate the prosecuting attorney for services rendered for prosecuting the case.

(Ord. 95-19, passed - -1995; Ord. 96-19, passed - -1996)

CHAPTER 9.40: DRUG PARAPHERNALIA

Section

9.40.010	Definition
9.40.020	Possession of drug paraphernalia
9.40.030	Penalty
9.40.040	Distribution of fine money
9.40.050	Notice to appear
9.40.060	Prosecuting attorney compensation and court costs

§ 9.40.010 DEFINITION.

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

DRUG PARAPHERNALIA. All equipment, product, and materials of any kind which are peculiar to and marketed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repacking, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body cannabis or a controlled substance in violation of the “Cannabis Control Act” (720 ILCS 550/1 et seq.) or the “Illinois Controlled Substance Act” (720 ILCS 570/100 et seq.). It includes, but is not limited to:

(1) Kits peculiar to and marketed for use in manufacturing, compounding, converting, producing, processing, or preparing cannabis or a controlled substance;

(2) Isomerization devices peculiar to and marketed for use in increasing the potency of any species of plant which is cannabis or a controlled substance;

(3) Testing equipment peculiar to and marketed for private home use in identifying or in analyzing the strength, effectiveness, or purity of cannabis or controlled substances;

(4) Diluents and adulterants peculiar to and marketed for cutting cannabis or a controlled substance by private persons; and

(5) Objects peculiar to and marketed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:

(a) Water pipes;

(b) Carburetion tubes and devices;

- (c) Smoking and carburetion masks;
- (d) Miniature cocaine spoons and cocaine vials;
- (e) Electric pipes;
- (f) Air-driven pipes;
- (g) Carburetor pipes;
- (h) Chillums;
- (i) Bongs; or
- (j) Ice pipes or chillers.

§ 9.40.020 POSSESSION OF DRUG PARAPHERNALIA.

It shall be unlawful for any person to possess any type of drug paraphernalia within the corporate boundaries of the city.

Penalty, see § 9.40.030

§ 9.40.030 PENALTY.

Any person or persons who violate this chapter is guilty of a misdemeanor and shall be fined \$100 for the first offense, and \$200 for the second and subsequent offense.

§ 9.40.040 DISTRIBUTION OF FINE MONEY.

Fine money collected by the City Collector or the Circuit Court of the county, for a violation of this chapter, shall be deposited in a fund created for the express purpose of combating drug abuse through law enforcement activities and education programs within the city.

(Ord. 95-20, passed - -1995)

§ 9.40.050 NOTICE TO APPEAR.

A defendant which has been issued a city ordinance citation for a violation of Ord. 95-20, entitled "An Ordinance to Prohibit the Possession of Drug Paraphernalia", within the corporate boundaries of the city, that has failed or refused to pay a fine to the city for the cited offense, or has plead not guilty to the offense, a notice to appear shall be issued to them by the Chief of Police, arresting officer, or prosecuting attorney advising them of a date, time, and location to appear in court.

(Ord. 96-18, passed - -1996)

§ 9.40.060 PROSECUTING ATTORNEY COMPENSATION AND COURT COSTS.

(A) A defendant who is found guilty for a violation of Ord. 95-20, entitled "An Ordinance to Prohibit the Possession of Drug Paraphernalia", within the corporate boundaries of the city, in Circuit Court, in addition to the fine imposed shall pay all court cost and prosecuting attorney fees associated in the prosecution of this chapter. When the Circuit Court Clerk has collected the fine and prosecuting attorney fees assigned by the court for the prosecution of this chapter, the Circuit Court Clerk shall pay said fine and fees to the city.

(B) The city shall pay said fees to the prosecuting attorney for services rendered in the prosecution of the chapter violation. When a defendant who is found not guilty in the Circuit Court for a violation of Ord. 95-20, entitled "An Ordinance to Prohibit the Possession of Drug Paraphernalia", within the corporate boundaries of the city, the city shall compensate the prosecuting attorney for services rendered for prosecuting the case.

(Ord. 96-18, passed - -1996)

CHAPTER 9.42: CANNABIS

Section

9.42.010	Definition
9.42.020	Possession of cannabis less than two and one-half grams
9.42.030	Penalty
9.42.040	Distribution of fine money
9.42.050	Notice to appear
9.42.060	Prosecuting attorney compensation and court costs

§ 9.42.010 DEFINITION.

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

CANNABIS. As quoted from 720 ILCS 550/3(a), includes marihuana, hashish, and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; any compound manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil, or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

§ 9.42.020 POSSESSION OF CANNABIS LESS THAN TWO AND ONE-HALF GRAMS.

It shall be unlawful for any person or persons to possess any amount of cannabis less than two and one-half grams within the corporate boundaries of the city.

Penalty, see § 9.42.030

§ 9.42.030 PENALTY.

Any person or persons who violate this § 9.42.020 is guilty of a misdemeanor and shall be fined \$100 for the first offense, and \$200 for the second and subsequent offense.

§ 9.42.040 DISTRIBUTION OF FINE MONEY.

Fine money collected by the City Collector or the Circuit Court of the county for a violation of § 9.42.020 shall be deposited in a fund created for the express purpose of combating drug abuse through law enforcement activities and education programs within the city.
(Ord. 94-35, passed - -1994)

§ 9.42.050 NOTICE TO APPEAR.

A defendant which has been issued a city ordinance citation for a violation of § 9.42.020 that has failed or refused to pay a fine to the city for the cited offense, or has plead not guilty to the offense, a notice to appear shall be issued to them by the Chief of Police, arresting officer, or prosecuting attorney advising them of a date, time, and location to appear in court.
(Ord. 96-15, passed - -1996)

§ 9.42.060 PROSECUTING ATTORNEY COMPENSATION AND COURT COSTS.

(A) A defendant who is found guilty for a violation of § 9.42.020 in Circuit Court, in addition to the fine imposed, shall pay all court costs and prosecuting attorney fees.

(B) When the Circuit Court Clerk has collected the fine and prosecuting attorney fees assigned by the court, the Circuit Court Clerk shall pay said fine and fees to the city. The city shall pay said fees to the prosecuting attorney for services rendered in the prosecution of the ordinance violation.

(C) When a defendant is found not guilty in the Circuit Court for a violation of § 9.42.020, the city shall compensate the prosecuting attorney for services rendered for prosecuting the case.
(Ord. 96-15, passed - -1996)

CHAPTER 9.48: CURFEW

Section

9.48.010	Curfew between the ages of 14 and 17 years old
9.48.020	Curfew for ages 13 years old and less
9.48.030	Allowing a minor less than 17 years of age to be out after curfew
9.48.040	Penalty
9.48.050	Notice to appear
9.48.060	Prosecuting attorney compensation and court costs

§ 9.48.010 CURFEW BETWEEN THE AGES OF 14 AND 17 YEARS OLD.

It is unlawful for a person between the ages of 14 and 17 years of age to be present at or upon any public assembly, building, place, street, or highway at the following times unless accompanied and supervised by a parent, legal guardian, or other responsible companion at least 18 years of age approved by a parent or legal guardian, or unless engaged in a business or occupation which the laws of the state authorize a person less than 17 years of age to perform:

(A) Between 12:01 a.m. and 6:00 a.m. Saturday;

(B) Between 12:01 a.m. and 6:00 a.m. Sunday; and

(C) Between 11:00 p.m. on Sunday to Thursday inclusive, and 6:00 a.m. on the following day.

Penalty, see § 9.48.040

§ 9.48.020 CURFEW FOR AGES 13 YEARS OLD AND LESS.

It is unlawful for a person ages 13 years and less to be present at or upon any public assembly, building, place, street, or highway at the following times unless accompanied and supervised by a parent, legal guardian, or other responsible companion at least 18 years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of the state authorize a person less than 14 years of age to perform between 10:00 p.m. and 7:00 a.m., Sunday through Saturday.

Penalty, see § 9.48.040

§ 9.48.030 ALLOWING A MINOR LESS THAN 17 YEARS OF AGE TO BE OUT AFTER CURFEW.

It is unlawful for a parent, legal guardian, or other person to knowingly permit a person less than 17 years of age in his or her custody or control violate curfew.

Penalty, see § 9.48.040

§ 9.48.040 PENALTY.

Any person who violates this chapter is guilty of a petty offense and for the first offense shall not be fined not less than \$25 nor more than \$50.

(Ord. 94-21, passed - -1994)

§ 9.48.050 NOTICE TO APPEAR.

A defendant which has been issued a city ordinance citation for a violation of Ord. 94-21, entitled "Ordinance to Establish a Curfew for Minors Less Than 17 Years of Age", that has failed or refused to pay a fine to the city for the cited offense, or has plead not guilty to the offense, a notice to appear shall be issued to them by the Chief of Police, arresting officer, or prosecuting attorney advising them of a date, time, and location to appear in court.

(Ord. 96-02, passed - -1996)

§ 9.48.060 PROSECUTING ATTORNEY COMPENSATION AND COURT COSTS.

(A) A defendant who is found guilty for a violation of Ord. 94-21, entitled "Ordinance to Establish a Curfew for Minors Less than 17 Years of Age", in Circuit Court, in addition to the fine imposed shall pay all court costs and prosecuting attorney fees.

(B) When the Circuit Court Clerk has collected the fine and prosecuting attorney fees assigned by the court, the Circuit Court Clerk shall pay said fine and fees to the city. The city shall pay said fees to the prosecuting attorney for services rendered in the prosecution of the ordinance violation.

(C) When a defendant is found not guilty in the Circuit Court for a violation of this chapter, the city shall compensate the prosecuting attorney for services rendered for prosecuting the case.

(Ord. 94-21, passed - -1994; Ord. 96-02, passed - -1996; Ord. 96-09, passed - -1996)

CHAPTER 9.52: FIGHTING

Section

9.52.010	Physical fighting prohibited
9.52.020	Penalty
9.52.030	Notice to appear
9.52.040	Prosecuting attorney compensation and court costs

§ 9.52.010 PHYSICAL FIGHTING PROHIBITED.

It is illegal for two or more people to engage in any type of physical fighting, except in an organized, approved sporting event, in which any type of injury is or can be sustained, either minor or major, while in or on any public or private property within the corporate boundaries of the city.

Penalty, see § 9.52.020

§ 9.52.020 PENALTY.

Any person or persons who violates § 9.52.010 shall be fined \$100 for the first offense and \$200 for the second and subsequent offense.

(Ord. 95-05, passed - -1995)

§ 9.52.030 NOTICE TO APPEAR.

A defendant which has been issued a city ordinance citation for a violation of § 9.52.010 that has failed or refused to pay a fine to the city for the cited offense, or has plead no guilty to the offense, a notice to appear shall be issued to them by the Chief of Police, arresting officer, or prosecuting attorney advising them of a date, time, and location to appear in court.

§ 9.52.040 PROSECUTING ATTORNEY COMPENSATION AND COURT COSTS.

(A) A defendant who is found guilty for a violation of § 9.52.010 in Circuit Court, in addition to the fine imposed, shall pay all court costs and prosecuting attorney fees. When the Circuit Court Clerk has collected the fine and prosecuting attorney fees assigned by the court, the Circuit Court Clerk shall pay said fine and fees to the city. The city shall pay said fees to the prosecuting attorney for services rendered in the prosecution of the ordinance violation.

(B) When a defendant who is found not guilty in the Circuit Court for a violation of § 9.52.010, the city shall compensate the prosecuting attorney for services rendered for prosecuting the case.

TITLE 10: VEHICLES AND TRAFFIC

Chapter

10.04. SPEED LIMITS

10.05. SCHOOL ZONE SPEED LIMITS

10.06. SCHOOL PICK UP-DISCHARGE ZONE

10.08. ONE-WAY STREETS AND ALLEYS

10.12. STOPPING, STANDING, AND PARKING

10.16. MISCELLANEOUS DRIVING RULES

10.20. ABANDONED AND INOPERABLE VEHICLES

10.24. SNOWMOBILES

10.28. TRANSPORTATION OF ALCOHOLIC LIQUOR

10.29. SEIZURE AND IMPOUNDING OF VEHICLES

10.32. THE OPERATION OF NON-HIGHWAY VEHICLES ON STREETS

CHAPTER 10.04: SPEED LIMITS

Section

- 10.04.010 Speed limits established
- 10.04.020 Suitable stop and speed notice signs to be erected
- 10.04.030 Penalty
- 10.04.040 Notice to appear
- 10.04.050 Prosecuting attorney compensation and court costs

§ 10.04.010 SPEED LIMITS ESTABLISHED.

The following, posted and not posted, state speed limits will be established.

(A) *Vicinity of the Veterans Park.*

- (1) Twenty mph on Moran Street, from Maple Avenue to Mary Street.
- (2) Twenty mph on Maple Avenue, from Moran Street to Veterans Drive.
- (3) Twenty mph on Veterans Drive, from Maple Avenue to Mary Street.
- (4) Twenty mph on Mary Street, from Veterans Drive to Moran Street.

(B) *Vicinity of the Westside Park.*

- (1) Twenty mph on West Fourth Street, between Washington Street and Jefferson Street.
- (2) Twenty mph on West Fifth Street, between Washington Street and Jefferson Street.
- (3) Twenty mph on Washington Street, between West Fourth Street and West Fifth Street.
- (4) Twenty mph on Jefferson Street, between West Fourth Street and West Fifth Street.

(C) *North Chestnut Street.* Twenty-five mph between Seventh Street and Moran Street.

(D) *South Chestnut Street.* Thirty-five mph between First Street and Route 251 Intersection.

(E) *First Street.* Thirty-five mph from Chestnut Street east to the city limits.

(F) *Alleys.* Alleys that are not posted shall be 15 mph, as by state statute.

(G) *City parking lots.* City parking lots that are not posted shall be 15 mph.

(H) *Other areas within the corporate boundaries.*

(1) Route 251, included within the corporate boundaries within the city, shall be 55 mph, as posted by the state.

(2) All streets within the corporate boundaries of the city shall be 25 mph unless posted otherwise. Notice shall be posted at each entrance to the city.

(Ord. 2004-09, passed - -; Ord. 639 § 17, passed - -1963; Ord. 88-4, passed - -1988; Ord. 94-24, passed - -1994; Ord. 94-31, passed - -1994; Ord. 01-09 § 2, passed - -2001; Ord 2012-17, passed 11-19-2012) Penalty, see § 10.04.030

§ 10.04.020 SUITABLE STOP AND SPEED NOTICE SIGNS TO BE ERECTED.

The Superintendent of Public Works shall cause to be erected suitable and proper speed notices implementing the provisions of this chapter.

(Ord. 2004-05, passed - -; Ord. 639 § 18, passed - -1963; Ord. 94-24, passed - -1994; Ord. 01-09 § 3, passed - -2001)

§ 10.04.030 PENALTY.

Any person violating this chapter shall be fined as set per state statute.

(Ord. 2004-05, passed - -; Ord. 94-24, passed - -1994; Ord. 01-09 § 4, passed - -2001)

§ 10.04.040 NOTICE TO APPEAR.

A defendant which has been issued a city ordinance citation for a violation of § 10.04.010, entitled "Speed Limits", that has failed or refused to pay a fine to the city, for the cited offense, or has plead not guilty to the offense, a notice to appear shall be issued to them by the Chief of Police, arresting officer, or prosecuting attorney advising them of a date, time, and location to appear in court.

(Ord. 2004-05, passed - -; Ord. 96-07, passed - -1996)

§ 10.04.050 PROSECUTING ATTORNEY COMPENSATION AND COURT COSTS.

(A) A defendant who is found guilty for a violation of § 10.04.010 in Circuit Court, in addition to the fine imposed, shall pay all court costs and prosecuting attorney fees.

(B) When the Circuit Court Clerk has collected the fine and prosecuting attorney fees assigned by the court, the Circuit Court Clerk shall pay said fine and fees to the city. The city shall pay said fees to the prosecuting attorney for services rendered in the prosecution of the ordinance violation.

(C) When a defendant is found not guilty in the Circuit Court for a violation of § 10.04.010, the city shall compensate the prosecuting attorney for services rendered for prosecuting the case.

(Ord. 2004-05, passed - -; Ord. 96-04, passed - -1996; Ord. 96-09, passed - -1996)

CHAPTER 10.05: SCHOOL ZONE SPEED LIMITS

Section

- 10.05.010 School speed zones established
- 10.05.020 Suitable school speed zone signs to be erected
- 10.05.030 Penalty
- 10.05.040 Notice to appear
- 10.05.050 Prosecuting attorney compensation and court costs

§ 10.05.010 SCHOOL SPEED ZONES ESTABLISHED.

On any school day, when school children are present, between the hours of 7:00 a.m. and 4:00 p.m., no person shall drive a motor vehicle in excess of 20 mph, on the following streets:

- (A) Maple Avenue, between Fourth Street and Sixth Street;
- (B) Mary Street, between Fourth Street and Sixth Street;
- (C) East Sixth Street, between Maple Avenue and Mary Street;
- (D) East Fourth Street, between Maple Avenue and Mary Street;
- (E) Johnson Street, between Fourth Street and Seventh Street;
- (F) West Fifth Street, between Walnut Street and Washington Street; and
- (G) West Sixth Street, between Walnut Street and Washington Street.

Penalty, see § 10.05.030

§ 10.05.020 SUITABLE SCHOOL SPEED ZONES SIGNS TO BE ERECTED.

The City Public Works Superintendent shall cause to be erected suitable school speed zone signs implementing the provisions of this chapter.

§ 10.05.030 PENALTY.

Any person violating this chapter shall be fined as set per state statute.
(Ord. 94-29, passed - -1994; Ord. 2002-11, passed - -; Ord. 2003-01, passed - -)

§ 10.05.040 NOTICE TO APPEAR.

A defendant which has been issued a city ordinance citation for a violation of § 10.05.010 that has failed or refused to pay a fine to the city for the cited offense, or has plead not guilty to the offense, a notice to appear shall be issued to them by the Chief of Police, arresting officer, or prosecuting attorney advising them of a date, time, and location to appear in court.
(Ord. 96-14, passed - -1996)

§ 10.05.050 PROSECUTING ATTORNEY COMPENSATION AND COURT COSTS.

(A) A defendant who is found guilty for a violation of § 10.05.010 in Circuit Court, in addition to the fine imposed, shall pay all court costs and prosecuting attorney fees.

(B) When the Circuit Court Clerk has collected the fine and prosecuting attorney fees assigned by the court, the Circuit Court Clerk shall pay said fine and fees to the city. The city shall pay said fees to the prosecuting attorney for services rendered in the prosecution of the ordinance violation.

(C) When a defendant is found not guilty in the Circuit Court for a violation of § 10.05.010, the city shall compensate the prosecuting attorney for services rendered for prosecuting the case.
(Ord. 96-14, passed - -1996)

CHAPTER 10.06: SCHOOL PICK UP-DISCHARGE ZONE

Section

- 10.06.010 School pick up-discharge zones
- 10.06.020 Suitable school pick up-discharge zone signs to be erected

§ 10.06.010 SCHOOL PICK UP-DISCHARGE ZONES.

On any school day, when school children are present, between the hours of 7:00 a.m. and 4:00 p.m., the following pick up-discharge zones are established for the purpose of pick up and discharge of school students to transport them to and from school or to school related activities:

(A) Christina and West First Street; and

(B) Howard and West First Street.

(Ord. 2013-12, passed 10-7-2013)

§ 10.06.020 SUITABLE SCHOOL PICK UP-DISCHARGE ZONE SIGNS TO BE ERECTED.

The City Public Works Superintendent shall cause to be erected suitable school pick up-discharge zone signs implementing the provisions of § 10.06.010.

(Ord. 2013-12, passed 10-7-2013)

CHAPTER 10.08: ONE-WAY STREETS AND ALLEYS

Section

- 10.08.010 One-way streets and alleys designated
- 10.08.020 Operation of vehicle in other than designated direction prohibited
- 10.08.021 Operation of vehicle in other than designated direction prohibited-Seventh Street
- 10.08.030 Signs to be posted
- 10.08.040 Penalty for violation

§ 10.08.010 ONE-WAY STREETS AND ALLEYS DESIGNATED.

Johnson Street between Fifth Street and Sixth Street shall be designated as one-way from the south to the north.

(Ord. 2003-05, passed - -; Ord. 2003-08, passed - -; Ord. 2004-05, passed - -; Ord. 688 § 1, passed - -1972)

§ 10.08.020 OPERATION OF VEHICLE IN OTHER THAN DESIGNATED DIRECTION PROHIBITED.

It is unlawful to operate any vehicle on any public street or alley designated as one-way in any direction than that so designated.

(Ord. 2003-05, passed - -; Ord. 2003-08, passed - -; Ord. 2004-05, passed - -; Ord. 688 § 2, passed - -1972) Penalty, see § 10.08.040

§ 10.08.021 OPERATION OF VEHICLE IN OTHER THAN DESIGNATED DIRECTION PROHIBITED-SEVENTH STREET.

It is unlawful to operate any vehicle on Seventh Street between Chestnut Street and Locust Street in any direction other than that so designated.

(Ord. 2004-05, passed - -; Ord. 87-4, passed - -1987) Penalty, see § 10.08.040

§ 10.08.030 SIGNS TO BE POSTED.

The Chief of Police, or any other person designated by the Mayor and City Council, shall post or cause to be posted suitable signs for any one-way street designated in this chapter.

(Ord. 2003-05, passed - -; Ord. 2003-08, passed - -; Ord. 2004-05, passed - -; Ord. 688 § 3, passed - -1972)

§ 10.08.040 PENALTY FOR VIOLATION.

Any person violating the provisions of this chapter shall be fined not less than \$25 and not more than \$100 for each offense.

(Ord. 2003-05, passed - -; Ord. 2003-08, passed - -; Ord. 2004-05, passed - -; Ord. 688 § 4, passed - -1972)

CHAPTER 10.12: STOPPING, STANDING, AND PARKING

Section

10.12.010	Stop and yield intersections designated
10.12.020	Stops for pedestrian traffic-hours designated
10.12.030	Four-way stop-Fifth Street and Chestnut Street
10.12.035	Four-way stops-Fourth Street and Chestnut Street-Sixth Street and Chestnut Street
10.12.040	Stop and yield signs to be erected
10.12.050	Penalty
10.12.051	Notice to appear
10.12.052	Prosecuting attorney compensation and court costs
10.12.055	Stop sign-Fourth Street at Thomas Street
10.12.060	Parking-prohibited where
10.12.065	Parking-handicapped persons-defined, designated areas, restricted use-penalty
10.12.070	Parking-15-minute-streets and hours designated
10.12.080	Parking-two-hour-streets and hours designated-exceptions
10.12.100	Penalty for violation of §§ 10.12.060 through 10.12.080
10.12.110	Parking more than 30 days prohibited-penalties
10.12.120	Parking after snow accumulation prohibited when
10.12.125	City impound area for towed vehicles designated
10.12.126	Unauthorized removal of towed vehicles from city impound area when
10.12.127	Payment of impound fee, towing fee, fine where
10.12.130	Truck parking restrictions
10.12.140	Parking on sidewalks

§ 10.12.010 STOP AND YIELD INTERSECTIONS DESIGNATED.

(A) Except when directed to proceed by a city police officer or any person designated by a city police officer, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(B) The driver of a vehicle approaching a yield sign, if required for safety, shall stop his or her vehicle before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(C) The following intersections shall be designated as four-way stop intersections:

- (1) Fourth Street and North Chestnut Street;

- (2) Fifth Street and North Chestnut Street;
 - (3) Sixth Street and North Chestnut Street;
 - (4) West Eighth Street and North Jefferson Street;
 - (5) West Fifth Street and North Lincoln Street;
 - (6) West Sixth Street and North Lincoln Street;
 - (7) West Sixth Street and North Johnson Street;
 - (8) West Eighth Street and North Lincoln Street;
 - (9) East Fifth Street and North Oak Street;
 - (10) East Sixth Street and North Oak Street;
 - (11) East Fifth Street-Dornbush Drive and North Maple Avenue;
 - (12) East Sixth Street and North Maple Avenue;
 - (13) East Eighth Street and North Maple Avenue;
 - (14) North Maple Avenue and Moran Street; and
 - (15) Veterans Drive and North Mary Street.
- (D) The following intersections shall be designated as three-way stop intersections:
- (1) West First Street and Christina Street;
 - (2) West Fourth Street and North Lincoln Street;
 - (3) West Fourth Street and North Jefferson Street;
 - (4) West Fifth Street and North Johnson Street;
 - (5) Donnick Street and Moran Street;
 - (6) North Mary Street and East Eighth Street; and
 - (7) East Fourth Street and North Mary Street.
- (E) The following intersections shall be designated as two-way stop intersections:
- (1) Walnut Street shall stop for West First Street;
 - (2) Walnut Street shall stop for West Third Street;

- (3) Elm Street shall stop for West First Street;
- (4) West First Street shall stop for Route 251;
- (5) Howard Drive shall stop for Claire Street;
- (6) South Walnut Street shall stop for West Cedar Lane;
- (7) North Walnut Street shall stop for West Fourth Street;
- (8) North Elm Street shall stop for West Fourth Street;
- (9) West Sixth Street shall stop for North Jefferson Street;
- (10) West Fifth Street shall stop for North Jefferson Street;
- (11) North Washington Street shall stop for West Fifth Street;
- (12) West Fifth Street shall stop for North Walnut Street;
- (13) North Walnut Street shall stop for West Sixth Street;
- (14) North Washington Street shall stop for West Sixth Street;
- (15) West Seventh Street shall stop for North Johnson Street;
- (16) Third Street shall stop for North Chestnut Street;
- (17) Seventh Street shall stop for North Chestnut Street;
- (18) Eighth Street shall stop for North Chestnut Street;
- (19) North Walnut Street shall stop for West Eighth Street;
- (20) North Johnson Street shall stop for West Eighth Street;
- (21) North Washington Street shall stop for West Eighth Street;
- (22) North Washington Street shall stop for West Ninth Street;
- (23) North Oak Street shall stop for East Fourth Street;
- (24) North Oak Street shall stop for East Ninth Street;
- (25) West Chestnut Street shall stop for Route 251;
- (26) North Locust Street shall stop for East Eighth Street;
- (27) North Locust Street shall stop for East Sixth Street;

- (28) North Locust Street shall stop for East Fifth Street;
 - (29) North Locust Street shall stop for East Fourth Street;
 - (30) East Third Street shall stop for North Locust Street;
 - (31) East Second Street shall stop for North Maple Avenue;
 - (32) North Maple Avenue shall stop for East Third Street;
 - (33) East Fourth Street shall stop for North Maple Avenue;
 - (34) East Seventh Street shall stop for North Maple Avenue;
 - (35) Everett Street shall stop for John Street;
 - (36) East Seventh Street shall stop for North Mary Street;
 - (37) North Mary Street shall stop for East Sixth Street; and
 - (38) East Seventh Street shall stop for North Oak Street.
- (F) The following intersections shall be designated as one-way stop intersections:
- (1) Howard Drive shall stop for West First Street;
 - (2) West Cedar Lane shall stop for South Chestnut Street;
 - (3) West Second Street shall stop for North Chestnut Street;
 - (4) West Second Street shall stop for North Elm Street;
 - (5) North Washington Street shall stop for West Fourth Street;
 - (6) West Fourth Street shall stop for Route 251;
 - (7) West Eighth Street shall stop for Route 251;
 - (8) West Seventh Street shall stop for North Jefferson Street;
 - (9) West Tenth Street shall stop for North Chestnut Street;
 - (10) Industrial Park Drive shall stop for West Chestnut Street;
 - (11) Carolyn Drive shall stop for West Chestnut Street;
 - (12) North Locust Street shall stop for East First Street;
 - (13) North Maple Avenue shall stop for East First Street;

- (14) Short Street shall stop for East First Street;
- (15) Moran Street shall stop for North Mary Street;
- (16) Moran Street shall stop for North Chestnut Street;
- (17) Donnick Street shall stop for John Street;
- (18) John Street shall stop for North Mary Street;
- (19) Everett Street shall stop for Moran Street;
- (20) Dornbush Drive shall stop for North Mary Street; and
- (21) East Fourth Street, traveling West, shall stop for Thomas Street.

(G) The following intersections shall be designated as two-way yield intersections:

- (1) West Seventh Street shall yield to North Washington Street;
- (2) North Lincoln Street shall yield to West Seventh Street;
- (3) West Second Street shall yield to North Walnut Street;
- (4) East Third Street shall yield for North Oak Street;
- (5) East Seventh Street shall yield to North Locust Street;
- (6) West Seventh Street shall yield to North Walnut Street; and
- (7) Ninth Street shall yield to Johnson Street.

(H) The following intersections shall be designated as one-way yield intersections:

- (1) John Street shall yield to North Maple Avenue;
- (2) Thomas Street shall yield to East Fourth Street;
- (3) Ninth Street shall yield to Lincoln Street; and
- (4) Ninth Street shall yield to Jefferson Street.

(Ord. 2004-05, passed - -; Ord. 2005-11, passed - -; Ord. 2006-04, passed - -; Ord. 639 §§ 1 through 16, passed - -1963; Ord. 652 § 1, passed - -1966; Ord. 94-32, passed - -1994; Ord. 95-12, passed - -1995; Ord. 95-17, passed - -1995; Ord. 96-07, passed - -1996; Ord. 96-21, passed - -1996; Ord. 96-24, passed - -1996; Ord. 98-02, passed - -1998; Ord. 98-08, passed - -1998; Ord. 01-05 § 2, passed - -2001; Ord. 2014-01, passed 3-3-2014; Ord. 2014-05, passed 5-19-2014)

§ 10.12.020 STOPS FOR PEDESTRIAN TRAFFIC-HOURS DESIGNATED.

All vehicles traveling on Maple Avenue, where it intersects with Moran Avenue, shall stop for pedestrian traffic during the hours from 9:00 a.m. to 9:00 p.m., when such intersection is so posted. (Ord. 2004-05, passed - -; Ord. 639 § 4, passed - -1963)

§ 10.12.030 FOUR-WAY STOP-FIFTH STREET AND CHESTNUT STREET.

(A) The intersection of Chestnut Street and Fifth Street shall be designated as a four-way stop.

(B) The city shall post stop signs on the four corners of said intersection.

(C) The driver of a vehicle shall stop in obedience to such stop signs at the intersection where the stop signs are erected, and shall proceed cautiously, yielding to any vehicle entering into the intersection or approaching so close as to constitute an immediate hazard, unless traffic at the intersection is controlled by a police officer on duty, in which event the directions of the police officer shall be complied with.

(D) Persons in violation of this section shall be fined not less than \$25 and not more than \$100 for each violation.

(Ord. 2004-05, passed - -; Ord. 695, passed - -1973)

§ 10.12.035 FOUR-WAY STOPS-FOURTH STREET AND CHESTNUT STREET-SIXTH STREET AND CHESTNUT STREET.

(A) It is necessary to control traffic and allow vehicles to proceed through the intersections at Fourth Street and Chestnut Street and at Sixth Street and Chestnut Street in the city. Because of the congestion of vehicle traffic and because of the pedestrian traffic which is heavily concentrated in these areas, it is found to be necessary to install four-way stop signs at Fourth Street and Chestnut Street and at Sixth Street and Chestnut Street in the city.

(B) It is further directed that the Street Commissioner shall install four-way stop signs at the intersections of Fourth Street and Chestnut Street and at Sixth Street and Chestnut Street. The Street Commissioner shall place these stop signs at the proper locations in accordance with the specifications set forth by the state's Department of Transportation.

(C) Any person who violates said stop signs shall become subject to a fine of not less than \$25 and not more than \$100 upon conviction of said violation in obeying said stop signs.

(Ord. 2004-05, passed - -; Ord. 720 §§ 1 through 3, passed - -1978)

§ 10.12.040 STOP AND YIELD SIGNS TO BE ERECTED.

The Public Works Superintendent shall cause to be erected suitable stop or yield signs implementing the provisions of this chapter.

(Ord. 2004-05, passed - -; Ord. 2005-11, passed - -; Ord. 2006-04, passed - -; Ord. 639 § 18, passed - -1963; Ord. 652 § 2, passed - -1966; Ord. 94-32, passed - -1994; Ord. 01-05 § 3, passed - -2001)

§ 10.12.050 PENALTY.

Any person violating this chapter shall be fined as set per state statute.
(Ord. 2004-05, passed - -; Ord. 2005-11, passed - -; Ord. 2006-04, passed - -; Ord. 652 § 1, passed - -1966; Ord. 94-32, passed - -1994; Ord. 01-05 § 4, passed - -2001)

§ 10.12.051 NOTICE TO APPEAR.

A defendant which has been issued a city ordinance citation for a violation of § 10.12.010 that has failed or refused to pay a fine to the city for the cited offense, or has plead not guilty to the offense, a notice to appear shall be issued to them by the Chief of Police, arresting officer, or prosecuting attorney advising them of a date, time, and location to appear in court.
(Ord. 2004-05, passed - -; Ord. 96-07, passed - -1996)

§ 10.12.052 PROSECUTING ATTORNEY COMPENSATION AND COURT COSTS.

(A) A defendant who is found guilty for a violation of § 10.12.010 in Circuit Court, in addition to the fine imposed, shall pay all court costs and prosecuting attorney fees.

(B) When the Circuit Court Clerk has collected the fine and prosecuting attorney fees assigned by the court, the Circuit Court Clerk shall pay said fine and fees to the city. The city shall pay said fees to the prosecuting attorney for services rendered in the prosecution of the ordinance violation.

(C) When a defendant is found not guilty in the Circuit Court for a violation of § 10.12.010, the city shall compensate the prosecuting attorney for services rendered for prosecuting the case.
(Ord. 2004-05, passed - -; Ord. 96-07, passed - -1996)

§ 10.12.055 STOP SIGN-FOURTH STREET AT THOMAS STREET.

(A) It is necessary to control traffic and allow vehicles to proceed through the intersection on Fourth Street at Thomas Street in the city. Because of the congestion of vehicle traffic and because of the pedestrian traffic in this area, it is found to be necessary to install a stop sign controlling eastbound traffic on Fourth Street at Thomas Street in the city.

(B) It is further directed that the Street Commissioner shall install one stop sign at the intersection of Fourth Street at Thomas Street controlling eastbound traffic on Fourth Street. The Street Commissioner shall place the stop sign at a proper location in accordance with the specifications set forth by the state's Department of Transportation.

(C) Any person who violates said stop sign shall become subject to a fine of not less than \$25 and not more than \$100 upon conviction of said violation in obeying said stop sign.
(Ord. 2004-05, passed - -; Ord. 732 § 1-3, passed - -1979)

§ 10.12.060 PARKING-PROHIBITED WHERE.

Parking is prohibited at all times on the following streets or portions of streets:

- (A) Mary Street between Eighth Street and the north city limits;
- (B) (Repealed by Ord. 2006-01, passed - -);
- (C) The east side of Locust Street between a point 300 feet north of Second Street, and Second Street;
- (D) The north side of Second Street between Locust Street and Maple Avenue;
- (E) The east side of Chestnut Street between Sixth Street and Seventh Street;
- (F) The remainder of the west side of the alley between Chestnut and Walnut Streets from Fourth Street to Fifth Street, except where specifically designated by signs;
- (G) The north 100 feet of the east side of the alley between Chestnut and Walnut streets from Fourth Street to Fifth Street;
- (H) (Repealed);
- (I) The east side of Oak Street, from corner of Fifth Street to a point 38 feet south from corner;
- (J) The east side of Oak Street, from a point beginning 222 feet north from corner of Fifth Street, to a point 30 feet north from point of beginning;
- (K) The north side of Fifth Street, between Chestnut Street and Walnut street, beginning at a point 87 feet east of corner of Walnut and Fifth Street, to a point 43 feet east from point of beginning;
- (L) The south side of East Second Street, 50 feet east of the alley and 50 feet west of the alley located between Locust Street and Maple Avenue;
- (M) The west side of Maple Avenue from Fourth Street to Fifth Street;
- (N) The west side of Maple Avenue from Fifth Street to Sixth Street;
- (O) The east side of Maple Avenue from corner of Dornbush Street to a point 125 feet south from the corner;
- (P) The south side of Fifth Street from Locust Street to Maple Avenue;
- (Q) The north side of Sixth Street between Lincoln Street and Johnson Street between the hours of 7:00 a.m. to 4:00 p.m.; and

(R) The south side of Fifth Street between Lincoln Street and Johnson Street between the hours of 7:00 a.m. to 4:00 p.m.

(Ord. 2004-05, passed - -; Ord. 2006-01, passed - -; Ord. 2009-08, passed - -; Ord. 535 § 1, passed - -1947; Ord. 614 § 2, passed - -1960; Ord. 625 § 2, passed - -1961; Ord. 631 § 1, passed - -1961; Ord. 651 § 1, passed - -1966; Ord. passed 10-2-1978; Ord. 90-16, passed - -1990; Ord. 95-13, passed - -1995; Ord. 96-28 § 2, passed - -1996; Ord. 98-03, passed - -1998) Penalty, see § 10.12.100

§ 10.12.065 PARKING-HANDICAPPED PERSONS-DEFINED, DESIGNATED AREAS, RESTRICTED USE-PENALTY.

(A) The term **HANDICAPPED PERSON** as used in this section is a natural person who, as determined by a licensed physician:

(1) Cannot walk 200 feet without stopping to rest;

(2) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assertive device;

(3) Is restricted by lung disease to such an extent that his or her forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than 600 mm/hg on room air at rest;

(4) Uses portable oxygen;

(5) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV, according to standards set by the American Heart Association; or

(6) Is severely limited in the person's ability to walk due to an arthritic, neurological, or orthopedic condition. (See 625 ILCS 5/1-159.1.)

(B) The following parking facilities are hereby established for benefit to handicapped persons only, who have been determined to be handicapped according to standards established by statute definition and who have been properly licensed and issued parking cards by the Secretary of State Office, to ensure and aid handicapped persons to more fully enjoy their activities in and around the public and private facilities in the city:

(1) Designated space in public parking lot in front of police station;

(2) Designated space in public parking lot, at rear of Filger Library; and

(3) Three on-street parking areas parallel to curb and sidewalk areas in 100 block West Fifth Street; the first parking space west of Chestnut Street intersection on north side of street; first parking space west of alley entrance between Chestnut and Walnut Streets on south side of street in front of Minonk State Bank building; and first parking space east of alley entrance between Chestnut and Walnut Streets on south side of street in front of vacant building.

(C) Parking in any designated handicapped parking area within the corporate boundaries of the city on public or private property by any person, firm, business, or corporation at any time is hereby prohibited. (Ord. 2004-05, passed - -; Ord. 96-25 § 2, passed - -1996) Penalty, see § 10.12.100

§ 10.12.070 PARKING-15-MINUTE-STREETS AND HOURS DESIGNATED.

Parking of vehicles on the north 95 feet of the west side of the alley between Chestnut and Walnut Streets, from Fourth Street to Fifth Street, between the hours of 9:00 a.m. and 6:00 p.m. each day of the week except Sundays and holidays, shall be limited to 15 consecutive minutes.
(Ord. 2004-05, passed - -; Ord. 625 § 1, passed - -1961) Penalty, see § 10.12.100

§ 10.12.080 PARKING-TWO-HOUR-STREETS AND HOURS DESIGNATED-EXCEPTIONS.

Parking shall be limited to two consecutive hours, between the hours of 9:00 a.m. and 6:00 p.m. each day of the week except Sundays and holidays, on the following streets:

(A) The west side of the alley between Chestnut and Walnut Streets from Fifth Street to Sixth Street;

(B) Chestnut Street between Fourth Street and Sixth Street; and

(C) Fourth, Fifth, and Sixth Streets between the Illinois Central Railroad tracks and Walnut Street.
(Ord. 2004-05, passed - -; Ord. 600 §§ 1 and 2, passed - -1957; Ord. 651 § 1, passed - -1966) Penalty, see § 10.12.100

§ 10.12.100 PENALTY FOR VIOLATION OF §§ 10.12.060 THROUGH 10.12.080.

The penalty for violation of §§ 10.12.060 through 10.12.080 shall be a fine of \$75 for first offense, and \$100 for second and succeeding violations.

(Ord. 2004-05, passed - -; Ord. 600 § 4, passed - -1957; Ord. 614 § 4, passed - -1960; Ord. 625 § 4, passed - -1961; Ord. 631 § 3, passed - -1961; Ord. 651 § 3, passed - -1966; Ord. 96-28 § 3, passed - -1996)

§ 10.12.110 PARKING MORE THAN 30 DAYS PROHIBITED-PENALTIES.

(A) It is unlawful for the owner or operator of any vehicle to park the same on any public street, alley, or public parking area or other public property for a period of more than 30 days without moving the same.

(B) Any vehicle parked in violation of this section will be towed to a suitable parking area and the owner or operator shall be required to pay the towing and storage costs before reclaiming said vehicle.

(C) The penalty for violation of this section shall be a fine of not less than \$5 nor more than \$50 for each such violation. Any penalty assessed shall be in addition to all other charges assessed for towing and storage.

(Ord. 2004-05, passed - -; Ord. 650 §§ 1, 2, and 3, passed - -1965)

§ 10.12.120 PARKING AFTER SNOW ACCUMULATION PROHIBITED WHEN.

(A) The parking of all vehicles on all public streets, alleys, and rights-of-way thereto within the corporate limits of the city after snow accumulation of two inches or more shall be prohibited until the streets, alleys, and rights-of-way thereto have been cleared by a snow plow, snow blower, thaw, or other means.

(B) Definition of terms as they apply to this section are as follows: **STREETS, ALLEYS, AND RIGHTS-OF-WAY THERETO** means traffic lane areas and parking areas on public shoulder right-of-way immediately adjacent to the traffic lanes that is provided and maintained by the city for use by the general public.

(C) It shall be the responsibility of all vehicle owners and/or operators to remove their vehicles from all public streets, alleys, and rights-of-way thereto prior to the snow accumulation of two inches or more without advance notice from the City Police Department and Public Works Department personnel that snow removal operation is to be initiated.

(D) All vehicles parked on public streets, alleys, and rights-of-way thereto after accumulation of two inches or more of snow shall be deemed in violation of this section, and shall be towed to a suitable parking area and impounded therein. The owner and/or driver of said vehicle shall be required to pay the fine assessed by the city and the towing charge incurred by the city before said vehicle shall be released.

(E) The penalty for violation of this section shall be a fine of \$25 for the first violation, \$50 for the second violation, and \$100 for the third and subsequent violations during each snow season.
(Ord. 2004-05, passed - -; Ord. 91-03, passed - -1991)

§ 10.12.125 CITY IMPOUND AREA FOR TOWED VEHICLES DESIGNATED.

The authorized city impound area for towed vehicles in violation of § 10.12.120 shall be the city parking lot in the 600 block, east side of Chestnut Street or any other area designated from time to time by the city.

(Ord. 2004-05, passed - -; Ord. 91-03, passed - -1991)

§ 10.12.126 UNAUTHORIZED REMOVAL OF TOWED VEHICLES FROM CITY IMPOUND AREA WHEN.

It is unlawful for any person or persons to remove towed vehicles from city impound area without first being properly authorized by the city to do so.

(A) It shall be considered trespassing upon city property by any person or persons entering upon the city impound area and removing any towed vehicle from the city impound area without first paying all fines, impound fees, and towing charges accrued by the city in towing and impounding all vehicles violating parking restrictions of § 10.12.120.

(B) Impound fee for any vehicle impounded in the city impound area shall be \$5 per day or any portion thereof.

(C) Towing fee for any vehicle towed by the city shall be the fee charged to the city by the hired private contractor.

(D) The penalty for violation of this section shall be \$250, in addition to the accrued impound fees, towing charges, and fine assessed under provisions of § 10.12.120.
(Ord. 2004-05, passed - -; Ord. 91-03, passed - -1991)

§ 10.12.127 PAYMENT OF IMPOUND FEE, TOWING FEE, FINE WHERE.

Total payment of impound fee, towing fee and fine shall be made at the City Police Department or the City Administration Building during regular business hours before vehicle is reclaimed.
(Ord. 2004-05, passed - -; Ord. 611 §§ 1 through 3, passed - -1959; Ord. 91-03, passed - -1991)

§ 10.12.130 TRUCK PARKING RESTRICTIONS.

(A) It is unlawful at any time to park any trucks having a gross weight of 5,000 pounds or more on the streets or alleys in the city or on any of the berms, or in any area between the pavements and the city sidewalk, or in the city parking lot adjoining Chestnut Street located between Fifth Street and Sixth Street and the city parking lot adjoining Chestnut Street located between Sixth Street and Seventh Street, at any time.

(B) Any person, partnership, or corporation who may be guilty of any of the above acts shall be subject to a fine of at least \$5 and not more than \$50 for each violation.
(Ord. 2004-05, passed - -; Ord. 684, passed - -1972; Ord. 90-14, passed - -1990)

§ 10.12.140 PARKING ON SIDEWALKS.

No person shall park any vehicle in such a manner to obstruct pedestrian traffic on any sidewalk within the city.
(Ord. 2014-10, passed 8-4-2014) Penalty, see § 10.12.050

CHAPTER 10.16: MISCELLANEOUS DRIVING RULES

Section

- 10.16.010 Careless operation of motor vehicles prohibited-penalty
- 10.16.020 U-turns prohibited on Chestnut Street-penalty
- 10.16.030 Loud excessive noise and unusual exhaust systems
- 10.16.040 Left turns prohibited-where

§ 10.16.010 CARELESS OPERATION OF MOTOR VEHICLES PROHIBITED-PENALTY.

(A) It is unlawful for the operator of a motor vehicle within the corporate boundaries of the city to operate a motor vehicle in a careless manner.

(B) Any one of the following acts shall be considered to be the operation of a motor vehicle in a careless manner:

- (1) Permitting persons to ride in or on a motor vehicle outside of the normal seating facilities of such vehicle;
- (2) Unnecessary blowing of the horn or other noise-making device attached to the vehicle;
- (3) Excessive acceleration of the engine when vehicle is standing and transmission is in neutral position;
- (4) Operating in such a manner as to cause the tires to squeal; and
- (5) Purposely sliding or skidding on ice, snow, or wet-surface streets, alleys, or public parking lots.

(C) The penalty for violation of this section shall be a fine of \$75. If the fine is not paid on or before the due date, as indicated on the ordinance violation citation, the fine shall be \$100.
(Ord. 2004-05, passed - -; Ord. 642 §§ 1, 2, and 3, passed - -1963; Ord. 95-18-1, passed - -1995)

§ 10.16.020 U-TURNS PROHIBITED ON CHESTNUT STREET-PENALTY.

(A) It is unlawful for the operator of any vehicle to make a U-turn at any place along U.S. Highway 51, which is designated and known as Chestnut Street.

(B) Any person, firm, or corporation violating or failing to comply with the provisions of this section shall be fined not less than \$10 nor more than \$25 for each offense.
(Ord. 2004-05, passed - -; Ord. 703 §§ 1 and 2, passed - -1975)

§ 10.16.030 LOUD EXCESSIVE NOISE AND UNUSUAL EXHAUST SYSTEMS.

(A) Every motor vehicle driven or operated on any street, alley, city parking lot, private yard and driveway, within the corporate boundaries of the city, shall at all times be equipped with an adequate muffler or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cutout, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise to such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all the requirements of this chapter.

(B) Any person who violates this ordinance is guilty of a petty offense and shall not be fined less than \$25 nor more than \$50.

(Ord. 94-30, passed - -1994)

§ 10.16.040 LEFT TURNS PROHIBITED-WHERE.

All left turns between Fourth Street and Fifth Street intersections at Chestnut Street, on Chestnut Street, shall be prohibited.

(Ord. 95-15, passed - -1995) Penalty, see § 1.01.090

CHAPTER 10.20: ABANDONED AND INOPERABLE VEHICLES

Section

- 10.20.010 Definitions
- 10.20.020 Abandonment prohibited
- 10.20.030 Abandoned, inoperable, junk, and unused vehicles prohibited
- 10.20.040 Parking and storage of vehicles
- 10.20.050 Disposal of vehicle notice and failure to comply
- 10.20.060 Towing of abandoned vehicles
- 10.20.070 Notice and sale of abandoned vehicles
- 10.20.080 Prosecuting attorney compensation and court costs

§ 10.20.010 DEFINITIONS.

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

ABANDONED. When describing a vehicle, any such vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition, or that has not been moved or used for seven consecutive days or more and is apparently deserted.

BUILDING. Any enclosed structure designed or intended to provide shelter or protection of persons, animals, or property.

ENCLOSED STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. **STRUCTURE** is a building with four walls to enclose the structure.

HARD SURFACE. The portion of a lot that is paved or otherwise improved for parking.

IMPROVED FOR PARKING. The portion of a lot that is constructed of asphalt, pavers, concrete, or gravel, and graded and drained in such a manner so as to dispose of surface water accumulation.

INOPERABLE VEHICLE. Any motor vehicle from which, for a period of at least seven 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. **INOPERABLE MOTOR VEHICLE** shall not include any 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. However, a motor vehicle which remains inoperable for more than 14 days shall be deemed not to be "rendered temporarily incapable of being driven under its own motor power in

order to perform ordinary service or repair operations". However, nothing in this chapter shall apply to any vehicle that is kept within a building when not in use, to operable historic vehicles over 25 years of age, or to a vehicle on the premises of a place of business engaged in the wrecking or junking of vehicles.

JUNK VEHICLE. Any vehicle which has been or is being disassembled, crushed, compressed, flattened, destroyed, or otherwise reduced to a state in which it no longer can be returned to an operable state.

PERSONS. Any person, firm, partnership, association, corporation, company, or organization of any kind.

PROPERTY. Any real property within the city which is not a street or highway.

STREET or HIGHWAY. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purpose of vehicular travel.

UNUSED VEHICLE. Any vehicle which has not been driven off the premises where it is parked or stored under its own motor power for a period longer than two months, or is not registered, licensed, or properly displaying registration plates or stickers as required under the state's Vehicle Code, 625 ILCS 5/1-100 et seq.; or exhibits damaged parts or parts in disrepair including, but not limited to, broken or missing windows, body panels with holes, or fluid leaks, which pose an open threat of injury or contamination for a period longer than 14 days.

VEHICLE. A machine propelled by power other than human power, designed to travel along the ground on wheels, treads, runners, or slides and transport persons or property or pull machinery, and includes, without limitations, automobiles, trucks, trailers, motorcycles, tractors, buggies, and wagons.

YARD. An open space on the same lot with a structure, lying between the structure and the nearest lot line, and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards of this title.
(Ord. 2014-10, passed 8-4-2014)

§ 10.20.020 ABANDONMENT PROHIBITED.

No persons shall abandon any vehicle within the city and no person shall leave any vehicle at any place within the city for such time and under such circumstances as to cause such vehicle to reasonably appear to be abandoned.

(Ord. 2003-__, passed - -; Ord. 2004-05, passed - -; Ord. 722 § 2, passed - - 1978) Penalty, see § 1.01.090

§ 10.20.030 ABANDONED, INOPERABLE, JUNK, AND UNUSED VEHICLES PROHIBITED.

It is hereby declared a menace to the public safety and a nuisance, and further declared unlawful for any person to cause, permit, or allow any abandoned vehicle, inoperable vehicle, junk vehicle, or unused vehicle, or any parts thereof, to exist or be stored upon any public or private property in view of the general public; provided, however, that nothing in this section shall apply to any vehicle that is kept within

a building when not in use, or to a vehicle on the premises of a place of business engaged in the wrecking or junking of vehicles.

(Ord. 2014-10, passed 8-4-2014) Penalty, see § 1.01.090

§ 10.20.040 PARKING AND STORAGE OF VEHICLES.

(A) No person shall store, park, or keep, or permit the storage, parking, or keeping of more than four vehicles outside of a building upon any property within this city owned, leased, or controlled, in whole or in part, by such person, unless an exception applies. The person charged with a violation of this section shall bear the burden of proving that one or more of the following exceptions applies.

(1) This division (A) shall not apply to the owner or operator, and his or her agents, of any licensed automobile dealership, vehicle repair garage shop, vehicle service station, junk car business, or retail or service establishment or industry where proper parking or drive-in facilities have been provided for customers or employees, and when property is duly zoned for such a purpose.

(2) This division (A) shall not apply to the owner or tenant of a multi-family dwelling, zero lot line dwelling, apartment house, or condominium authorized under the Zoning Code, or of a unit therein, as to a vehicle or vehicles in proper parking facilities provided for such multi-family dwelling, zero lot line dwelling, apartment house, or condominium.

(3) This division (A) shall not apply to temporary parking, for a period of less than 72 hours, of vehicles on property where operators thereof have parked such vehicle on such property for the purpose of visiting with an owner or tenant of such property, or their families.

(4) This division (A) shall not apply to temporary parking, for a period of less than 14 days, of vehicles on property where the operators or occupants thereof have come from outside the city for the purpose of visiting with an owner or tenant of such property or the family of such owner or tenant, providing that the Police Department of this city has been previously advised that this is the purpose of such parking.

(B) It is hereby declared to be a nuisance for any person to cause, permit, or allow the storage, parking, or keeping of any vehicle on a residential lot with no improvements.

(C) (1) No person shall store, park, or keep, or permit the storage, parking, or keeping of any vehicle on a residential lot with no improvements constructed thereon, unless the record title owner of said property owns an adjoining improved residential lot.

(2) Division (C)(1) above shall not apply to any vehicle that is temporarily parked on a residential lot with no improvements if said vehicle is parked for a period of no more than 24 hours in a given seven-day period, and no more than seven days in a calendar year.

(D) It is hereby declared to be a nuisance, and further declared to be unlawful, for any person to cause, permit, or allow the storage, parking, or keeping of any vehicle on a yard.

(E) No person shall store, park, or keep, or permit the storage, parking, or keeping of any vehicle on a yard that is in a residential zone under the Zoning Code of this city.

(1) This division (E) shall not apply to any vehicle that is temporarily parked on a yard in a residential zone for the purpose of washing, cleaning, or servicing said vehicle for a period of no more than six hours.

(2) This division (E) shall not apply to any vehicle that is temporarily parked on a yard in a residential zone for the purpose of moving articles to or from buildings or structures for a period of no more than 12 hours.

(F) It is hereby declared to be a nuisance for any person to cause, permit, or allow the storage, parking, or keeping of any vehicle on a surface that is not a hard surface.

(G) No person shall store, park, or keep or permit the storage, parking, or keeping of any vehicle on any surface that is not a hard surface in a residential zone under the Zoning Code of this city.

(1) This division (G) shall not apply to any vehicle that is temporarily parked on an a surface that is not a hard surface in a residential zone for the purpose of washing, cleaning, or servicing said vehicle for a period of no more than six hours.

(2) This division (G) shall not apply to any vehicle that is temporarily parked on a surface that is not a hard surface in a residential zone for the purpose of moving articles to or from buildings or structures for a period of no more than 12 hours.

(Ord. 2014-10, passed 8-4-2014) Penalty, see § 1.01.090

§ 10.20.050 DISPOSAL OF VEHICLE NOTICE AND FAILURE TO COMPLY.

(A) Whenever any police officer or inspector for the city determines that a nuisance as declared in this section exists, the police officer or inspector shall cause a written notice to abate to be served upon the person who is causing, permitting, or allowing the nuisance to exist. Said notice shall give the person served seven days from the date of service of the notice to abate the nuisance. Such notice shall be by means of personal service or by certified or registered mail. Personal service shall be by any police officer of the City Police Department or any person authorized by law to make personal service.

(B) Any person who shall cause, permit, or allow such a nuisance to continue or exist after the expiration of seven days from the date of the notice to abate shall, upon conviction thereof, be subject to a penalty of not less than \$100 nor more than \$750 for each such offense. Each day that such nuisance continues or exists after the expiration of the aforesaid seven days shall be deemed to be a separate offense. Further, each such inoperable motor vehicle shall constitute a separate offense. Owners of properties being identified as licensed used car lots shall be given 90 days from the date of such notice to abate.

(C) Any person who has been served a written notice for an abandoned or inoperable, or unused vehicle located on their property or any other property, within the corporate boundaries of the city, shall not move said vehicle to any other property, within the city, with the same stated violation or violations as stated on the written notice served upon them.

(D) Any person who has been served a written notice for an abandoned or inoperable or unused vehicle, located on their property or any other property within the corporate boundaries of the city, and removed said vehicle after being served such notice, shall not allow said vehicle to be placed upon their property or another property within the city for one year with the same stated violation or violations.

(E) Whenever any person causes, permits, or allows such a nuisance to continue or exist after the expiration of seven days from the service of the notice to abate, the city may, at its option, cause the abatement of the nuisance specified in this section by the same method of disposal of abandoned vehicles provided in §§ 10.20.060 and 10.20.070 herein. Nothing in this division (E) shall be construed as imposing upon the city a duty to abate the nuisance specified in this section. The action authorized by this division (E) shall be in addition to and without waiver of any other remedies.

(F) A person shall fall within that class of persons who shall be deemed to cause, permit, or allow such a nuisance to exist if such person:

- (1) Has an ownership interest in or is in control of the inoperable motor vehicle;
- (2) Causes the inoperable motor vehicle to be deposited at the site in question;
- (3) Has an ownership interest in the real estate upon which the inoperable motor vehicle is located;
- (4) Has an ownership interest in or operates a business which causes, permits, or allows such a nuisance to exist on the real estate upon which the business is operated or on adjacent real estate which is under the control of the business owner or operator; or
- (5) Has an ownership interest in real estate upon which a business is being operated and the operator or owner of said business causes, permits, or allows such a nuisance to exist on the real estate upon which the business is being operated or on adjacent real estate which is under the control of the person having an ownership interest in real estate upon which said business is being operated.

(G) Additional penalty for repeated violations:

- (1) If a person receives a second notice of violation of any nuisance under this chapter within one 24-month period, such person shall pay a fine of \$100 in addition to all other penalties and charges as set forth in this chapter;
- (2) If a person receives a third notice of violation of any nuisance under this chapter within one 24-month period, such person shall pay a fine of \$200 in addition to all other penalties and charges as set forth in this chapter; and
- (3) If a person receives a fourth or subsequent notice of violation of any nuisance under this chapter within one 24-month period, such person shall pay a fine of \$300 in addition to all other penalties and charges as set forth in this chapter.
(Ord. 2004-03, passed - -; Ord. 722 § 5, passed - -1978; Ord. 94-05, passed - -1994; Ord. 95-03, passed - -1995; Ord. 2010-09, passed 7-19-2010)

§ 10.20.060 TOWING OF ABANDONED VEHICLES.

(A) When a vehicle is abandoned on a highway in this city for ten hours or more, its removal by a towing service may be authorized by order of any officer of the Police Department of this city.

(B) When an abandoned, unattended, wrecked, burned, or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by order of any officer of the Police Department of this city.

(C) When a vehicle removed from either public or private property is authorized by order of any officer of the Police Department, the owner of the vehicle will be responsible for all towing costs.

(D) Any police officer, the City Police Department, and towing service owner, operator, or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his or her legal representative or any other person legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this chapter.

(E) (1) When a vehicle is authorized to be towed away, the City Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number, license plate year and number, and registration sticker year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing, and the name of the officer authorizing the tow.

(2) When the City Police Department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle registration records of the state to be searched by the Secretary of State for the purpose of obtaining the required ownership information.

(F) The Police Department will cause the stolen motor vehicle files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information on the vehicle. When the State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the State Police. The information determined from these record searches will be used by the Police Department in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition be made and setting forth public sale information. Exceptions to a notification by certified mail to the registered owner or other legally entitled person are set forth in § 10.20.070 herein.

(G) When the registered owner or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of this state or from the registration files of a foreign state, if applicable, the Police Department shall notify the State Police for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle. The information obtained by the State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner purposes as set forth above.

(Ord. 2004-03, passed - -; Ord. 2004-05, passed - -; Ord. 88-3, passed - -1988)

§ 10.20.070 NOTICE AND SALE OF ABANDONED VEHICLES.

(A) (1) Whenever an abandoned, lost, stolen, or unclaimed vehicle seven years of age or newer remains unclaimed by the registered owner or other person legally entitled to its possession for a period of 30 days after notice has been given as provided herein, the Police Department or towing service having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten days prior to the sale on the premises where the vehicle has been impounded.

(2) At least ten days prior to the sale, the Police Department where the vehicle is impounded or the towing service where the vehicle is impounded shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

(B) In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department or towing service due to the addressee having moved, or being unknown at the address obtained from the registration records of this state, the sending of a second certified notice will not be required.

(C) When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost, or unclaimed vehicle of four years of age or newer cannot be determined by any means provided for in this chapter, the vehicle may be sold as provided herein without notice to the registered owner or other person legally entitled to the possession of the vehicle.

(D) When an abandoned vehicle of more than seven years of age is impounded as specified by this chapter, it will be kept in custody for a minimum of ten days for the purpose of determining ownership, the contacting of the registered owner by the U.S. mail, public service, or in person for a determination of disposition; and, an examination of the State Police stolen vehicles files for theft and wanted information. At the expiration of the ten-day period, without the benefit of disposition information being received from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk only.

(E) A vehicle classified as an antique vehicle may, however, be sold to a person desiring to restore it.

(F) Any time before a vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may claim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this section until all towing and storage charges have been paid.

(G) When a vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided by this chapter, a report of the transaction will be maintained by the Police Department for a period of one year from the date of the sale or disposal.

(H) When a vehicle located within the corporate limits of this city is authorized to be towed away by any police officer and disposed of as set forth in this chapter, the proceeds of the public sale or disposition, after the deduction of towing, storage, and processing charges, shall be deposited in the municipal treasury.

(Ord. 96-16, passed - -; Ord. 2004-03, passed - -; Ord. 2004-05, passed - -; Ord. 2010-09, passed 7-19-2010)

§ 10.20.080 PROSECUTING ATTORNEY COMPENSATION AND COURT COSTS.

(A) A defendant who is found guilty for a violation of this chapter in Circuit Court, in addition to the fine imposed, shall pay all court costs and prosecuting attorney fees associated in the prosecution of this chapter.

(B) When the Circuit Court Clerk has collected the fine and prosecuting attorney fees assigned by the court for the prosecution of this chapter, the Circuit Court Clerk shall pay said fine and fees to the city. The city shall pay said fees to the prosecuting attorney for services rendered in the prosecution of the ordinance violation.

(C) When a defendant who is found not guilty in the Circuit Court for a violation of this chapter, the city shall compensate the prosecuting attorney for services rendered for prosecuting the case.

(Ord. 2004-03, passed - -; Ord. 2004-05, passed - -; Ord. 96-16, passed - -1996)

CHAPTER 10.24: SNOWMOBILES

Section

- 10.24.010 Snowmobile Registration and Safety Act adopted
- 10.24.020 Registration
- 10.24.030 Operation within the city
- 10.24.040 Violations and penalties

§ 10.24.010 SNOWMOBILE REGISTRATION AND SAFETY ACT ADOPTED.

625 ILCS 40/1-1 et seq., commonly known as the Snowmobile Registration and Safety Act, is adopted by reference and shall be enforced within the corporate limits of the city, except as it is inconsistent with other provisions of this chapter.

(Ord. 2004-05, passed - -; Ord. 734 § 1, passed - -1980)

§ 10.24.020 REGISTRATION.

(A) All snowmobiles operated within the city must be registered with the City Clerk. The requirements for registration are as follows:

(1) Snowmobiles must have a current Department of Conservation registration with the registration numbers properly displayed upon the snowmobile;

(2) Snowmobiles must have properly operating lights, brakes, and sound suppression equipment as required under the Department of Conservation regulations;

(3) An annual registration fee of \$5 must be paid to the city;

(4) Applicants must provide evidence of adequate liability insurance in an amount of not less than \$25,000; and

(5) Applicants must have a valid driver's license.

(B) A \$2.50 service fee, payable to the City Clerk, shall also be paid at the time of registering each snowmobile.

(Ord. 2004-05, passed - -; Ord. 734 § 2, passed - -1980)

§ 10.24.030 OPERATION WITHIN THE CITY.

(A) Snowmobiles shall be allowed to operate only on the following designated streets and alleys:

- (1) First Street from Route 51 to Chestnut Street;
- (2) Eighth Street from Route 51 to Mary Street;
- (3) Mary Street between Fourth Street and Eighth Street;
- (4) Fourth Street east of Mary Street;
- (5) Alley between Chestnut Street and Walnut Street from First Street to Seventh Street;
- (6) Seventh Street from the alley between Chestnut Street and Walnut Street to Walnut Street;

and

- (7) Walnut Street from Seventh Street to Eighth Street.

(B) In addition, a registered snowmobile may be operated within the city from the owner's residence to the above designated snowmobile route on city streets so long as the shortest distance between the residence and the snowmobile route is followed.

(C) Snowmobiles shall be operated on the roadway in the same direction as motor vehicle traffic as near as possible to the right side of the roadway and at a speed not to exceed 20 mph.

(D) Snowmobiles shall travel within the city in single file.

(E) Snowmobiles shall not be operated upon private property.

(F) Snowmobiles shall not be operated when the city snow removal crews are plowing the streets due to visibility problems caused by the plowed snow.

(G) The above snowmobile route is available only for entering and leaving the city and shall not be used for any other function.

(Ord. 2004-05, passed - -; Ord. 734 § 3, passed - -1980) Penalty, see § 10.24.040

§ 10.24.040 VIOLATIONS AND PENALTIES.

Any person violating any provision of this chapter shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$100 for the first offense. Any subsequent violation shall result in a fine of not less than \$25 nor more than \$100 and revocation of the city snowmobile permit.

(Ord. 2004-05, passed - -; Ord. 734 § 4, passed - -1980)

CHAPTER 10.28: TRANSPORTATION OF ALCOHOLIC LIQUOR

Section

10.28.010	Transportation or possession of alcoholic liquor in a motor vehicle
10.28.020	Definitions
10.28.030	Penalty
10.28.040	Notice to appear
19.28.050	Prosecuting attorney compensation and court costs

§ 10.28.010 TRANSPORTATION OR POSSESSION OF ALCOHOLIC LIQUOR IN A MOTOR VEHICLE.

(A) Except as provided in division (C) below, no driver may transport, carry, possess, or have any alcoholic liquor within the passenger area of any motor vehicle upon any highway, street, alley, city parking lot, or city park within the city limits of the city, except in the original container and with the seal unbroken.

(B) Except as provided in division (C) below, no passenger may carry, possess, or have any alcoholic liquor within the passenger area of any motor vehicle upon any highway, street, alley, city parking lot, or city park within the city limits of the city, except in the original container and with the seal unbroken.

(C) This section shall not apply to the passengers in a limousine when it is being used for the purposes for which a limousine is ordinarily used, the passengers on a chartered bus when it is being used for purposes for which chartered buses are ordinarily used for or on a motor home or mini motor home. However, the driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver's area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of such driver's failure to obey this section.

(D) The exemption applicable to chartered buses under division (C) above does not apply to any chartered bus being used for school purposes.
Penalty, see § 10.28.030

§ 10.28.020 DEFINITIONS.

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

LIMOUSINE. A motor vehicle of the first division with the passenger compartment enclosed by a partition or dividing window used in the for-hire transportation of passengers.

MOTOR HOME or MINI MOTOR HOME. A self-contained motor vehicle, not used commercially, designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat. Such vehicle must include the following:

- (1) A cooking facility with an on-board fuel source;
- (2) A gas or electric refrigerator;
- (3) A toilet with exterior evacuation;
- (4) A heating or air conditioning system with an on-board power or fuel source separate from the vehicle engine;
- (5) A potable water supply system that includes at least a sink, faucet, and a water tank with an exterior service supply connection; and
- (6) A 110-125 volt electric power supply.

§ 10.28.030 PENALTY.

Any person who violates this chapter is guilty of a petty offense and for the first offense shall not be fined less than \$100 nor more than \$250, and for the second and subsequent offense shall be guilty of a petty offense and not fined less than \$250 nor more than \$500.
(Ord. 94-22, passed - -1994)

§ 10.28.040 NOTICE TO APPEAR.

A defendant which has been issued a city ordinance citation for a violation of § 10.28.010 that has failed or refused to pay a fine to the city for the cited offense, or has plead not guilty to the offense, a notice to appear shall be issued to them by the Chief of Police, arresting officer, or prosecuting attorney advising them of a date, time, and location to appear in court.
(Ord. 96-12, passed - -1996)

§ 10.28.050 PROSECUTING ATTORNEY COMPENSATION AND COURT COSTS.

(A) A defendant who is found guilty for a violation of § 10.28.010 in Circuit Court, in addition to the fine imposed, shall pay all court costs and prosecuting attorney fees.

(B) When the Circuit Court Clerk has collected the fine and prosecuting attorney fees assigned by the court, the Circuit Court Clerk shall pay said fine and fees to the city. The city shall pay said fees to the prosecuting attorney for services rendered in the prosecution of the ordinance violation.

(C) When a defendant is found not guilty in the Circuit Court for a violation of § 10.28.010, the city shall compensate the prosecuting attorney for services rendered for prosecuting the case.
(Ord. 96-12, passed - -1996)

CHAPTER 10.29: SEIZURE AND IMPOUNDING OF VEHICLES

Section

10.29.010	Definitions
10.29.020	Vehicles subject to seizure and impounding
10.29.030	Seizure and impounding of vehicles
10.29.040	Posting of bond
10.29.050	Preliminary hearing
10.29.060	Final hearing
10.29.070	Unclaimed vehicles
10.29.080	Liability for penalty and costs
10.29.090	Conduct of hearings
10.29.100	Hearing Officer

§ 10.29.010 DEFINITIONS.

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

CONTROLLED SUBSTANCE. Any substance as defined and included in the schedule contained in Article II of the state's Controlled Substance Act (720 ILCS 570/201 et seq.), as amended from time to time, and cannabis as defined in § 1 of the Cannabis Control Act (720 ILCS 550/1 et seq.), as amended from time to time.

DRIVING UNDER THE INFLUENCE. Any violation as defined in § 11-501 of the state's Vehicle Code (625 ILCS 5/11-501), as amended from time to time.

DRIVING WHILE LICENSE, PERMIT, OR PRIVILEGE TO OPERATE A MOTOR VEHICLE IS SUSPENDED OR REVOKED. Any violation as defined in § 6-303 of the state's Vehicle Code (625 ILCS 5/6-303), as amended from time to time, excluding revocation or suspension for failure to pay citations or to comply with emission testing requirements.

DRUG PARAPHERNALIA. Any equipment, product, and/or materials as defined in § 2 of the Drug Paraphernalia Act (720 ILCS 600/2), as amended from time to time.

OPERATION OF A MOTOR VEHICLE WITHOUT A VALID DRIVER'S LICENSE. A violation of §§ 6-101 and/or 6-303 of the state's Vehicle Code, as amended from time to time (625 ILCS 5/6-101 and 625 ILCS 5/6-303), as amended from time to time, where the driver's license or driving privileges have been suspended, revoked, canceled, never obtained, or previously had been obtained and have been expired for greater than one year.

OWNER OF RECORD. The record title holder to a motor vehicle.

UNLAWFUL USE OF WEAPONS. A violation of § 24-1 of the Criminal Code of 1961 (720 ILCS 5/24-1 et seq.), as amended from time to time.
(Ord. 2010-11, passed 9-20-2010; Ord. 2012-18, passed 11-19-2012)

§ 10.29.020 VEHICLES SUBJECT TO SEIZURE AND IMPOUNDING.

A motor vehicle shall be subject to seizure and impoundment under this chapter where such motor vehicle is used in any of the following:

- (A) The possession or delivery of a controlled substance or drug paraphernalia;
- (B) Driving under the influence;
- (C) Driving while license, permit, or privilege to operate a motor vehicle is suspended or revoked;
- (D) Operation of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in the state;
- (E) Operation of a motor vehicle in the commission of, or in the attempt to commit, a felony;
- (F) Operation of a motor vehicle without a valid driver's license;
- (G) The unlawful use of weapons;
- (H) Hit and run; or
- (I) Fleeing and eluding.

(Ord. 2010-11, passed 9-20-2010; Ord. 2012-18, passed 11-19-2012)

§ 10.29.030 SEIZURE AND IMPOUNDING OF VEHICLES.

Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this chapter, the police officer shall cause the motor vehicle to be towed to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify any person identifying himself or herself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right and procedures to retrieve the vehicle.

(Ord. 2010-11, passed 9-20-2010)

§ 10.29.040 POSTING OF BOND.

If a bond in the amount of \$250 is posted with the city, the impounded vehicle will be released to the owner of record, upon the payment by the owner of record of the towing and storage costs. If a penalty is imposed for violation of this chapter, the bond will be forfeited to the city; provided, in the event that a violation of this chapter is not proven, the bond will be returned to the person posting the bond. All bond

money posted pursuant to this chapter will be held by the city until the Hearing Officer issues a decision or, if there is a judicial review, until the court issues its final decision.
(Ord. 2010-11, passed 9-20-2010)

§ 10.29.050 PRELIMINARY HEARING.

(A) Where the owner of a motor vehicle seized under the provisions of this chapter requests a preliminary hearing within 12 hours after the seizure of the motor vehicle, a Hearing Officer of the city must conduct a preliminary hearing within 24 hours after the request for preliminary hearing is received by the city; provided, that if the date for the hearing falls on a Saturday, Sunday, or legal holiday, the preliminary hearing will be held on the next business day following the Saturday, Sunday, or legal holiday.

(B) For purposes of this section, the following shall apply.

(1) All interested persons will be given a reasonable opportunity to be heard at the preliminary hearing.

(2) The formal rules of evidence will not apply at the hearing, and hearsay testimony will be allowed, and will be admissible.

(3) If, after the conclusion of the hearing, the Hearing Officer determines that there is probable cause to believe that the vehicle was used as hereinabove provided in § 10.29.020, the Hearing Officer shall order the continued impoundment of the vehicle, unless the owner of the vehicle posts a cash bond with the city in the amount of \$250, plus the towing and storage costs.

(4) If the Hearing Officer determines that there is not probable cause to believe that the vehicle was used as hereinabove provided in § 10.29.020, the motor vehicle will be returned to the owner of record of the vehicle without any penalty or other costs.

(Ord. 2010-11, passed 9-20-2010)

§ 10.29.060 FINAL HEARING.

(A) Within ten days after a vehicle is seized and impounded pursuant to this chapter, the city shall notify the owner of record of the motor vehicle of the date, time, and location of a hearing. Such notice shall be mailed by certified mail, return receipt requested, to the owner of record as shown on the records of the Secretary of State.

(B) However, no such notice of hearing needs to be sent to the owner of record if the owner is personally served with the notice of hearing within ten days after the vehicle is seized and impounded, and the owner acknowledges receipt of the notice of hearing in writing.

(C) The notice of hearing shall state the penalties that may be imposed at the final hearing, including that a vehicle not released by payment of the penalty and fees and remained impounded may be sold or disposed of by the city in accordance with state law.

(D) For purposes of this section, the following shall apply to the owner's hearing.

(1) Unless continued by order of the Hearing Officer, the hearing shall be held within 30 days after the motor vehicle was seized.

(2) All interested persons will be given a reasonable opportunity to be heard at the preliminary hearing.

(3) If, after the conclusion of the hearing, the Hearing Officer determines by a preponderance of the evidence that the vehicle was used as a hereinabove provided in § 10.29.020, the Hearing Officer shall order the continued impoundment of the vehicle until the owner of the vehicle pays to the city a penalty in the amount of \$250, plus the towing and storage costs. The penalty and costs shall be a debt due to the city.

(4) If the owner of record fails to appear at the hearing, the Hearing Officer shall enter an order of default in favor of the city, which order shall require the payment to the city of an administrative penalty of \$250.

(5) If the Hearing Officer determines that the vehicle was not used in the hereinabove § 10.29.020, the motor vehicle will be returned to the owner of record of the vehicle without any penalty or other costs, or, if a cash bond had previously been posted, the cash bond shall be returned.
(Ord. 2010-11, passed 9-20-2010)

§ 10.29.070 UNCLAIMED VEHICLES.

(A) Any motor vehicle that is not claimed within 30 days after the expiration of the time in which the owner of record may seek judicial review of the action of the city under this chapter, or the time at which a final judgment is rendered in favor of the city by a court, or the time at which a final administrative decision is rendered against an owner of record who is in default, may be disposed of as an abandoned or unclaimed vehicle, as otherwise provided by law.

(B) If the penalty and towing and storage costs are not paid within 80 days after a penalty is imposed pursuant to this chapter, the vehicle shall be deemed to be abandoned and may be disposed of in the manner provided by law for the disposition of abandoned or unclaimed vehicles, unless a petition for judicial review is filed with a court of proper jurisdiction. Where a petition for judicial review of the Hearing Officer's determination is filed and pending in a court of proper jurisdiction, the vehicle shall not be deemed to be abandoned and shall not be sold. If the petition for judicial review is resolved in favor of the city, the vehicle shall be deemed abandoned and may be disposed of by the city if the penalty and towing and storage costs are not paid within 30 days after the date of the court's order.
(Ord. 2010-11, passed 9-20-2010)

§ 10.29.080 LIABILITY FOR PENALTY AND COSTS.

The owner of record of a motor vehicle that is seized or impounded shall be liable to the city for a penalty of \$250, in addition to any fees for the towing and storage of the motor vehicle.

(A) Fees for towing and storage are established by the towing company and not by the city, except where the motor vehicle is stored on city property, in which case the storage cost will be \$25 per day. A \$250 retrieval/redemption fee shall be paid to the city.

(B) A vehicle impounded pursuant to this chapter shall remain impounded until the earlier of the following to occur:

(1) The penalty/redemption fee of \$250 is paid to the city and all towing and storage costs are paid to the towing company;

(2) A bond in an amount equal to the liability of the owner as herein provided in division (A) above is posted with the city and all applicable towing and storage costs are paid to the towing company;

(3) The vehicle is deemed abandoned, in which case the vehicle shall be disposed of in the manner provided by law for the disposition of abandoned or unclaimed vehicles; or

(4) Except as otherwise specifically provided by law, no owner, lien holder, or any other person shall be legally entitled to take possession of a motor vehicle impounded under this chapter until the penalty and all towing and storage costs applicable under this chapter have been paid in full.
(Ord. 2010-11, passed 9-20-2010)

§ 10.29.090 CONDUCT OF HEARINGS.

All administrative hearings held pursuant to the provisions of this chapter shall be conducted as follows.

(A) The parties to the administrative hearing shall be afforded an opportunity for a hearing before the Hearing Officer.

(B) An attorney who appears on behalf of any person shall file with the Hearing Officer a written appearance.

(C) In no event shall the case for the city be presented by the Hearing Officer; provided, however, that documentary evidence, including the notice of violation, which has been prepared by a department or agency of the city, may be presented at the hearing by the Hearing Officer.

(D) The Hearing Officer may grant continuances only upon a finding of good cause.

(E) All testimony shall be given under oath.

(F) The Hearing Officer may issue subpoenas to secure the attendance and testimony of relevant witnesses and the production of relevant documents. Issuance of subpoenas will be subject to the following restrictions.

(1) The Hearing Officer may issue subpoenas only if the Hearing Officer determines that the testimony of the witnesses or the documents or items sought by the subpoena are necessary to present evidence that is relevant to the case and relates to a contested issue in the case.

(2) A subpoena issued under this chapter shall identify the person to whom it is directed, the documents or other items sought by the subpoena, if any, the date of the appearance of the witnesses and the production of the documents or other items described in the subpoena, the time for the appearance of the witnesses and the production of documents or other items described in the subpoena, and the place for the appearance of the witnesses and the production of the documents or other items described in the subpoena.

(3) In no event shall the date identified for the appearance of witnesses or the production of the documents or other items be less than seven days after service of the subpoena.

(4) Within three business days of being served with a subpoena issued in accordance with this chapter, the recipient of the subpoena may appeal the order authorizing the issuance of the subpoena to the Hearing Officer.

(G) Subject to division (J) below, the Hearing Officer may permit witnesses to submit their testimony by affidavit or by telephone.

(H) The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(I) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a notice of hearing or a notice of violation, issued and signed, shall be prima facie evidence of the correctness of the facts specified therein.

(J) Upon timely request of any party to the proceeding, any person who the Hearing Officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.

(K) The record of all hearings before the Hearing Officer shall include the following:

(1) A record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means;

(2) All documents presented at the hearing;

(3) A copy of the notice of hearing or notice of violation; and

(4) A copy of the findings and decision of the Hearing Officer.

(L) Upon conclusion of the hearing, the Hearing Officer will issue a final determination of liability or no liability. Upon issuing a final determination of liability, the Hearing Officer may:

- (1) Impose penalties that are consistent with the applicable provision of this chapter;
- (2) Issue orders that are consistent with applicable provisions of this chapter; and
- (3) Assess costs reasonably related to instituting the hearing process.

(M) In the issuance of a final determination of liability, the Hearing Officer shall inform the respondent of his or her right to seek judicial review of the final determination.

(N) If, at the time of the hearing, the recipient of a notice of hearing or notice of violation or his or her attorney of record fails to appear, the Hearing Officer may find the recipient in default and proceed with the hearing and accept evidence relevant to the existence of a violation of this chapter and conclude with a finding, decision, and order. A copy of the order of default must be served in the manner permitted for the service of the notice of hearing.

(O) The recipient of a notice of violation who is found to be in default may petition the Hearing Officer to set aside the order of default and set a new hearing date as follows.

(1) The Hearing Officer may set aside any order entered by default and set a new hearing date upon a petition filed within 21 days after the issuance of the order of default, if the Hearing Officer determines that the petitioner's failure to appear at the hearing was for good cause or, at anytime, if the petitioner establishes that the petitioner was not provided with proper service of notice of the hearing. If the petition is granted, the Hearing Officer shall proceed with a new hearing on the underlying matter as soon as practical.

(2) If any order is set aside under this division (O), the Hearing Officer has the authority to enter an order directing the city to refund any penalties and/or fines paid pursuant to the vacated order.

(P) Any final determination by the Hearing Officer under this chapter constitutes a final determination for purposes of judicial review and is subject to review under the state's Administrative Review Law, 735 ILCS 5/3-101 et seq.

(Ord. 2010-11, passed 9-20-2010)

§ 10.29.100 HEARING OFFICER.

Each Hearing Officer shall be appointed by the Mayor and shall not be an employee or an associate doing business with the city. The Hearing Officers shall have all of the powers necessary to conduct a fair and impartial hearing.

(Ord. 2010-11, passed 9-20-2010)

CHAPTER 10.32: THE OPERATION OF NON-HIGHWAY VEHICLES ON STREETS

Section

10.32.010	Policy statement
10.32.020	General authority for the operation of qualified non-highway vehicles on city streets
10.32.030	Definitions
10.32.040	Requirements and regulations
10.32.050	Permits
10.32.060	Violations

§ 10.32.010 POLICY STATEMENT.

This chapter is adopted in the interest of public safety. This chapter is not to be relied upon as a determination that the operation of non-highway vehicles on city streets is safe or advisable, even if done in accordance with the City Code. All persons operating non-highway vehicles must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. All persons who operate or ride non-highway vehicles on city streets do so at their own risk and peril. The city has no liability under any theory of law for permitting non-highway vehicles to be operated on city streets.

(Ord. 2012-09, passed 10-1-2012)

§ 10.32.020 GENERAL AUTHORITY FOR THE OPERATION OF QUALIFIED NON-HIGHWAY VEHICLES ON CITY STREETS.

Non-highway vehicles, as defined and qualified herein, shall be allowed on city streets, subject to the limitations and conditions provided in the state's Vehicle Code, 625 ILCS 5/1-100 et seq., and stated in this chapter.

(Ord. 2012-09, passed 10-1-2012)

§ 10.32.030 DEFINITIONS.

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

CITY STREETS. Any of the streets within the boundaries of and under the jurisdiction of the city.

NON-HIGHWAY VEHICLE. A motor vehicle not specifically designed to be used on a public highway, including:

(1) A **RECREATIONAL OFF-HIGHWAY VEHICLE**, as defined by 625 ILCS 5/1-168.8 of the state's Vehicle Code. Any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer's dry weight of 2,000 pounds or less, traveling on four or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers; and

(2) A **GOLF CART**, as defined by 625 ILCS 5/1-123.9 of the state's Vehicle Code, shall mean a vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course.
(Ord. 2012-09, passed 10-1-2012)

§ 10.32.040 REQUIREMENTS AND REGULATIONS.

All persons wishing to operate a qualified non-highway vehicle on the city streets must comply with the following requirements and regulations.

(A) Proof of liability insurance on vehicle. The owner of any non-highway vehicle registered under this chapter shall continuously maintain liability insurance for said non-highway vehicle having at least the same limits as required from time to time for motor vehicles under the mandatory insurance law of the state.

(B) A city decal must be displayed on the rear of the vehicle, evidencing permit.

(C) The non-highway vehicle must be inspected by the Chief of Police or his or her designee. Non-highway vehicles registered or proposed to be registered pursuant to this chapter shall be subject to inspection by the Chief of Police or designee, at any time, to determine that said non-highway vehicle meets and continues to meet the definition thereof, as set forth in this chapter, and meets the requirements set forth in the chapter and the statutes of the state, and particularly that required safety systems and equipment are in operating condition.

(D) Operators must comply with published *Rules Concerning Alternate Transportation for the City of Minonk*, as periodically updated.

(E) Operators must have a valid driver's license. No person who is not properly licensed to operate motor vehicles on the roadways of the city shall operate a non-highway vehicle within the city, pursuant to state law, 625 ILCS 5/11-1426.1(b-5).

(F) All non-highway vehicles must be equipped with seatbelts for all front and rear passenger seats, a horn, brakes and brake lights, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, turn signals, an approved slow moving vehicle emblem on the rear of the vehicle in compliance with 625 ILCS 5/12-709, headlight that emits a white light visible from a distance of 500 feet to the front which must be illuminated when in operation, tail lamp that emits red light visible from at least 100 feet from the rear which must be illuminated when in operation and any additional requirements which may be amended to 625 ILCS 5/11-1426 or the state's Vehicle Code, 625 ILCS 5/1-100 et seq.

(G) Operators must obey all traffic laws of the state and the city.

(H) Operators must be at least 21 years of age.

(I) Non-highway vehicles may be operated on any street within the city except for State Route 251 or Chestnut Street between Fourth Street and Sixth Street. Chestnut Street may be crossed at Fourth, Fifth, and Sixth Streets. Route 251 may be crossed as authorized by the state's Department of transportation and the state's Vehicle Code, 625 ILCS 5/1-100 et seq.

(J) Non-highway vehicles may not exceed 25 mph.

(K) A person who drives or is in actual physical control of a non-highway vehicle on a roadway while under the influence of alcohol and/or drugs is subject to §§ 11-500 through 11-502 of the state's Vehicle Code, 625 ILCS 5/11-500 et seq.

(L) Non-highway vehicles may not be operated on sidewalks or other public property not accessible to or authorized to vehicular traffic, unless authorized by the City Council for special events.

(M) Operators must comply and be responsible for following and obeying the 625 ILCS 5/12-603.1 with regard to the state's Child Passenger Protection Act, 625 ILCS 25/1 et seq., with the proper use of seat belts and/or child safety seats.

(N) Non-highway vehicles may not be operated on streets and highways and roads under the jurisdiction of the state's Department of Transportation.

(O) Non-highway vehicle operators must yield the right-of-way to overtaking vehicles at all times.

(P) Non-highway vehicles shall not be operated during inclement weather, nor when visibility is impaired by weather, smoke, or other conditions.

(Q) Each non-highway vehicle may transport only as many individuals as is the number of seats designed by the manufacturer.
(Ord. 2012-09, passed 10-1-2012)

§ 10.32.050 PERMITS.

(A) No person shall operate a non-highway vehicle unless the non-highway vehicle is permitted by the city as provided herein. Permits shall be granted for a particular calendar year (January 1 to December 31) and must be renewed annually. Permits granted after January 1 of a given year will still expire on December 31 of that year, requiring a new permit, even if the initial permit covered less than a full year. The cost of a permit is \$50 and shall be displayed on the rear of the vehicle in plain view. Permits shall not be transferable in the event of a change in ownership of the non-highway vehicle. Insurance coverage will be verified by the Police Department when obtaining and renewing a permit.

(B) Every application for a permit shall be made on a form supplied by the city and shall contain the following:

- (1) Name and address of applicant;

(2) Name of liability insurance carrier;

(3) Make, model, description, and, if available, serial number of the vehicle;

(4) Signed waiver of liability by applicant releasing the city and agreeing to indemnify and hold the city harmless from any and all future claims resulting from the operation of the vehicle on the city streets;

(5) Photocopy of applicable insurance coverage card specifically for the vehicle to be operated pursuant to the permit; and

(6) Other such information as the city may require.

(C) No permit shall be granted unless the following conditions are met:

(1) The vehicle must be inspected by the Chief of Police (or designee) to ensure that the vehicle is safe to operate on city street and is in compliance with this chapter and the state's Vehicle Code, 625 ILCS 5/1-100 et seq.;

(2) A physically handicapped applicant must submit a certificate signed by a physician certifying that the applicant is able to safely operate such a vehicle on city streets; and

(3) The applicant must provide evidence of insurance in compliance with provisions of the state statutes regarding minimum liability insurance for passenger motor vehicle to be operated on the roads of the state.

(Ord. 2012-09, passed 10-1-2012)

§ 10.32.060 VIOLATIONS.

(A) The Chief of Police, or designee, may suspend or revoke a permit granted hereunder upon finding that any provision of this chapter or 625 ILCS 5/11-1426.1 of the state's Vehicle Code (625 ILCS 5/1-100 et seq.) has been violated, or there is evidence that the vehicle cannot be safely operated. The revocation shall be for a period of at least one but not more than five years. A revocation shall be made in writing and shall set forth the provision(s) of the statute or ordinance found to be violated. Revocations may be appealed in writing to the City Council within 14 days of the issuance of the revocation, and if appealed, the City Council shall hold a public hearing at which the affected owner may appear, present witnesses and evidence, and may be represented by an attorney. The City Council shall uphold the revocation if it determines by a preponderance of the evidence presented at the hearing that the violation which was the basis of the revocation occurred. During the appeal process, the revocation shall remain in full force and effect.

(B) In the event that a the permit is revoked due to a failure to maintain the condition of the non-highway vehicle in compliance with this chapter, including, but not limited to, the required safety systems, the City Council, in its sole discretion by majority vote, may reinstate the permit upon documentation of the repair or other corrective action to make the non-highway vehicle compliant, if the City Council determines that the violation was not intentional and not likely to recur.

(C) Any person who violates any provision of this chapter shall be guilty of a petty misdemeanor and shall be punished by a fine of \$150.

(D) To the extent that any violation of this chapter also constitutes a violation of a criminal statute of the state, then the violator may also be subject to criminal prosecution.
(Ord. 2012-09, passed 10-1-2012)

TITLE 11: RESERVED

TITLE 12: STREETS AND SIDEWALKS

Chapter

12.02. STREET CONSTRUCTION

12.04. SIDEWALK CONSTRUCTION

12.06. SIDEWALK OBSTRUCTIONS

CHAPTER 12.02: STREET CONSTRUCTION

Section

- 12.02.010 Street, roadway, and alley standard
- 12.02.020 Grading and improving of streets, roadways, and alleys

§ 12.02.010 STREET, ROADWAY, AND ALLEY STANDARD.

(A) All streets and roadways in all zoning districts shall be curbed and guttered, constructed to standards established herein, in all new additions and subdivisions developed within the corporate boundary of the city after the effective date of this chapter.

(B) All streets and roadways, in all zoning district developments located outside of the corporate boundary of the city and within one and one-half mile of the corporate boundary of the city, shall conform to and with zoning regulations of the county, subject to acceptance by the city.

§ 12.02.020 GRADING AND IMPROVING OF STREETS, ROADWAYS, AND ALLEYS.

(A) Grading and improving of streets, roadways, and alleys shall be as per approved plans and profiles in accordance with the following standards.

(B) Regardless of the dwelling density, all streets, roadways, and alleys shall meet the following minimum required improvements standards:

(1) Minimum 70-foot right-of-way for all streets and roadways in all residential zoned districts, and minimum 80-foot right-of-way in all commercial and industrial zoned districts. Alleys, if permitted by the City Council, shall be minimum 40-foot right-of-way, in all residential zoning districts and minimum 60-foot right-of-way in all commercial and industrial zoning districts;

(2) Graded with ditches on both sides of right-of-way for all pre-existing non-curbed and guttered streets, roadways, and alleys in all zoning districts;

(3) Minimum 32-foot width, back-to-back curbed and guttered streets and roadways in residential zoned districts, and 36-foot width back-to-back curbed and guttered streets and roadways in commercial and industrial zoned districts;

(4) Minimum five inches compacted subbase of three/four-inch rock or gravel material, covered with minimum four inches of compacted base of CA-6 or CA-10 road rock or gravel material, and minimum four inches finished asphalt or concrete surface on curbed and guttered streets or minimum 12-inch total depth consisting of six inches of compacted subbase three/four-inch rock or gravel material and six inches compacted base consisting of CA-6 or CA-10 road rock or gravel material, in all residential

districts; and minimum six inches compacted subbase of two/three-inch rock or gravel material, covered with minimum six inches of compacted CA-6 or CA-10 road rock or gravel material, and minimum of eight inches finished asphalt or concrete surface on curbed and guttered streets and roadways in all commercial and industrial districts;

(5) Pavement base, subbase, and surface shall meet or exceed minimum standards and specifications as set forth in the state's Department of Transportation's booklet, *Standard Specifications for Road and Bridge Construction*, dated August 1, 1994, and all subsequent revisions thereto;

(6) Sidewalks, if required as determined by the City Council, shall be located at the property line, and shall be a minimum of four feet wide, a minimum of four inches thick, either asphalt or concrete, in all pedestrian traffic areas, and shall be a minimum of eight inches thick at all crossing areas subjected to weight of motor vehicle traffic. All sidewalks, when constructed, shall be placed on suitable compacted base material and such base shall be of adequate depth to support weight of primary traffic. All sidewalk accesses shall be constructed in accordance with handicap accessibility rules and regulations;

(7) Driveway access to private properties shall be constructed in accordance with standards established for streets, roadways, and alleys;

(8) All construction costs shall be at developer's and/or property owner's expense;

(9) All streets, roadways, alleys, and rights-of-way intended for general public use shall be certified that construction complies with city standards and specifications, and shall be dedicated to the city by the developer and/or property owner within six months after completion of construction;

(10) Developer shall provide detailed construction plans and specifications of the project to be developed to the City Council for review and approval prior to initiating construction; and

(11) Whenever, in a specific case, it is determined a developer's plans and specifications demonstrate there are practical difficulties and particular hardships in the way of carrying out the strict letter of the city's plans and specifications standards as established in this chapter, the City Council may vary said plans and specifications of this chapter in harmony with the general purpose and intent of this chapter, and when it is considered appropriate to make such variance and such variance is in the public's interest.

(Ord. 95-09, passed - -1995)

CHAPTER 12.04: SIDEWALK CONSTRUCTION

Section

- 12.04.010 Policy adopted
- 12.04.020 Construction by city-cost-owner responsibility
- 12.04.030 Construction by property owner-approval-specifications
- 12.04.040 Construction by property owner-removal and hauling of old sidewalk-finishing

§ 12.04.010 POLICY ADOPTED.

The city does hereby establish the policies set forth in this chapter in reference to the construction of public sidewalks within the city.
(Ord. 2004-05, passed - -; Ord. 643 § 1, passed - -1963)

§ 12.04.020 CONSTRUCTION BY CITY-COST-OWNER RESPONSIBILITY.

The city will construct new public sidewalks at a cost of 20% per square foot, to be paid by the property owner prior to the commencement of such construction.
(Ord. 2004-05, passed - -; Ord. 643 § 2, passed - -1963)

§ 12.04.030 CONSTRUCTION BY PROPERTY OWNER-APPROVAL-SPECIFICATIONS.

Any property owner within the city wishing to construct his or her own sidewalk must first obtain the approval of the Street Commissioner before commencing such construction. All sidewalks must be not less than four feet wide and four inches in thickness.
(Ord. 2004-05, passed - -; Ord. 643 § 3, passed - -1963)

§ 12.04.040 CONSTRUCTION BY PROPERTY OWNER-REMOVAL AND HAULING OF OLD SIDEWALK-FINISHING.

Any property owner within the city wishing to construct a sidewalk himself or herself shall remove the old sidewalk, put in piles, set his or her own forms, and pay for one-half the concrete for such new sidewalk. The city will pay the other one-half, haul away all the old concrete or bricks, and do the finishing. If the property owner wishes to do the finishing, it must be done at his or her expense.
(Ord. 2004-05, passed - -; Ord. 643 § 4, passed - -1963)

CHAPTER 12.06: SIDEWALK OBSTRUCTIONS

Section

- 12.06.010 Obstruction of city sidewalks in business district area street prohibited
- 12.06.020 Exemptions
- 12.06.030 Penalty

§ 12.06.010 OBSTRUCTION OF CITY SIDEWALKS IN BUSINESS DISTRICT AREA STREET PROHIBITED.

No person, firm, business, corporation, organization, or retail establishment shall exhibit or display any item or object on the city sidewalks in the business district area exceeding 48 inches past the foundation of any building on the city sidewalk.

Penalty, see § 12.06.030

§ 12.06.020 EXEMPTIONS.

Any person, firm, business, corporation, organization, or retail establishment may be granted permission by the city to obstruct the city sidewalks in the 400 and 500 block of Chestnut Street for special one-day functions such as sidewalk sale days, bake sales, garage sales, and the like.

§ 12.06.030 PENALTY.

Any person who violates § 12.06.010 shall be fined \$25 and \$50 for the second and each subsequent offense thereafter. Each day that the offense is permitted to occur shall constitute a new and separate charge.

(Ord. 95-17, passed - -1995)

TITLE 13: WATER AND SEWERS

Chapter

13.02. MUNICIPAL SERVICES

13.04. WATER SERVICE

13.12. SEWER TAPS AND CONNECTIONS

13.16. SEWER USE AND WASTEWATER DISCHARGE

13.20. PROTECTION OF PUBLIC WATER SUPPLY SYSTEM

CHAPTER 13.02: MUNICIPAL SERVICES

Section

- 13.02.010 Municipal services-charges established
- 13.02.020 Water service-restricted
- 13.02.030 Municipal services-installation
- 13.02.040 Municipal services-terms of payment of charges
- 13.02.050 Municipal services-minimum monthly billing established
- 13.02.060 Municipal services-shut off periods-when
- 13.02.070 Municipal services-responsibility for payment
- 13.02.080 Municipal services-open account to renter or lessee-prohibited-when

§ 13.02.010 MUNICIPAL SERVICES-CHARGES ESTABLISHED.

(A) The Mayor and City Council shall from time to time determine appropriate service charges based on the city's operating costs to provide said services for each municipal service to each residential unit within the corporate boundaries, and shall assess such service charge for each municipal service to each residential unit within the corporate boundaries of the city.

(B) The charge for city water service shall be based on metered water consumption at all services connected to the city water service. The current water rate shall be \$5.54 for the first 100 cubic feet or fraction thereof, this being the minimum charge for a one-month period. There shall be a charge of \$5.54 for each additional 100 cubic feet or fraction thereof. These rates shall be adjusted annually, effective May 1 of each year, by the cost of living based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W).

(C) The charges for city water service supplied to each premises located outside the corporate limits of the city shall be 200% of the total charge computed as provided in division (B) above.

(D) Bulk water is available at the pump house at a rate of \$1 per 100 gallons (13.37 cubic feet). Bulk water sales from fire hydrants are prohibited when the bulk water dispenser or the water plant pump house is operational. Subject to the above, bulk water sales from a fire hydrant must be dispensed into a portable tank. Arrangements must be made with the Public Works Department.

(E) Upon request or complaint of the consumer, for a charge of \$50, any water meter shall be tested for accuracy. If, upon testing, the meter is found to be over 3% off in accuracy, the meter shall be replaced at no cost to the consumer and the \$50 charge shall also be refunded.

(F) Any person, firm, partnership, or corporation who tampers with any water meter attached to the city water system, which meter is the property of the city, shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$200 and not more than \$500 and shall be subject to confinement of not less than five days and not more than 364 days.

(G) The charge for city sewer service shall be based on metered water consumption at all services connected to the city water service. The current water rate shall be \$5.39 for the first 100 cubic feet or fraction thereof, this being the minimum charge for a one-month period. There shall be a charge of \$5.39 for each additional 100 cubic feet or fraction thereof. These rates shall be adjusted annually, effective May 1 of each year, by the cost of living based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W).

(H) The service charge for garbage and recycling service shall be \$15.30 per month per residential unit. This cost shall be adjusted from time to time by a motion approved by the City Council to defray the city's cost to operate and manage the garbage and recycling disposal service program.
(Ord. 2007-02, passed - -; Ord. 2007-03, passed - -; Ord. 2010-05, passed 4-19-2010)

§ 13.02.020 WATER SERVICE-RESTRICTED.

(A) The city shall not provide public water service to any properties located outside of the corporate limits of the city. For purpose of this section, the primary point of consumption on the premises to be served shall be the determining factor of service being outside the corporate limits. Existing city public water supply services to properties located outside the corporate limits of the city upon effective date of this section, shall remain in service until terminated for any reason whatsoever. Service shall be re-established to these properties upon proper application as provided in division (B) below.

(B) All property owners of properties located outside the corporate limits of the city seeking to have city public water supply provided to their property, shall file application in writing for such service with the City Clerk, said application shall be accompanied with application in writing for annexation to the city of said property to be served by the city public water supply.

(C) Application for city public water supply service to properties located outside the corporate limits of the city shall be given consideration after annexation of property into the city is completed.

(D) Bulk water is available at the pump house at a rate of \$1 per 100 gallons (13.37 cubic feet). Bulk water sales from fire hydrants are prohibited when the bulk water dispenser at the water plant pump house is operational. Subject to the above, bulk water sales from a fire hydrant must be dispensed into a portable tank. Arrangements must be made with the Public Works Department.
(Ord. 2004-05, passed - -; Ord. 2007-4, passed - -; Ord. 94-14, passed - -1994)

§ 13.02.030 MUNICIPAL SERVICES-INSTALLATION.

(A) All premises using the city water supply must be equipped with an adequate cubic foot water meter. All such meters shall be supplied by the city and shall remain the property of the city, which retains the right to inspect, repair, and replace them upon reasonable notice to the owner of the premises. Meters shall be placed in a location that will provide easy access thereto but shall be protected from the elements. The city shall provide an external readout for each meter and shall be read or cause to be read every meter used in the city at such times as are necessary so that bills may be sent out at the appropriate times.

(B) The owner or his or her agent shall make an application for a water connection permit to the city. The permit shall be supplemented by any plans, specifications, or other information pertinent in the judgment of the Public Works Superintendent. A water permit fee of \$100 shall be paid to the City

Collector prior to final approval of the water permit by the Superintendent of Public Works. Any other charges by the city for materials and/or labor provided by the city shall also be indicated on this permit by the Public Works Superintendent and shall be paid prior to approval.

(C) Any person, firm, partnership, or corporation who installs a water line to any premises being supplied by the city water system shall be licensed by the State of Illinois to perform such work. Such installation shall be under the direction of the city's Public Works Superintendent and shall be subject to an installation charge which shall be as follows:

- (1) For a three-fourths inch service line: \$100 plus all materials/labor;
- (2) For a one inch service line: \$125 plus all materials/labor;
- (3) For all increments above one inch: \$25 per one-fourth inch increment;
- (4) Materials supplied by the city shall be charged at cost plus 10%; and

(5) Labor provided by the city shall be charged at the current rates paid by the city for the employee(s) performing the work if applicable.

(D) Shut off boxes or service boxes shall be placed on every service pipe and shall be located between the curb line and the sidewalk where this is practicable. Such boxes shall be so located that they are easily accessible and shall be protected from frost.

(E) No owner or plumber shall be permitted to connect water pipes into any two distinct premises or tenements unless separate and distinct stopcocks shall be placed on the outside of each such premises along the sidewalk opposite same, nor shall any pipe be allowed to cross lots or buildings to adjoining premises. Duplex flats, double houses, and apartment houses shall be considered as one premises. A **PREMISES** shall be construed to cover all buildings and divisions under one common roof, owned by one party, who will be charged for all services to such premises.

(F) The owner or his or her agent shall make an application for a sewer connection permit to the city. The permit shall be supplemented by any plans, specifications, or other information pertinent in the judgment of the Public Works Superintendent. A \$100 sewer application fee shall be paid to the City Collector prior to final approval of the sewer permit by the Superintendent of Public Works. Any other charges by the city for materials and/or labor provided by the city shall also be indicated on this permit by the Public Works Superintendent shall be paid prior to approval.

(G) Any person, firm, partnership, or corporation who installs a sewer line to any premises being supplied by the city water system shall be licensed by the state to perform such work. Such installation shall be under the direction of the city's Public Works Superintendent and shall be subject to an installation charge which shall be as follows:

- (1) A fee of \$100 for each connection to the city sanitary sewer system;
- (2) Materials supplied by the city shall be charged at cost plus 10%; and

(3) Labor provided by the city shall be charged at the current rates paid by the city for the employee(s) performing the work if applicable.

§ 13.02.040 MUNICIPAL SERVICES-TERMS OF PAYMENT OF CHARGES.

(A) Charges for all municipal services shall be itemized for each service and billed as of the first day of each calendar month to each residential unit and shall be due and payable on or before the twentieth day of each calendar month. All accounts not paid by the twentieth day of each month shall become delinquent and a late fee of 10% shall be added on the twenty-first day of each month for each municipal service provided by the city.

(B) All delinquent charges shall then be immediately due and payable. A letter of warning shall be sent to the resident by the final day of the current month warning that services will be discontinued for non-payment. There shall be a \$10 charge added to the delinquent account for this warning letter.

(C) All delinquent charges and late charges not paid by the fifth day of the month following date of billing shall cause water service to be shut off to said premises. All municipal services shall be terminated and shall not be restored to said premises until all delinquent amounts have been paid in full to the City Collector or other agent of the City Collector.

§ 13.02.050 MUNICIPAL SERVICES-MINIMUM MONTHLY BILLING ESTABLISHED

(A) (1) When a residential unit is not occupied at any given time period during a calendar month and the water service to the residential unit has not been shut off at the curb stop by the city, said residential unit shall be charged and billed a minimum charge for 100 cubic feet of water for the water service and a minimum charge for the sewer service based on 100 cubic feet of water.

(2) The flat rate for garbage and recycling shall remain the same.

(3) The total sum of these minimum charges shall be the total monthly charge for municipal services provided by the city.

(B) When a residential unit is not occupied at any given time period during a calendar month and the water service to the residential unit has been shut off at the curb stop by the city, said residential unit shall not be charged and billed a minimum charge for any municipal services. Said residential unit shall be charged a turn on service fee of \$25 to have water service and all municipal services restored.

§ 13.02.060 MUNICIPAL SERVICES-SHUT OFF PERIODS-WHEN.

(A) Shut off periods less than one calendar month duration shall not be permitted and service charges shall not be adjusted to reduce the established minimum charges.

(B) Shut off periods that exceed 30 days duration and begin and/or end on any given date during a calendar month shall not cause any adjustment to reduce the established monthly service charges for that month in which said shut off period begins and/or ends during a calendar month for any of the municipal services provided by the city to any residential unit.

(C) Shut off of municipal services shall not be permitted in any residential unit that is physically occupied by any person or persons for any given one-day period or more or part thereof in any given calendar month period.

§ 13.02.070 MUNICIPAL SERVICES-RESPONSIBILITY FOR PAYMENT.

(A) The owner of the property and the occupant thereof and the user of the municipal services are jointly and severally liable to pay for said municipal services rendered to said premises and such municipal services are furnished to said premises by the city upon the condition that the owner of the premises and the occupant and the user of the services are jointly and severally liable for all charges accrued for the services to said premises. The owner of the premises is deemed to be the owner on record with the County Recorder of Deeds.

(B) Any person or persons who occupy a residential unit and who is not the owner of record of said unit shall be called renter or lessee. Said renter or lessee shall be required to pay a \$150 deposit for the water service that is included in the municipal services provided by the city. Half of said deposit shall be due and payable prior to providing municipal services to the premises. The second half shall be due and payable with the first month usage billing. Failure to pay said deposit shall be cause to shut off water service to said premises and all municipal services shall be shut off and shall not be restored to said premises until the deposit amount and turn on service fee of \$25 is paid in full to the City Collector or agent of the City Collector.

(C) (1) Said renter or lessee deposit shall be returned to the depositor upon leaving said rented or leased residential unit after the City Collector first withholds total amount due for all and accrued service charges for all municipal services as of date of departure from said residential unit. If total accrued charges at date of departure exceed the deposit amount, the City Collector then shall apply the total deposit towards the total due, then bill the balance due first to the renter or lessee, with a copy to the property owner.

(2) If renter or lessee fails to pay the balance due within a 20-day period, the property owner shall then be responsible for payment of the balance due plus 10% late fee and total amount then due shall be paid within 20 days. Failure of the property owner to pay this amount due within the 20-day period shall cause water service to be shut off and shall not be restored to said property until all delinquent amount plus the turn on fee of \$25 is paid in full to the City Collector or agent of the City Collector.

(3) In addition, failure of the property owner of record to pay all delinquent amounts due shall cause a lien, in the amount of the total amount due plus legal and recording fees, to be filed against the said property and said lien shall be filed with the County Recorder of Deeds. Said lien shall then become a special tax assessment against said property. If the property owner pays the delinquent amount, the said amount will be turned over to the city collection agent. Any amounts collected by the collection agent shall be refunded to the property owner less any collection charges administered by the collection agent. (Ord. 2007-01, passed - -)

§ 13.02.080 MUNICIPAL SERVICES-OPEN ACCOUNT TO RENTER OR LESSEE-PROHIBITED-WHEN.

The city shall permit an open account to any renter or lessee moving from one location to another location within the corporate boundaries of the city who has defaulted in payment of all charges accrued at any prior location within the corporate limits of the city. Said renter or lessee shall be responsible for payment of all amounts due for all municipal services provided at the prior location before municipal services shall be provided at a second and succeeding location.

(Ord. 95-11, passed - -1995; Ord. 01-08, passed - -2001; Ord. 02-08, passed - -2002)

CHAPTER 13.04: WATER SERVICE

Section

- 13.04.060 Application for service-application processing fee
- 13.04.070 Application for service-contents-fraudulent representation
- 13.04.080 Obtaining water for building purposes
- 13.04.090 Alterations or extensions-permission required
- 13.04.100 City to provide pipe when
- 13.04.110 Materials and labor-city and applicant liability for costs
- 13.04.120 Meters-city responsibility-rental-exception
- 13.04.130 Meters-nonstandard-water to be turned off when
- 13.04.140 Meters-to be installed when-interim tax
- 13.04.150 Meters-defective-rent procedure
- 13.04.160 Supply of water to other than occupant or owner prohibited
- 13.04.170 Hydrant requirements
- 13.04.180 Owner responsibility designated
- 13.04.190 Hydrants or stopcocks-obstruction prohibited
- 13.04.200 Hydrants or stopcocks-opening prohibited when-penalty
- 13.04.240 Affixing sprinklers to trees or fences prohibited
- 13.04.250 Water rates declared a special tax on premises
- 13.04.260 Nonpayment of water rent-water to be turned off-turn on fee
- 13.04.270 Nonpayment of water rates-water to be turned off-fee for resetting ferrule
- 13.04.280 Nonpayment of water rates-reconnection fee
- 13.04.290 Nonpayment of water rates-collection procedure generally
- 13.04.300 Nonpayment of water rates-sale at property-procedure
- 13.04.310 Penalty for violation

§ 13.04.060 APPLICATION FOR SERVICE-APPLICATION PROCESSING FEE.

(A) No person, partnership, firm, business, or corporation shall have the right to tap-in and connect a private water service line into the city public water supply system without first having filed a written application for said service with the City Clerk. The property owner of the premises to be served shall file said written application for said service with the City Clerk, and shall file an application processing fee of \$100 before the city shall process said application. In the event more than one service unit is located in any parcel, lot, building, or structure, a separate written application shall be required for each unit so located. If for any reason an application is denied for cause, 50% of the application processing fee shall be refunded to the applicant.

(B) The application processing fee shall be due and payable in addition to permit fee and all other associated costs to the tap-in of service into the public water supply main service.

(C) All fees and charges shall be paid prior to issuance of permit for tap-in of service into the city public water supply system.

(Ord. 2004-05, passed - -; Ord. 506 § 3, passed - -1937; Ord. 602 § 1, passed - -1958; Ord. 94-14, passed - -1994)

§ 13.04.070 APPLICATION FOR SERVICE-CONTENTS-FRAUDULENT REPRESENTATION.

(A) Application for water must be made by the owner or agent of the property to the City Clerk, in writing, upon forms to be furnished by the Clerk, and must state fully and truly all the purposes for which it is required.

(B) When paying the quarterly charges, parties must frankly and without concealment answer all questions put to them relating to water consumption. In case of fraudulent representation on the part of the applicant, or the use of water for any other purposes than those stated in the application, or unreasonable waste of water, the City Clerk shall have the right to forfeit his or her payment.

(C) The supply of water shall be stopped unless the party promptly pays such additional charges as the case warrants.

(Ord. 2004-05, passed - -; Ord. 11 § 21, passed - -1868)

§ 13.04.080 OBTAINING WATER FOR BUILDING PURPOSES.

(A) Persons desiring to obtain water for building purposes, or those having water introduced into their premises and desiring its use for building purposes, must before such use apply to the City Clerk for permission therefor, and render a true and correct account, quarterly and under oath, of all brick, stone, plastering, or other work for which the water is used in building, and pay the rate of charges therefor.

(B) In no case shall any person or persons using or permitting the use of water for building purposes be relieved from responsibility to the city for the use thereof, and the use of water in all cases without permission shall be deemed a fraudulent use thereof and be subject to the penalties designated in this chapter.

(Ord. 2004-05, passed - -; Ord. 11 § 19, passed - -1868) Penalty, see § 13.04.310

§ 13.04.090 ALTERATIONS OR EXTENSIONS-PERMISSION REQUIRED.

No alteration whatever in or about any conduit, pipe, or water cock, or any extension of any service pipe, shall be made or caused to be made by any person or persons taking water, without notice thereof being previously given and permission had therefor, in writing by the City Clerk.

(Ord. 2004-05, passed - -; Ord. 11 § 18, passed - -1868) Penalty, see § 13.04.310

§ 13.04.100 CITY TO PROVIDE PIPE WHEN.

The city shall provide necessary pipe from the city water main up to and including a distance of not to exceed 75 feet from the junction with the city water system.

(Ord. 2004-05, passed - -; Ord. 566 § 1, passed - -1953)

§ 13.04.110 MATERIALS AND LABOR-CITY AND APPLICANT LIABILITY FOR COSTS.

The city shall pay the cost of material and labor for the first 75 feet from the main. No service shall be furnished by the city where it is necessary to construct a water pipe in excess of 75 feet, unless the applicant for such service agrees to pay for all labor and material on the water pipe for that part which exceeds 75 feet in length.

(Ord. 2004-05, passed - -; Ord. 566 § 2, passed - -1953)

§ 13.04.120 METERS-CITY RESPONSIBILITY-RENTAL-EXCEPTION.

The city shall furnish and install water meters, and shall charge rental for the use thereof at the rate of \$0.50 per quarter year; provided, that if any property owner or user of water desires to pay the cost of the meter and the installation thereof to the city, said property owner or water user shall have the right to do so. In that event, no quarterly rental shall be charged for the use of the meter to said property owner or user of water.

(Ord. 2004-05, passed - -; Ord. 506 § 4, passed - -1937)

§ 13.04.130 METERS-NONSTANDARD-WATER TO BE TURNED OFF WHEN.

(A) If any property owner or water user shall now or hereafter have installed a water meter that does not conform to the standards established by the city for water meters, the city shall have the right to and shall turn off the water from that person's premises, and the water shall not be turned on again under the provisions of this chapter until such time as a water meter has been installed that meets with the standards fixed by the city for water meters and all costs of said meter and installation have been fully paid.

(B) The city shall be the sole judge as to whether any meter so installed meets with the standards fixed and required by the city for water meters to be used in the city.

(Ord. 2004-05, passed - -; Ord. 506 § 5, passed - -1937)

§ 13.04.140 METERS-TO BE INSTALLED WHEN-INTERIM TAX.

Meters shall be furnished and installed to each and every premises and water user under the conditions set forth in this chapter as soon after the passage of the ordinance codified in this chapter as reasonably may be, and, until such time as meters have been installed, the owner of any premises, or water users, where no meter has been installed shall be taxed at the rate of \$4 per quarter year inside the city limits, until such time as a water meter has been installed to furnish water to such user.

(Ord. 2004-05, passed - -; Ord. 506 § 6, passed - -1937)

§ 13.04.150 METERS-DEFECTIVE-RENT PROCEDURE.

In all cases in which meters fail to work for all or any part of a quarter, and the meter reading is less than that for the previous quarter, the rent for the quarter in which the meter failed to work shall be the amount shown by the records in the office of the Collector of water rents as charged for the quarter immediately preceding.

(Ord. 2004-05, passed - -; Ord. 506 § 7, passed - -1937)

§ 13.04.160 SUPPLY OF WATER TO OTHER THAN OCCUPANT OR OWNER PROHIBITED.

No occupant or owner of any building into which water is introduced will be allowed to supply other persons or families with water. If the owner or occupant of any building is found so doing, the supply of water shall be stopped to that building and all water rates paid shall be forfeited.
(Ord. 2004-05, passed - -; Ord. 11 § 13, passed - -1868) Penalty, see § 13.04.310

§ 13.04.170 HYDRANT REQUIREMENTS.

(A) Hydrants shall not be located so as to be exposed to use by nonpaying consumers, and all hydrants so situated must be removed to some secure location or the water turned off.

(B) No hydrant shall be located on the sidewalk or on the front area of a building, nor shall they be allowed to run when not in actual use by the owner or occupant of that building.

(C) Taps at washbasins, water closets, baths, and urinals must be kept closed when not in use.
(Ord. 2004-05, passed - -; Ord. 11 § 15, passed - -1868)

§ 13.04.180 OWNER RESPONSIBILITY DESIGNATED.

In all cases, the owner of a building must be responsible for the payment of all bills, and the keeping in repair of all hydrants, pipes, stopcocks, and the like. Otherwise, the water will be shut off from such building or buildings until such responsibility is assumed and any amount in arrears is fully paid.
(Ord. 2004-05, passed - -; Ord. 11 § 14, passed - -1868)

§ 13.04.190 HYDRANTS OR STOPCOCKS-OBSTRUCTION PROHIBITED.

No person shall in any manner obstruct the access to any hydrant or stopcock connected with any water pipe within any street, alley, or public place in the city by means of any lumber, brick, building material, or other article, thing, or hindrance whatever, under a penalty of not less than \$5 nor more than \$50 for each offense.
(Ord. 2004-05, passed - -; Ord. 11 § 23, passed - -1868)

§ 13.04.200 HYDRANTS OR STOPCOCKS-OPENING PROHIBITED WHEN-PENALTY.

(A) No person or persons other than the members of the Fire Department and those especially authorized by the City Clerk or Superintendent of streets shall open any hydrant or turn any public stopcock, or attempt to draw water from the same, or in any manner interfere with or injure any such hydrant or stopcock.

(B) Any person found guilty of a violation of any of the provisions of this section shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$50 for each and every offense.
(Ord. 2004-05, passed - -; Ord. 11 § 12, passed - -1868)

§ 13.04.240 AFFIXING SPRINKLERS TO TREES OR FENCES PROHIBITED.

The practice of affixing sprinklers, with the water turned on, to trees or fences, or otherwise allowing them to flow without control or limit at different or other hours than those mentioned in § 13.04.160 is expressly prohibited.

(Ord. 2004-05, passed - -; Ord. 11 § 26, passed - -1868) Penalty, see § 13.04.310

§ 13.04.250 WATER RATES DECLARED A SPECIAL TAX ON PREMISES.

All water rates, benefits, and rents are hereby declared a special tax upon the lot, lots, or premises upon which the water is consumed, and from and after the date the same becomes due and payable, are hereby declared to be a lien upon such lot, lots, or premises.

(Ord. 2004-05, passed - -; Ord. 11 § 28, passed - -1868; Ord. 506 § 9, passed - -1937)

§ 13.04.260 NONPAYMENT OF WATER RENT-WATER TO BE TURNED OFF-TURN ON FEE.

In the event that any person, firm, or corporation neglects to pay his, her, or its water rent within 30 days after the quarter in which said water was furnished, the Collector of water rents shall, in addition to other penalties provided by this chapter, cause the water immediately to be turned off, and the same shall not be turned on again until all back water taxes, rents, penalties, and damages shall be paid, together with the sum of \$1 for turning the water off and on.

(Ord. 2004-05, passed - -; Ord. 506 § 8, passed - -1937) Penalty, see § 13.04.310

§ 13.04.270 NONPAYMENT OF WATER RATES-WATER TO BE TURNED OFF- FEE FOR RESETTING FERRULE.

Upon the return of a bill to the City Clerk's office for the nonpayment of water rates, the water shall be immediately turned off, and where the ferrule is drawn, \$5 will be charged for resetting the same.

(Ord. 2004-05, passed - -; Ord. 11 § 16, passed - -1868)

§ 13.04.280 NONPAYMENT OF WATER RATES-RECONNECTION FEE.

In all cases where the water is turned off on account of abuse or nonpayment of water rates, the owner or occupant shall pay, in addition to the past-due rate, the sum of \$1 for again turning the water on.

(Ord. 2004-05, passed - -; Ord. 11 § 17, passed - -1868)

§ 13.04.290 NONPAYMENT OF WATER RATES-COLLECTION PROCEDURE GENERALLY.

(A) Upon failure to collect the water rates, benefits, and rents as provided in this chapter, it shall be the duty of the City Clerk, on or before March 10 of each and every year, to make a report, in writing, of all such water rates, benefits, and rents which remain due and unpaid to the County Treasurer, together with a description of the lot, lots, or premises upon which the water was consumed, with the names of the respective owners thereof, so far as the same are known to the Clerk.

(B) The report shall state the amount due and unpaid upon each lot or premises. The report shall have attached thereto a copy of this chapter and shall be accompanied by the oath of the Clerk that the list is a correct return of the lot, lots, or premises upon which the water rents remain due and unpaid, and that the amounts therein stated as due and unpaid have not, nor have any part thereof, been collected. The report when so made shall be prima facie evidence that all the forms and requirements of law in relation to making the return have been complied with, and that the special tax, as mentioned in the report, is due and unpaid.

(Ord. 2004-05, passed - -; Ord. 11 § 29, passed - -1868)

§ 13.04.300 NONPAYMENT OF WATER RATES-SALE OF PROPERTY-PROCEDURE.

(A) When the County Treasurer receives the report required in § 13.04.290, he or she shall at once proceed to sell the property for which the special tax remains due and unpaid.

(B) In obtaining judgments and making sales, the Treasurer shall be governed by the general revenue laws of the state, except as otherwise provided in this chapter, and the general laws shall also be applicable to the execution of certificates of sales and deeds.

(C) The force and effect of such sales and deeds and all other laws in relation to the enforcement and collection of taxes and redemption from tax sales, shall be applicable to the proceedings to collect such special taxes, except as otherwise provided in this chapter.

(Ord. 2004-05, passed - -; Ord. 11 § 30, passed - -1868; Ord. 506 § 10, passed - -1937)

§ 13.04.310 PENALTY FOR VIOLATION.

Any violation of any of the provisions or requirements of this chapter shall subject the offenders to having the water turned off from his, her, or its premises, to a forfeiture of all money paid as water rents, and, where no penalty is expressly provided, the payment of a fine not less than \$5 nor more than \$100 for each offense.

(Ord. 2004-05, passed - -; Ord. 11 § 31, passed - -1868)

CHAPTER 13.12: SEWER TAPS AND CONNECTIONS

Section

13.12.005	Sewer service-restricted
13.12.010	Application for permit-contents-application processing fee
13.12.020	Permit-fee designated
13.12.030	Permit-issuance
13.12.040	Owner responsibility for labor and materials
13.12.050	All connections to be made by city
13.12.060	Penalty for violation

§ 13.12.005 SEWER SERVICE-RESTRICTED.

(A) The city shall not provide public sewer service to any properties located outside the corporate limits of the city. For purpose of this section, the primary point of discharge into the private service line from the premises to be served shall be the determining factor of service being located outside the corporate limits.

(B) The city shall not provide public sewer service to any property unless said property is connected to the city public water supply system.

(C) All property owners of properties located outside the corporate limits of the city seeking to have city public sewer service provided to their property shall file a written application for said service with the City Clerk, said application shall be accompanied with a written application for city public water supply service, and with a written application for annexation into the city of said property that is to be served by the city public sewer system.

(Ord. 2004-05, passed - -; Ord. 94-14, passed - -1994)

§ 13.12.010 APPLICATION FOR PERMIT-CONTENTS-APPLICATION PROCESSING FEE.

(A) No person, partnership, firm, business, or corporation shall have the right to tap-in and connect to the city public sewer system without having first filed an application in writing for said service with the City Administrator. The property owner of the premises to be served shall file the written application for such service, and shall be accompanied with an application processing fee of \$100 before the city shall process the application. In the event more than one service unit is located in any parcel, lot, building, or structure, a separate application shall be filed for each service so located. If, for any reason an application is denied for cause, 50% of the application processing fee shall be returned to the applicant.

(B) The application processing fee shall be due and payable in addition to the permit fee and all other associated costs to the tap-in of service into the public sewer main system.

(C) All fees and charges shall be paid prior to issuance of permit for tap-in of service into the city public sewer system.

(Ord. 2004-05, passed - -; Ord. 545 § 3, passed - -1950; Ord. 94-14, passed - -1994; Ord. 2010-01, passed 2-15-2010)

§ 13.12.020 PERMIT-FEE DESIGNATED.

A permit fee of \$100 shall be charged for each tap-in or connection to be made into the city public sewer system. This fee shall be paid to the City Clerk prior to the issuance of permit.

(Ord. 2004-05, passed - -; Ord. 545 § 4, passed - -1950; Ord. 94-14, passed - -1994)

§ 13.12.030 PERMIT-ISSUANCE.

Upon filing of the application for a permit and payment of the fee with the City Administrator, the Superintendent of Public Works shall issue, in writing, a permit to make such connection to the city sewer.

(Ord. 2004-05, passed - -; Ord. 2010-1, passed - -; Ord. 545 § 5, passed - -1950; Ord. 2010-01, passed 2-15-2010)

§ 13.12.040 OWNER RESPONSIBILITY FOR LABOR AND MATERIALS.

All persons who may wish to make a tap and connect with the sewers shall furnish, at their own expense, the necessary labor and materials to construct the tile drain from their property line to the point of contact with the city sewer.

(Ord. 2004-05, passed - -; Ord. 545 § 6, passed - -1950)

§ 13.12.050 ALL CONNECTIONS TO BE MADE BY CITY.

No unauthorized person shall be permitted to tap and make any connection with any city sewer. Employees of the city and licensed plumbers are authorized to tap and make a connection to the city sewer. All connections shall be inspected by the Superintendent or his or her representative.

(Ord. 2004-05, passed - -; Ord. 2010-1, passed - -; Ord. 545 § 7, passed - -1950; Ord. 2010-01, passed 2-15-2010) Penalty, see § 13.12.060

§ 13.12.060 PENALTY FOR VIOLATION.

Any violation of any of the provisions or requirements of this chapter shall subject the offenders to a fine of not less than \$25 and not more than \$100 for each offense.

(Ord. 2004-05, passed - -; Ord. 545 § 8, passed - -1950)

CHAPTER 13.16: SEWER USE AND WASTEWATER DISCHARGE

Section

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§ 13.16.010 DEFINITIONS.

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

ADMINISTRATOR. The Administrator of the U.S. Environmental Protection Agency.

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

BUILDING DRAIN. The 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 feet (one and one-half meters) outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

CITY. The City of Minonk.

CITY COUNCIL. The City Council of Minonk.

COMBINED SEWER. A sewer which is designed and intended to receive wastewater, storm, surface, and groundwater drainage.

CONTROL MANHOLE. A structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a **CONTROL MANHOLE** is to provide access for the city representative to sample and/or measure discharges.

DIRECTOR. The Director of the state's Environmental Protection Agency.

EASEMENT. An acquired legal right for the specific use of land owned by others.

EFFLUENT CRITERIA. Defined in any applicable "NPDES permit".

FEDERAL ACT. The Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.).

FEDERAL GRANT. 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.

FLOATABLE OIL. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

INDUSTRIAL PROCESS WASTE. For purposes of industrial cost recovery charge computations specified in § 13.16.520, means all wastes discharged excluding all domestic wastes.

INDUSTRIAL USER. Includes:

(1) Any non-governmental, non-residential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under divisions A, B, D, E, or I; and

(2) Any non-governmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

INDUSTRIAL WASTE. Any solid, liquid, or gaseous substance discharged, permitted to flow, or escaping from any industrial, manufacturing, commercial, or business establishment or process or from the development, recovery, or processing of any natural resource as distinct from sanitary sewage.

MAJOR CONTRIBUTING INDUSTRY. An industrial user of the publicly owned treatment works that:

- (1) Has a flow of 50,000 gallons or more per average work day;
- (2) Has a flow greater than 10% of the flow carried by the municipal system receiving the waste;
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under § 307(a) of the Federal Act, being 33 U.S.C. § 1317(a); or
- (4) Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

MILLIGRAMS PER LITER. A unit of the concentration of water or wastewater constituent. It is 0.001 gram 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.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

NPDES PERMIT. Any permit or equivalent document or requirements issued by the Administrator, or, where appropriate, by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to § 402 of the Federal Act, being 33 U.S.C. § 1342.

PERSON. 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.

pH. The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in *Standard Methods*.

POPULATION EQUIVALENT. 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.

PPM. Parts per million by weight.

PRETREATMENT. The treatment of wastewaters from sources before introduction into the wastewater treatment works.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (one and twenty seven hundredths centimeters) in any dimension.

PUBLIC SEWER. A sewer provided by or subject to the jurisdiction of the city. It also includes sewers within or outside the city boundaries that serve one or more persons and ultimately discharge into the city sanitary or combined sewer system, even though those sewers may not have been constructed with city funds.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term **OPERATION AND MAINTENANCE** includes **REPLACEMENT**.

RESIDENTIAL, COMMERCIAL, OR NONINDUSTRIAL USER. Any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this section.

SANITARY SEWAGE. The liquid and water-carried waste discharged from sanitary plumbing fixtures. **NORMAL DOMESTIC SANITARY SEWAGE** shall be one containing not more than 200 mg/l of BOD and 250 mg/l SS.

SANITARY SEWER. A sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwaters or unpolluted industrial wastes are not intentionally admitted.

SEWAGE. Is used interchangeably with **WASTEWATER**.

SEWER. A pipe or conduit for conveying sewage or any other waste liquids, including storm, surface, and groundwater drainage.

SEWERAGE. The system of sewers and appurtenances for the collection, transportation, and pumping of sewage.

SEWERAGE FUND. The principal accounting designation for all revenues received in the operation of the sewerage system.

SHALL. Is mandatory; **MAY** is permissible.

SLUG. Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-four hour concentration or flows during normal operation.

STANDARD METHODS. The examination and analytical procedures set forth in the most recent edition of *Standard Method 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.

STATE ACT. The state's Anti-Pollution Bond Act of 1970, being 30 ILCS 405/1 et seq.

STATE GRANT. The State of Illinois participation in the financing of the construction of treatment works as provided for by the state's Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

STORM SEWER. A sewer that carries storm, surface, and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

STORM WATER RUNOFF. The portion of the precipitation that is drained into the sewers.

SUPERINTENDENT. The person designated by the City Council as Superintendent of the waterworks and sewerage system.

SURCHARGE. The assessment in addition to the user charge which is levied on those persons whose wastes are greater in strength than the concentration values established in § 13.16.490.

SUSPENDED SOLIDS. 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*.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USEFUL LIFE. The estimated period during which the collection system and/or treatment works will be operated and shall be 30 years from the date of start-up of any wastewater facilities constructed with a state grant.

USER CHARGE. The basic assessment levied on all users of the public sewer system for the cost of operation and maintenance.

USER CLASS. The type of user, either "residential or commercial" (nonindustrial) or "industrial" as defined in this section. A user in the divisions listed may be excluded if it is determined by the City Council that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

WASTEWATER. The spent water of a community. 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.

WASTEWATER FACILITIES. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

WASTEWATER SERVICE CHARGE. The charge per two-month period levied on all users of the wastewater facilities. The service charge shall be computed as outlined in §§ 13.16.460 through 13.16.510 and shall consist of the total of the user charge and a surcharge, if applicable.

WASTEWATER TREATMENT WORKS. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. It is sometimes used as synonymous with **WASTE TREATMENT PLANT** or **POLLUTION CONTROL PLANT**.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

WATER QUALITY STANDARDS. Defined in the state's Water Pollution Regulations.
(Ord. 2004-05, passed - -; Ord. 731 Ch. 1 §§ 1 through 13, passed - -1979)

§ 13.16.020 DEPOSIT OF OBJECTIONABLE WASTE PROHIBITED.

It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.
(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. I § 1, passed - -1979) Penalty, see § 13.16.440

§ 13.16.030 UNLAWFUL DISCHARGE OF SEWAGE OR POLLUTED WATERS.

It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. I § 2, passed - -1979) Penalty, see § 13.16.440

§ 13.16.040 UNLAWFUL CONSTRUCTION OF PRIVY, SEPTIC TANK, OR CESSPOOL.

Except as provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. I § 3, passed - -1979) Penalty, see § 13.16.440

§ 13.16.041 PLANTING OF TREES ON CITY BERMS PROHIBITED.

It is unlawful for any person to plant trees on city berms unless prior approval of the City Council is first obtained.
(Ord. 2004-05, passed - -; Ord. 87-1, passed - -1987) Penalty, see § 13.16.440

§ 13.16.050 OWNER'S RESPONSIBILITY TO CONNECT TO PUBLIC SEWER.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is required, at his or 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 90 days after date of official notice to do so, provided that the public sewer is within 75 feet of the property line.
(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. 1 § 4, passed - -1979)

§ 13.16.060 PRIVATE SEWAGE DISPOSAL SYSTEM-CONNECTION REQUIRED WHEN.

Where a public sanitary or combined sewer is not available under the provisions of § 13.16.050, the building sewer shall be connected to a private sewage disposal system complying with the provisions of §§ 13.16.070 through 13.16.130.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. II § 1, passed - -1979)

§ 13.16.070 PRIVATE SEWAGE DISPOSAL SYSTEM-APPLICATION FOR PERMIT.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the County Health Department. The application for such permit shall be made on a form furnished by the county, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the County Health Department. A permit and inspection fee as required shall be paid to the county at the time the application is filed.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. II § 2, passed - -1979)

§ 13.16.080 PRIVATE SEWAGE DISPOSAL SYSTEM-INSPECTION.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the County Health Department. It shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of the notice by the County Health Department.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. II § 3, passed - -1979)

§ 13.16.090 PRIVATE SEWAGE DISPOSAL SYSTEM-COMPLIANCE- WITH STATE REGULATIONS.

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the state's Private Sewage Disposal Licensing Act, 225 ILCS 225/1 et seq., and Code, 77 Ill. Adm. Code 905, and with the state's 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 that deemed necessary by the County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. II § 4, passed - -1979)

§ 13.16.100 PRIVATE SEWAGE DISPOSAL SYSTEM-CONNECTION TO PUBLIC SEWER-GENERALLY.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 13.16.050, 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.

(Ord. 731 Ch. 2, Art. II § 5, passed - -1979)

§ 13.16.110 PRIVATE SEWAGE DISPOSAL SYSTEM-MAINTENANCE.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the city.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. II § 6, passed - -1979)

§ 13.16.120 PRIVATE SEWAGE DISPOSAL SYSTEM-ADDITIONAL REQUIREMENTS.

No statement contained in §§ 13.16.060 through 13.16.130 shall be construed to interfere with any additional requirements that may be imposed by the City Health Officer.

(Ord. 2004-05, passed - -; Ord. 731, Ch. 2, Art. II, § 7, 1979)

§ 13.16.130 PRIVATE SEWAGE DISPOSAL SYSTEM-CONNECTION TO PUBLIC SEWER-SPECIFICATIONS.

(A) When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days of official notice of availability and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(B) For any new connection tributary to the combined sewer, the permit issued under § 13.12.030 shall require a separate building sewer connected to the combined sewer that conveys only sanitary sewage.

(Ord. 2006-02, passed - -; Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. II § 8, passed - -1979)

§ 13.16.140 PERMIT TO CONNECT TO OR ALTER PUBLIC 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) Owners of all combined sewers tributary to the city collection system shall have a specifications and maintenance manual as outlined in Par. 8 of the NPDES CSO permit.

(Ord. 2004-05, passed - -; Ord. 2006-02, passed - -; Ord. 731 Ch. 2, Art. III § 1, passed - -1979) Penalty, see § 13.16.440

§ 13.16.150 BUILDING SEWER PERMIT-APPLICATION INFORMATION AND FEE.

The owner or his or her agent shall make application for a building sewer permit on a special form furnished by the City Administrator. The permit application shall be supplemented by any plans, specifications, or other information pertinent in the judgment of the Public Works Superintendent. A permit and inspection fee of \$100 for building sewer permit shall be paid to the City Collector at the time the application is filed. An industry, as a condition of the permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

(Ord. 2004-05, passed - -; Ord. 2010-1, passed - -; Ord. 731 Ch. 2, Art. III § 2, passed - -1979; Ord. 93-07, passed - -1993; Ord. 2010-01, passed 2-15-2010)

§ 13.16.160 BUILDING SEWER PERMIT-CONDITIONS OF ISSUANCE.

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.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. III § 3, passed - -1979)

§ 13.16.170 COSTS OF INSTALLATION AND CONNECTION.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. III § 4, passed - -1979)

§ 13.16.180 SEPARATE SEWER FOR EACH BUILDING-EXCEPTION.

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.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. III § 5, passed - -1979)

§ 13.16.190 OLD BUILDING SEWERS-EXAMINATION BY PUBLIC WORKS DEPARTMENT.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Public Works Department, to meet all requirements of this chapter.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. III § 6, passed - -1979)

§ 13.16.200 TYPES OF SEWER PIPE-SIZE AND SLOPE OF BUILDING SEWER.

(A) The building sewer shall be constructed of one of the following:

(1) Cast iron soil pipe ASTM A74 with rubber or neoprene joints;

(2) Vitrified clay pipe ASTM C-700 with C-425 flexible gasket joints; or

(3) Polyvinyl chloride (PVC) pipe ASTM D3034 type PSM with standard dimension ratio of 35 with solvent welded joints ASTM D2855 or flexible elastomer seals ASTM D3212.

(B) If more than one type of sewer pipe is used, it shall be connected by tight and waterproof adapters especially designed for such joining and approved by the Superintendent. All joints shall be water-tight.

(C) Size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than six inches and slope less than one-eighth inch per foot. (Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. III § 7, passed - -1979)

§ 13.16.210 ELEVATION OF BUILDING SEWER.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with § 13.16.150 and discharged to the building sewer. (Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. III § 8, passed - -1979)

§ 13.16.220 EXCAVATIONS.

(A) All excavations required for the installation of the building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM C12-19, except that no backfill shall be placed until the work has been inspected by the Superintendent or his or her representative.

(B) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in the manner satisfactory to the Superintendent. (Ord. 2004-05, passed - -; Ord. 2010-1, passed - -; Ord. 731 Ch. 2, Art. III § 9, passed - -1979; Ord. 2010-01, passed 2-15-2010)

§ 13.16.230 CONNECTIONS.

(A) The connection of the building sewer into the public sewer shall be made at the “Y” or “T” branch, if such branch is available at a suitable location. If no properly located “Y” or “T” branch is available, the owner shall, at his or her expense, install a “Y” or “T” branch in the public sewer at the location specified by the Superintendent.

(B) Special fittings may be used for the connection only when approved by the Superintendent. 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 or her representative. (Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. III § 10, passed - -1979)

§ 13.16.240 CAPPING OF SEWER TILE OR DRAINAGE OUTLET DURING EXCAVATION.

During the time of excavation and as long as an excavated area remains open so as to act as a catch basin, any sewer tile or drainage outlet designed to service the excavated area shall at all times be either capped or furnished with a sufficient standpipe so as to eliminate the possibility of any rain or surface water collecting or draining into the excavated area and hence into the outlets and accordingly into the sewer system of the city. (Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. III § 11, passed - -1979)

§ 13.16.250 CONNECTIONS FOR SURFACE RUNOFF OR GROUNDWATER PROHIBITED.

No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. III § 12, passed - -1979) Penalty, see § 13.16.440

§ 13.16.260 DISCHARGES PROHIBITED TO SANITARY SEWER.

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 sewers.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. IV § 1, passed - -1979) Penalty, see § 13.16.440

§ 13.16.261 DISCONNECTION OF SOURCES OF SUBSURFACE RUNOFF OR GROUNDWATER TO SANITARY SEWER.

The owner of any property that has downspouts, foundation drains, sump pumps, or any other source of surface runoff or groundwater connected to a combined sewer shall disconnect any such sources and reconnect them to a storm sewer within one year following notification by the city that a storm sewer is available. Such disconnection and reconnection shall require a permit as provided in § 13.12.030, except that the permit fee will be waived.

(Ord. 2006-02, passed - -)

§ 13.16.270 DISCHARGE OF STORM WATER AND UNPOLLUTED WATERS.

(A) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewer or storm sewers, or to a natural outlet approved by the City Council. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Council, to a storm sewer, combined sewer, or natural outlet.

(B) For any new construction tributary to the combined sewer system, a building permit will only be issued if it can be demonstrated that inflow contributions to the combined sewer system will be minimized and/or delayed, such that the maximum inflow after construction will not exceed the inflow contribution before construction for up to a ten-year storm event.

(Ord. 2004-05, passed - -; Ord. 2006-02, passed - -; Ord. 731 Ch. 2, Art. IV § 2, passed - -1979)

§ 13.16.280 DISCHARGES PROHIBITED TO PUBLIC SEWER.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;

(C) 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; or

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. IV § 3, passed - -1979) Penalty, see § 13.16.440

§ 13.16.290 DISCHARGES PROHIBITED BY SUPERINTENDENT.

(A) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the Superintendent, that such wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies.

(B) The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150°F (65°C);

(2) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°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 horsepower or greater shall be subject to the review and approval of the Public Works Department;

(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 City Council 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 City Council 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 City Council in compliance with the 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 City Council 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 City Council in compliance with applicable state and federal regulations;

(11) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and/or

(d) Unusual volume of flow or concentrations of wastes constituting "slugs" as defined in this chapter.

(12) Waters or wastes containing substances which are not amendable 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.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. IV § 4, passed - -1979)

§ 13.16.300 UNACCEPTABLE DISCHARGES-ACTION BY CITY COUNCIL.

(A) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 13.16.290, and/or which are in violation of the standards for pretreatment provided in 40 C.F.R. § 403, and which in the judgment of the City Council may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City Council 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 § 13.16.350.

(B) If the City Council permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Works Administrator and subject to the requirements of all applicable codes, ordinances, and laws.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. IV § 5, passed - -1979)

§ 13.16.310 GREASE, OIL, DIRT, AND SAND INTERCEPTORS.

Grease, oil, dirt, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. 731 Ch. 2, Art. IV § 6, passed - -1979)

§ 13.16.320 PRELIMINARY TREATMENT OR FLOW-EQUALIZING FACILITIES.

Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. IV § 7, passed - -1979)

§ 13.16.330 CONTROL MANHOLE.

(A) Each new industry shall be required to install a control manhole and, when required by the City Council, 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.

(B) Such manhole, when required, shall be reasonably accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. IV § 8, passed - -1979)

§ 13.16.340 MEASUREMENTS, TESTS, AND ANALYSES OF WATER AND WASTE.

(A) 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 Federal Regulation 40 C.F.R. Pt. 136, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole.

(B) In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. IV § 9, passed - -1979)

§ 13.16.350 SPECIAL AGREEMENTS BETWEEN CITY AND INDUSTRIAL CONCERN.

No statement contained in §§ 13.16.260 through 13.16.360 shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, in accordance with §§ 13.16.460 through 13.16.510 by the industrial concern. (Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. IV § 10, passed - -1979)

§ 13.16.360 LABORATORY ANALYSES TO BE PROVIDED.

(A) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this chapter and any special conditions for discharge established by the City Council or regulatory agencies having jurisdiction over the discharge.

(B) The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the City Council, 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 is being met. The owner shall report the results of the measurements and laboratory analyses to the City Council at such times and in such manner as prescribed by the City Council.

(C) The owner shall bear the expense of all measurements, analyses, and reporting required by the City Council. At such times as deemed necessary, the City Council reserves the right to make measurements and samples for analysis by an outside laboratory service. (Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. IV § 11, passed - -1979)

§ 13.16.370 DESTROYING OR TAMPERING WITH EQUIPMENT PROHIBITED.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any violation of this provision shall be deemed disorderly conduct.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. V § 1, passed - -1979) Penalty, see § 13.16.440

§ 13.16.380 RIGHT OF ENTRY FOR INSPECTION AND TESTING.

(A) The Superintendent and other duly authorized employees of the city, the state's 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.

(B) The Superintendent or his or her representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. VI § 1, passed - -1979)

§ 13.16.390 LIABILITY OF COMPANY.

While performing the necessary work on private properties referred to in § 13.16.380, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against the liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 13.16.330.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. VI § 2, passed - -1979)

§ 13.16.400 RIGHT OF ENTRY INTO PRIVATE PROPERTY.

(A) The Superintendent and other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement.

(B) All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. VI § 3, passed - -1979)

§ 13.16.410 EXTENSION OF MAINS-EXPENSE.

The person or persons desiring sewer service shall install the extension at his, her, or their own personal expense upon written consent by the City Council and compliance with the following.

(A) The city must approve all plans and specifications for any extensions.

(B) Before any extensions are installed, the plans and specifications must be reviewed and approved by the state's Environmental Protection Agency.

(C) Ownership, rights-of-way, and title must be conveyed to the city for all extensions installed. The city will maintain the mains thereafter.

(D) No extension will be permitted if, in the opinion of the City Council, the system does not have the necessary capacity to serve the proposed extension.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. VII § 1, passed - -1979)

§ 13.16.420 TERMINATION OF SERVICE-CHANGE IN OCCUPANCY.

Any user requesting a termination of service shall give written notice to the City Clerk ten days prior to the time of such termination of service is desired. Responsibility for payment for sewer service prior to the date of termination shall be with the property owners as well as the user. There shall be no charge for transferring the sewer service to the subsequent user.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. VIII § 1, passed - -1979)

§ 13.16.430 NOTIFICATION OF VIOLATION.

Any person found to be violating any provision of §§ 13.16.020 through 13.16.420, except § 13.16.370, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. IX § 1, passed - -1979)

§ 13.16.440 PENALTY FOR VIOLATION.

(A) Any person who shall continue any violation beyond the time limit provided for in § 13.16.430 shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not exceeding \$200 for each violation.

(B) Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. 2004-05, passed - -; Ord. 731 Ch 2, Art. IX § 2, passed - -1979)

§ 13.16.450 VIOLATION-LIABLE TO CITY.

Any person violating any of the provisions of this chapter shall become liable to the city by reason of such violation.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 2, Art. IX § 3, passed - -1979)

§ 13.16.460 BASIS FOR WASTEWATER SERVICE CHARGES.

(A) The wastewater service charge for the use of and for service supplied by the wastewater facilities of the city shall consist of a basic user charge for operation and maintenance plus replacement, and a surcharge, if applicable. In addition, debt service requirements for general obligation bonds are being produced by ad valorem taxes as provided in a Sanitary Sewer Bond Ordinances dated 1975.

(B) The user charge shall be based on water usage as recorded by water meters for normal waste having the following strengths:

(1) A five-day, 20°C biochemical oxygen demand (BOD) of 200 mg/l; or

(2) A suspended solids (SS) content of 250 mg/l.

(C) Water meter readings shall be assumed to equal sewage flow except in cases where the user may show that water passed through the meter is not returned to the sewer. An adjustment in meter readings may be made in such cases if the user furnishes the city a reasonable estimate or meter readings of water flow not discharged to the sewer.

(D) The user charge shall consist of operation and maintenance costs plus replacement, and shall be computed as follows:

(1) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year;

(2) Estimate wastewater volume discharged to the sewer system based on total water meter readings after appropriate adjustment for water not returned to the sewer and/or water from unmetered private sources which is discharged to the sewer system; and

(3) Compute costs per 100 cubic feet for normal sewage strength wastes.

(E) A surcharge will be levied to all users whose waters exceed the normal concentrations for BOD (200 mg/l) and SS (250 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200 mg/l and 250 mg/l concentration of BOD and SS respectively. Section 13.16.500 specifies the procedure to compute a surcharge.

(F) The adequacy of the wastewater service charge shall be reviewed annually by certified public accountants for the city in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in operation and maintenance costs including replacement costs and adjusted as required. One of the purposes of the annual review shall be to maintain service charges in relation to cost and assure that all classes of users are being charged their equitable share.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art I § 1, passed - -1979)

§ 13.16.470 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 ten cubic feet.

(A) If the person discharging wastes into the public sewers procures any part, or all of his or her water from sources other than the city, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his or 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 to the sanitary sewer may be required by the City Council if these volumes cannot otherwise be determined from the metered water consumption records.

(C) Devices for measuring the volume of waste not discharged to the sanitary sewer may be required by the Superintendent if reasonable estimates cannot be made for adjusting water meter readings.

(D) 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 cancelled, without the consent of the City Council.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. I § 2, passed - -1979)

§ 13.16.480 BASIC USER RATE.

There is established a minimum charge and a basic user rate for the use of and for the service provided by the wastewater facilities of the city.

(A) A minimum charge of \$5.39 per one-month period to all users whose water consumption does not exceed 100 cubic feet of water per one-month period;

(B) A basic user rate of \$5.39 per 100 cubic feet of metered water in excess of 100 cubic feet per one-month period to all users who discharge normal strength wastes into the system.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. I § 3, passed - -1979; Ord. 93-07, passed - -1993)

§ 13.16.490 SURCHARGE RATE.

(A) For waste strengths above normal strength of 200 mg/l BOD and 250 mg/l SS a surcharge of \$0.26 per pound BOD and \$0.21 per pound SS shall be applied. The surcharge for each bimonthly period shall be computed by the following formula:

$$(1) \text{ } ^{\text{SC}}\text{BOD} = (X-200) \times A \times 0.0000623 \times \$0.26; \text{ and}$$

$$(2) \text{ } ^{\text{SC}}\text{SS} = (Y-250) \times A \times 0.0000623 \times \$0.21.$$

(B) Where:

(1) $^{\text{SC}}\text{BOD}$ = surcharge above the user rate for BOD concentration above 200 mg/l;

(2) $^{\text{SC}}\text{SS}$ = surcharge above the user rate for SS concentration above 250 mg/l;

(3) X = two monthly average BOD concentration in mg/l;

(4) Y = two monthly average SS concentration in mg/l; and

(5) A = two monthly metered water flow adjusted for appropriate losses in cubic feet.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. I § 4, passed - -1979)

§ 13.16.500 COMPUTATION OF SURCHARGE.

The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Superintendent and shall be binding as a basis for surcharges.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. 1 § 5, passed - -1979)

§ 13.16.510 COMPUTATION OF TOTAL WASTEWATER SERVICE CHARGE.

(A) The wastewater service charge shall be computed by the following formula: $CW = MC + BC + {}^{SC}BOD + {}^{SC}SS$.

(B) Where:

(1) CW = total wastewater service charge;

(2) MC = minimum charge as set out in § 13.16.480;

(3) BC = user charge as set out in § 13.16.480;

(4) ${}^{SC}BOD$ = surcharge for BOD as computed in § 13.16.490; and

(5) ${}^{SC}SS$ = surcharge for SS as computed in § 13.16.490.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. I § 1, passed - -1979)

§ 13.16.520 INDUSTRIAL COST RECOVERY REQUIRED.

(A) Each industrial user shall pay that portion of any federal grant which has been obtained by the city for the financing of the construction of wastewater treatment works allocable to the treatment of the wastewater from such user. Such users' share shall not include an interest component.

(B) Each year during the industrial cost recovery period each industrial user of the treatment works shall pay the cost recovery amount determined by §§ 13.16.540, 13.16.550, and 13.16.560 for such industry. Where an industry is connected to a public sewer after the startup of the facilities constructed under a federal grant, such industry shall pay only its portion of the federal grant for each two months remaining in the recovery period. Such industry will not be required to pay for those portions of the recovery period prior to connection to a public sewer.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 1, passed - -1979)

§ 13.16.530 DEFERMENT OF PAYMENT UNDER §§ 13.16.520 THROUGH 13.16.670.

(A) Since the federal government has declared a moratorium on the collection of industrial cost recovery charges, the actual collection of charges as set out in §§ 13.16.540, 13.16.550, and 13.16.560 will be deferred by the city until such time as the moratorium is lifted. During this period the City Clerk shall calculate payments due and submit statements to each industrial user informing it of the deferred obligation.

(B) When the moratorium is lifted, each industrial user shall pay all deferred charges in a lump sum within one year from the time the moratorium is lifted or in equal annual installments prorated over the remaining cost recovery period.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 2, passed - -1979)

§ 13.16.540 INDUSTRIAL COST RECOVERY CHARGE.

The charge for industrial cost recovery shall be based on a charge per unit volume of normal strength process flow. Normal strength flow shall be waste strength less than or equal to 200 mg/l BOD and 250 mg/l SS. The industrial cost recovery shall be \$0.187 per 100 cubic feet.
(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 3, passed - -1979)

§ 13.16.550 TOTAL CHARGE TO AN INDUSTRIAL USER.

(A) The total industrial cost recovery charge for each billing period shall be determined by multiplying a user's industrial process flow volume discharged during billing period by \$0.187 per 100 cubic feet for those users discharging standard strength waste. For users producing wastes having strengths higher than normal, a surcharge shall be added computed in accordance with § 13.16.560.

(B) (1) Industrial process flow volume shall be determined by measurement or estimation of all water flow through industrial plant processes. In absence of meter readings, process flow shall be estimated by using the following formula: $PF = TWF - DF - CF$.

(2) Where:

(a) PF = process flow for billing period in cubic feet;

(b) TWF = total water flow for billing period from meter reading plus estimates of flow from private wells, if any, in cubic feet;

(c) DF = domestic flow from employees estimated by multiplying the average number of human-shifts worked for the billing period by an allowance of 3.33 cubic feet; and

(d) CF = flow consumed or otherwise not returned to the sewer.

(C) In addition, those discharging waste having strengths greater than standard shall pay the surcharge set out in § 13.16.560.

(D) If, in the opinion of the City Clerk, the city's interest would be served by making the above estimation on an annual basis, then the Clerk may elect to negotiate with each industry a percentage of the total water flow to estimate process flow each billing period.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 4, passed - -1979)

§ 13.16.560 SURCHARGE FOR HIGH STRENGTH WASTES.

(A) For waste strengths above normal strength of 200 mg/l BOD and 250 mg/l SS, a surcharge of \$0.038 per pound of BOD and \$0.032 per pound of SS shall be applied to process flow volume and measured waste strength quantities in excess of normal.

(B) (1) It shall be computed by the following formula:

(a) $^{SC}BOD = (x-200) \times PF \times 0.000062 \times \0.038 ; and

$$(b) {}^{SC}SS = (y-250) \times PF \times 0.000062 \times \$0.032.$$

(2) Where:

(a) ${}^{SC}BOD$ - surcharge above the industrial cost recovery rate for BOD concentration above 200 mg/l;

(b) ${}^{SC}SS$ - surcharge above the industrial cost recovery rate for SS concentration above 250 mg/l;

(c) x = average BOD concentration in mg/l;

(d) y = average SS concentration in mg/l; and

(e) PF = process flow computed as in § 13.16.550 in cubic feet.

(C) The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the City Council and shall be binding as a basis for surcharges.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 5, passed - -1979)

§ 13.16.570 LENGTH OF INDUSTRIAL COST RECOVERY PERIOD.

The industrial cost recovery period shall be equal to the useful life of the treatment works which shall be 30 years from 1980.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 6, passed - -1979)

§ 13.16.580 PAYMENTS AND BILLING FOR INDUSTRIAL COST RECOVERY PERIOD.

Industrial cost recovery charges to industrial users shall be included with the regular billing for sewer use charges as specified in §§ 13.16.460 through 13.16.510.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 7, passed - -1979)

§ 13.16.590 ADJUSTMENT OF CHARGE DUE TO PLANT IMPROVEMENT UTILIZING FEDERAL GRANT FUNDS.

If there is an expansion or upgrading of the treatment works utilizing a federal grant, each existing industrial user's share shall be adjusted accordingly.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 8, passed - -1979)

§ 13.16.600 NO CHARGE FOR UNUSED OR UNRESERVED CAPACITY.

An industrial user's portion of any federal grant shall not include any portion of the grant amount allocable to unused or reserved capacity.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 9, passed - -1979)

§ 13.16.610 COMMITMENT FOR INCREASED USE.

An industrial user's portion of any federal grant shall include allowance for the cost of any firm commitment to the city for any increased use by such user.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 10, passed - -1979)

§ 13.16.620 PAYMENT TO THE UNITED STATES REQUIRED.

The city shall retain 50% of the amounts recovered from industrial users. The remainder, together with any interest earned thereon, shall be returned to the federal government on an annual basis.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 11, passed - -1979)

§ 13.16.630 DISPOSITION OF RETAINED AMOUNTS.

Eighty percent of the retained amounts, together with interest earned thereon, shall be used solely for the eligible costs of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the Federal Act, being 33 U.S.C. §§ 1251 et seq., and the state. The city, prior to commitment of the retained amounts, shall obtain written approval of the U.S. Environmental Protection Agency for any expansion or reconstruction. The remainder of the retained amounts may be used for such expenditures as the City Council deems appropriate.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 12, passed - -1979)

§ 13.16.640 INVESTMENT OF RETAINED AMOUNTS REQUIRED.

Pending use, the grantee shall invest the retained amounts for reconstruction and expansion in:

(A) Obligations of the U.S. government;

(B) Obligations guaranteed as to principal and interest by the U.S. government of any agency thereof; or

(C) Shall deposit such amounts in accounts fully collateralized by obligations of the U.S. government or by obligations fully guaranteed as to principal and interest by the U.S. government or any agency thereof.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 13, passed - -1979)

§ 13.16.650 CITY CLERK'S RESPONSIBILITY.

The City Clerk shall maintain the necessary records for determination of user share of the cost and shall provide the billing and collection services as required by this chapter.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 14, passed - -1979)

§ 13.16.660 CITY TREASURER'S RESPONSIBILITY.

The City Treasurer shall be responsible for the investment and expenditure of all moneys collected for individual cost recovery in accordance with this chapter.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 15, passed - -1979)

§ 13.16.670 MONITORING REQUIRED.

The Superintendent shall maintain a program of monitoring industrial user discharges as the City Council deems necessary, provided that any major contributing industry shall be monitored no less than 12 times annually.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 16, passed - -1979)

§ 13.16.680 BILLS.

(A) Charges for sewer services provided shall be payable monthly as determined by the City Council.

(B) The owner of the premises, the occupant thereof, and the user of the service shall be jointly and severally liable to pay for the service to such premises, and the service is furnished to the premises by the city only upon the condition that the owner of the premises, occupant, and user of the services are jointly and severally liable therefor to the city.

(C) Bills for sewer service provided shall be rendered as of the first day of each month following the monthly period for which the charges are accrued.

(D) All sewer bills are due and payable within 20 days after receipt of the bill for said sewer service, a penalty of 10% shall be added thereto and be immediately due and payable.

(E) In the event charges for sewer service are not paid within 20 days after receipt of bill for said service, such charges shall be delinquent, and thereafter such delinquent charges shall constitute a lien upon the real estate to which said service is provided. The City Clerk is hereby authorized and directed to file sworn statements showing such delinquencies in the office of the County Recorder of Deeds, and the filing of such statement shall be deemed a notice for payment of such charges for said services.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. II § 16, passed - -1979; Ord. 93-07, passed 1993)
Penalty, see § 13.16.740

§ 13.16.690 LIEN NOTICE OF DELINQUENCY.

(A) Whenever a bill for sewer services remains unpaid for 35 days after it has been rendered, the City 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 city 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 City Clerk has notice of this, notice shall be mailed to the owner of the premises if his or her address is known to the City Clerk whenever such bill remains unpaid for the period of 35 days after it has been rendered.

(C) The failure of the City Clerk to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills mentioned in § 13.16.700.

(Ord. 2004-05, passed - -; Ord. 73.1 Ch. 3, Art. III § 2, passed - -1979; Ord. 93-07, passed - -1993) Penalty, see § 13.16.740

§ 13.16.700 FORECLOSURE OF LIEN.

(A) Property subject to lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by complaint in the name of the city.

(B) The City Attorney is authorized and directed to institute such proceedings in the name of the city in any court having jurisdiction over such matters against any property for which the bill remained unpaid for 35 days after it has been rendered.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. III § 3, passed - -1979; Ord. 93-07, passed - -1993) Penalty, see § 13.16.740

§ 13.16.710 REVENUES.

(A) All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the Waterworks and Sewerage Fund. All such revenue and moneys shall be held by the City Treasurer separate and apart from his or her private funds and separate and apart from all other funds of the city and all of said sum, without any deductions whatever, shall be delivered to the City Treasurer not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the City Council.

(B) The City Treasurer shall receive all such revenues from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him or her and deposit the same in the account of the fund designated as the Waterworks and Sewerage Fund of the City. The Treasurer shall administer such Fund in every respect in the manner provided by statute in the 65 ILCS 5.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. III § 4, passed - -1979) Penalty, see § 13.16.740

§ 13.16.720 ACCOUNTS.

(A) The City Clerk shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals he or she shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

(B) In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities (including replacement costs and capital amortization) to indicate that sewer service charges are equitable. In this regard, the financial information to be shown in the audit report shall include the following:

- (1) Flow data showing total cubic feet received at the wastewater plant for the current fiscal year;
 - (2) Billing data to show total number of cubic feet billed;
 - (3) Debt service for the next succeeding fiscal year;
 - (4) Number of users connected to the system;
 - (5) Number of non-metered users;
 - (6) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged; and
 - (7) Adjustments for water not discharged to sanitary or combined sewers.
- (Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. III § 5, passed - -1979) Penalty, see § 13.16.740

§ 13.16.730 NOTICE OF RATES.

A copy of this chapter, properly certified by the City Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the sewerage system of the city on their properties.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. III § 6, passed - -1979) Penalty, see § 13.16.740

§ 13.16.740 VIOLATION-PENALTY.

Any person, firm, or corporation violating any provisions of §§ 13.16.680 through 13.16.730 shall be fined not less than \$25 nor more than \$200 for each offense.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. III § 7, passed - -1979)

§ 13.16.750 ACCESS TO RECORDS.

The United States Environmental Protection Agency, the state's Environmental Protection Agency, or their authorized representative shall have the access to any books, documents, papers, and records of the city which are applicable to the city system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts, and transcriptions thereof to ensure compliance with the terms of the special and general conditions to any federal grant.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. III § 8, passed - -1979)

§ 13.16.760 EFFECTIVE DATE OF RATES.

(A) The rates and service charges established herein for user charges shall be effective commencing with the effective date of the code.

(B) The rates and service charges for industrial cost recovery shall be effective commencing January 1, 1980, with collection deferment as provided in § 13.16.530.

(Ord. 2004-05, passed - -; Ord. 731 Ch. 3, Art. III, passed - -1979; Ord. 93.07, passed - -1993)

CHAPTER 13.20: PROTECTION OF PUBLIC WATER SUPPLY SYSTEM

Section

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§ 13.20.010 PURPOSE.

(A) The purpose of this chapter is:

(1) To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system;

(2) To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures, and sources or systems containing substances of unknown or questionable safety; and

(3) To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

(B) This chapter shall apply to all premises served by the public potable water supply system of the city.

(C) (1) The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgement of the Superintendent of Water or his or her authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Water shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises.

(B) The consumer shall install such approved device or devices at his or her own expense within 90 days of receiving said notice. Failure, refusal, or inability on the part of the consumer to install such device or devices within said 90 days shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing, and repair as required in § 13.20.060(C)(4) below for a period of at least five years.

(C) The Superintendent of Water may require the consumer to submit a cross-connection inspection report to the city to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a cross-connection control device inspector certified by the state's Environmental Protection Agency.

§ 13.20.020 DEFINITIONS.

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

AGENCY. The Illinois Environmental Protection Agency.

APPROVED. Backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers (ASSE), American Water Works Association (AWWA), American National Standards Institute (ANSI), or certified by the National Sanitation Foundation.

AUXILIARY WATER SYSTEM. Any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams, or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

BACKFLOW. The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than its intended source of the potable water supply.

BACKFLOW PREVENTION DEVICE. Any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in the state must meet the standards of the state's Plumbing Code, being 77 Ill. Adm. Code 890, and the state's Environmental Protection Agency.

CONSUMER or CUSTOMER. The owner, official custodian, or person in control of any premises supplied by or in any manner connected to a public water system.

CONSUMER'S WATER SYSTEM. Any water system located on the customer's premises. A building plumbing system is considered to be a **CONSUMER'S WATER SYSTEM**.

CONTAMINATION. An impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

CROSS-CONNECTION. Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

DIRECT CROSS-CONNECTION. A cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

DOUBLE CHECK VALVE ASSEMBLY. An assembly composed of single independently acting check valves approved under ASSE Standard 1015. A **DOUBLE CHECK VALVE ASSEMBLY** must include tight shut off valves located at each end of the assembly and suitable connections for testing the water tightness of each check valve.

FIXED PROPER AIR GAP. The unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle, plumbing fixture, or other device and the flood-level rim of the receptacle.

HEALTH HAZARD. Any condition, device, or practice in a water system or its operation resulting from a real or potential danger to the health and well being of the consumers. The word **SEVERE** as used to qualify **HEALTH HAZARD** means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

INDIRECT CROSS-CONNECTION. A cross-connection through which an unknown substance can be forced, drawn by vacuum, or otherwise introduced into a safe potable water system.

INSPECTION. A plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances, and installations of a plumbing system for compliance with requirements of the state's Plumbing Code, 77 Ill. Adm. Code 890.

NON-POTABLE WATER. Water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 654.

PLUMBING. The actual installation, repair, maintenance, alteration, or extension of a plumbing system by any person. **PLUMBING** includes all piping, fixtures, appurtenances, and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley, or at the curb to, within, and about any building or building where a person or persons live, work, or assemble. **PLUMBING** includes all piping from discharge of pumping units to and including pressure tanks in water supply systems. **PLUMBING** includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work, or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.

POLLUTION. The presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

POTABLE WATER. Water which meets the requirements of 35 Ill. Adm. Code 654 for drinking, culinary, and domestic purposes.

POTENTIAL CROSS-CONNECTION. A fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

PROCESS FLUID(S). Any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollution, or system hazard if introduced into the public or a consumer's potable water system. This includes, but is not limited to:

- (1) Polluted or contaminated waters;
- (2) Process waters;
- (3) Used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- (4) Cooling waters;
- (5) Questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- (6) Chemicals in solution or suspension; and
- (7) Oils, gases, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.

PUBLIC WATER SUPPLY. All mains, pipes, and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping station, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A **PUBLIC WATER SUPPLY** is either a community water supply or a non-community water supply.

REDUCED PRESSURE PRINCIPAL BACKFLOW PREVENTION DEVICE. A device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

SERVICE CONNECTION. The opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

SURVEY. The collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type, and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The **SURVEY** must be in written form and should not be an actual plumbing inspection.

SYSTEM HAZARD. A condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

USED WATER. Any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

WATER PURVEYOR. The owner or official custodian of a public water system.

§ 13.20.030 GENERAL (TECHNICAL) REQUIREMENTS.

(A) All plumbing installed within the city shall be installed in accordance with the state's Plumbing Code, 77 Ill. Adm. Code 890. That, if in accordance with the state's Plumbing Code or in the judgment of the Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Water will give notice to the water customer to install such an approved device within 90 days of receiving said notice. The water customer shall, at his or her own expense, install such an approved device within said 90 days. The water customer shall, at his or her own expense, install such an approved device at a location and in a manner in accordance with the state's Plumbing Code, state's Environmental Protection Agency, and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the state's Plumbing Code, state's Environmental Protection Agency, and local regulations.

(B) No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the city may enter the supply or distribution of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of Water and the state's Environmental Protection Agency.

(C) Interconnections between two or more public water supplies shall be permitted only with the approval of the state's Environmental Protection Agency.

§ 13.20.040 WATER SYSTEM.

(A) The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.

(B) The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent of Water up to the point where the consumer's water system begins.

(C) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.

(D) The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

(E) The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply system to points of use.

§ 13.20.050 CROSS-CONNECTION PROHIBITED.

(A) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited, except when and where approved cross-connection control devices or methods are installed, tested, and maintained to ensure proper operation on a continuing basis.

(B) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.

(C) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

§ 13.20.060 SURVEY AND INVESTIGATIONS.

(A) It shall be the duty of the Superintendent of Water to cause surveys and investigations to be made of commercial, industrial, and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the Superintendent of Water shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.

(B) The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the city for the purpose of verifying the presence or absence of cross-connections, and testing, repair, and maintenance of cross-connection control devices, and that the Water Superintendent or his or 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 city for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. All cross-connection control or other plumbing inspections must be conducted in accordance with 225 ILCS 320/3. On demand, the owner, lessees, or occupants of any property so served shall furnish to the Superintendent of Water any information which he or 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 of Water, be deemed evidence of the presence of improper connections as provided in this chapter.

(C) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

(1) All cross-connections are removed, or approved cross-connection control devices are installed for control of backflow and back-siphonage;

(2) Cross-connection control devices shall be installed in accordance with the manufacturer's instructions;

(3) Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector. The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions; and

(4) Testing and records.

(a) Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.

(b) Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with Ill. Rev. Stat. 1987, Ch. 111, Par. 1004(e).

(c) Each device shall have a tag attached listing the date of most recent test, name of cross-connection control device inspector, and type and date of repairs.

(d) A maintenance log shall be maintained and include:

1. Date of each test;
2. Name and approval number of person performing the test;
3. Test results;
4. Repairs or servicing required;
5. Repairs and date completed; and
6. Servicing performed and date completed.

§ 13.20.070 WHERE PROTECTION IS REQUIRED.

(A) An approved backflow device shall be installed on all connections to the public water supply as described in the state's Plumbing Code, 77 Ill. Adm. Code 890. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent of Water, actual or potential hazards to the public water supply system exist.

(B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

(1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent of Water and the source is approved by the state's Environmental Protection Agency;

(2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent of Water;

(3) Premises having internal cross-connections that, in the judgement of the Superintendent of Water and/or the cross-connection control device inspector, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist;

(4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey; or

(5) Premises have a repeated history of cross-connections being established or reestablished.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the state's Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following type of facilities unless the Superintendent of Water determines that no actual or potential hazard to the public water supply system exists:

- (1) Hospitals, mortuaries, clinics, and nursing homes;
- (2) Laboratories;
- (3) Piers, docks, and waterfront facilities;
- (4) Sewage treatment plants, sewage pumping stations, or storm water pumping stations;
- (5) Food or beverage processing plants;
- (6) Chemical plants;
- (7) Metal plating industries;
- (8) Petroleum processing or storage plants;
- (9) Radioactive material processing plants or nuclear reactors;
- (10) Car washes;
- (11) Pesticide, herbicide, or extermination plants or trucks; and
- (12) Farm service and fertilizer plants and trucks.

§ 13.20.080 TYPE OF PROTECTION REQUIRED.

(A) The type of protection required under §§ 13.20.070(B)(1), 13.20.070(B)(2), and 13.20.070(B)(3) of these regulations shall depend on the degree of hazard which exists as follows.

(1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.

(2) An approved fixed proper air gap separation or an approved reduced pressure principal backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.

(3) An approved fixed proper air gap separation or an approved reduced pressure principal backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(B) The type of protection required under §§ 13.20.070(B)(4) and 13.20.070(B)(5) of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principal backflow prevention device.

(C) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principal backflow preventers shall be installed on fire safety systems connected to the public water supply when:

(1) The fire safety system contains antifreeze, fire retardant, or other chemicals;

(2) Water is pumped into the system from another source;

(3) Water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source; or

(4) There is a connection whereby another source can be introduced into the fire safety system.

(D) All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

§ 13.20.090 BACKFLOW PREVENTION DEVICES.

(A) All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

(B) Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on site.

§ 13.20.100 INSPECTION AND MAINTENANCE.

(A) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance, and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

(1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the

receptacle at the time of installation and at least annually thereafter. Corrections to improper or bypassed air gaps shall be made within 24 hours.

(2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within five days.

(3) Reduced pressure principal backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five days.

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(D) A maintenance log shall be maintained and include:

- (1) Date of each test or visual inspection;
- (2) Name and approval number of person performing the test or visual inspection;
- (3) Test results;
- (4) Repairs or servicing required;
- (5) Repairs and date completed; and
- (6) Servicing performed and date completed.

(E) Whenever backflow prevention devices required by this chapter are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by § 13.20.100(A).

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the Superintendent of Water.

§ 13.20.110 BOOSTER PUMPS.

(A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

(B) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent of Water, at least once a year, that the device is operable.

§ 13.20.120 VIOLATIONS.

(A) The Superintendent of Water of the city 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 chapter is known to exist, and to take such other precautionary measures as he or she may deem necessary to eliminate any danger of contamination of the public water supply distribution mains.

(B) Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this chapter, and until a fine of \$200 for each violation is paid to the city. Immediate disconnection with verbal notice can be effected when the Superintendent of Water is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Superintendent of Water or the state's Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply.

(C) Neither the city, the Superintendent of Water, nor its agents nor 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 chapter, whether or not said termination was with or without notice.

(D) The consumer responsible for back-siphoned or back-pressured material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained, or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

(E) Any person found to be violating any provision of this chapter shall be served with written notice stating the notice 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 violation. Compliance with notice of violation shall not exceed 90 days.

(F) Any person violating any of the provisions of this chapter, in addition to the fine provided, shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation, whether the same was caused before or after notice.

TITLE 14: RESERVED

TITLE 15: BUILDINGS AND CONSTRUCTION

Chapter

15.04. FIRE LIMITS AND BUILDING REQUIREMENTS

CHAPTER 15.04: FIRE LIMITS AND BUILDING REQUIREMENTS

Section

- 15.04.010 Building with other than fireproof material prohibited-removal when-penalty
- 15.04.020 Removal of fire-damaged buildings
- 15.04.030 Penalty for failure to remove damaged building
- 15.04.040 Posting of notice of complaint-continuance of suit when
- 15.04.050 Ash and garbage receptacles required

§ 15.04.010 BUILDING WITH OTHER THAN FIREPROOF MATERIAL PROHIBITED-REMOVAL WHEN-PENALTY.

(A) It is hereby declared unlawful for any person to build or repair any building with other than fireproof material, or place any roof or gutter on any building the outer surface of which is made of material other than fireproof material within the fire limits, and, if done, the same shall be deemed a nuisance.

(B) If any person upon reasonable notice fails or neglects to remove such wooden building or wooden part of such wooden building, the Chief of Police, upon the written directions of the Mayor, shall remove or tear down such building, or such part thereof as may be necessary.

(C) Any person violating this section shall be subject to a fine of not less than \$50 nor more than \$200, and shall also be subject to an additional fine of \$100 for each week he or she shall fail or neglect to remove such wooden building, or part thereof, after having been notified to remove the same. If the city removes the building, such person shall also pay to the city the expenses of such removal.
(Ord. 2004-05, passed - -; Ord. 10 § 3, passed - -1869)

§ 15.04.020 REMOVAL OF FIRE-DAMAGED BUILDINGS.

When any building within the fire limits shall become damaged by fire, decay, or otherwise to the extent of 50% of its value, the same shall be torn down.
(Ord. 2004-05, passed - -; Ord. 10 § 4, passed - -1869)

§ 15.04.030 PENALTY FOR FAILURE TO REMOVE DAMAGED BUILDING.

If the owner of any building fails or neglects to tear down or remove such building after it has been found to be damaged to the extent of 50% of its value, as provided in § 15.04.040, such owner shall be fined \$100 per week for the time he or she shall so fail to tear down or remove the building after it has been found to be damaged.
(Ord. 2004-05, passed - -; Ord. 10 § 6, passed - -1869)

§ 15.04.040 POSTING OF NOTICE OF COMPLAINT-CONTINUANCE OF SUIT WHEN.

If the personal service of a summons cannot be had upon the owner of a building against which a complaint has been lodged, then the suit to determine the complaint shall be continued for 15 days and a notice of the suit shall be posted in three of the most public places in the city. One notice shall be given to the occupant of the building, if there is an occupant; if not, then a notice shall be sent by mail to the owner, if his or her post office address is known, in which case the suit shall proceed as if personal service was had upon the owner.

(Ord. 2004-05, passed - -; Ord. 10 § 7, passed - -1869)

§ 15.04.050 ASH AND GARBAGE RECEPTACLES REQUIRED.

Every owner or occupant of any building or premises within the fire limits shall provide and keep at the rear of such building or premises a suitable sheet-iron box or other metallic vessel in which to deposit all ashes, and also one or more boxes or barrels for the reception of garbage and rubbish that may be accumulated about such premises so that the same shall not be thrown or deposited in or upon any street or alley within the fire limits.

(Ord. 2004-05, passed - -; Ord. 10 § 8, passed - -1869)

TITLE 16: DANGEROUS AND UNSAFE BUILDINGS

Chapter

16.04. DANGEROUS AND UNSAFE BUILDINGS

CHAPTER 16.04: DANGEROUS AND UNSAFE BUILDINGS

Section

16.04.010	Definitions
16.04.020	Nuisances
16.04.030	Renting unfit building
16.04.040	Unlawful to have certain building
16.04.050	Occupying unfit building
16.04.060	Notice, demand
16.04.070	Duty to repair or demolish
16.04.080	Court proceedings and rights under statute
16.04.090	Persons authorized or directed to give notice
16.04.100	Service of notice
16.04.110	Expedited demolition of unsafe and dangerous building
16.04.120	Separate offense for each day of violation
16.04.130	Penalty

§ 16.04.010 DEFINITIONS.

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

BUILDING. Any structure or part thereof, including an excavation on real property for the purpose of constructing a structure.

DANGEROUS AND UNSAFE BUILDING.

(1) Any building that, because of its condition, constitutes a hazard to the health or safety of persons or to the safety of other property, whether real or personal property. Any building which has one or more of the following defects shall be deemed a ***DANGEROUS AND UNSAFE BUILDING***:

(a) Any building whose walls or vertical members list, lean, or buckle to such an extent that a plumb line suspended from the top edge of such member shall fall outside of a distance from the edge equal to one-third of the thickness of such members;

(b) Any building which has a support member or support members which have deteriorated to such an extent as to be unable to safely support the applied loads or which have 40% damage or deterioration of the non-supporting, enclosed, or outside walls or coverings;

(c) Any building which has improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;

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(d) Any building which has been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, or the health and welfare of persons or to the safety of other property, whether real or personal;

(e) Any building which has parts thereof which are so attached that they may fall and injure persons or property;

(f) Any building which has wiring that is dangerous due to lack of insulation, improper fuses, inadequate grounding, lack of capacity of wires, or other dangerous conditions; or

(g) Any building which by reason of faulty construction, age, lack of proper repair, or any other cause has become especially liable to fire or has become liable to cause injury or damage by collapsing or otherwise.

(2) The enumeration of certain defects herein shall not mean that a building with other defects, which constitute a hazard to the health or safety of persons or to the safety of other property, whether real or personal, shall not be deemed a dangerous and unsafe building.

DEBRIS. Garbage, tree branches, grass clippings, yard trimmings, leaves, paper, cardboard, cartons, boxes, barrels, wood, lumber, concrete, appliances, furniture, glass, bottles, crockery, tin cans, vehicle parts, boats, furniture, and any other manufactured or constructed object which has outlived its usefulness in its original form.

DEMOLISH. To destroy a building, to remove all debris and waste materials from the lot on which the building stood, and to properly fill in any excavation on such lot.

GARBAGE. Any discarded and unwanted household or kitchen wastes including, but not limited to, food, food residues, and materials necessarily used for packaging, storing, preparing, and consuming same; all combustible and non-combustible waste materials resulting domestic housekeeping, including, but not limited to: aluminum and steel cans; glass containers; plastic containers; crockery and other containers; metal; paper of all types, including newspapers, books, magazines, and catalogs; boxes and cartons; cold ashes; furniture, furnishings, and fixtures; household appliances of all kinds; tires, textiles and leather; dead animals and animal waste; toys and recreational equipment; and similar items.

HAZARDOUS SUBSTANCES OR MATERIALS. Any substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property.

NOXIOUS SUBSTANCES OR MATERIALS. Any putrid or offensive matter.

OWNER. The holder of legal title.

PARTIES IN INTEREST. All individuals, associates, partnerships, corporations, or other legal entities that have a mortgage or other lien or interest in a building or who are in possession thereof.

UNCOMPLETED AND ABANDONED BUILDING. Any building on which the construction thereof has been started and has not been completed and on which there has not been substantial construction work done toward the completion of such building for a period of 90 consecutive days. However, periods during which construction is impractical due to severe weather conditions or labor strikes shall be excluded in the computation of such 90-day period.

UNHEALTHY SUBSTANCES OR MATERIALS. Any substance or material that is or may become detrimental to the public health.
(Ord. 2014-06, passed 5-19-2014)

§ 16.04.020 NUISANCES.

Pursuant to authority contained in 65 ILCS 5/11-60-2, each of the following is hereby defined and declared to be a public nuisance: any dangerous and unsafe building and any uncompleted and abandoned building.
(Ord. 2014-06, passed 5-19-2014)

§ 16.04.030 RENTING UNFIT BUILDING.

It shall be unlawful for any owner or party in interest of a building to rent or offer for rent any dangerous and unsafe building or any uncompleted and abandoned building within this city.
(Ord. 2014-06, passed 5-19-2014) Penalty, see § 16.04.130

§ 16.04.040 UNLAWFUL TO HAVE CERTAIN BUILDING.

It shall be unlawful for any owner to maintain or permit the existence of any dangerous and unsafe building or uncompleted and abandoned building within this city.
(Ord. 2014-06, passed 5-19-2014) Penalty, see § 16.04.130

§ 16.04.050 OCCUPYING UNFIT BUILDING.

It shall be unlawful for any person to occupy any dangerous and unsafe building or any uncompleted and abandoned building within this city.
(Ord. 2014-06, passed 5-19-2014) Penalty, see § 16.04.130

§ 16.04.060 NOTICE, DEMAND.

(A) In the event the city determines a building is a dangerous and unsafe building or an uncompleted and abandoned building, the city shall cause written notice to be served upon the owner and all parties in interest. The written notice shall:

- (1) Describe the specific building(s) determined to be dangerous and unsafe or uncompleted and abandoned;
- (2) Specify deficiencies in the building(s) which cause the building(s) to be dangerous and unsafe or uncompleted and abandoned; and
- (3) Demand corrective action be undertaken within 15 days of the date of such notice.

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(B) The notice shall be addressed to the owner and all parties in interest reasonably ascertainable by the city. The notice to the owner shall be addressed to the address of record with the office of the County Assessor. The date of giving such notice shall be the date of mailing or personal delivery. If upon diligent search the identity or whereabouts of the owner or owners of any such building is not ascertainable, the notice served upon any occupant of such premises or to the person or persons in whose names such real estate was last assessed.

(Ord. 2014-06, passed 5-19-2014)

§ 16.04.070 DUTY TO REPAIR OR DEMOLISH.

(A) Within 15 days after being given written notice pursuant to § 15.04.060, the owner thereof shall immediately proceed to do any of the following:

(1) Repair or enclose and, where appropriate, rebuild and construct such building so that such building is not a dangerous and unsafe building or an uncompleted and abandoned building; or

(2) Demolish such building.

(B) In addition, if the notice specifies that garbage, debris, or other hazardous, noxious, or unhealthy substances are present in or about the dangerous and unsafe building or uncompleted and abandoned building exist, the owner shall remove or cause the removal of such garbage, debris, or other hazardous, noxious, or unhealthy substances. All such actions shall be completed within 90 days after the date of giving the aforesaid notice. However, upon written application made prior to the expiration of such 90-day period to the City Council, such 90-day period may be extended pursuant to a written compliance agreement entered into between the City Council and the owner, and upon satisfactory proof that the owner has proceeded with and is proceeding with due diligence toward such completion.

(Ord. 2014-06, passed 5-19-2014)

§ 16.04.080 COURT PROCEEDINGS AND RIGHTS UNDER STATUTE.

Where the notice has been given as provided hereunder, the city shall have all rights to proceed for the repair, enclosure or demolition, or for the removal of garbage, debris, or other hazardous, noxious, or unhealthy substances therefrom, and shall have all the rights provided in 65 ILCS 5/11-31-1.

(Ord. 2014-06, passed 5-19-2014)

§ 16.04.090 PERSONS AUTHORIZED OR DIRECTED TO GIVE NOTICE.

In the event that the City Council deems a notice pursuant to § 15.04.060 shall be given, any of the following officers or agents of the city, upon authorization from the City Council, are authorized to give such notice and are further authorized, if such person has reasonable grounds to believe that there has been violations of this chapter, to sign complaints for fines or penalties for such violations:

(A) The Mayor;

(B) The City Attorney;

(C) The Zoning Officer;

(D) The Chief of Police;

(E) Any police officer; or

(F) The City Clerk.

(Ord. 2014-06, passed 5-19-2014)

§ 16.04.100 SERVICE OF NOTICE.

In addition to service by mail of any notice, notice may also be given by personal or abode service upon the individual to whom said notice is directed. Personal or abode service may be made by the appropriate officers or agents of the city. Any such delivery or abode service shall have the same force and effect as the method of delivery specified in 65 ILCS 5/11-31-1(a).

(Ord. 2014-06, passed 5-19-2014)

§ 16.04.110 EXPEDITED DEMOLITION OF UNSAFE AND DANGEROUS BUILDING.

(A) If a residential or commercial building is three stories or less in height, as defined by the City Zoning Code, and the Zoning Officer determines that the building is open and vacant and an immediate and continuing hazard to the community, then the Zoning Officer shall be authorized to seek the approval of the City Council to proceed with the remedy authorized by this section. If the City Council so approves, the Zoning Officer shall post a notice not less than two feet by two feet in size on the front of the building. This notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials may be removed by the city.

(B) Not later than 30 days following the posting of the notice, the city shall do all of the following:

(1) Cause to be sent by certified mail, return receipt requested, a notice to remediate to all owners of record of the property, the beneficial owners of any state land trust having title to the property, and all lien holders of record in the property, stating the intent of the city to demolish, repair, or enclose the building, or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is not taken by the owners;

(2) Cause to be published in a newspaper published or circulated in the city a notice setting forth the permanent tax identification number and the address of the building, a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community and a statement that the city intends to demolish, repair, or enclose the building, or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lien holders of record fail to do so. This notice shall be published for three consecutive days; and

(3) Cause to be recorded the notice to remediate mailed under division (B)(1) above in the office of the County Recorder of Deeds.

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(C) Any person or persons with a current legal or equitable interest in the property objecting to the proposed actions of the city may file his or her objections in an appropriate form in a court of competent jurisdiction. If, before the municipality proceeds with any of the actions authorized by this division (C), any person with a legal or equitable interest in the property seeks a hearing under this division (C) before a court and has served a copy of the complaint on the Mayor, then the city shall not proceed with the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials until the court determines that action is necessary to remedy the hazard and issues an order authorizing the municipality to do.

(D) If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed within 30 days of mailing the notice to the owners of record, the beneficial owner of any state land trust having title to the property and all lien holders of record in the property, or within 30 days of the last day of publication of the notice, whichever is later, the corporate authorities shall have the power to demolish, repair, or enclose the building, or to remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

(E) The municipality may proceed to demolish, repair, or enclose a building, or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this section within a 120-day period following the date of the mailing of the notice if the City Council determines that the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard.

(Ord. 2014-06, passed 5-19-2014)

§ 16.04.120 SEPARATE OFFENSE FOR EACH DAY OF VIOLATION.

Each day that a violation of any section of this chapter continues shall be deemed a separate offense, and a fine or penalty as hereinafter provided may be recovered for each day that such offense continues.

(Ord. 2014-06, passed 5-19-2014)

§ 16.04.130 PENALTY.

(A) Any person who violates any of the provisions of this chapter shall be subject to the general penalty provision, § 1.01.090, of the City Code. A complaint that is filed against any person seeking a fine or penalty, or any fine or penalty that is imposed, shall not in any way prevent this city from proceeding or waive any right of this city to proceed under 65 ILCS 5/11-31-1.

(B) If the municipality pays the cost of repair or enclosure, demolition, or removal of garbage, debris, and other hazardous, noxious, or unhealthy substances pursuant to a court order, following repair, or enclosure, demolition, or removal of garbage, debris, and other hazardous, noxious, or unhealthy substances, the city may file a notice of lien against the real estate for the cost of the repair, or enclosure, demolition, or removal of garbage, debris, and other hazardous, noxious, or unhealthy substances within 180 days after the repair, or enclosure, demolition, or removal of garbage, debris, and other hazardous, noxious, or unhealthy substances for the cost of expenses incurred, including court costs, attorney's fees, and other costs related to the enforcement of this section.

TITLE 17: ZONING

Chapter

17.00. TITLE, PURPOSE, AND GENERAL PROVISIONS

17.01. ZONING MAP AND BOUNDARIES

17.02. ESTABLISHMENT OF DISTRICTS

17.03. R-1 RESIDENTIAL: SINGLE-FAMILY, LOW DENSITY

17.04. R-2 RESIDENTIAL: SINGLE-FAMILY, MEDIUM DENSITY

17.05. R-3 RESIDENTIAL: TWO-FAMILY, LOW DENSITY

17.06. R-4 RESIDENTIAL: MULTI-FAMILY, MEDIUM DENSITY

17.07. MH RESIDENTIAL: MANUFACTURED HOME

17.08. C-1 COMMERCIAL-GENERAL

17.09. C-2 COMMERCIAL-DOWNTOWN

17.10. I-INDUSTRIAL

17.11. NON-CONFORMING USES

17.12. ZONING AND OCCUPANCY PERMITS

17.13. SIGNAGE REGULATIONS

17.14. HOME OCCUPATIONS

17.15. FENCES AND WALLS

17.16. COMMUNICATION TOWERS

17.17. APPEALS, VARIANCES, AND SPECIAL USE PERMITS

17.18. REZONING AND AMENDMENTS TO THE ZONING CODE

17.19. ENFORCEMENT AND PENALTIES

17.20. PLANNING AND ZONING BOARD

17.21. SITE PLANS

CHAPTER 17.00: TITLE, PURPOSE, AND GENERAL PROVISIONS

Section

17.00.01	Title
17.00.02	Purpose
17.00.03	General provisions
17.00.04	Scope
17.00.05	Definitions

§ 17.00.01 TITLE.

This title of the City Code, as amended, shall be known, cited, and referred to as the “Zoning Code of the City of Minonk, Illinois”, in this title, at times referred to as “this Code”.
(Ord. 2000-08, passed - -; Ord. 2004-05, passed - -)

§ 17.00.02 PURPOSE.

(A) It is the general purpose and intent of this Code to foster the use and development of land by private and public interests in an orderly manner with consideration given to existing and anticipated social, environmental, economic, and conservation goals. This Code also recognizes the need for the city to regulate and manage land use in order to implement sound comprehensive planning policies, and to protect individual landowners and general neighborhoods from incompatible and detrimental land uses. Land use shall generally follow the city’s Comprehensive Plan, as developed in 1996 or otherwise amended or revised. The establishment of regulations and zoning districts as provided in this Code and their implementation are, therefore, declared to be essential and in the public interest.

(B) The requirements of this Code may be implemented for the general purposes set forth above as well as the specific purposes set forth as follows:

- (1) To conserve and protect the taxable value of land and structures;
- (2) To protect the air, water, and land resources within the city from the hazards of pollution and misuse;
- (3) To protect land and structures from natural hazards including flooding and erosion;
- (4) To preserve and protect historic locations, structures, and groups of structures;
- (5) To preserve and protect and encourage the development of structures, groups of structures, and neighborhoods of distinctive architectural character and appearance;

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(6) To provide for the orderly and functional arrangement of land uses and structures;

(7) To establish standards for the orderly development or redevelopment of geographic areas within the city;

(8) To secure for the public locations for housing, employment, shopping, education, and recreation that are adequate in terms of health, safety, convenience, and number;

(9) To facilitate the adequate and economical provision of transportation, water, sewage disposal, schools, parks, and other public facilities;

(10) To conserve and protect natural resources including prime agricultural land, mineral resources, and areas of scientific interest;

(11) To permit public involvement in the planning of private land uses which have the potential for significant impact on the use and enjoyment of surrounding property or on the public resources and facilities of the city; and

(12) To promote the Community Development Plan adopted by the City Council, as amended.

(C) It is hereby further declared to be the intention of the City Council that the several provisions of this Code are separable in accordance with the following:

(1) If any court of competent jurisdiction shall adjudge any provision of this Code to be invalid, such judgment shall not affect any other provisions of this Code not specifically included in said judgment order; and

(2) If any court of competent jurisdiction shall adjudge any provision of this Code invalid as it applies to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment order.

§ 17.00.03 GENERAL PROVISIONS.

(A) *Primary users.* It is hereby declared that the zoning districts shall be designated so as to provide a primary use for each lot within a zoning district. This primary use shall govern the development and regulation of lots within zoning districts. Uses that are allowable, but not the primary use of a lot, shall be accessory uses and shall be regulated as such.

(B) *Accessory uses.* Unless otherwise prohibited or restricted, a primary use also allows uses, buildings, and structures incidental to the primary use, if located on the same lot. However, such accessory uses, buildings, and structures shall not be established or erected prior to the establishment or construction of the primary use, building, or structure and shall be compatible with the character of the primary use. Accessory uses shall not exceed the height, bulk, or size of the primary use. Accessory uses shall only be allowable in accompaniment with primary uses in accordance with the regulations for accessory uses for their respective district.

(C) *Exemptions.*

(1) The following structures and uses are exempted by this title and are permitted in any district: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other 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 State Commerce Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction.

(2) Communications towers are not exempted from bulk regulations and must follow the regulations of Chapter 17.16.

(D) *Open spaces.* No part of a public right-of-way or open space of another lot of parcel of land shall be included in meeting the requirements of open space, should open space be required upon a development.

(E) *Frontage.* All primary buildings and structures shall front a public street as determined by this Code and the requirements of specifications for city road and street construction. The front of buildings and structures shall be oriented toward a public street or streets. Buildings and structures located on a corner lot, at an angle not parallel to a public street, shall meet minimum frontage and setback requirements at the points of the structure closest to the lot lines.

(F) *Yards.* All lots shall have front, rear, and side yards per the specific regulations of their respective zoning district. Yards are vital to meeting the community's interest by preserving open space between buildings, provide adequate natural light, pure air, and safety from fire and other dangers associated with inadequate spacing.

(G) *Setbacks generally.*

(1) Buildings and structures shall be set back from the lot line a minimum distance as regulated by their respective zoning district. The setback shall be measured from the closest point of the structure, including the outer edge of the roof, to the property line.

(2) Minimum setbacks may be exceeded for attached structures which are incidental to the primary structure and which do not exceed six feet in width, six feet in length, and/or 36 square feet. Exemptions include bay windows, front stoops, breezeways, mudrooms, and other attached structures less than six feet by six feet and 36 square feet.

(H) *Height regulations generally.* Buildings and structures height regulations shall apply to the highest point on their roof line or structure. Such limit shall not include chimneys or venting pipes typically necessary in that type of building or structure. Height limitations shall not apply to poles and appurtenances owned by public utilities for the purposes of distributing public services. Such poles and appurtenances shall conform to the rules and regulations of the state's Commerce Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction. Height limitations shall apply to towers used for communication and other similar uses.

(I) *Numbers required.* All lots, buildings, and structures in the city shall be numbered in accordance with the chart and map on file in the office of the Zoning Administrator.

(1) It shall be the duty of the owner of every residential, recreational, commercial, industrial, and any other premises in the city to cause every principal premises to have posted thereon figures showing the number of that building or structure as assigned by the City Zoning Administrator. Such numbers shall be furnished by the property owner.

(2) The numbers shall be conspicuously placed immediately above, on, or at the side of the proper door of each building so that it can be seen plainly from the street. Whenever any building is situated more than 50 feet from the street line, the number of each building shall be conspicuously displayed at the street line near the walk, driveway, or common entrance to such building so as to be easily discernible from the street.

(3) Where only one number can be assigned to any house or building, the owner, occupant, or agent of such house or building who shall desire a distinctive number from the upper or lower portion of any house or building, or for any part of such house or building fronting any street, such owner, occupant, or agent shall use the suffix "A", "B", and the like, as may be required.

(4) If the owner or occupant of any building required to be numbered shall neglect to attach and maintain the proper number on such building, the City Clerk shall serve upon him or her a notice requiring such owner or occupant to properly number the same, and if he or she neglects to do so for the period of ten days after the service of such notice, he or she shall be deemed to have violated this section. Upon conviction thereof, he or she shall be fined not less than \$5, together with the cost of the prosecution, and a separate offense shall be deemed committed for each day that the failure to so continues to exist.

(J) *Grade of lots.* The general grade of lots and the drainage from the grade may not be altered so as to unduly divert the natural course of water to a neighboring lot, private property, or public right-of-way. All storm water drainage must conform to city storm water regulations.

(K) *Access and easement requirements generally.* No structure shall be constructed or erected on a lot or tract of land or moved to a lot or tract of land that does not abut a publicly maintained street.

(L) *Interpretation of provisions.* In interpreting and applying the provisions of the ordinance codified in this title, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, and general welfare. Where conditions, standards, or requirements imposed by any provision of this title are either more restrictive or less restrictive than comparable standards imposed by this or any other title of the Municipal Code, or by any other law or ordinance, the provisions which are more restrictive or which impose a higher standard or requirement shall govern. Lots of record existing as of December 1, 2000 that do not meet the requirements for minimum lot size shall be considered non-conforming lots.

(M) *Conflicting agreements.* It is not the intent of the ordinance codified in this title to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; provided, however, that wherever this title imposes greater restrictions upon the use of buildings, structures, or land, or requires more restrictive building lines, then the provisions of this title shall control.

(N) *Annexations.* Any land brought into the city, through annexation, shall be classified as R-1 Single-Family, Low-Density, unless specifically brought in under another classification through a legally adopted pre-annexation agreement or other legal agreement.

(O) *Visibility requirements.* On corner lots, nothing shall be constructed, placed, planted, or allowed to grow in such a manner as to materially impede vision of drivers of motor vehicles between two feet and six feet above the street grade, within a triangle bound on two sides by the curb (or pavement edge where there is no curb), measured in each direction along the curb (or pavement edge) for 60 feet from their point of intersection, and on the third side by the diagonal line connecting the ends of the 60-foot sides.

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

(Q) *Rules for the interpretation of district boundaries.* Where uncertainty exists as to the boundaries of a district as shown on the zoning map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed to follow such centerlines;

(2) Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines;

(3) Boundaries indicated as approximately following city limits shall be construed as following such city limits;

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

(5) Boundaries indicated, as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;

(6) Boundaries indicated as parallel to or extensions of feature indicated in divisions (Q)(1) through (Q)(5) above shall be so construed. The scale of the map shall determine distances not specifically indicated on the official zoning map; and

(7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by divisions (A) through (F) above, the Board shall interpret the district boundaries.

(R) *Application of district regulations and standards.* The regulations and standards set by this title within each district shall be minimum regulations and standards and shall apply uniformly to each class, kind, or type of structure, use, or land, except as provided by this title.

(S) *Construction and use restrictions-conformance with regulations and standards required.*

(1) No structure or land shall hereafter be used or occupied and no structure or part thereof shall hereafter be constructed, erected, altered, remodeled, extended, or moved unless in conformity with all the regulations and standards specified in this title for the district in which it is located.

(2) No structure shall hereafter be constructed, erected, altered, remodeled, extended, or moved:

- (a) To exceed the height regulations;
- (b) To occupy or house a number of families greater than allowed;
- (c) To occupy a percentage of the lot area greater than allowed; or
- (d) To exceed the minimum setbacks.

(3) Except as permitted under the provisions of Chapter 17.07, no occupied or unoccupied manufactured home shall be permitted on any lot or tract of land in any residential district except:

(a) One travel trailer coach or camper, which may be parked on a lot of an occupied dwelling, but shall not be connected to utilities for the purpose of habitation; and

(b) A travel trailer coach or camper of a bona fide guest of an occupant of a dwelling, located on that occupant's lot or tract of land, which shall be for a stay of temporary duration which shall not exceed 30 days within a 12-month period.

(4) In no case, other than planned unit developments (PUDs), shall there be more than one principal structure or principal use on one lot or tract of land.

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

(U) *Official zoning map.* The locations and boundaries of the districts established in this chapter are shown upon the map entitled "Minonk, Illinois Zoning Map" which, with all notations thereon, is adopted by reference and made a part of this title as fully as if set out at length herein.

§ 17.00.04 SCOPE.

Except as provided by this title, it shall be unlawful:

- (A) To establish any use of a building, structure, or land, either by itself or in addition to another use;
- (B) To expand, change, or reestablish any non-conforming use;
- (C) To erect a new building, structure, or part thereof;
- (D) To move a new or existing building or structure; and

(E) To rebuild, structurally alter, add to, or relocate any building, structure, or part thereof.

Penalty, see § 1.01.090

§ 17.00.05 DEFINITIONS.

(A) *General provisions.* For the purpose of this title certain terms and words are defined as follows:

- (1) Words used in the present tense include the future;
- (2) The singular number shall include the plural; and
- (3) The word “shall” is mandatory.

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUTTING (CONTIGUOUS, ADJACENT). Have one or more common boundary lines or district lines.

ACCESSORY STRUCTURE. A building or structure which is on the same lot with, incidental and subordinate to the main or primary building/structure, and which is used for purposes customarily incidental to the main or primary building/structure.

ACCESSORY USE. A use which is on the same lot with, incidental and subordinate to the main or primary use, and which is used for purposes customarily incidental to the main or primary use.

ADDITIONS, ADJUSTMENTS, SPLITS, AND SUBDIVISIONS. See Title 20.

AGGREGATE SURFACE. A surface comprised of aggregate rock or stone a minimum of two inches in depth.

AGRICULTURE. The use of a tract of land of not less than five acres for growing crops in the open, dairying, pasturage, horticulture, floriculture, and poultry husbandry and necessary accessory uses; provided, however, such agricultural use shall not include wholesale or retail sales as an accessory use, the feeding (other than grazing in open pasture) or sheltering in penned enclosures of animals within 100 feet of any lot line, nor the maintenance and operation of commercial greenhouses or hydroponics farms.

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, which includes a five-foot utility easement on each side.

ARCHITECT. An architect licensed by the State of Illinois.

AUTOMOBILE SERVICE STATION. Any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils or the service and/or repair of automobiles.

AWNINGS. A retractable roof-like structure which, when opened or extended, projects from the wall of a building or structure and overhangs the public way or adjacent yard or court.

BLOCK. A tract of land bounded by streets, or by a street or streets and any combination of boundary lines of public or institutionally owned lands, railroad rights-of-way, rivers and lakes, and/or other lines of demarcation. A **BLOCK** may be located in part within an incorporated city or town.

BOARDINGHOUSE. Residential use consisting of at least one dwelling unit together with more than two rooms that are rented or designed to be rented, but which rooms, individually or collectively, do not constitute separate dwelling units.

BUFFER STRIP. An area, property, lot, or tract of land or portion thereof, either vacant or landscaped, with screen planting, which shall serve as a separating space between dissimilar land uses and districts.

BUILDABLE LOTS. The capacity of individual load bearing footings must be sufficient to sustain the limitations of the building or structure. Footings shall be placed level on firm, undisturbed soil, or engineered fill which is free of organic material such as weeds and grasses; all foreign debris not typically found in the surrounding area such as concrete, wood, glass, roofing materials, and other building materials must be removed and replaced with clean compacted fill material.

BUILDING. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate **BUILDING**.

CANOPY. A non-retractable roof-like structure, of either a permanent or non-permanent nature, which projects from the wall of a structure and overhangs or covers the public way or adjacent yard or court.

CITY. City of Minonk, Illinois.

CITY CLERK. City Clerk of the City of Minonk.

CITY COUNCIL. Duly elected officials of the City of Minonk elected to serve on the Council by wards.

COMBINED SEWER MAIN. A conduit for the collection and carrying of liquid and solid wastes to a sewage treatment facility constructed by or for the city or properly dedicated to the city.

COMMUNICATION TOWER. All communication antenna facilities including cellular, paging, and other wireless communication technologies except satellite dishes.

COURT. An open space, other than a yard, on the same lot with a building which is bounded on two or more sides by, but is not enclosed overhead by, the walls of such building.

DANCE ACADEMY. A place for the instruction or performance of dance, not including dancing halls for the purpose of adult entertainment.

DEDICATE. Transfer of ownership of right-of-way, parcel of land, or improvement to this municipality or other public entity without compensation.

DISTRICT. A section or sections of the city for which the zoning regulations are uniform.

DRIVEWAY. A private access way for motor vehicles between a public or private street and one or more structures or off-street parking areas. Shall include the apron, upon right-of-way, which allows access to a public street or alley from private property. Maintenance of the driveway and apron shall be

the responsibility of the private property owner. No portion of the driveway shall be permitted in any area designated as a utility or drainage easement.

DWELLING. Any building, or portion thereof, which is designed or used for residential purposes.

DWELLING, MODULAR. A building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation or assembly and installation on the building site with a permanent foundation. This definition does not include “manufactured homes” which are described under that heading. **MODULAR DWELLINGS** must have a State Department of Public Health yellow seal on the electrical panel box of the home or seal from a state with reciprocal agreements with the state.

EASEMENT, PERMANENT. A quantity of land set aside over or under which a liberty, privilege, or advantage in land without profit is dedicated and is distinct from ownership of the land; may be granted either to the public, a particular person, a utility company, or a combination thereof.

EASEMENT, TEMPORARY. A quantity of land set aside over or under which a liberty, privilege, or advantage in land without profit is given for the purposes of construction, repair, or other short-term work. At the end of construction, work or term of agreement the easement shall expire.

ENGINEER. An engineer licensed by the State of Illinois.

EXCAVATION. Any act which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

FAMILY. One or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A **FAMILY** may also be a number of persons, but not exceeding four, living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage.

FARMING. See **AGRICULTURE**.

FENCE. A structure, other than a building portion thereto, which is a barrier and is used as a boundary, screen, separation, means of privacy, protection, or confinement.

FOOTPRINT. The square footage of a structure on the ground level. Does not include square footage of floor space or dimensions above or below the first floor of a building or structure.

FRONTAGE. The measure of lineal contiguity between a lot or portion thereof and another lot, public street, alley, or public way.

GRADE. The slope ground, structure, or other item specified in percentage terms.

HEIGHT. The vertical measurement from the median grade level of the surface of the ground immediately surrounding a structure to the highest point of such structure.

HOME OCCUPATION. Any occupation, business, profession, vocation, avocation, or other activity engaged in for income or profit, conducted by any occupant of any residential property situated in a residential zoning district, which business use meets all of the following requirements of the section of this Code regulating home occupations.

HOTEL. A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests for temporary lodging of less than 30 days, in contradistinction to a boardinghouse or lodging house.

IMPERVIOUS SURFACE. Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. **IMPERVIOUS SURFACES** shall include, but not be limited to, the ground area covered by buildings, driveways, parking areas, sidewalks, swimming pools, and patios/decks (whether covered or uncovered).

JUNKYARD. A lot, land, building, or structure, or part thereof, used primarily for the collecting, storage, and/or sale of wastepaper, rags, scrap metal, or discarded material, or for the collecting dismantling, storage, and salvaging of machinery or vehicles not in running condition, and for sale of parts therefrom.

LANDFILL. A lot, land, building, or structure, or part thereof, used primarily for the collection, burial, and/or decomposition of household, manufacturing, or industrial waste, garbage, or bi-products.

LONG TERM LAND LEASE. The leasing of a portion of a tract of land for a period of time of ten years or more for new development where sale of said tract of land would obligate the owner to comply with the subdivision code regulations of the city.

LOT AREA. The area of a horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

LOT DEPTH. Any distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT LENGTH. The average horizontal distance between the front lot line and the rear lot line, measured along a straight line between them at points in the front and rear lot lines which are equidistant from the side lot line(s).

LOT WIDTH. The average horizontal distance between the side lot lines, at the front lot line, measured along a straight line between them at points in the side lot lines which are equidistant from the front lot line by a distance equal to the required front yard depth.

LOT, CORNER. Any lot which is located at the junction of and abutting two or more intersecting streets, provided that the interior angle at the intersection of the two side lot lines is less than 135 degrees.

LOT, FRONTAGE MINIMUM. The minimum horizontal distance between the side lot lines, measured along a straight line between them at points of intersection between the side lot lines and front lot line.

LOT, INTERIOR. A lot that faces on one street.

LOT, THROUGH. A lot that has a pair of opposite lot lines along two substantially parallel streets.

LOT/ZONING LOT. Any piece or parcel of land deeded as one taxable parcel.

MANUFACTURED HOME. A trailer coach, mobile home, or manufactured home constructed on its own chassis, as designated and regulated by the U.S. Department of Housing and Urban Development (H.U.D.), and with a red metal label permanently affixed to the rear of each towable unit. Manufactured units shall only be permitted in designated manufactured home districts. A **MANUFACTURED HOME** shall be installed on a permanent foundation system which is designed and constructed to sustain within the stress limitations according to the provisions of the United States Department of Housing and Urban Development Handbook, Permanent Foundations for Manufactured Housing, 1984. Footings of concrete and masonry shall be of solid material and comply with the manufacturer's recommendations. In all cases they shall extend below the frost line. Permanent foundations may be either a minimum four-foot crawl space or full basement.

MEDIAN. An area between opposite traffic lanes of a street or roadway or an area between two parallel streets or roadways.

MODULAR HOME. See **DWELLING, MODULAR.**

MOTEL. See **HOTEL.**

OWNER. Any person, firm, association, partnership, private corporation, public or quasi-public corporation, or a combination of any of them, or other legal entity having sufficient proprietary interest in the land sought to be subdivided or developed to commence and maintain proceedings under the provisions of this Code.

PARKING LOT, PRIVATE. An area not on public right-of-way, exclusive of driveways, which is used for the parking of motor vehicles.

PARKWAY. The area of land within a street right-of-way located between the back of the curb and the right-of-way line.

PERMANENT FOUNDATION. A closed perimeter formation consisting of materials, such as concrete or concrete block, extending into the ground below the frost line.

PLANNING AND ZONING BOARD. The Planning and Zoning Board of the City of Minonk. Also referred to as the **ZONING BOARD.**

PLAT. See Title 20.

PRIMARY STRUCTURE. The structure for which the lot is designated by the applicable zoning district regulations.

PRIMARY USE. The use for which the lot is designated by the applicable zoning district regulations.

PROPERTY LINES. The lines bounding a lot or parcel and delineating the land in individual ownership.

RIGHT-OF-WAY. A strip of land dedicated to or used by the public for vehicular and/or pedestrian passage; storm, surface, or ground water drainage; public utility placement; or other public use.

SANITARY SEWER MAIN. A conduit for the collection and carrying of liquid and solid wastes to a sewage treatment facility constructed by or for the city or properly dedicated to the city.

SANITARY SEWER SERVICE LINE. A conduit for the collection and carrying of liquid and solid wastes from a private system to the city's sanitary sewer main or combined sewer main.

SATELLITE DISH. Communication dishes, regardless of size, that transmits or receives communication signals and which are typically placed on the ground, buildings, or towers.

SETBACK. The minimum longitudinal distance between the building line or any portion of the structure, and the related front, side, or rear property line.

SETBACK LINE. A line within a lot or other parcel of land so designated on the preliminary plan and the final plat, which denotes the area between such line and the adjacent street right-of-way line where an enclosed building or other structures are prohibited, except those specifically permitted in this title.

SIDEWALK. A portion of a right-of-way used or intended principally for pedestrian passage which meets or exceeds the design standards for public sidewalks.

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 names of owners or business names or advertisements on the interior of windows.

STORM SEWER MAIN. A conduit for the collection and carrying of storm water constructed by or for the city or properly dedicated to the city.

STREET, CUL-DE-SAC. A local street with one end that terminates with a turn around.

STREET, DEAD END. A local street with one end that terminates without a turn around.

STREET, EXTERIOR. A street on the perimeter of a subdivision.

STREET, INTERIOR. A street entirely within the confines of a subdivision.

STREET, PRIVATE. A street owned and maintained by a private entity.

STREET, PUBLIC. The portion of a right-of-way used and maintained as principal means of access to adjacent lots of record or property and which meets the design and construction standards for the classification it holds and is owned and maintained by the public.

STRUCTURAL ALTERATION. Any change in the bearing walls, columns, beams, girders, or supporting members of a structure, any change or rearrangement in the floor area of a building, any enlargement of a structure, whether by extending horizontally or by increasing in height, and/or any movement of a structure from one location or position to another.

STRUCTURE.

(a) Anything constructed, erected, or placed, which has a location in or on the ground or is attached to something having a location on the ground or constructed on skids. **STRUCTURE** shall not include:

1. Mailboxes, unless incorporated in a structure which requires a permit; and
2. Trees and shrubbery.

(b) Any structure larger than 160 square feet must be supported by and secured to a concrete foundation.

SUBDIVISION. Any division of a parcel of land into two or more parts by means of mapping, platting, conveyance, change, or rearrangement of boundaries, except those divisions of land provided for under 765 ILCS 201.

SWIMMING POOL. A receptacle for water, or an artificial pool of water having a depth at any point of more than two feet, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment.

USE. The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner or performance of such activity with respect to the regulations of the Zoning Code.

WALL. An upright structure of wood, stone, metal, or synthetic material serving to enclose, divide, or protect; shall not include retaining walls for landscaping purposes, which do not exceed three feet in height.

YARD. An open space, other than a court, on the same lot with a structure, lying between the structure and the nearest lot line, and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards of this title.

YARD, FRONT. A yard extending the full width of a lot and situated between the front lot line and nearest line of the front of the primary structure located on the lot. On corner lots, the side bearing the street address for the property shall be considered the **FRONT YARD**.

YARD, REAR. A yard extending the full width of a lot and situated between the rear lot line and the nearest line of the main structure located on the lot; shall be opposite a front yard.

YARD, SIDE. A yard situated between the side lot line and the nearest line of the main structure located on the lot, and extending from the rear line of the required front yard to the front line of the required rear yard.

ZONING ENFORCEMENT OFFICER. The officer designated by the Mayor and City Council to enforce the provisions of the ordinance codified in this title.

ZONING MAP. The map adopted by the City Council showing all the zoning district boundaries within the City of Minonk, Illinois.

CHAPTER 17.01: ZONING MAP AND BOUNDARIES

Section

17.01.01 General provisions

§ 17.01.01 GENERAL PROVISIONS.

(A) The boundaries of the districts designated in this chapter are indicated on the zoning map, attached and made part of the official zoning ordinance.

(B) If uncertainty arises with respect to the boundaries of the various districts as shown on the zoning map, the enforcing officer shall determine the boundaries in accordance with the following rules.

(1) District boundaries, unless otherwise indicated, are centerlines of streets, highways, alleys, railroads, or easements, or the boundary lines of sections, quarter sections, tracts or lots, or extensions of such lines.

(2) Where a district boundary line divides a lot in a single ownership, the regulations of either district may apply to the entire lot, but not more than 25 feet beyond the boundary line.

(3) In areas not subdivided into lots and blocks, the district boundary lines on the zoning map shall be determined by scale to the nearest 100 feet.

(4) Boundaries shall be established in conformance with the city's approved Comprehensive Land Use Plan and supporting documents.

CHAPTER 17.02: ESTABLISHMENT OF DISTRICTS

Section

- 17.02.01 General provisions
- 17.02.02 Tax Increment Financing District No. 3

§ 17.02.01 GENERAL PROVISIONS.

In order to carry out the intent, purposes, and provisions of this Code, the city is hereby divided into the following zoning districts:

- (A) R-1 Residential: Single-Family, Low Density;
- (B) R-2 Residential: Single-Family, Medium Density;
- (C) R-3 Residential: Two-Family, Low Density;
- (D) R-4 Residential: Multi-Family, Medium Density;
- (E) MH Residential: Manufactured Housing;
- (F) C-1 Commercial: General;
- (G) C-2 Commercial: Downtown; and
- (H) I Industrial.

§ 17.02.02 TAX INCREMENT FINANCING DISTRICT NO. 3.

Pursuant to Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-8, the city's TIF District No. 3 is hereby dissolved, effective December 31, 2012.
(Ord. 2012-20, passed 12-3-2012)

CHAPTER 17.03: R-1 RESIDENTIAL: SINGLE FAMILY, LOW DENSITY

Section

17.03.01	Purpose
17.03.02	Permitted uses
17.03.03	Special uses
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17.03.06	Size regulations for accessory uses: primary and detached accessory structures
17.03.07	Minimum lot size-interior lots
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17.03.14	Maximum density
17.03.15	Maximum building/structure coverage
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17.03.17	Off-street parking and loading requirements
17.03.18	Site plan approval

§ 17.03.01 PURPOSE.

The R-1 Residential District is intended to include those portions of the city recently developed, predominantly with one-family dwellings on individual lots, where it is deemed desirable to maintain and encourage this pattern of development, or those undeveloped portions of the city or contiguous areas seeking annexation and proposed for new residential development, where it is deemed desirable to encourage this pattern of predominant land usage and density of population without placing undue burdens on the city's public facilities and infrastructure or undue automotive traffic concentration.

§ 17.03.02 PERMITTED USES.

No building, structure, premises, or land shall be used, erected, or altered hereafter within any R-1 Residential District, except for the following uses, unless otherwise provided for in this title:

(A) One-family detached dwelling;

(B) Parks, recreation areas and recreation buildings operated by a unit of government, and government buildings, but not including storage yards or buildings for the housing of trucks, contractor's equipment, poles, pipe, road building materials, or similar materials; and

(C) Home occupations (subject to Chapter 17.14).

§ 17.03.03 SPECIAL USES.

The following uses may be allowed through a special use permit in the R-1 Residential District:

(A) Churches, temples, and other places of worship;

(B) Agriculture, truck gardening, and horticultural nurseries, but not including the raising, housing, pasturing, or keeping of bees, fowl, or livestock;

(C) Public or private schools offering general instruction between kindergarten and twelfth-grade levels, and public or private colleges offering courses leading toward an associate, baccalaureate, or advanced degree in arts or science, or a comparable recognized degree;

(D) Government buildings and facilities, operated by units of government, including storage yards or buildings for the housing of trucks, water and sewer treatment utilities, contractor's equipment, poles, pipe, road building materials, or similar materials;

(E) Libraries and public museums; and

(F) Home occupations (if a conditional use permit has not been granted).

§ 17.03.04 HEIGHT REGULATIONS-PRIMARY STRUCTURE.

No primary building or structure shall be erected or altered to exceed 35 feet in height.

§ 17.03.05 HEIGHT REGULATIONS-DETACHED ACCESSORY STRUCTURE.

No detached accessory building or structure shall be erected or altered to exceed 20 feet in height or the height of the primary structure, whichever is less.

§ 17.03.06 SIZE REGULATIONS FOR ACCESSORY USES: PRIMARY AND DETACHED ACCESSORY STRUCTURES.

Notwithstanding § 17.03.15, the 60% of the primary structure maximum size allowable for the combination of all detached structures stated above shall be waived if the total of all buildings and structures located on a lot do not exceed 10% coverage of the total lot area. If the 60% clause stated in this section is waived, no individual accessory building may have a footprint exceeding 1,250 square feet. (Ord. 2006-10, passed - -; Ord. 2006-11, passed - -)

§ 17.03.07 MINIMUM LOT SIZE-INTERIOR LOTS.

In the R-1 Residential District, each interior lot shall have a minimum area of at least 9,000 square feet, a minimum lot width of at least 75 feet, and a minimum lot depth of at least 120 feet.

§ 17.03.08 MINIMUM LOT SIZE-CORNER LOTS.

In the R-1 Residential District, each corner lot shall have a minimum area of at least 10,800 square feet, a minimum lot width of at least 90 feet, and a minimum lot depth of at least 120 feet.

§ 17.03.09 YARD REQUIREMENTS-GENERALLY.

(A) On every interior lot in the R-1 Residential District, a front yard, a rear yard, and two side yards are required.

(B) On every corner lot, a front yard, an interior side yard, a street side yard, and a rear yard are required. The rear yard shall be opposite the front yard upon which the front of the primary structure(s) abuts. In the case where a building or structure sits at an angle on a corner lot, a primary front yard and a rear yard shall be determined.

(C) No primary building or structure nor any detached accessory building or structure may protrude into the required front yard, rear yard, or side yards, except as allowed by this Code.

§ 17.03.10 FRONT YARD REQUIREMENTS/SETBACKS.

(A) In the R-1 Residential District, each lot shall have a front yard of at least 30 feet from the nearest right-of-way line or property line to a primary building or structure.

(B) Notwithstanding the minimum front yard requirements/setbacks, where primary structures on the same block and same side of the street of the proposed new primary structure or addition are closer to the right-of-way than the minimum allowed, the new structure or addition may be built up to the average front yard requirement/setback for that block; however, this regulation shall not be interpreted to require a front yard of more than the minimum required.

§ 17.03.11 SIDE YARD REQUIREMENTS/SETBACKS.

In the R-1 Residential District, each lot shall have a side yard of at least ten feet from the nearest right-of-way line or property line to all primary and detached accessory structures. No primary building or structure nor detached accessory building or structure may be located in the required ten-foot setback.

§ 17.03.12 REAR YARD REQUIREMENTS/SETBACKS-PRIMARY STRUCTURES.

In the R-1 Residential District, each lot shall have a rear yard of at least 25 feet from the nearest right-of-way line or property line to a primary structure.

§ 17.03.13 REAR YARD REQUIREMENTS/SETBACKS-DETACHED ACCESSORY STRUCTURES.

In the R-1 Residential District, each lot shall have a rear yard of at least five feet from the nearest right-of-way line or property line to a detached accessory building or structure.

§ 17.03.14 MAXIMUM DENSITY.

In the R-1 Residential District, the maximum number of dwelling units per acre shall not exceed 3.8.

§ 17.03.15 MAXIMUM BUILDING/STRUCTURE COVERAGE.

In the R-1 Residential District, the amount of the total lot area that may be covered by all primary and detached accessory buildings and structures shall not exceed 30%.

§ 17.03.16 MAXIMUM IMPERVIOUS COVERAGE.

In the R-1 Residential District, the amount of the total lot area which may be covered by all primary buildings and structures, accessory buildings and structures, and improved surfaces shall not exceed 60%.

§ 17.03.17 OFF-STREET PARKING AND LOADING REQUIREMENTS.

In the R-1 Residential District, all uses shall be provided with off-street parking space according to the following schedule.

(A) *Dwelling units.* Two off-street parking spaces per dwelling unit. Such parking spaces shall be located on the same lot as the dwelling unit.

(B) *Other permitted uses.* One off-street parking space per person normally employed on the lot during a typical shift or one off-street parking space per two person(s) attending a typical service or program, whichever is greater. Parking shall be on aggregate or improved parking surfaces and shall not be located in the required front yard nor more than 150 feet from the lot served.

(C) *Special uses.* As determined in the special use process and stated in the special use permit. Improved parking surface shall be located per the special use permit.

§ 17.03.18 SITE PLAN APPROVAL.

Before any permit is issued in an R-1 Residential District for a permitted or special use, a site plan shall be submitted to the Zoning Officer and/or Planning and Zoning Board for approval. Such site plan shall conform to the requirements of Chapter 17.21.

CHAPTER 17.04: R-2 RESIDENTIAL: SINGLE-FAMILY, MEDIUM DENSITY

Section

17.04.01	Purpose
17.04.02	Permitted uses
17.04.03	Special uses
17.04.04	Height regulations-primary structures
17.04.05	Height regulations-detached accessory structures
17.04.06	Size regulations for accessory uses: primary and accessory structures
17.04.07	Minimum lot size-interior lots
17.04.08	Minimum lot size-corner lots
17.04.09	Yard requirements-generally
17.04.10	Front yard requirements/setbacks
17.04.11	Side yard requirements/setbacks
17.04.12	Rear yard requirements/setbacks-primary structures
17.04.13	Rear yard requirements/setbacks-detached accessory structures
17.04.14	Maximum density
17.04.15	Maximum building/structure coverage
17.04.16	Maximum impervious coverage
17.04.17	Off-street parking and loading requirements
17.04.18	Site plan approval

§ 17.04.01 PURPOSE.

The R-2 Residential District is intended to include those older, already developed portions of the city where one-family detached dwelling on smaller individual lots predominate, where it is deemed desirable to maintain and protect this pattern of development, without imposing the undue burden of nonconformity to present-day standards and densities of residential single-family development and without placing undue burdens on the city's public facilities and infrastructure or undue automotive traffic concentration.

§ 17.04.02 PERMITTED USES.

No building, structure, premises, or land shall be used, erected, or altered hereafter within any R-2 Residential District, except for the following uses, unless otherwise provided for in this title:

(A) One-family detached dwelling;

(B) Parks, recreation areas and recreation buildings operated by a unit of government, and government buildings, but not including storage yards or buildings for the housing of trucks, contractor's equipment, poles, pipe, road building materials, or similar materials; and

(C) Home occupation (subject to Chapter 17.14).

§ 17.04.03 SPECIAL USES.

The following uses may be allowed through a special use permit in the R-2 Residential District:

(A) Churches, temples, and other places of worship;

(B) Agriculture, truck gardening, and horticultural nurseries, but not including the raising, housing, pasturing, or keeping of bees, fowl, or livestock;

(C) Public or private schools offering general instruction between kindergarten and twelfth-grade levels, and public or private colleges offering courses leading toward an associate, baccalaureate, or advanced degree in arts or science, or a comparable recognized degree;

(D) Government buildings and facilities, operated by units of government, including storage yards or buildings for the housing of trucks, water and sewer treatment utilities, contractor's equipment, poles, pipe, road building materials, or similar materials;

(E) Libraries and public museums; and

(F) Home occupation (if a conditional permit has not been granted).

§ 17.04.04 HEIGHT REGULATIONS-PRIMARY STRUCTURES.

No primary building or structure shall be erected or altered to exceed 35 feet in height.

§ 17.04.05 HEIGHT REGULATIONS-DETACHED ACCESSORY STRUCTURES.

No detached accessory building or structure shall be erected or altered to exceed 20 feet in height or the height of the primary structure, whichever is less.

§ 17.04.06 SIZE REGULATIONS FOR ACCESSORY USES: PRIMARY AND ACCESSORY STRUCTURES.

(A) No primary structure shall have an accessory use exceeding 50% of the square footage of the footprint of the primary structure. Example: an attached garage, of a two-story house having a total footprint of 30 feet by 30 feet, may not exceed 450 square feet.

(B) No detached accessory building(s) or structure(s), either individually or in combination, shall exceed 60% of the total square footage of the footprint of the primary structure or 750 square feet, whichever is less. Example: a detached garage and garden shed, on a lot with a two-story house having a total foundation of 30 feet by 30 feet, including an attached garage of 450 square feet, may not exceed 540 square feet in combination.

§ 17.04.07 MINIMUM LOT SIZE-INTERIOR LOTS.

In the R-2 Residential District, each interior lot shall have a minimum area of at least 6,000 square feet, a minimum lot width of at least 50 feet, and a minimum lot depth of at least 120 feet.

§ 17.04.08 MINIMUM LOT SIZE-CORNER LOTS.

In the R-2 Residential District, each corner lot shall have a minimum area of at least 7,200 square feet, a minimum lot width of at least 60 feet, and a minimum lot depth of at least 120 feet.

§ 17.04.09 YARD REQUIREMENTS-GENERALLY.

(A) On every interior lot in the R-2 Residential District, a front yard, a rear yard, and two side yards are required.

(B) On every corner lot, a front yard, an interior side yard, a street side yard, and a rear yard are required. The rear yard shall be opposite the front yard upon which the front of the primary structure(s) abuts. In the case where a building or structure sits at an angle on a corner lot, a primary front yard and a rear yard shall be determined.

(C) No primary building or structure nor any detached accessory building or structure may protrude into the required front yard, rear yard, or side yards, except as allowed by this Code.

§ 17.04.10 FRONT YARD REQUIREMENTS/SETBACKS.

(A) In the R-2 Residential District, each lot shall have a front yard of at least 30 feet from the nearest right-of-way line or property line to a primary building or structure.

(B) Notwithstanding the minimum front yard requirements/setbacks, where primary structures on the same block and same side of the street of the proposed new primary structure or addition are closer to the right-of-way than the minimum allowed, the new structure or addition may be built up to the average front yard requirement/setback for that block; however, this regulation shall not be interpreted to require a front yard of more than the minimum required.

§ 17.04.11 SIDE YARD REQUIREMENTS/SETBACKS.

In the R-2 Residential District, each lot shall have an interior side yard of at least five feet from the nearest property line to all primary and detached accessory structures. On corner lots, a street side yard of at least ten feet from the nearest property line to all primary and accessory structures shall be provided. No primary building or structure nor detached accessory building or structure may be located in the required setback.

§ 17.04.12 REAR YARD REQUIREMENTS/SETBACKS-PRIMARY STRUCTURES.

In the R-2 Residential District, each lot shall have a rear yard of at least 25 feet from the nearest right-of-way line or property line to a primary building or structure.

§ 17.04.13 REAR YARD REQUIREMENTS/SETBACKS-DETACHED ACCESSORY STRUCTURES.

In the R-2 Residential District, each lot shall have a rear yard of at least five feet from the nearest right-of-way line or property line to a detached accessory building or structure.

§ 17.04.14 MAXIMUM DENSITY.

In the R-2 Residential District, the number of dwelling units per acre shall not exceed 5.8.

§ 17.04.15 MAXIMUM BUILDING/STRUCTURE COVERAGE.

In the R-2 Residential District, the amount of the total lot area that may be covered by all primary and detached accessory buildings and structures shall not exceed 30%.

§ 17.04.16 MAXIMUM IMPERVIOUS COVERAGE.

In the R-2 Residential District, the amount of the total lot area which may be covered by all primary buildings and structures, detached accessory buildings and structures, and impervious surfaces shall not exceed 60%.

§ 17.04.17 OFF-STREET PARKING AND LOADING REQUIREMENTS.

In the R-2 Residential District, all uses shall be provided with off-street parking space according to the following schedule.

(A) *Dwelling units.* Two off-street parking spaces per dwelling unit. Such parking spaces shall be located on the same lot as the dwelling unit.

(B) *Other permitted uses.* One off-street parking space per person normally employed on the lot during a typical shift or one off-street parking space per two person(s) attending a typical service or program, whichever is greater. Parking shall be on aggregate or improved parking surfaces and shall not be located in the required front yard nor more than 150 feet from the lot served.

(C) *Special uses.* As determined in the special use process and stated in the special use permit. Aggregate or improved parking surface shall be located per the special use permit.

§ 17.04.18 SITE PLAN APPROVAL.

Before any permit is issued in an R-2 Residential District for a permitted or special use, a site plan shall be submitted to the Zoning Officer and/or Planning and Zoning Board for approval. Such site plan shall conform to the requirements of Chapter 17.21.

CHAPTER 17.05: R-3 RESIDENTIAL: TWO-FAMILY, LOW DENSITY

Section

17.05.01	Purpose
17.05.02	Permitted uses
17.05.03	Special uses
17.05.04	Height regulations-primary structures
17.05.05	Height regulations-detached accessory structures
17.05.06	Size regulations for accessory uses: primary and detached accessory structure
17.05.07	Minimum lot size-interior lots
17.05.08	Minimum lot size-corner lots
17.05.09	Yard requirements-generally
17.05.10	Front yard requirements/setbacks
17.05.11	Side yard requirements/setbacks
17.05.12	Rear yard requirements/setbacks-primary structures
17.05.13	Rear yard requirements/setbacks-detached accessory structures
17.05.14	Maximum density
17.05.15	Maximum building/structure coverage
17.05.16	Maximum lot coverage
17.05.17	Off-street parking and loading requirements
17.05.18	Site plan approval

§ 17.05.01 PURPOSE.

The R-3 Residential District is intended to provide areas within the city limits where two-family dwellings, of a duplex style, might be developed without placing undue burdens on the city's public facilities and infrastructure or undue automotive traffic concentration. Densities of approximately six family dwelling units per acre are allowed.

§ 17.05.02 PERMITTED USES.

No building, structure, premises, or land shall be used, erected or altered hereafter within any R-3 Residential District, except for the following uses, unless otherwise provided for in this title:

(A) Two-family dwelling;

(B) One-family detached dwelling, subject to the regulations of the R-1 Residential District;

(C) Parks, recreation areas and recreation buildings operated by a unit of government, and government buildings, but not including storage yards or buildings for the housing of trucks, contractor's equipment, poles, pipe, road building materials, or similar materials; and

(D) Home occupations (subject to Chapter 17.14).

§ 17.05.03 SPECIAL USES.

The following uses may be allowed through a special use permit in the R-3 Residential District:

(A) Sheltered care homes or nursing homes;

(B) Churches, temples, and other places of worship;

(C) Agriculture, truck gardening, and horticultural nurseries, but not including the raising, housing, pasturing, or keeping of bees, fowl, or livestock;

(D) Public or private schools offering general instruction between kindergarten and twelfth-grade levels, and public or private colleges offering courses leading toward an associate, baccalaureate, or advanced degree in arts or science, or a comparable recognized degree;

(E) Government buildings and facilities, operated by units of government, including storage yards or buildings for the housing of trucks, water and sewer treatment utilities, contractor's equipment, poles, pipe, road building materials, or similar materials;

(F) Libraries and public museums; and

(G) Home occupations (if a conditional permit has not been granted).

§ 17.05.04 HEIGHT REGULATIONS-PRIMARY STRUCTURES.

No primary building or structure shall be erected or altered to exceed 35 feet in height.

§ 17.05.05 HEIGHT REGULATIONS-DETACHED ACCESSORY STRUCTURES.

No detached accessory building or structure shall be erected or altered to exceed 20 feet in height.

§ 17.05.06 SIZE REGULATIONS FOR ACCESSORY USES: PRIMARY AND DETACHED ACCESSORY STRUCTURE.

(A) No primary structure shall have an accessory use exceeding 50% of the square footage of the footprint of the primary structure. Example: an attached garage, of a two-story duplex having a total footprint of 60 feet by 60 feet, may not exceed 1,800 square feet.

(B) No detached accessory building(s) or structure(s), either individually or in combination, shall exceed 60% of the total square footage of the footprint of the primary structure or 1,200 square feet, whichever is less. Example: a detached garage and garden shed, on a lot with a two-story duplex having a total footprint of 60 feet by 60 feet, including an attached garage of 1,800 square feet, may not exceed 1,200 square feet.

§ 17.05.07 MINIMUM LOT SIZE-INTERIOR LOTS.

In the R-3 Residential District, each interior lot shall have a minimum area of at least 12,800 square feet, a minimum lot width of at least 80 feet, and a minimum lot depth of at least 160 feet.

§ 17.05.08 MINIMUM LOT SIZE-CORNER LOTS.

In the R-3 Residential District, each corner lot shall have a minimum area of at least 12,800 square feet, a minimum lot width of at least 80 feet, and a minimum lot depth of at least 160 feet.

§ 17.05.09 YARD REQUIREMENTS-GENERALLY.

(A) On every interior lot in the R-3 Residential District, a front yard, a rear yard, and two side yards are required.

(B) On every corner lot, a front yard, an interior side yard, a street side yard, and a rear yard are required. The rear yard shall be opposite the front yard upon which the front of the primary structure(s) abuts. In the case where a building or structure sits at an angle on a corner lot, a primary front yard and a rear yard shall be determined.

(C) No primary building or structure nor any detached accessory building or structure may protrude into the required front yard, rear yard, or side yard, except as allowed by this Code.

§ 17.05.10 FRONT YARD REQUIREMENTS/SETBACKS.

(A) In the R-3 Residential District, each lot shall have a front yard of at least 20 feet from the nearest right-of-way line or property line to a primary building or structure.

(B) Notwithstanding the minimum front yard requirements/setbacks, where primary structures on the same block and same side of the street of the proposed new primary structure or addition are closer to the right-of-way than the minimum allowed, the new structure or addition may be built up to the average front yard requirement/setback for that block; however, this regulation shall not be interpreted to require a front yard of more than the minimum required.

§ 17.05.11 SIDE YARD REQUIREMENTS/SETBACKS.

In the R-3 Residential District, each lot shall have an interior side yard of at least five feet from the nearest right-of-way line or property line to all primary structures. On corner lots, a street side yard of at least ten feet from the nearest property line to all primary and accessory structures shall be provided. No primary building or structure nor detached accessory building or structure may be located in the required setback.

§ 17.05.12 REAR YARD REQUIREMENTS/SETBACKS-PRIMARY STRUCTURES.

In the R-3 Residential District, each lot shall have a rear yard of at least five feet from the nearest right-of-way line or property line to a primary building or structure.

§ 17.05.13 REAR YARD REQUIREMENTS/SETBACKS-DETACHED ACCESSORY STRUCTURES.

In the R-3 Residential District, each lot shall have a rear yard of at least five feet from the nearest right-of-way line or property line to a detached accessory structure.

§ 17.05.14 MAXIMUM DENSITY.

In the R-3 Residential District, the number of dwelling units per lot shall not exceed four units.

§ 17.05.15 MAXIMUM BUILDING/STRUCTURE COVERAGE.

In the R-3 Residential District, the amount of the total lot area that may be covered by all primary and detached accessory buildings and structures shall not exceed 60%.

§ 17.05.16 MAXIMUM LOT COVERAGE.

In the R-3 Residential District, the amount of the total lot area which may be covered by all primary buildings and structures, detached accessory buildings and structures, and improved surfaces shall not exceed 80%.

§ 17.05.17 OFF-STREET PARKING AND LOADING REQUIREMENTS.

In the R-3 Residential District, all uses shall be provided with off-street parking space according to the following schedule.

(A) *Dwelling units.* One off-street parking spaces per dwelling unit. Such parking spaces shall be located on the same lot as the dwelling unit.

(B) *Other permitted uses.* One off-street parking space per person normally employed on the lot during a typical shift or one off-street parking space per two person(s) attending a typical service or program, whichever is greater. Parking shall be on aggregate or improved parking surfaces and shall not be located in the required front yard nor more than 150 feet from the lot served.

(C) *Special uses.* As determined in the special use process and stated in the special use permit. Aggregate or improved parking surface shall be located per the special use permit.

§ 17.05.18 SITE PLAN APPROVAL.

Before any permit is issued in an R-3 Residential District for a permitted or special use, a site plan shall be submitted to the Zoning Officer and/or Planning and Zoning Board for approval. Such site plan shall conform to the requirements of Chapter 17.21.

CHAPTER 17.06: R-4 RESIDENTIAL: MULTI-FAMILY, MEDIUM DENSITY

Section

17.06.01	Purpose
17.06.02	Permitted uses
17.06.03	Special uses
17.06.04	Height regulations-primary structures
17.06.05	Height regulations-detached accessory structures
17.06.06	Size regulations for accessory uses: primary and detached accessory structures
17.06.07	Minimum lot size-interior lots
17.06.08	Minimum lot size-corner lots
17.06.09	Yard requirements-generally
17.06.10	Front yard requirements/setbacks
17.06.11	Side yard requirements/setbacks
17.06.12	Rear yard requirements/setbacks-primary structures
17.06.13	Rear yard requirements/setbacks-detached accessory structures
17.06.14	Maximum density
17.06.15	Maximum building/structure coverage
17.06.16	Maximum lot coverage
17.06.17	Off-street parking and loading requirements
17.06.18	Site plan approval

§ 17.06.01 PURPOSE.

The R-4 Residential District is intended to provide areas within the city limits where multi-family dwellings might be developed without placing undue burdens on the city's public facilities and infrastructure or undue automotive traffic concentration. This district is further designated to provide a buffer between more intensive commercial and light-industrial uses and lower density residential uses. This district is designed for the needs of persons desiring multiple-family dwellings at a maximum density of 18 dwelling units per acre. Each dwelling unit shall have a minimum lot area of 2,420 square feet.

§ 17.06.02 PERMITTED USES.

No building, structure, premises, or land shall be used, erected, or altered hereafter within any R-4 Residential District, except for the following uses, unless otherwise provided for in this title:

- (A) Multi-family dwelling;
- (B) Two-family dwelling, subject to the regulations of the R-3 Residential District;
- (C) One-family detached dwelling, subject to the regulations of the R-1 Residential District;

(D) Libraries and public museums; and

(E) Parks, recreation areas and recreation buildings operated by a unit of government, and government buildings, but not including schools, storage yards or buildings for the housing of trucks, contractor's equipment, poles, pipe, road building materials, or similar materials.

§ 17.06.03 SPECIAL USES.

The following uses may be allowed through a special use permit in the R-4 Residential District:

(A) Sheltered care homes or nursing homes;

(B) Churches, temples, and other places of worship;

(C) Agriculture, truck gardening, and horticultural nurseries, but not including the raising, housing, pasturing, or keeping of bees, fowl, or livestock;

(D) Public or private schools offering general instruction between kindergarten and twelfth-grade levels, and public or private colleges offering courses leading toward an associate, baccalaureate, or advanced degree in arts or science, or a comparable recognized degree; and

(E) Government buildings and facilities, operated by units of government, including storage yards or buildings for the housing of trucks, water and sewer treatment utilities, contractor's equipment, poles, pipe, road building materials, or similar materials.

§ 17.06.04 HEIGHT REGULATIONS-PRIMARY STRUCTURES.

No primary building or structure shall be erected or altered to exceed 45 feet in height.

§ 17.06.05 HEIGHT REGULATIONS-DETACHED ACCESSORY STRUCTURES.

No detached accessory building or structure shall be erected or altered to exceed 20 feet in height or the height of the primary structure, whichever is less.

§ 17.06.06 SIZE REGULATIONS FOR ACCESSORY USES: PRIMARY AND DETACHED ACCESSORY STRUCTURES.

(A) No primary structure shall have an accessory use exceeding 50% of the square footage of the footprint of the primary structure. Example: an attached garage, of a three-story apartment building having a footprint of 60 feet by 40 feet, may not exceed 1,200 square feet.

(B) No detached accessory building(s) or structure(s), either individually or in combination, shall exceed 60% of the total square footage of the footprint of the primary structure. The maximum size of a detached structure(s), either individually or in combination, shall not exceed 1,200 square feet. Example:

a detached garage and garden shed, on a lot with a three-story apartment building having a total footprint of 60 feet by 40 feet, including an attached garage of 1,800 square feet, may not exceed 1,200 square feet.

§ 17.06.07 MINIMUM LOT SIZE-INTERIOR LOTS.

In the R-4 Residential District, each interior lot shall have a minimum area of at least 10,500 square feet, a minimum lot width of at least 80 feet, and a minimum lot depth of at least 100 feet.

§ 17.06.08 MINIMUM LOT SIZE-CORNER LOTS.

In the R-4 Residential District, each corner lot shall have a minimum area of at least 10,500 square feet, a minimum lot width of at least 80 feet, and a minimum lot depth of at least 100 feet.

§ 17.06.09 YARD REQUIREMENTS-GENERALLY.

(A) On every interior lot in the R-4 Residential District, a front yard, a rear yard, and two side yards are required.

(B) On every corner lot, a front yard, an interior side yard, a street side yard and a rear yard are required. The rear yard shall be opposite the front yard upon which the front of the primary structure(s) abuts. In the case where a building or structure sits at an angle on a corner lot, a primary front yard and a rear yard shall be determined.

(C) No primary building or structure nor any detached accessory building or structure may protrude into the required front yard, rear yard, or side yards, except as allowed by this Code.

§ 17.06.10 FRONT YARD REQUIREMENTS/SETBACKS.

(A) In the R-4 Residential District, each lot shall have a front yard of at least 30 feet from the nearest right-of-way line or property line to a primary building or structure.

(B) Notwithstanding the minimum front yard requirements/setbacks, where primary structures on the same block and same side of the street of the proposed new primary structure or addition are closer to the right-of-way than the minimum allowed, the new structure or addition may be built up to the average front yard requirement/setback for that block; however, this regulation shall not be interpreted to require a front yard of more than the minimum required.

§ 17.06.11 SIDE YARD REQUIREMENTS/SETBACKS.

In the R-4 Residential District, each lot shall have a side yard of at least ten feet from the nearest right-of-way line or property line to all primary structures. No primary building or structure nor detached accessory building or structure may be located in the required ten-foot setback.

§ 17.06.12 REAR YARD REQUIREMENTS/SETBACKS-PRIMARY STRUCTURES.

In the R-4 Residential District, each lot shall have a rear yard of at least 25 feet from the nearest right-of-way line or property line to a primary building or structure.

§ 17.06.13 REAR YARD REQUIREMENTS/SETBACKS-DETACHED ACCESSORY STRUCTURES.

In the R-4 Residential District, each lot shall have a rear yard of at least five feet from the nearest right-of-way line or property line to a detached accessory structure.

§ 17.06.14 MAXIMUM DENSITY.

In the R-4 Residential District, the number of dwelling units per lot shall not exceed 18 units.

§ 17.06.15 MAXIMUM BUILDING/STRUCTURE COVERAGE.

In the R-4 Residential District, the amount of the total lot area which may be covered by all primary and detached accessory buildings and structures and detached accessory buildings and structures shall not exceed 30%.

§ 17.06.16 MAXIMUM LOT COVERAGE.

In the R-4 Residential District, the amount of the total lot area which may be covered by all primary buildings and structures, detached accessory buildings and structures, and improved surfaces shall not exceed 60%.

§ 17.06.17 OFF-STREET PARKING AND LOADING REQUIREMENTS.

In the R-4 Residential District, all uses shall be provided with off-street parking space according to the following schedule.

(A) *Dwelling units.* Two off-street parking spaces per dwelling unit. Such parking spaces shall be located on the same lot as the dwelling unit.

(B) *Other permitted uses.* One off-street parking space per person normally employed on the lot during a typical shift. Or one off-street parking space per two person(s) attending a typical service or program, whichever is greater. Parking shall be on aggregate or improved parking surfaces and shall not be located in the required front yard nor more than 150 feet from the lot served.

(C) *Special uses.* As determined in the special use process and stated in the special use permit. Aggregate or improved parking surface shall be located per the special use permit.

§ 17.06.18 SITE PLAN APPROVAL.

Before any permit is issued in an R-4 Residential District for a permitted or special use, a site plan shall be submitted to the Zoning Officer and/or Planning and Zoning Board for approval. Such site plan shall conform to the requirements of Chapter 17.21.

CHAPTER 17.07: MH RESIDENTIAL: MANUFACTURED HOME

Section

17.07.01	Purpose
17.07.02	Permitted uses
17.07.03	Special uses
17.07.04	Height regulations-primary structures
17.07.05	Height regulations-detached accessory structures
17.07.06	Size regulations for accessory uses: primary and detached accessory structures
17.07.07	Minimum lot size-interior lots
17.07.08	Minimum lot size-corner lots
17.07.09	Yard requirements-generally
17.07.10	Front yard requirements/setbacks
17.07.11	Side yard requirements/setbacks
17.07.12	Rear yard requirements/setbacks-primary structures
17.07.13	Rear yard requirements/setbacks-detached accessory structures
17.07.14	Maximum density
17.07.15	Maximum building/structure coverage
17.07.16	Maximum lot coverage
17.07.17	Off-street parking and loading requirements
17.07.18	Site plan approval

§ 17.07.01 PURPOSE.

It is the purpose of the MH Manufactured Home District to provide adequate and reasonable regulations for those areas in the city where manufactured homes or trailer homes are already established or where it be appropriate to encourage such use, without placing undue burdens on the city's public facilities and infrastructure or undue automotive traffic concentration.

§ 17.07.02 PERMITTED USES.

No building, structure, premises, or land shall be used, erected, or altered hereafter within any MH Manufactured Home District, except for the following uses, unless otherwise provided for in this title:

(A) Manufactured homes or trailer coach housing, provided that such housing has a crawl space or is anchored to a permanent foundation;

(B) Multi-family dwelling, subject to the regulations of the R-4 Residential District;

(C) Two-family dwelling, subject to the regulations of the R-3 Residential District;

(D) One-family detached dwelling, subject to the regulations of the R-1 Residential District;

(E) Libraries and public museums; and

(F) Parks, recreation areas and recreation buildings operated by a unit of government, and government buildings, but not including, schools, storage yards or buildings for the housing of trucks, contractor's equipment, poles, pipe, road building materials, or similar materials.

§ 17.07.03 SPECIAL USES.

The following uses may be allowed through a special use permit in the MH Manufactured Home District:

(A) Sheltered care homes or nursing homes;

(B) Churches, temples, and other places of worship;

(C) Agriculture, truck gardening, and horticultural nurseries, but not including the raising, housing, pasturing, or keeping of bees, fowl, or livestock;

(D) Public or private schools offering general instruction between kindergarten and twelfth-grade levels, and public or private colleges offering courses leading toward an associate, baccalaureate, or advanced degree in arts or science, or a comparable recognized degree; and

(E) Government buildings and facilities, operated by units of government, including storage yards or buildings for the housing of trucks, water and sewer treatment utilities, contractor's equipment, poles, pipe, road building materials, or similar materials.

§ 17.07.04 HEIGHT REGULATIONS-PRIMARY STRUCTURES.

No primary building or structure shall be erected or altered to exceed 20 feet in height.

§ 17.07.05 HEIGHT REGULATIONS-DETACHED ACCESSORY STRUCTURES.

No detached accessory building or structure shall be erected or altered to exceed 15 feet in height or the height of the primary structure, whichever is less.

§ 17.07.06 SIZE REGULATIONS FOR ACCESSORY USES: PRIMARY AND DETACHED ACCESSORY STRUCTURES.

(A) No primary structure shall have an accessory use exceeding 50% of the square footage of the footprint of the primary structure. Example: an attached garage, of a two-story manufactured home having a total footprint of 40 feet by 60 feet, may not exceed 1,200 square feet.

(B) No detached accessory building(s) or structure(s), either individually or in combination, shall exceed 60% of the total square footage of the footprint of the primary structure. The maximum size of a detached structure(s), either individually or in combination, shall not exceed 1,200 square feet, whichever is less. Example: a detached garage and garden shed, on a lot with a two-story manufactured house having a total footprint of 40 feet by 60 feet, including an attached garage of 1,200 square feet, may not exceed 1,200 square feet in combination.

§ 17.07.07 MINIMUM LOT SIZE-INTERIOR LOTS.

In the MH Manufactured Home District, each interior lot shall have a minimum area of at least 7,200 square feet, a minimum lot width of at least 60 feet, and a minimum lot depth of at least 120 feet.

§ 17.07.08 MINIMUM LOT SIZE-CORNER LOTS.

In the MH Manufactured Home District, each corner lot shall have a minimum area of at least 9,000 square feet, a minimum lot width of at least 75 feet, and a minimum lot depth of at least 120 feet.

§ 17.07.09 YARD REQUIREMENTS-GENERALLY.

(A) On every interior lot in the MH Manufactured Home District, a front yard, a rear yard, and two side yards are required.

(B) On every corner lot, a front yard, an interior side yard, a street side yard, and a rear yard are required. The rear yard shall be opposite the front yard upon which the front of the primary structure(s) abuts. In the case where a building or structure sits at an angle on a corner lot, a primary front yard and a rear yard shall be determined.

(C) No primary building or structure nor any detached accessory building or structure may protrude into the required front yard, rear yard, or side yards, except as allowed by this Code.

§ 17.07.10 FRONT YARD REQUIREMENTS/SETBACKS.

(A) In the MH Manufactured Home District, each lot shall have a front yard of at least 25 feet from the nearest right-of-way line or property line to a primary building or structure.

(B) Notwithstanding the minimum front yard requirements/setbacks; where primary structures on the same block and same side of the street of the proposed new primary structure or addition are closer to the right-of-way than the minimum allowed, the new structure or addition may be built up to the average front yard requirement/setback for that block; however, this regulation shall not be interpreted to require a front yard of more than the minimum required.

§ 17.07.11 SIDE YARD REQUIREMENTS/SETBACKS.

(A) In the MH Manufactured Home District, each lot shall have an interior side yard of at least five feet from the nearest property line to all primary structures. On corner lots, a street side yard of at least ten feet from the nearest property line to all primary and accessory structures shall be provided.

(B) No primary building or structure nor detached accessory building or structure may be located in the required setback.

§ 17.07.12 REAR YARD REQUIREMENTS/SETBACKS-PRIMARY STRUCTURES.

In the MH Manufactured Home District, each lot shall have a rear yard of at least 15 feet from the nearest right-of-way line or property line to a primary building or structure.

§ 17.07.13 REAR YARD REQUIREMENTS/SETBACKS-DETACHED ACCESSORY STRUCTURES.

In the MH Manufactured Home District, each lot shall have a rear yard of at least five feet from the nearest right-of-way line or property line to a detached accessory structure.

§ 17.07.14 MAXIMUM DENSITY.

In the MH Manufactured Home District, the number of dwelling units per lot shall not exceed one unit.

§ 17.07.15 MAXIMUM BUILDING/STRUCTURE COVERAGE.

In the MH Manufactured Home District, the amount of the total lot area that may be covered by all primary buildings and structures and detached accessory buildings and structures shall not exceed 30%.

§ 17.07.16 MAXIMUM LOT COVERAGE.

In the MH Manufactured Home District, the amount of the total lot area that may be covered by all primary buildings and structures, detached accessory buildings and structures, and impervious surfaces shall not exceed 60%.

§ 17.07.17 OFF-STREET PARKING AND LOADING REQUIREMENTS.

In the MH Manufactured Home District, all uses shall be provided with off-street parking space according to the following schedule.

(A) *Dwelling units.* Two off-street parking spaces per dwelling unit. Such parking spaces shall be located on the same lot as the dwelling unit.

(B) *Other permitted uses.* One off-street parking space per person normally employed on the lot during a typical shift. Or one off-street parking space per two person(s) attending a typical service or program, whichever is greater. Aggregate or improved parking surface shall not be located in the required front yard nor more than 150 feet from the lot served.

(C) *Special uses.* As determined in the special use process and stated in the special use permit. Aggregate or improved parking surface shall be located per the special use permit.

§ 17.07.18 SITE PLAN APPROVAL.

(A) Before any permit is issued in a MH Manufactured Home District for a permitted or special use, a site plan shall be submitted to the Zoning Officer and/or Planning and Zoning Board for approval.

(B) Such site plan shall conform to the requirements of Chapter 17.21.

CHAPTER 17.08: C-1 COMMERCIAL-GENERAL

Section

17.08.01	Purpose
17.08.02	Permitted uses
17.08.03	Special uses
17.08.04	Height regulations-primary structures
17.08.05	Height regulations-detached accessory structures
17.08.06	Size regulations for accessory uses: primary and detached accessory structures
17.08.07	Minimum lot size-interior lot
17.08.08	Minimum lot size-corner lot
17.08.09	Yard requirements-generally
17.08.10	Front yard requirements/setbacks
17.08.11	Side yard requirements/setbacks
17.08.12	Rear yard requirements/setbacks-primary structures
17.08.13	Rear yard requirements/setbacks-detached accessory structures
17.08.14	Maximum building/structure coverage
17.08.15	Maximum lot coverage
17.08.16	Off-street parking and loading requirements
17.08.17	Site plan approval

§ 17.08.01 PURPOSE.

It is the purpose of the C-1 Commercial General District to provide adequate and reasonable regulations for those business areas in the city where general retail business is already established or where it be appropriate to encourage such use, without placing undue burdens on the city's public facilities and infrastructure or undue automotive traffic concentration.

§ 17.08.02 PERMITTED USES.

No building, structure, premises, or land shall be used, erected, or altered hereafter within any C-1 Commercial General District, except for the following uses, unless otherwise provided in this title:

(A) Uses permitted in the C-2 Commercial Downtown District, subject to the regulations of the C-1 Commercial General District, except residential use;

(B) Bowling alleys;

(C) Business, trade, dancing, music, or art schools;

(D) Clubs and other recreational uses conducted primarily in the open, such as golf driving ranges and miniature golf;

(E) Electric substations and telephone exchanges;

(F) Gymnasium;

(G) Indoor theaters, dancehalls;

(H) Lodge halls;

(I) Meeting halls;

(J) Offices; and

(K) Stores and shops for the conduct of any retail business provided all goods or products offered for sale are displayed and stored within a building.

§ 17.08.03 SPECIAL USES.

The following uses may be allowed through a special use permit in the C-1 Commercial General District:

(A) Automotive fuel and service stations and repair shops;

(B) Car, truck, boat, camper, trailer, and titled equipment sales lots;

(C) Communication towers;

(D) Drive-in and drive-through retail services;

(E) Roadside markets, landscape nursery sales, yard building material sales yards, or similar uses where the products are primarily displayed outdoors;

(F) Self service laundry; and

(G) Undertaking establishments and funeral parlors.

§ 17.08.04 HEIGHT REGULATIONS-PRIMARY STRUCTURES.

No primary building or structure shall be erected or altered to exceed 35 feet in height.

§ 17.08.05 HEIGHT REGULATIONS-DETACHED ACCESSORY STRUCTURES.

No detached accessory building or structure shall be erected or altered to exceed 20 feet in height or the height of the primary structure, whichever is less.

§ 17.08.06 SIZE REGULATIONS FOR ACCESSORY USES: PRIMARY AND DETACHED ACCESSORY STRUCTURES.

(A) No primary structure shall have an accessory use exceeding 50% of the square footage of the footprint of the primary structure. Example: an attached storage building, of a one-story retail center having a total footprint of 50 feet by 200 feet, may not exceed 5,000 square feet.

(B) No detached accessory building(s) or structure(s), either individually or in combination, shall exceed 60% of the total square footage of the footprint of primary structure or 2,500 square feet, whichever is less. Example: two detached storage buildings, on a lot with a one-story retail center having a total footprint of 50 feet by 200 feet, including an attached storage building of 5,000 square feet, may not exceed 2,500 square feet.

§ 17.08.07 MINIMUM LOT SIZE-INTERIOR LOT.

In the C-1 Commercial General District, each interior lot shall have a minimum area of at least 9,000 square feet, a minimum lot width of at least 75 feet, and a minimum lot depth of at least 120 feet.

§ 17.08.08 MINIMUM LOT SIZE-CORNER LOT.

In the C-1 Commercial General District, each corner lot shall have a minimum area of at least 10,800 square feet, a minimum lot width of at least 90 feet, and a minimum lot depth of at least 120 feet.

§ 17.08.09 YARD REQUIREMENTS-GENERALLY.

(A) On every interior lot in the C-1 Commercial General District, a front yard, a rear yard, and two side yards are required.

(B) On every corner lot, a front yard, an interior side yard, a street side yard, and a rear yard are required. The rear yard shall be opposite the front yard upon which the front of the primary structure(s) abuts. In the case where a building or structure sits at an angle on a corner lot, a primary front yard and a rear yard shall be determined.

(C) No primary building or structure nor any detached accessory building or structure may protrude into the required front yard, rear yard, or side yards, except as allowed by this Code.

§ 17.08.10 FRONT YARD REQUIREMENTS/SETBACKS.

In the C-1 Commercial General District, each lot shall have a front yard of at least 30 feet from the nearest right-of-way line or property line to a primary building or structure.

§ 17.08.11 SIDE YARD REQUIREMENTS/SETBACKS.

In the C-1 Commercial General District, each lot shall have a side yard of at least ten feet from the nearest right-of-way line or property line to all primary structures. No primary building or structure nor detached accessory building or structure may be located in the required ten-foot setback.

§ 17.08.12 REAR YARD REQUIREMENTS/SETBACKS-PRIMARY STRUCTURES.

In the C-1 Commercial General District, each lot shall have a rear yard of at least 25 feet from the nearest right-of-way line or property line to a primary building or structure.

§ 17.08.13 REAR YARD REQUIREMENTS/SETBACKS-DETACHED ACCESSORY STRUCTURES.

In the C-1 Commercial General District, each lot shall have a rear yard of at least five feet from the nearest right-of-way line or property line to a detached accessory building or structure.

§ 17.08.14 MAXIMUM BUILDING/STRUCTURE COVERAGE.

In the C-1 Commercial General District, the amount of the total lot area that may be covered by all primary buildings and structures and detached accessory buildings and structures shall not exceed 50%.

§ 17.08.15 MAXIMUM LOT COVERAGE.

In the C-1 Commercial General District, the amount of the total lot area that may be covered by all primary buildings and structures, detached accessory buildings and structures and improved surfaces shall not exceed 90%.

§ 17.08.16 OFF-STREET PARKING AND LOADING REQUIREMENTS.

In the C-1 Commercial General District, all uses shall be provided with off-street parking space according to the following schedule.

(A) *Permitted uses.* One off-street parking space per 200 square feet of building space or as determined by the city during the site plan review.

(B) *Special uses.* As determined in the special use process and stated in the special use permit. Aggregate or improved parking surface shall be located per the special use permit.

§ 17.08.17 SITE PLAN APPROVAL.

Before any permit is issued in a C-1 Commercial General District for a permitted or special use, a site plan shall be submitted to the Zoning Officer and/or Planning and Zoning Board for approval. Such site plan shall conform to the requirements of Chapter 17.21.

CHAPTER 17.09: C-2 COMMERCIAL-DOWNTOWN

Section

17.09.01	Purpose
17.09.02	Permitted uses
17.09.03	Special uses
17.09.04	Height regulations-primary structures
17.09.05	Height regulations-detached accessory structures
17.09.06	Size regulations for accessory uses: primary and detached accessory structures
17.09.07	Minimum lot size-interior lot
17.09.08	Minimum lot size-corner lot
17.09.09	Yard requirements-generally
17.09.10	Front yard requirements/setbacks
17.09.11	Side yard requirements/setbacks
17.09.12	Rear yard requirements/setbacks-primary structures
17.09.13	Rear yard requirements/setbacks-detached accessory structures
17.09.14	Maximum density
17.09.15	Maximum building/structure coverage
17.09.16	Off-street parking and loading requirements
17.09.17	Site plan approval

§ 17.09.01 PURPOSE.

The C-2 Commercial Downtown District is intended to provide regulations for the central business district to encourage its continued development, without placing undue burdens on the city's public facilities and infrastructure or undue automotive traffic concentration.

§ 17.09.02 PERMITTED USES.

No building, structure, premises, or land shall be used, erected, or altered hereafter within any C-2 Downtown District, except for the following uses, unless otherwise provided for in this title:

- (A) Arcade;
- (B) Bakeries employing not more than eight persons;
- (C) Banks and financial institutions, but not including drive-through facilities;
- (D) Barbershops, beauty parlors;
- (E) Bowling alley;

- (F) Business and professional offices;
- (G) Catering establishments;
- (H) Dancing academies;
- (I) Repair shops and services for home appliances employing not more than eight persons;
- (J) Employment agencies;
- (K) Garment making and repair establishments employing not more than eight persons;
- (L) Government offices;
- (M) Hotels and motels;
- (N) Laundries or dry-cleaning services employing not more than eight persons;
- (O) Laboratories;
- (P) Locksmith shops;
- (Q) Lodge halls;
- (R) Meeting halls;
- (S) Messenger and communication services;
- (T) Millinery shops;
- (U) Painting and decorating shops;
- (V) Photography studios;
- (W) Plumbing service shops employing not more than eight persons;
- (X) Printing shops;

(Y) Parks, recreation areas and recreation buildings operated by a unit of government, and government buildings, but not including storage yards or buildings for the housing of trucks, contractor's equipment, poles, pipe, road building materials, or similar materials;

- (Z) Public libraries;

(AA) Restaurants, lunchrooms and cafeterias, and places for the sale and consumption of soft drinks, juices, ice cream, and beverages of all kinds, including alcoholic beverages, but excluding drive-ins and drive-throughs;

- (BB) Sharpening or grinding shops;

- (CC) Retail stores and shops;
- (DD) Shoe repair shops employing not more than eight persons;
- (EE) Studios;
- (FF) Tailor shops employing not more than eight persons;
- (GG) Taverns and retail shops for the sale of alcoholic beverages;
- (HH) Telephone exchanges;
- (II) Undertaking establishments; and
- (JJ) Upholstery shops and furniture manufacturing employing not more than eight persons.

§ 17.09.03 SPECIAL USES.

The following uses may be allowed through a special use permit in the C-2 Commercial Downtown District:

- (A) Residential, permitted in any story above ground level. At ground level, dwellings shall not front a primary public street and not exceed 50% of the footprint of building;
- (B) Automotive fuel and service stations and repair shops;
- (C) Car, trailer, tractor, and other titled equipment sales;
- (D) Drive-in and drive-through facilities;
- (E) Gymnasiums;
- (F) Indoor theaters;
- (G) Self-service laundries; and
- (H) Undertaking establishments.

§ 17.09.04 HEIGHT REGULATIONS-PRIMARY STRUCTURES.

No primary building or structure shall be erected or altered to exceed 45 feet in height.

§ 17.09.05 HEIGHT REGULATIONS-DETACHED ACCESSORY STRUCTURES.

No detached accessory building or structure shall be erected or altered to exceed 20 feet in height or the height of the primary structure, whichever is less.

§ 17.09.06 SIZE REGULATIONS FOR ACCESSORY USES: PRIMARY AND DETACHED ACCESSORY STRUCTURES.

(A) No primary structure shall have an attached accessory use exceeding 50% of the square footage of the footprint of the primary structure. Example: an attached garage, of a three-story commercial building having a total footprint of 40 feet by 100 feet, may not exceed 2,000 square feet.

(B) No detached accessory building(s) or structure(s), either individually or in combination, shall exceed 60% of the total square footage of the footprint of the primary structure. The maximum size of a detached accessory structure(s), either individually or in combination, shall not exceed 1,200 square feet, whichever is less. Example: a detached garage and utility shed, on a lot with a three-story commercial building having a total footprint of 40 feet by 100 feet, including an attached garage of 2,000 square feet, may not exceed 1,200 square feet in combination.

§ 17.09.07 MINIMUM LOT SIZE-INTERIOR LOT.

In the C-2 Commercial Downtown District, each interior lot shall have a minimum area of at least 3,200 square feet, a minimum lot width of at least 20 feet, and a minimum lot depth of at least 160 feet.

§ 17.09.08 MINIMUM LOT SIZE-CORNER LOT.

In the C-2 Commercial Downtown District, each corner lot shall have a minimum area of at least 3,200 square feet, a minimum lot width of at least 20 feet, and a minimum lot depth of at least 160 feet.

§ 17.09.09 YARD REQUIREMENTS-GENERALLY.

In the C-2 Commercial Downtown District, front and side yards may be waived according to §§ 17.09.10 and 17.09.11. Rear yards shall follow §§ 17.09.12 and 17.09.13. If constructed, no inner court shall be smaller than six feet wide by 12 feet long.

§ 17.09.10 FRONT YARD REQUIREMENTS/SETBACKS.

In the C-2 Commercial Downtown District, no front yard is required for each lot.

§ 17.09.11 SIDE YARD REQUIREMENTS/SETBACKS.

In the C-2 Commercial Downtown District, no side yards are required for each lot; but, if provided, a side yard shall not be less than eight feet in width.

§ 17.09.12 REAR YARD REQUIREMENTS/SETBACKS-PRIMARY STRUCTURES.

In the C-2 Commercial Downtown District, each lot shall have a rear yard of at least 10% of the depth of the lot, but not less than ten feet in depth.

§ 17.09.13 REAR YARD REQUIREMENTS/SETBACKS-DETACHED ACCESSORY STRUCTURES.

In the C-2 Commercial Downtown District, each lot shall have a rear yard of at least five feet from the nearest right-of-way line or property line to a detached accessory structure.

§ 17.09.14 MAXIMUM DENSITY.

When permitted, the number of residential units per lot shall not exceed 25 dwelling units per acre or one unit per 1,742 square feet.

§ 17.09.15 MAXIMUM BUILDING/STRUCTURE COVERAGE.

In the C-2 Commercial Downtown District, the amount of the total lot which may be covered by all primary buildings and structures and detached accessory buildings and structures shall not exceed 90%.

§ 17.09.16 OFF-STREET PARKING AND LOADING REQUIREMENTS.

In the C-2 Commercial Downtown District, all uses shall be provided with off-street parking space according to the following schedule.

(A) *Commercial uses.* No off-street parking spaces required.

(B) *Dwelling units.* Two off-street parking spaces per dwelling unit. Such parking spaces shall be located within 150 feet from the lot served.

(C) *Other permitted uses.* No off-street parking spaces required.

(D) *Special uses.* As determined in the special use process and stated in the special use permit. Aggregate or improved parking surface shall be located per the special use permit.

§ 17.09.17 SITE PLAN APPROVAL.

Before any permit is issued in a C-2 Commercial Downtown District for a permitted or special use, a site plan shall be submitted to the Zoning Officer and/or Planning and Zoning Board for approval. Such site plan shall conform to the requirements of Chapter 17.21.

CHAPTER 17.10: I-INDUSTRIAL

Section

17.10.01	Purpose
17.10.02	Permitted uses
17.10.03	Special uses
17.10.04	Height regulations-primary structures
17.10.05	Height regulations-detached accessory structures
17.10.06	Size regulations for accessory uses: primary and detached accessory structures
17.10.07	Minimum lot size-interior lot
17.10.08	Minimum lot size-corner lot
17.10.09	Yard requirements-generally
17.10.10	Front yard requirements/setbacks
17.10.11	Side yard requirements/setbacks
17.10.12	Rear yard requirements/setbacks-primary structures
17.10.13	Rear yard requirements/setbacks-detached accessory structures
17.10.14	Maximum building/structure coverage
17.10.15	Maximum lot coverage
17.10.16	Off-street parking and loading requirements
17.10.17	Site plan approval

§ 17.10.01 PURPOSE.

It is the purpose of the I-Industrial District to provide adequate and reasonable regulations for those business areas in the city where manufacturing and light industry business is already established or where it is appropriate to encourage such use, without placing undue burdens on the city's public facilities and infrastructure or undue automotive traffic concentration.

§ 17.10.02 PERMITTED USES.

No building, structure, premises, or land shall be used, erected, or altered hereafter within any I-Industrial District, except for the following uses, unless otherwise provided in this title:

(A) Building material storage yards, contractors' plants or storage yards, and lumberyards;

(B) Laboratories;

(C) Manufacturing, fabricating, assembly and processing of metals, building materials, components of equipment, machinery, and other similar processes;

(D) Offices, display rooms, as an accessory use to any of the above permitted uses in the I-Industrial District;

(E) Public utility substations, distribution centers, and gas regulator stations; and

(F) Wholesale business establishments, warehouses, and storage of household goods.

§ 17.10.03 SPECIAL USES.

The following uses may be allowed through a special use permit in the I-Industrial District:

(A) Production, refinement, or processing of raw or semi-raw materials into a more refined state. Including such items as, but not limited to, paints, sprays, concrete, asphalt, petroleum processes, industrial solvents and agents, commercial solvents and agents, household solvents and agents, agricultural chemicals, food industry chemicals, and cleaning agents;

(B) Roadside markets, landscape nursery sales, yard building material sales yards, or similar uses where the products are primarily displayed outdoors;

(C) Quarry and mining; and

(D) Communication towers.

§ 17.10.04 HEIGHT REGULATIONS-PRIMARY STRUCTURES.

No primary building or structure shall be erected or altered to exceed 35 feet in height.

§ 17.10.05 HEIGHT REGULATIONS-DETACHED ACCESSORY STRUCTURES.

No detached accessory building or structure shall be erected or altered to exceed 20 feet in height or the height of the primary structure, whichever is less.

§ 17.10.06 SIZE REGULATIONS FOR ACCESSORY USES: PRIMARY AND DETACHED ACCESSORY STRUCTURES.

(A) No primary structure shall have an accessory use exceeding 50% of the square footage of the footprint of the primary structure. Example: an attached storage building, of a one-story manufacturing building having a total footprint of 50 feet by 200 feet, may not exceed 5,000 square feet.

(B) No detached accessory building(s) or structure(s), either individually or in combination, shall exceed 60% of the total square footage of the footprint of primary structure.

(C) The maximum size of a detached structure(s), either individually or in combination, shall not exceed 4,000 square feet. Example: two detached storage buildings, on a lot with a one-story manufacturing building having a total footprint of 50 feet by 200 feet, including an attached storage building of 5,000 square feet, may not exceed 4,000 square feet.

§ 17.10.07 MINIMUM LOT SIZE-INTERIOR LOT.

In the I-Industrial District, each interior lot shall have a minimum area of at least 9,000 square feet, a minimum lot width of at least 75 feet, and a minimum lot depth of at least 120 feet.

§ 17.10.08 MINIMUM LOT SIZE-CORNER LOT.

In the I-Industrial District, each corner lot shall have a minimum area of at least 10,800 square feet, a minimum lot width of at least 90 feet, and a minimum lot depth of at least 120 feet.

§ 17.10.09 YARD REQUIREMENTS-GENERALLY.

(A) On every interior lot in the I-Industrial District, a front yard, a rear yard, and two side yards are required.

(B) On every corner lot, a front yard for each lot side abutting a street, a side yard, and a rear yard are required. The rear yard shall be opposite the front yard upon which the front of the primary structure(s) abuts. In the case where a lot abuts three streets, three front yards and a side yard are required.

(C) No primary building or structure nor any detached accessory building or structure may protrude into the required front yard. No primary building or structure may protrude into the required rear yard.

§ 17.10.10 FRONT YARD REQUIREMENTS/SETBACKS.

In the I-Industrial District, each lot shall have a front yard of at least 30 feet from the nearest right-of-way line or property line to a primary building or structure.

§ 17.10.11 SIDE YARD REQUIREMENTS/SETBACKS.

In the I-Industrial District, each lot shall have a side yard of at least ten feet from the nearest right-of-way line or property line to all primary structures. No primary building or structure nor detached accessory building or structure may be located in the required ten-foot setback.

§ 17.10.12 REAR YARD REQUIREMENTS/SETBACKS-PRIMARY STRUCTURES.

In the I-Industrial District, each lot shall have a rear yard of at least 25 feet from the nearest right-of-way line or property line to a primary building or structure.

§ 17.10.13 REAR YARD REQUIREMENTS/SETBACKS-DETACHED ACCESSORY STRUCTURES.

In the I-Industrial District, each lot shall have a rear yard of at least five feet from the nearest right-of-way line or property line to a detached accessory structure.

§ 17.10.14 MAXIMUM BUILDING/STRUCTURE COVERAGE.

In the I-Industrial District, the amount of the total lot that may be covered by all primary buildings and structures and detached accessory buildings and structures shall not exceed 50%.

§ 17.10.15 MAXIMUM LOT COVERAGE.

In the I-Industrial District, the amount of the total lot area that may be covered by all primary buildings and structures, detached accessory buildings and structures, and impervious surfaces shall not exceed 90%.

§ 17.10.16 OFF-STREET PARKING AND LOADING REQUIREMENTS.

In the I-Industrial District, all uses shall be provided with off-street parking space according to the following schedule.

(A) *Manufacturing-light industry use.* One off-street parking space per two persons employed during a typical shift.

(B) *Other permitted uses.* One off-street parking space per two person(s) attending a typical service or program. Aggregate or improved parking surface shall not be located in the required front yard nor more than 150 feet from the lot served.

(C) *Special uses.* As determined in the special use process and stated in the special use permit. Aggregate or improved parking surface shall be located per the special use permit.

§ 17.10.17 SITE PLAN APPROVAL.

Before any permit is issued in a I-Industrial District for a permitted or special use, a site plan shall be submitted to the Zoning Officer and/or Planning and Zoning Board for approval. Such site plan shall conform to the requirements of Chapter 17.21.

CHAPTER 17.11: NON-CONFORMING USES

Section

- 17.11.01 Non-conforming use restrictions-continuance of use
- 17.11.02 Non-conforming use restrictions-expansion or alteration of use
- 17.11.03 Discontinuance of use
- 17.11.04 Repair or rebuilding of non-conforming structures
- 17.11.05 Change in use
- 17.11.06 Repairs permitted

§ 17.11.01 NON-CONFORMING USE RESTRICTIONS-CONTINUANCE OF USE.

(A) Nothing in this title 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 the ordinance codified in this title, provided that such structure shall be completed within one calendar year from the effective date of the ordinance codified in this title.

(B) The performance standards, regulations and standards, rules, requirements, provisions, and restrictions set by this title shall apply to all structures, uses, lots, and tracts of land created or established after the effective date of the ordinance codified in this title, 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 the ordinance codified in this title, except as expressly specified in this title.

§ 17.11.02 NON-CONFORMING USE RESTRICTIONS-EXPANSION OR ALTERATION OF USE.

(A) A non-conforming use or structure may be extended throughout the building, provided no structural alterations are made therein, except the following:

- (1) Those required by law or ordinance;
- (2) Those which may be required for safety;
- (3) Those which may be necessary to secure or ensure the continued advantageous use of the building during its natural life; and
- (4) The erection to its full height, as originally planned, of a building with foundations and structural members designed to carry a higher building.

(B) A non-conforming use of land shall not be expanded beyond the area actually so used at the time of the passage of the ordinance codified in this title, or of a later amendment, creating the non-conformance.

§ 17.11.03 DISCONTINUANCE OF USE.

Any non-conforming use of a building, structure, or land that is discontinued for a period of one year or more shall not be continued again, and any future use thereof shall be in conformity with the provisions of the ordinance codified in this title.

§ 17.11.04 REPAIR OR REBUILDING OF NON-CONFORMING STRUCTURES.

Any building or structure devoted to a non-conforming use which may be destroyed by fire or otherwise to the extent of 50% or more of its value shall not be repaired or rebuilt, nor shall another building be erected on the premises except in conformity with the provisions of the ordinance codified in this title.

§ 17.11.05 CHANGE IN USE.

(A) A non-conforming use may be changed to a more restrictive use or to a conforming use, but such use shall not thereafter be changed to a less restrictive use.

(B) For purposes of interpreting this section, the various districts shall be considered, as listed below, in order from the most restrictive to the least restrictive classification:

- (1) R-1 Residential: Single-Family, Low Density;
- (2) R-2 Residential: Single-Family, Medium Density;
- (3) R-3 Residential: Two-Family, Low Density;
- (4) R-4 Residential: Multi-Family, Medium Density;
- (5) MH Residential: Manufactured Housing;
- (6) C-1 Commercial: General;
- (7) C-2 Commercial: Downtown; and
- (8) I-Industrial.

§ 17.11.06 REPAIRS PERMITTED.

So long as a building or structure is used or is eligible for use in a non-conforming manner, only ordinary repairs and maintenance, including replacement of roof coverings, shall be permitted. In no case shall such repairs include structural alterations or other work extending appreciably the normal life of the building or structure.

CHAPTER 17.12: ZONING AND OCCUPANCY PERMITS

Section

17.12.01	Permits required for
17.12.02	Permits not required for
17.12.03	Application
17.12.04	Fees
17.12.05	Scope and posting
17.12.06	Denial of permit
17.12.07	Revocation of permit
17.12.08	Occupancy permit
17.12.09	Records to be on file

§ 17.12.01 PERMITS REQUIRED FOR.

A written permit shall be obtained from the Zoning Officer before starting:

(A) To establish any new use of property;

(B) To change the use of any building, structure, or land from one classification to another;

(C) To erect, construct, reconstruct, enlarge, or move any building or structure including, but not limited to the following:

(1) All buildings with permanent location on the ground or attached to something having permanent location on the ground;

(2) Movable buildings and structures three feet or more in height and having an area of 100 square feet or more, such as gazebos, garden sheds, cooks sheds, and the like;

(3) Structural alterations as defined by this Code;

(4) In-ground swimming pools three feet or more in depth and/or with an area of 100 square feet or more;

(5) Above-ground swimming pools three feet or more in height and/or with an area of 100 square feet or more;

(6) Fences, as defined by this Code, not including decorative/accent fencing with less than 20 lineal feet as determined by the overall horizontal length of the structure. Height of decorative/accent fencing shall not exceed limits as set forth in this Code;

(7) Walls, as defined by this Code, such as retaining walls, not including decorative/accent walls with less than 20 lineal feet as determined by the overall horizontal length of the structure. Height of decorative/accent walls shall not exceed limits as set forth in this Code;

(8) Decks three feet or more above the ground and/or with an area of 100 square feet or more. Such decks must also require a railing to be in compliance with the state's Building Code;

(9) Communications towers, as defined in this Code;

(10) Billboards, as defined in this Code; and

(11) Signs, as defined in this Code.

§ 17.12.02 PERMITS NOT REQUIRED FOR.

No permit shall be required for:

(A) Routine maintenance or repairs of building or structures, including repainting or re-roofing a building;

(B) Construction or alterations valued at less than \$500; or

(C) The movement of small structures which are no greater than ten feet wide, ten feet deep, and ten feet high. Any movement of such structures shall be completed with the use of skids and appropriate safety markings as required by the state's Vehicle Code, 625 ILCS 5/1-100 et seq.
(Ord. 2009-02, passed - -)

§ 17.12.03 APPLICATION.

Application for permits shall be filed in written form and shall contain all the information required and necessary to accurately and fully determine compliance with this title.

§ 17.12.04 FEES.

A schedule of fees shall be adopted by the City Council from time to time, indicating the fee to be paid upon the filing of each application specified in this chapter.

§ 17.12.05 SCOPE AND POSTING.

Each permit issued for a building or structure shall only cover those building(s) or structure(s) listed on the permit for that same premises. Such permit shall be posted in plain sight on the premises for which it is issued.

§ 17.12.06 DENIAL OF PERMIT.

The Zoning Officer shall, where such uses would be detrimental to adjacent property and to the ultimate development, discourage and deny permits for:

(A) Unusual locations of buildings and structures, such as excessive setbacks, unless justified by topography or other existing features; and

(B) Dwellings and structures of a temporary or partially completed nature.

§ 17.12.07 REVOCATION OF PERMIT.

Any work or change in use authorized by zoning permit but not substantially started within 90 days shall require a new zoning permit. The Zoning Officer shall revoke a permit when he or she finds, from personal inspection or from competent evidence, that the rules or regulations under which it has been issued are being violated.

§ 17.12.08 OCCUPANCY PERMIT.

No construction or change in use that requires a zoning permit shall be occupied or used until the Zoning Officer or his or her representative has issued an occupancy permit. Every occupancy permit shall state that the use or occupancy complies with all the provisions of this chapter.

§ 17.12.09 RECORDS TO BE ON FILE.

All applications and a copy of all permits issued shall be systematically filed and kept by the Zoning Officer in his or her office for ready reference.

CHAPTER 17.13: SIGNAGE REGULATIONS

Section

17.13.01	Purpose
17.13.02	Applicability
17.13.03	Definitions
17.13.04	Types of permitted signs
17.13.05	Size, height, and area of signs
17.13.06	Sign permit
17.13.07	Legal non-conforming signs
17.13.08	Violations

§ 17.13.01 PURPOSE.

This chapter is intended to encourage the reasonable, orderly, and effective display of signs that are compatible with their surroundings while maintaining and enhancing community appearance and public safety.

§ 17.13.02 APPLICABILITY.

A sign permit shall be required for signs located in the following areas of the city:

(A) *Highway District*. Properties that fall within one-quarter mile (1,320 feet) of the right-of-way of Interstate 39;

(B) *Downtown District*. Properties which fall within the C-2 District; and

(C) *Other Non-Residential District*. Other properties zoned for commercial or manufacturing use which are not part of the areas described in divisions (A) or (B) above.

§ 17.13.03 DEFINITIONS.

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

FLAG. Flags of the United States, the State of Illinois, the City of Minonk, and any other foreign nation having diplomatic relations to the United States. Any **FLAG** containing a commercial message or logo shall be considered a banner for purposes of this section.

SIGN, AWNING, CANOPY, AND MARQUEE. Any sign that is mounted or painted on, or attached to an awning, canopy, or marquee.

SIGN, BANNER. Any sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame at one or more edges. National flags, state flags, or municipal flags shall not be considered **BANNERS**.

SIGN, BUILDING MARKER. Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

SIGN, FREESTANDING. Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure. **FREESTANDING SIGNS** include ground and pole signs.

SIGN, GROUND. Any detached sign that has its bottom portion erected upon or supported directly on the ground.

SIGN, INCIDENTAL.

(1) A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives.

(2) Permanent, no-flashing signs on vending machines, gasoline pumps, ice containers, automatic teller machines, or other similar machines which relate only to that which is dispensed by the machine shall be considered incidental. No sign with a commercial message legible from a position off the zoning lot on which the sign is located shall be considered incidental.

SIGN, NON-CONFORMING. Any sign that does not conform to the requirements of this chapter.

SIGN, POLE. A sign mounted on one or more freestanding pole(s) so that the bottom edge of the sign is a minimum of seven feet above ground level.

SIGN, PORTABLE. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons or inflatable devices; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business and is not parked in a location visible from the public right-of-way for a duration of greater than four hours within a 24-hour period.

SIGN, PROJECTING. A sign wholly or partly dependent upon a building for support and which projects more than 12 inches in a perpendicular fashion from such building.

SIGN, ROOF. A sign mounted on the roof of a building.

SIGN STRUCTURE. The sign and all parts associated with its mounting.

SIGN SUPPORTS. All structural features by which a sign is held up, including, for example, poles, braces, guys, and anchors.

SIGN, SUSPENDED. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

SIGN, TEMPORARY. Any sign or attention-attracting device that is to be in existence for a limited period of time, and is not permanently mounted.

SIGN, WALL. Any sign attached parallel to and supported by a wall or building and within six inches of such wall, or painted on the wall surface of any building. No **WALL SIGN** shall extend above the roofline of a building.

SIGN, WINDOW. Any sign, either permanent or temporary, which is affixed or placed so that its message or image is read as a part of the total composition of a window area.

§ 17.13.04 TYPES OF PERMITTED SIGNS.

A "P" indicates that the following signs are permitted in the respective districts.

	<i>Highway District</i>	<i>C-2</i>	<i>Other Non-Residential Districts</i>
Awning, canopy, or marquee	P	P	P
Banner	P	P	P
Building marker	P	P	P
Flag	P	P	P
Ground	P	P	P
Incidental	P	P	P
Pole	P		P
Portable			
Projecting		P	
Roof			
Suspended		P	
Temporary	P	P	P
Wall	P	P	P
Window	P	P	P

§ 17.13.05 SIZE, HEIGHT, AND AREA OF SIGNS.

All signs in the Highway District, C-2, or Other Non-residential Districts shall conform to the size, height, and area regulations as set forth below.

	<i>Highway District</i>	<i>C-2</i>	<i>Other Non-Residential Districts</i>
Maximum total square feet of all signs on zoning lot (except building markers, flags, and incidental signs)	400	200	100
Freestanding Signs			
Maximum height (feet)	70	8	12
Maximum area of individual sign (square feet)	160	40	40
Maximum number of pole or ground signs per zoning lot	1 per street frontage	1	1 per street frontage
Signs Attached to a Building			
Maximum square feet of a sign as percent of wall facade area	20%	10%	10%

§ 17.13.06 SIGN PERMIT.

It shall be unlawful for any person to erect, repair, alter, relocate, or maintain within the city any sign or other advertising structure without obtaining a sign permit from the Zoning Officer as follows.

(A) An application shall be filed which contains all information and drawings as may be required by the Zoning Officer, but at least the names of the property owners, the name of the person in charge of the sign installation, and drawings of the sign or structure showing type, size, location, and method of attachment.

(B) The Zoning Officer shall examine all applications to determine if the application is in compliance with all requirements of this chapter. After receipt of a complete application, the Zoning Officer shall issue the permit within 30 days or shall, in writing, disapprove the application. Failure to act shall be deemed approval.

(C) An application for a permit to install a sign shall be accompanied with detailed drawings showing how the sign is to be attached to the building or mounted to the ground, and the lettering on the sign.

(D) The Zoning Officer may require plans drawn by an architect or structural engineer, licensed by the state, and such drawings shall have the architects or structural engineers state license seal stamp on same before a permit is issued.

Penalty, see § 1.01.090

§ 17.13.07 LEGAL NON-CONFORMING SIGNS.

Any sign located within the city on the date of adoption of this zoning ordinance, which does not conform with the provisions for permitted signs of this section, is considered a “legal non-conforming” sign.

(A) *Loss of legal non-conforming status.* A sign loses its legal non-conforming status if one or more of the following occurs:

(1) *Sign altered.* The sign is altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this chapter than it was before alteration;

(2) *Sign relocated.* The sign is relocated either on the premises or to another location;

(3) *Sign unsafe.* The sign fails to conform to the sections of this chapter regarding maintenance and operation and public safety;

(4) *Sign damaged.* Damage occurs to a sign which requires repairs exceeding 50% of the replacement value of the sign;

(5) *Excessive maintenance costs.* When any proposed change, repair, or maintenance would constitute an expense of more than 25% of the replacement value of the sign;

(6) *New occupancy permit.* A change in use occurs which requires a new occupancy permit for the premises to which a legal non-conforming sign relates; and/or

(7) *Compliance.* On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this section with a new permit secured, or shall be removed within 30 days of that date.

(B) *No additional signs allowed.* Regardless of any other provisions of this section, no new signs, with the exception of permitted ground signs, shall be permitted on a property that contains a non-conforming sign.

(C) *Continuing obligation.* Nothing in this section shall relieve the owner or user of a legal non-conforming sign, or owner of the property on which a legal non-conforming sign is located, from the provisions of this section regarding safety, maintenance, and repair of signs; provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure, sign face, or message in such a way which makes the sign more non-conforming.

§ 17.13.08 VIOLATIONS.

(A) Any of the following shall be a violation of this section and shall be subject to the enforcement remedies and penalties provided by this section, by the zoning ordinance, and by state law:

(1) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located;

(2) To install, create, erect, or maintain any sign requiring a permit without first securing such a permit; or

(3) To fail to remove any sign that is installed, created, or erected in violation of this section, or for which the sign permit has lapsed.

(B) Each sign installed, created, erected, or maintained in violation of this section shall be considered a separate violation when applying the penalty portions of this chapter.

CHAPTER 17.14: HOME OCCUPATIONS

Section

17.14.01	Definition
17.14.02	Base standards
17.14.03	Conditional use permit required

§ 17.14.01 DEFINITION.

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

HOME OCCUPATION. Any occupation, business, profession, vocation, avocation, or other activity engaged in for income or profit, conducted by any occupant of any residential property situated in a residential zoning district.

§ 17.14.02 BASE STANDARDS.

(A) Unless a special use permit is granted, all home occupations must meet the following requirements.

(1) The business use engaged in does not alter the residential character of the residential area in which the subject property is situated.

(2) The business use is not apparent from the exterior appearance of the residential property.

(3) The business use does not cause apparent traffic and parking congestion in residential areas.

(4) There is no exterior signage with respect to the business use.

(5) All advertising with respect to the business use is of such a nature so as not to invite or attract walk-in clients or customers.

(6) The business use shall not be of a nature that contemplates or attracts walk-in customers or clients.

(7) All business conducted on the premises shall be by appointment or invitation only.

(8) There will be no more than three customers or clients of the business use at the residence at any time.

(9) All supplies, vehicles, merchandise, equipment, inventory, and other property related to the business use shall be stored entirely within an enclosed building, and all business activity shall be conducted entirely within an enclosed building. For the purposes hereof, the enclosed building shall be either the residential building or an accessory structure otherwise permitted within the residential zoning district in which the property is located.

(10) No vehicles or other transportation equipment used in connection with the business use shall be parked on the property other than in an enclosed building or on the public street or right-of-way, other than automobiles, pickup trucks, and other similar vehicles having as their primary use transportation of persons.

(11) The business use is subordinate to the use of the premises for residential purposes and residential use remains the primary use of the premises.

(12) The owner of the business, or an immediate family member of the owner of the business, must reside in the affected residence. In the case of partnerships, corporations, or other similar business entities, all of the parties having ownership interests in any of said entities, or their immediate family members, shall reside in the affected residence.

(B) Garage sales, retail sale parties, and other similar functions held at a residence shall not constitute a home occupation and shall be permitted under this chapter as incidental to a residential use, provided that said activity is not conducted for more than six calendar days during any calendar year, which may be, but need not be, consecutive.

§ 17.14.03 CONDITIONAL USE PERMIT REQUIRED.

A home occupation shall receive conditional use approval from the Zoning Officer prior to operating any business in a residential zoning district. Approval shall be based on written application filed with the Zoning Officer. Such approval shall be based on the standards contained in § 17.14.02. If the applicant cannot meet such standards, he or she may apply for special use approval.

CHAPTER 17.15: FENCES AND WALLS

Section

- 17.15.01 Fences and walls generally
- 17.15.02 Residential fence composition

§ 17.15.01 FENCES AND WALLS GENERALLY.

(A) Fences and walls in required front yards shall not exceed four feet in height. Fences and walls in required side yards shall not exceed six feet in height. On corner lots, fences and walls shall not be placed, erected, or altered so as to materially impede vision as applied by § 17.00.03.

(B) Fences and walls may be placed on a property line but shall be placed with the most aesthetically pleasing side out towards neighboring property.

§ 17.15.02 RESIDENTIAL FENCE COMPOSITION.

(A) Residential fences may be constructed of chain link, decorative wood or metal, or approved simulated materials such as polyurethane or other weather resistant composites.

(B) Residential fences shall not contain woven, barbed, or razor wire. Further, no electrical fence is permitted.

(C) Residents wishing to construct a fence of materials not explicitly approved of in this section must obtain approval by the Zoning Board.

(Ord. 2009-04, passed - -) Penalty, see § 1.01.090

CHAPTER 17.16: COMMUNICATION TOWERS

Section

17.16.01	Intent
17.16.02	Applicability
17.16.03	Base standards
17.16.04	Conformance with ANSI and EMF emission standards
17.16.05	Placement standards
17.16.06	Fencing
17.16.07	Landscaping
17.16.08	Variations
17.16.09	Abandonment

§ 17.16.01 INTENT.

The purpose and intent of this chapter is to provide location and screening criteria to minimize the potential visual and health impacts of communication antenna facilities.

§ 17.16.02 APPLICABILITY.

This chapter identifies general regulations applicable city-wide for the location and screening of all communication antenna facilities, including cellular, paging, and other wireless communication technologies, except satellite dishes.

§ 17.16.03 BASE STANDARDS.

In the case where a special use permit is required, the facility must meet all of the following requirements.

(A) The use will not materially endanger the public health or safety of location where proposed and developed according to the plan submitted.

(B) The use meets all required conditions and specifications.

(C) The petitioner has satisfied the co-location requirements listed below.

(D) The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

(E) The use meets all FAA and FCC standards and other applicable federal or state standards.

(F) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in conformity with the general plan of development for the area.

(G) If the proposed tower is to be located in a residential zone, the applicant has provided substantial evidence that the tower cannot, by technical necessity, feasibly be located in a non-residential zone.

(H) If the proposed tower is to be located in a residential zone, greater care will be taken in siting and construction of the tower and support facilities to minimize visual impacts and increase architectural harmony with adjacent structures (for example: housing with transmitter within a bell tower or church steeple).

§ 17.16.04 CONFORMANCE WITH ANSI AND EMF EMISSION STANDARDS.

Within six months after the issuance of its occupancy permit, the applicant shall submit a project implementation report that provides cumulative field measurements of radio frequency (EMF) power densities of all antennas installed on the subject site. The report shall quantify the EMF emissions and compare the results with currently accepted ANSI standards. Said report shall be subject to review and approval by the city staff for consistency with the project proposal report and the accepted ANSI standards. If, on review, the city finds that the project does not meet ANSI standards, the city may revoke or modify the special use permit.

§ 17.16.05 PLACEMENT STANDARDS.

The following placement standards shall apply to all installations in the city.

(A) *Building mounted antenna.*

(1) The total height of the building and the antenna shall not exceed the height limit of the underlying zoning district.

(2) Building mounted antennas shall be screened from view if the antenna is visible to adjacent properties and adjacent public rights-of-way. Omni directional antenna may not be required to be screened if the screening device would create a greater visual impact than the unscreened antenna. The screening may include parapets, walls, or similar architectural elements, provided that it is painted and textured to integrate with the architecture of the building. As an alternative screening method, landscaping positioned on the premises to screen antenna from adjacent properties may be proposed in lieu of architectural screening.

(3) When located on a building facade, building-mounted antenna shall be painted and textured to match the existing building.

(B) *Support structure mounted antenna.*

(1) Support structure antennas shall be sited on premises to maximize visual impacts to adjacent properties and adjacent public rights-of-way.

(2) The site around the antenna should be landscaped according to the standards below.

(3) All support structure mounted antenna shall be set back from adjacent property lines the full height of the structure except when the applicant can provide acceptable data indicating a lesser falling distance.

(C) *Co-location*. Shared use of the existing towers or tower site is encouraged. A new transmission tower shall not be permitted unless the applicant makes a good faith effort to substantially demonstrate that no existing or planned tower or tower site can accommodate the applicant's proposed antenna/transmitter as described below.

(1) The applicant shall contact the owners of all existing or planned towers of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.

(2) Such contact shall be made in a timely manner, that is, sufficiently before the filing of an application for a public hearing to include a response into the application when filed.

(3) Failure of a listed owner to respond shall not be relevant to the approval authority if a timely, good faith effort was made to obtain one. However, where an existing or planned tower is known to have the capacity for additional antennas of the sort proposed, based on the decision regarding such tower, the application for a new tower shall not be complete until the owner of the existing or planned tower responds. Such response is to be required as a condition of approval.

(4) The City Administrator shall maintain and provide, on request, records of responses from each owner.

(5) Once an owner demonstrates an antenna of the sort proposed by the applicant cannot be accommodated on the owner's tower as described below, the owner need not be contacted by future applicants for antennas of the sort proposed.

(6) The applicant shall request the following information from each owner contacted:

(a) Identification of the site by location, tax lot number, existing uses, and tower height;

(b) Whether each such tower could structurally accommodate the antenna proposed by the applicant without requiring structural changes be made to the tower. To enable the owner to respond, the applicant shall provide each owner with the height, length, weight, and other relevant data about the proposed antenna;

(c) Whether each such tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the owner shall specify in general terms what structural changes would be required;

(d) If structurally able, would shared use by such existing tower be precluded for reasons related to radio frequency interference. If so, the owner shall describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all; and

(e) If shared use is possible based on divisions (C)(6)(c) and (C)(6)(d) above, the fee an owner of an existing tower would charge for such shared use.

(7) Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The approval authority may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development costs are presumed to be unreasonable.

§ 17.16.06 FENCING.

A black or green PVC-coated chain link fence or appropriate masonry wall not less than eight feet in height from finished grade shall be provided around each communication tower. Barbed wire shall be used along the top of the fence or wall. Access to the tower shall be through a locked gate.

§ 17.16.07 LANDSCAPING.

(A) The visual impacts of a communication tower shall be mitigated for nearby viewers through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering of communication tower shall be required around the perimeter of the tower and accessory structures, except that the standards may be waived by the Zoning Official for those sides of the proposed tower that are located adjacent to undevelopable lands or lands not in public view.

(B) It is preferable that the landscaping be installed on the outside of the fences. Further, the use of existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute of or in supplement towards meeting landscape requirements.

(1) At a minimum, a row of evergreen trees a minimum of eight feet tall and a maximum of ten feet apart shall be planted around the perimeter of the fence.

(2) All landscaping shall be properly maintained to ensure good health and viability.

§ 17.16.08 VARIATIONS.

Any request to deviate from any of the requirements of this section shall require approval according to the standards of § 17.20.07.

§ 17.16.09 ABANDONMENT.

(A) In the event the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the City Administrator who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to:

(1) Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or

(2) Dismantle and remove the tower.

(B) At the earlier of 181 days from the date of abandonment without reactivation or upon completion of dismantling and removal, any special exception and/or variation approval for the tower shall automatically expire.

CHAPTER 17.17: APPEALS, VARIANCES, AND SPECIAL USE PERMITS

Section

- 17.17.01 Grounds for appeal
- 17.17.02 Procedure designated
- 17.17.03 Stay of proceeding
- 17.17.04 Institution of appropriate action

§ 17.17.01 GROUNDS FOR APPEAL.

Any person aggrieved may appeal to the Zoning Board to review any order, requirement, decision, or determination made by the enforcing officer in connection with the provisions of this title.

§ 17.17.02 PROCEDURE DESIGNATED.

An appeal shall be made within 90 days from the date of the action appealed from by filing with the enforcing officer and the Zoning Board a request for variance, specifying the grounds thereof. The enforcing officer shall forthwith transmit to the Zoning Board all papers constituting the record upon which the action appealed was taken.

§ 17.17.03 STAY OF PROCEEDING.

(A) An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Officer certifies to the Zoning Board, after the request for variance has been filed with him or her, that, by reason of facts stated in the certificates, a stay would, in his or her opinion, cause imminent peril to life or property.

(B) The ordinance codified in this title shall be administered and enforced by the Zoning Officer, appointed by the Mayor and confirmed by the City Council, who is hereby designated and referred to in this title as the Zoning Officer.

(C) The Zoning Officer may issue stop work orders to stop the building or use on a premises without an authorized permit. Such order shall be in writing and be posted prominently on the premises affected or sent to the owner of record by certified mail.

§ 17.17.04 INSTITUTION OF APPROPRIATE ACTION.

Proper authorities of the city, or any person affected, may institute any appropriate action or proceeding against a violator of the provisions of the ordinance codified in this title, as provided by this statute.

CHAPTER 17.18: REZONING AND AMENDMENTS TO THE ZONING CODE

Section

- 17.18.01 Rezoning or reclassification of zoning districts
- 17.18.02 Amendments to the Zoning Code

§ 17.18.01 REZONING OR RECLASSIFICATION OF ZONING DISTRICTS.

(A) Proposals to rezone or reclassify any lot or piece of property must be filed with the Zoning Enforcement Officer and shall be accompanied by a fee, as established by the City Council from time to time, to partially defray the expense of investigating and considering the proposal, and shall then be transmitted to the Zoning Board for its consideration and report to the City Council.

(B) Proposals shall contain information detailing the property and/or lots to be reclassified. Such information shall include the current zoning, proposed zoning, type of uses currently on the subject property(s), nature of uses proposed for property(s), reasons necessitating the rezoning, and any other information necessary for the Zoning Board to evaluate the proposal.

§ 17.18.02 AMENDMENTS TO THE ZONING CODE.

(A) No amendments to the zoning regulations of this title shall be made without a hearing before the Zoning Board. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in this city.

(B) Within a reasonable time after a request for amendments to this title, the Zoning Board shall make a report to the City Council.

(C) If the report of the Zoning Board does not recommend passage of the proposed amendments, or if a written protest against the proposed amendment is filed with the City Clerk, signed and acknowledged by 20% of the property owners within 500 feet, then such amendment shall not be passed except by a favorable vote of at least three-fourths of all the members of the City Council.

CHAPTER 17.19: ENFORCEMENT AND PENALTIES

Section

- 17.19.01 Zoning Enforcement Officer
- 17.19.02 Institution of appropriate action
- 17.19.03 Penalty for violation

§ 17.19.01 ZONING ENFORCEMENT OFFICER.

The ordinance codified in this title shall be administered and enforced by the Zoning Enforcement Officer, appointed by the Mayor and confirmed by the City Council, who is hereby designated and referred to in this title as the Zoning Officer.

§ 17.19.02 INSTITUTION OF APPROPRIATE ACTION.

Proper authorities of the city, or any person affected, may institute any appropriate action or proceeding against a violator of the provisions of the ordinance codified in this title, as provided by statute.

§ 17.19.03 PENALTY FOR VIOLATION.

Any person, firm, or corporation, or agents, 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 the ordinance codified in this title, shall be subject to a fine of not more than \$200, or imprisonment for not more than six months, or both, for each offense. Each day a violation is continued shall constitute a separate offense.

CHAPTER 17.20: PLANNING AND ZONING BOARD

Section

17.20.01	Established
17.20.02	Organization and procedures
17.20.03	Record keeping duties
17.20.04	Quorum
17.20.05	Limitation of authority
17.20.06	Hearings
17.20.07	Findings for issuance of a variance
17.20.08	Findings for issuance of a special use permit
17.20.09	Fee

§ 17.20.01 ESTABLISHED.

(A) A Planning and Zoning Board, hereafter referred to by the term “Zoning Board”, is hereby established. The Zoning Board shall consist of five members appointed by the Mayor and confirmed by the members of the City Council. The five members of the Zoning Board shall serve terms of five years. Vacancies in terms not expired shall be filled by the Mayor subject to confirmation by the City Council at its next meeting.

(B) The City Council shall have power to remove any member of the Zoning Board, or the Zoning Officer, for cause, after a public hearing and upon giving ten days’ notice thereof.
(Ord. 2010-06, passed - -2010)

§ 17.20.02 ORGANIZATION AND PROCEDURES.

(A) The Mayor shall name one of the members of the Zoning Board as Chairperson upon his or her appointment, and in case of vacancy shall name the Chairperson.

(B) Regular meetings of the Zoning Board shall be held at the discretion of the Zoning Officer, at such time and place within the city as the Zoning Board may determine.

(C) Special meetings may be held at the call of the Chairperson or any three members of the Zoning Board.

(D) Notice of special meetings/public hearings other than those described in division (B) above shall be published at least once in a newspaper circulating in the municipality not more than 30 days nor less than 15 days before the hearing.

(E) The Chairperson, or in his or her absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses.

(F) All meetings of the Zoning Board shall be open to the public.
(Ord. 2010-06, passed - -2010)

§ 17.20.03 RECORD KEEPING DUTIES.

(A) The Zoning Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such facts.

(B) The Zoning Board shall also keep records of its examinations and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Zoning Board shall immediately be filed in the office of the Board and shall be a public record.

§ 17.20.04 QUORUM.

Three members of the Zoning Board shall constitute a quorum and allow for official business to be conducted. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Officer in any matter upon which it is required to pass under this title, or to effect any variation in this title.
(Ord. 2010-06, passed - -2010)

§ 17.20.05 LIMITATION OF AUTHORITY.

(A) (1) In the performance of its duties, the Zoning Board may incur such expenditures as shall be authorized by the City Council. The Zoning Board shall adopt its own rules of procedure not in conflict with the statutes or the ordinance codified in this title.

(2) All matters of streets, alleys, sewers, and water shall remain solely under the control and discretion of the City Council and shall not be controlled and be matters as to the Zoning Board.

(B) The Zoning Board shall have the following authority:

(1) To hear and grant requests for variances from the Zoning Officer's decisions, which do not exceed 20% of the allowable regulations of this Code;

(2) To review and make recommendations to the Mayor and City Council upon requests for special use permits;

(3) To review and make recommendations to the Mayor and City Council upon requests for rezoning;

(4) To review and make recommendations to the Mayor and City Council upon requests for annexation into the corporate limits as determined by Title 19 of the City Code; and

(5) To review and make recommendations to the Mayor and City Council upon preliminary plats of subdivisions as determined by Title 20 of the City Code.

§ 17.20.06 HEARINGS.

(A) As per 65 ILCS 5/11-13-6, the Zoning Board shall give notice fixing a reasonable time and place for the hearing of the appeal for a variance or special use. The notice shall be published in a newspaper circulated in the area not less than 15 days nor more than 30 days before the hearing. The Zoning Board shall also give written notice thereof to owners of all property located within 250 feet in each direction of the location for which the variance or special use is requested. As per 65 ILCS 5/11-13-7, the applicant must furnish the addresses of such property owners. Upon the hearing, any party may appear in person by agent or by attorney. The Zoning Board must make a decision on the appeal within a reasonable time. The Zoning Board may make determinations in accordance with its authority as designated in § 17.20.05.

(B) The action of the Zoning Board in granting a variance shall contain or be accompanied by a finding of fact specifying the reason for making such variance.

§ 17.20.07 FINDINGS FOR ISSUANCE OF A VARIANCE.

In order for a variance to be granted by the Zoning Board, the following findings must be made.

(A) The special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other land or structures in the same district.

(B) The literal interpretation of the provisions of this resolution/ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this title.

(C) The special condition and circumstances do not result from the actions of the applicant.

(D) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands or structures in the same district.

(E) The reasons set forth in the application justifies granting the variance and that the variance is the minimum variance that will make possible the reasonable use of the land or structure.

(F) The Zoning Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this title and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

§ 17.20.08 FINDINGS FOR ISSUANCE OF A SPECIAL USE PERMIT.

(A) The Zoning Board may grant a special use permit based for an allowable special use for each district as set forth in this Code.

(B) In order for a special use permit to be granted by the Zoning Board, the following findings must be made:

- (1) It is necessary for the public convenience at that location;
- (2) It is so designed, located, and proposed as to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare;
- (3) It conforms to the applicable regulations and standards of and preserves the essential character of the district in which it shall be located;
- (4) The reasons set forth in the application justify the granting of the special use; and
- (5) The granting of the special use will be in harmony with the general purpose and intent of this title.

§ 17.20.09 FEE.

To partially defray the expenses of investigating and considering an appeal for variation where a public hearing is required, a fee, as provided in the schedule of fees established by the City Council from time to time, will be charged the appellant and be collected by the Zoning Officer, who shall account for the fee to the City Clerk.

CHAPTER 17.21: SITE PLANS

Section

17.21.01 General provisions

§ 17.21.01 GENERAL PROVISIONS.

(A) The purpose and intent of requiring site plan approval is to ensure that plans that are otherwise in conformance with this Code also include the compatible arrangement of buildings, off-street parking, lighting, landscaping, ingress and egress, and drainage of the site in a manner that will promote safety and convenience for the public and will preserve surrounding property values. Site plan review is not a substitute for required state and city building permit reviews. Site plans shall be submitted to the Zoning Officer and/or the Planning and Zoning Board for approval.

(B) Such site plans shall show:

- (1) Lot lines;
- (2) Building placement;
- (3) Width of bounding streets and type of pavements;
- (4) Location and size of utilities, including water lines, sewer lines, electric lines, gas lines, phone lines, and cable lines;
- (5) Location of off-street parking, with access drives;
- (6) Sidewalks, patios, and other paved areas or decks;
- (7) Heights of buildings and structures;
- (8) Landscaping, including street trees, foundation plantings, and screening of trash enclosures;
- (9) Surrounding land uses; and
- (10) Other such details as the Zoning Officer and/or the Planning and Zoning Board may require in its deliberation.

TITLE 18: RESERVED

TITLE 19: ANNEXATIONS

Chapter

19.01. CLASSIFICATION

19.02. PRELIMINARY ANNEXATION PLAT

19.03. REVIEW AND RECOMMENDATION

CHAPTER 19.01: CLASSIFICATION

Section

19.01.01 Annexations

§ 19.01.01 ANNEXATIONS.

Any land brought into the city through annexation shall be classified as R-1 Single-Family/Low-Density, unless specifically brought in under another classification through a legally adopted pre-annexation agreement, or other legal agreement.

CHAPTER 19.02: PRELIMINARY ANNEXATION PLAT

Section

19.02.01 Application to annex

§ 19.02.01 APPLICATION TO ANNEX.

(A) Any owner or owners of a tract of land desiring to annex into the city shall submit to the enforcing officer two copies of a plan for the use and development of the final annexation plat.

(B) The plan shall be designated as a preliminary plat and shall conform to the following requirements:

- (1) Show all properties to be annexed;
- (2) Zoning classification of properties to be annexed;
- (3) Zoning classification of surrounding adjacent properties;
- (4) Surrounding land uses;
- (5) Lot lines;
- (6) Width of bounding streets and type of pavements;
- (7) Location and size of utilities, including water lines, sewer lines, electric lines, gas lines, phone lines, and cable lines;
- (8) Current building placement;
- (9) Heights of current buildings and structures; and
- (10) Other such details as the Planning and Zoning Board may require in its deliberation.

CHAPTER 19.03: REVIEW AND RECOMMENDATION

Section

19.03.01 Public hearing

§ 19.03.01 PUBLIC HEARING.

Before any property, parcels of land, or lots are annexed into the city, the Planning and Zoning Board shall review the preliminary annexation plat at a public hearing.

TITLE 20: SUBDIVISIONS

Chapter

20.01. TITLE

20.02. POLICY

20.03. PURPOSES

20.04. AUTHORITY

20.05. JURISDICTION

20.06. ENACTMENT

20.07. INTERPRETATION, CONFLICT, AND SEPARABILITY

20.08. SAVING PROVISION

20.09. RESERVATIONS AND REPEALS

20.10. AMENDMENTS

20.11. PUBLIC PURPOSE

**20.12. VARIANCES, EXCEPTIONS, AND WAIVER OF
CONDITIONS**

20.13. ENFORCEMENT, VIOLATIONS, AND PENALTIES

20.14. DEFINITIONS

20.15. CLASSIFICATION, APPLICATION, AND THE LIKE

20.16. DESIGN STANDARDS

20.17. REQUIRED IMPROVEMENTS

CHAPTER 20.01: TITLE

Section

20.01.10 General provisions

§ 20.01.10 GENERAL PROVISIONS.

These regulations shall officially be known, cited, and referred to as “the Subdivision Regulations of the City of Minonk, Illinois”, hereinafter “these regulations”.

CHAPTER 20.02: POLICY

Section

20.02.10 General provisions

§ 20.02.10 GENERAL PROVISIONS.

(A) It is declared to be the policy of the municipality to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the municipality pursuant to the official Community Development Plan of the municipality for the orderly, planned, efficient, and economical development of the municipality.

(B) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and improvements.

(C) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Community Development Plan, and the capital budget and program of the municipality, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in Title 17 - Zoning, and the Community Development Plan of the city.

(D) Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of regulation(s) identified in Chapter 20.03.

CHAPTER 20.03: PURPOSES

Section

20.03.10 General provisions

§ 20.03.10 GENERAL PROVISIONS.

These regulations are adopted for the following purposes:

- (A) To protect and provide for the public health, safety, and general welfare of the municipality;
- (B) To guide the future growth and development of the municipality in accordance with the Community Development Plan;
- (C) To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population;
- (D) To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and nonresidential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, and to protect environmentally critical areas and areas premature for urban development;
- (E) To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
- (F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities;
- (G) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;
- (H) To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land;

(I) To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision, and that the community will be required to bear no more than its fair share of the cost (to be determined by City Council) of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development;

(J) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;

(K) To preserve the natural beauty and topography of the municipality and to ensure appropriate development with regard to these natural features;

(L) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning ordinance of the city;

(M) To ensure that land is subdivided only when subdivision is necessary to provide for uses of lands for which market demand exists and which are in the public interest; and

(N) To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, and scattered and low-grade subdivision.

CHAPTER 20.04: AUTHORITY

Section

20.04.10 General provisions

§ 20.04.10 GENERAL PROVISIONS.

The Planning and Zoning Board of the city is vested with the authority to approve minor subdivisions and review and make recommendations upon major subdivision applications for the subdivision of land. The Planning and Zoning Board shall review all preliminary plats, making any recommendations deemed necessary to forward a final plat to the City Council. The Planning and Zoning Board may make recommendations of variances from these regulations pursuant to the provisions of Chapter 20.12.

CHAPTER 20.05: JURISDICTION

Section

20.05.10 General provisions

§ 20.05.10 GENERAL PROVISIONS.

(A) These regulations apply to all subdivision of land, as defined in Section 20.14, located within the corporate limits of the municipality or outside the corporate limits within a one and one-half mile area of the city corporate limits as provided by the zoning regulations of the county.

(B) All other matters of streets, alleys, sewers, and water shall remain solely under the control and discretion of the City Council, and shall not be controlled and be matters of the Planning and Zoning Board.

(C) No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Planning and Zoning Board in accordance with these regulations.

(D) No land shall be subdivided until each of the following conditions has occurred in accordance with these regulations:

(1) The subdivider or his or her agent has submitted a conforming preliminary plat of the subdivision to the Zoning Officer;

(2) The Planning and Zoning Board has had an opportunity to review the preliminary plat and make recommendation;

(3) The subdivider or his or her agent has obtained approval of the final plat from the City Council; and

(4) The subdivider or his or her agent files the approved final plats with the County Clerk and County Recorder.

(E) No building permit or certificate of occupancy shall be issued for any parcel or plat of land created by subdivision after the effective date of, and not in substantial conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

CHAPTER 20.06: ENACTMENT

Section

20.06.10 General provisions

§ 20.06.10 GENERAL PROVISIONS.

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted and made effective as of June 3, 2002. All applications for subdivision approval, including final plats, pending on the effective date of these regulations shall be reviewed under these regulations, except that these regulations will not apply if preliminary plat approval was obtained prior to the effective date of these regulations and the subdivider has constructed subdivision improvements prior to submission of the final plat as required by the municipality, unless the Planning and Zoning Board determines on the record that application of these regulations is necessary to avoid a substantial risk of injury to public health, safety, and general welfare.

CHAPTER 20.07: INTERPRETATION, CONFLICT, AND SEPARABILITY

Section

20.07.10 General provisions

§ 20.07.10 GENERAL PROVISIONS.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

(A) *Public provisions.* These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision that is more restrictive or imposes higher standards shall control.

(B) *Private provisions.* These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

(C) *Separability.* If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The city hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application that is judged to be invalid.

CHAPTER 20.08: SAVING PROVISION

Section

20.08.10 General provisions

§ 20.08.10 GENERAL PROVISIONS.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person, firm, or corporation; or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations; or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the municipality except as shall be expressly provided for in these regulations.

CHAPTER 20.09: RESERVATIONS AND REPEALS

Section

20.09.10 General provisions

§ 20.09.10 GENERAL PROVISIONS.

Upon the adoption of these regulations according to law, any previous subdivision regulations of the city are hereby repealed, except as to those sections expressly retained in these regulations.

CHAPTER 20.10: AMENDMENTS

Section

20.10.10 General provisions

§ 20.10.10 GENERAL PROVISIONS.

For the purpose of protecting the public health, safety, and general welfare, the Planning and Zoning Board may from time to time propose amendments to these regulations which shall then be approved or disapproved by the city at a public meeting following public notice.

CHAPTER 20.11: PUBLIC PURPOSE

Section

20.11.10 General provisions

§ 20.11.10 GENERAL PROVISIONS.

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this municipality. The developer has the duty of compliance with reasonable conditions laid down by the Planning and Zoning Board for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the municipality and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

CHAPTER 20.12: VARIANCES, EXCEPTIONS, AND WAIVER OF CONDITIONS

Section

20.12.10 General provisions

§ 20.12.10 GENERAL PROVISIONS.

(A) *General.* Where the Planning and Zoning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of the regulations may be served to a greater extent by an alternative proposal, it may recommend variances, exceptions, and waiver of conditions to City Council for these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations. City Council, by a three-fourths majority vote, may approve such recommendations from the Planning and Zoning Board provided such variances, exceptions, and waiver of conditions are based upon the evidence presented to it in each specific case such that:

(1) The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;

(2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;

(3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and

(4) The relief sought will not in any manner vary the provisions of the zoning ordinance, Community Development Plan, or official map, except that those documents may be amended in the manner prescribed by law.

(B) *Conditions.* In recommending variances, exceptions, or waivers of conditions, the Planning and Zoning Board may require such conditions as will, in its judgment, secure substantially the purposes described in Chapter 20.03.

(C) *Procedures.* A petition for a variance, exception, or waiver of conditions shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning and Zoning Board. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

CHAPTER 20.13: ENFORCEMENT, VIOLATIONS, AND PENALTIES

Section

20.13.10 General provisions

§ 20.13.10 GENERAL PROVISIONS.

(A) *General.*

(1) It shall be the duty of the Zoning Enforcement Officer to enforce these requirements and to bring to the attention of the City Attorney, or his or her designated agent, any violations of these regulations.

(2) No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been reviewed by the Planning and Zoning Board and approved by the City Council in accordance with these provisions of the regulations and filed with the Clerk and County Recorder.

(3) The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.

(4) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the municipality have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

(B) *Violations and penalties.* Any person, firm, or corporation, or agents, 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 the ordinance codified in this title, shall be subject to a fine of not more than \$200. Each day a violation is continued shall constitute a separate offense.

(C) *Civil enforcement.* Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations; to prevent unlawful construction; to recover damages; to restrain, correct, or abate a violation; and to prevent illegal occupancy or a building structure or premises. These remedies shall be in addition to the penalties described above.

CHAPTER 20.14: DEFINITIONS

Section

20.14.10 Definitions

§ 20.14.10 DEFINITIONS.

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

ADEQUATE PUBLIC FACILITIES. Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the city, based upon specific levels of service.

ALLEY. A public right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

BLOCK. A tract of land bounded by streets, or by a street or streets and any combination of boundary lines of public or institutionally-owned lands, railroad rights-of-way, rivers and lakes, and/or other lines of demarcation. A **BLOCK** may be located in part within an incorporated city or town.

BOND. Any form of a surety bond in an amount and form satisfactory to the city. The city shall approve all bonds whenever a bond is required by these regulations.

CONDOMINIUM. A unit available for sale in fee simple contained in a multi-occupancy project subject to covenants and restrictions placing control over the common facilities in an elected board.

CONSTRUCTION PLAN. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning and Zoning Board.

CUL-DE-SAC. A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

DESIGN CRITERIA. Standards that set forth specific improvement requirements.

DEVELOPER. The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations.

DEVELOPMENT AGREEMENT. An agreement between the city and developer through which the city agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the developer in excess of those required under current city regulations.

EASEMENT. Authorization by a property owner for another to use the owner's property for a specified purpose.

ESCROW. A deposit of cash with the local government or escrow agent to secure the promise to perform some act.

EXTERNAL BUFFER. A vegetated area along the exterior boundaries of an entire development processed in accordance with a multi-phase or phased subdivision application which is landscaped and maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

GRADE. The slope, ground, structure, or other item specified in percentage terms.

LOT. Any piece or parcel of land deeded as one taxable parcel.

MASTER PLAN. A comprehensive plan for development of the local government prepared and adopted by the City Council pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

MODEL HOME. A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision and which will not be permanently occupied during its use as a model.

PLANNED UNIT DEVELOPMENT (PUD). A development constructed on a tract of minimum size under single ownership planned and developed as an integral unit and consisting of a combination of residential and/or non-residential uses on the land.

PLAT, FINAL SUBDIVISION. The map of a subdivision to be recorded after approval by the city and any accompanying material as described in these regulations.

PLAT, PRELIMINARY. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning and Zoning Board for review.

PUBLIC IMPROVEMENT. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which local government responsibility is established.

RESUBDIVISION. Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

RIGHT-OF-WAY. A strip of land dedicated to or used by the public for vehicular and/or pedestrian passage, storm, surface, or ground water drainage, public utility placement, or other public use.

SCREENING. Either a strip at least ten feet wide of densely planted (or having equivalent natural growth) shrubs or trees at least four feet high at the time of planting, of a type that will form a year-round dense screen at least six feet high; or an opaque wall or barrier or uniformly painted fence at least six feet high.

SETBACK. The minimum longitudinal distance between the building line or structure and the related front, side, or rear property line.

STREET, COLLECTOR. A street intended to move traffic from local roads to secondary arterials. A **COLLECTOR ROAD** serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

STREET, DEAD-END. A street or a portion of a street with only one vehicular-traffic outlet.

STREET, LOCAL. A street whose sole function is to provide access to abutting properties and to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

STREET, PERIMETER. Any existing street to which the parcel of land to be subdivided abuts on only one side.

STREET, PRIMARY ARTERIAL. A street intended to move through traffic to and from major attractors such as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the governmental unit; and/or as a route for traffic between communities or large areas and/or which carries high volumes of traffic.

STREET, PUBLIC. The portion of a right-of-way used and maintained as principal means of access to adjacent lots of record or property and meets the design and construction standards for the classification it holds and is owned and maintained by the public.

STREET, SECONDARY ARTERIAL. A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic-generating areas such as community commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches and offices, and are designed to carry traffic from collector streets to the system of primary arterials.

SUBDIVIDE. The act or process of creating a subdivision.

SUBDIVIDER. Any person who: having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot parcel site, unit, or plat in a subdivision; or who engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision; and who is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

SUBDIVISION. Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, condominiums, tracts, or interest for the purpose of offer, sale, lease, or development, whether immediate or future, either on the installment plan or upon any and all

other plans, terms, and conditions. **SUBDIVISION** includes the division or development of residentially and non-residentially zoned land, whether by deed, metes and bound description, devise, intestacy, lease, map, plat, or other recorded instrument. **SUBDIVISION** includes resubdivision and condominium creation or conversion. No lot shall be subdivided or adjusted so as to make it or an accompanying lot non-conforming. Lots shall not be modified to less than the minimum width, less than the minimum depth, less than the minimum total square footage, or inadequate required frontage on a public street.

SUBDIVISION, MAJOR. All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four or more lots, any subdivision requiring rezoning of land and/or annexation of land into the corporate limits, or any size subdivision requiring any new street or extension of the local government facilities, or the creation of any public improvements.

SUBDIVISION, MINOR. Any subdivision containing not more than three lots fronting on an existing street, not involving any new street or alley, not involving any rezoning or mixed use development or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the master plan, official map, zoning ordinance, or these regulations.

CHAPTER 20.15: CLASSIFICATION, APPLICATION, AND THE LIKE

Section

20.15.10 General provisions

§ 20.15.10 GENERAL PROVISIONS.

(A) *Classification of subdivisions.* Before any land is subdivided, the owner of the property or his or her authorized agent shall apply for and secure approval of the proposed subdivision in accordance with the city's subdivision regulations. Subdivision applications shall be classified by the Zoning Officer, in accordance with the definitions of minor and major subdivisions in this Code, as either minor subdivisions or major subdivisions.

(B) *Approval process.*

(1) *Minor subdivision.* Before any minor subdivision is approved:

(a) The owner must submit an application for subdivision accompanied by a preliminary plat, in accordance with these regulations, to the Zoning Officer for review and approval by the Planning and Zoning Board;

(b) At a public meeting, the Planning and Zoning Board shall review the application for subdivision and preliminary plat for compliance with these regulations;

(c) The Planning and Zoning Board shall recommend changes, or approval of the preliminary plat as presented, and request that a final plat be submitted to the Zoning Officer;

(d) At a public meeting, the Planning and Zoning Board shall review the final plat to ensure it complies with the approved preliminary plat;

(e) The Chairperson of the Planning and Zoning Board, upon a motion to accept and approve the final plat, shall sign and date the final plat; and

(f) The owner shall file a copy of the approved final plat with the County Clerk and Recorder's office and send a stamped copy of filing to the Zoning Officer of the city.

(2) *Major subdivision.* Before any major subdivision is approved:

(a) The owner or agent must submit an application for subdivision accompanied by a preliminary plat, in accordance with these regulations, to the Zoning Officer for review and recommendation by the Planning and Zoning Board;

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(b) At a public meeting, the Planning and Zoning Board shall review the application for subdivision and preliminary plat for compliance with these regulations;

(c) The Planning and Zoning Board shall recommend changes, or approval of the preliminary plat as presented, and request that a final plat be submitted to the Zoning Officer;

(d) At a public meeting, the Planning and Zoning Board shall review the final plat to ensure it complies with the approved preliminary plat. The Planning and Zoning Board shall make a recommendation to the City Council regarding the final plat of subdivision;

(e) The City Council shall review the final plat and approve or recommend changes. If changes are recommended, they shall be made and brought back to the City Council for approval;

(f) All required public and other improvements shall be made prior to the Mayor signing the final plat, or the owner may request a subdivision improvement agreement and guarantee per section; and

(g) The owner shall file a copy of the approved final plat with the County Clerk and Recorder's office and send a stamped copy of filing to the Zoning Officer of the city.

(C) Application requirements.

(1) Prior to subdividing land for a minor subdivision or a major subdivision, the owner of the land or his or her authorized agent shall file an application for approval of a preliminary plat with the Zoning Officer.

(2) The application shall:

(a) Include all contiguous holdings of the owner including land in "common ownership" as defined in these regulations, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page where each conveyance to the present owner is recorded in the Clerk and Recorder's Office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date the contract of sale was executed, and, if any corporations are involved, a complete list of all directors, officers, and stockholders of each corporation owning more than 5% of any class of stock;

(b) Be accompanied by a copy of the preliminary plat as described in these regulations and complying in all respects with these regulations;

(c) Be accompanied by a fee of \$10 per lot; and

(d) The application shall include an address and telephone number of an agent located within the territory of the local government who shall be authorized to receive all notices by these regulations.

(D) Preliminary plat, minor subdivision - requirements.

(1) Owner or authorized agent shall submit to the Zoning Officer two copies of a plan for the use and development of the proposed subdivision in tentative form.

(2) The plan shall be designated as a preliminary plat and shall contain the following:

(a) The plat shall be drawn to a scale of 100 feet to the inch. Variations in scale may be made where necessary to properly exhibit a subdivision;

(b) Name of proposed subdivision;

(c) Name of owner(s) of subdivision;

(d) All section lines and adjacent subdivision lines;

(e) All proposed lot lines showing dimensions of all lots (not including rights-of-way and other public properties);

(f) Existing streets, alleys, easements, and rights-of-way showing names and widths;

(g) Existing water, sanitary sewer, and storm sewer main locations;

(h) Existing public utilities locations, including electric, gas, telephone, and cable;

(i) Current zoning classification of land to be subdivided;

(j) Current land usage of land to be subdivided;

(k) Proposed zoning and land usage of land to be subdivided; and

(l) Other features pertinent to a proper subdivision shall be shown.

(E) *Preliminary plat, major subdivision - requirements.* Owner or authorized agent shall submit to the Zoning Officer two copies of a plan for the use and development of the proposed subdivision in tentative form. The plan shall be designated as a preliminary plat and shall contain the following:

(1) The plat shall be drawn to a scale of 100 feet to the inch. Variations in scale may be made where necessary to properly exhibit a subdivision;

(2) Name of proposed subdivision;

(3) Name of owner(s) of subdivision;

(4) All section lines and adjacent subdivision lines;

(5) All proposed lot lines showing dimensions of all lots (not including rights-of-way and other public properties);

(6) Existing streets, alleys, easements, and rights-of-way showing names and widths;

(7) Proposed street and alley lines showing widths, names, width of rights-of-way, type of street (per classifications in this Code), elevations, profiles, and subsurface and surface specifications. Ingress/egress for all proposed streets and alleys onto existing streets and alleys;

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(8) Existing water, sanitary sewer, and storm sewer main locations;

(9) Proposed water, sanitary sewer, and storm sewer main locations. Location of connections to existing utilities, elevations, profiles, and size and type of materials. Locations of service connections, storm inlets, valves, and other appurtenances;

(10) Easements and right-of-way, recorded or to be recorded publicly and privately;

(11) Existing public utilities locations, including electric, gas, telephone, and cable;

(12) Proposed public utilities with location, connections to existing utilities, elevations, profiles, and size and type of materials;

(13) Current zoning classification of land to be subdivided;

(14) Current land usage of land to be subdivided;

(15) Proposed zoning and land usage of land to be subdivided; and

(16) Other features pertinent to a proper subdivision shall be shown.

(F) *Term of subdivision approval.* Once a final plat for a major subdivision has been approved, the owner or agent has 180 days to commence construction of the proposed subdivision. If construction has not commenced within 180 days, the owner or agent must apply to the City Council for an extension. If the subdivision is a minor subdivision, there shall be no required period of commencement.

CHAPTER 20.16: DESIGN STANDARDS

Section

20.16.10	Streets
20.16.20	Easements
20.16.30	Blocks
20.16.40	Lots
20.16.50	Street names and civic addresses

§ 20.16.10 STREETS.

The course, width, grade, and location of all streets shall conform to the Community Development 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 in the Community Development Plan, the arrangements of streets in a subdivision shall be revised by the Zoning Board to:

- (1) Provide for the continuation or projection of existing principal streets in surrounding areas;
- (2) Conform to the Major Thoroughfare Plan, where applicable; or

(3) Conform to the topographic or other conditions where continuance or projection of existing streets is impractical.

(B) Minor streets shall be so laid out that their use by through traffic will be discouraged.

(C) Where a subdivision abuts or contains an existing or proposed expressway, access thereto shall be limited to a minimum number of intersections and such access intersections with expressways shall be determined with due regard for sight distance, distance between intersections, approach grades and requirements for future grade separations. No street grade shall be less than 0.5% or more than 10%.

(D) Street intersections with centerline offsets of less than 100 feet shall be prohibited.

(E) A street light shall be placed at all intersections within the subdivision of a type, height, and design to be approved by the City Council.

(F) A tangent at least 100 feet long shall be introduced between curves on arterial and collector streets.

(G) Where connecting street lines deflect from each other more than ten degrees, they shall be connected with a curve with a radius adequate to ensure sight distance.

(H) Streets to 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.

(I) Alleys shall be discouraged in residential districts.

(J) Street right-of-way widths not shown on the Major Thoroughfare Plan shall not be less than 70 feet for collector or minor streets unless the City Council approves a modification. Such modifications shall conform to the standards for urban roads as specified in the state's Department of Transportation *Manual of Streets and Highway Improvement Standards*.

(K) Dead-end streets, designed to be so permanently, shall not be longer than 600 feet and shall be provided with a turn-around having an outside surface diameter of at least 100 feet and a right-of-way line diameter of at least 110 feet. At the discretion of the City Council, there shall be a 70-foot right-of-way recorded at the end of the cul-de-sac to allow for a future extension of the roadway.

(L) Private streets and reserve strips shall be discouraged in platting subdivisions. Every subdivision shall be served from a publicly dedicated street. Reserve strips controlling access to streets shall be placed under the control of the city and be under such conditions as approved by the City Council.

§ 20.16.20 EASEMENTS.

Easements across lots, centered on rear or side lot lines, or where necessary for utilities, watercourse, drainage way channel, or stream, shall not be less than 20 feet wide (or ten feet per lot back to back), and shall be shown on the plat and duly recorded.

§ 20.16.30 BLOCKS.

The length, width, and shape of blocks shall be determined with due regard to:

(A) The provisions of adequate building sites for the special type of use contemplated;

(B) Requirements as to lot size and dimensions in the given zone;

(C) Needs for convenient access, circulation, control, and safety of street traffic;

(D) Limitations and opportunities of topography;

(E) Block lengths shall not exceed 1,320 feet nor be less than 500 feet;

(F) In cases where the block length exceeds 600 feet and where deemed essential by the Zoning Board to provide pedestrian circulation to schools, playgrounds, shopping centers, and other community facilities, an easement dedicated to the city for a crosswalk shall be provided of not less than ten feet; and

(G) Block width shall be wide enough to allow two tiers of lots of a minimum depth to comply with the given zoning district.

§ 20.16.40 LOTS.

(A) All provisions of the zoning regulations in Title 17 concerning lots shall apply, including lot area, width, and depth. The standards of the specific zoning district of the area at the time of submission of the final plat shall be followed in determining minimum lot requirements.

(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.

§ 20.16.50 STREET NAMES AND CIVIC ADDRESSES.

A proposed street that is in alignment with or joins an existing and named street shall bear the name of the existing street. In no case shall the proposed name of the street duplicate the name of an existing street within the area covered by this title. The use of the suffix "street", "avenue", "boulevard", "drive", "place", "court", or a similar description shall not be sufficient distinction to constitute compliance with this section unless such similar description is within this subdivision. Final approval of the name shall be by the City Council. Civic addresses shall be assigned in accordance with the provisions of the city depending on the location of the subdivision.

CHAPTER 20.17: REQUIRED IMPROVEMENTS

Section

20.17.10	Monuments
20.17.20	Streets and alleys-completion to grade
20.17.30	Streets and alleys-dimension and standard
20.17.40	Streets and alleys-subsurface drainage
20.17.50	Streets and alleys-right-of-way widths
20.17.60	Streets-signs
20.17.70	Utility and street improvements
20.17.80	Submittal of streets and other facilities
20.17.90	Sanitary sewers
20.17.100	Subdivider shall provide defined
20.17.110	Water main supply system
20.17.120	Storm drainage
20.17.130	Improvement dedication

§ 20.17.10 MONUMENTS.

Monuments shall be placed by a state-registered land surveyor at all block corners, angle points of tangency of curves in streets, and at such intermediate points as shall be required by the plat officer. The monuments shall be of such material, size, and length as may be approved by the plat officer. Such monuments, as near as possible shall be placed so as to be flush with the established finished grade.

§ 20.17.20 STREETS AND ALLEYS-COMPLETION TO GRADE.

Streets and alleys, where provided, shall be completed to grades shown on plats, profiles, and cross-sections as needed and approved by the Zoning Board.

§ 20.17.30 STREETS AND ALLEYS-DIMENSION AND STANDARD.

Streets and alleys shall be graded, surfaced, and improved to the dimensions and standards specified in this title.

§ 20.17.40 STREETS AND ALLEYS-SUBSURFACE DRAINAGE.

Prior to placing street surface, adequate subsurface drainage for the streets and all utilities under the streets shall be provided or installed by the subdivider. Upon completion of the street and alley improvements, plats and profiles as built shall be filed with the city.

§ 20.17.50 STREETS AND ALLEYS-RIGHT-OF-WAY WIDTHS.

(A) Streets shall have such right-of-way widths as are indicated on the Major Thoroughfare Plan or as specified in Chapter 20.16. When existing streets are located within the subdivision or adjacent to the subdivision, the subdivider shall provide for additional right-of-way width to equal the minimum required by § 20.16.10(J); provided, however, that when such existing streets abut the subdivision on one side only, only one-half of the difference between the existing right-of-way width and the width indicated on the Major Thoroughfare Plan, or as specified in Chapter 20.16 shall be provided by the subdivider.

(B) The Zoning Board shall make such requirements as to type of pavement and as to sidewalks as it deems to be necessary for such street, provided such requirements are consistent with this title and the state's Department of Transportation *Manual of Street and Highway Improvement Standards and Typical Cross-Sections*. However, the subdivider shall be required to improve the street only to the width required by the current and immediate needs of their subdivision, consistent with standards specified in this title.

§ 20.17.60 STREETS-SIGNS.

The subdivider shall provide the subdivision with street signs, of the type, height, and design approved by City Council, at the intersections of all streets.

§ 20.17.70 UTILITY AND STREET IMPROVEMENTS.

Utility and street improvements shall be provided in each new subdivision in accordance with standards and requirements as follows.

(A) *Utilities.*

(1) Within the city limits, every lot shall be connected to the public sewer system and the public water system.

(2) Within one and one-half miles of city limits, each non-agricultural parcel must either be connected to a public water supply and/or public sanitary sewer disposal systems or have individual sewer tanks and/or water wells on the parcel.

(B) *Streets.* Cross sections shall be as needed in accordance with community development plans and as determined by the City Council.

(1) Grading and improving of streets shall be as per improved plans and profiles in accordance with the following standards. Regardless of the dwelling density, all streets shall meet the following minimum required improvements: 66-foot right-of-way, graded with ditches; 22-foot surfaced eight-inch gravel base; two and one-half inch B-5 surface. One three-foot sidewalk at the property line may be required as determined by the City Council.

(2) Pavement base, subbase, and surface shall meet the minimum standards and specifications as set forth in the state's Department of Transportation booklet, *Standard Specifications for Road and Bridge Construction, Division III, Material Details*, dated August 1, 1994, and all subsequent revisions thereto.

(3) Sidewalks shall be placed on both sides of each street and shall be at least four feet in width, of Portland cement concrete, four inch thick, placed suitably on compacted base. The thickness shall be minimum eight inches at all crossing areas subject to weight of motor vehicle traffic. There shall be accesses constructed to the sidewalk from each street corner in accordance with handicapped accessibility rules and regulations.

§ 20.17.80 SUBMITTAL OF STREETS AND OTHER FACILITIES.

When all of the streets and other facilities required by §§ 20.17.20 through 20.17.70 are completed within the platted area in accordance with the provisions of the said sections and approved by the authorities having jurisdiction, they shall be submitted for acceptance for maintenance to the city. This acceptance shall be evidenced by a stipulation and certification of completion of work executed by the governing body that shall be recorded in the office of the County Recorder of Deeds by the subdivider of the platted area.

§ 20.17.90 SANITARY SEWERS.

When required by § 20.17.70(A), a public sanitary sewage collection and treatment system shall be provided as follows.

(A) Where the subdivision is reasonably accessible to an existing sanitary sewer system with sufficient capacity to handle the added load of the subdivision, the subdivider shall provide the subdivision with a complete sanitary sewage collection system connected to such existing sanitary sewers. Each individual residential lot in the subdivision shall have a six-inch sanitary sewer service line capped at the property line from the main sanitary line prior to hook up by a residential unit.

(B) Where no such connection to an existing system can be made, the subdivider shall provide the subdivision with a complete sanitary sewage collection system and treatment plant approved by the state's Environmental Protection Agency, with adequate provision for the maintenance of such plant.

(C) When permitted by § 20.17.70(A), individual sewage disposal systems on individual lots, consisting of septic tanks and tile absorption fields or other approved sewage disposal systems, may be permitted where laid out in accordance with minimum standards approved by the state's Environmental Protection Agency.

(D) Upon completion of the sanitary sewer system installation, a registered professional engineer shall certify that the sanitary sewer system complies with all standards required by the city and the state's Environmental Protection Agency. Four certified copies of plans as built shall be filed with the city and one with the state's Environmental Protection Agency.

(E) Field tiles and other surface-drainage facilities shall not be connected to sanitary sewers.

§ 20.17.100 SUBDIVIDER SHALL PROVIDE DEFINED.

For the purpose of §§ 20.17.90 and 20.17.110, the phrase **SUBDIVIDER SHALL PROVIDE** means that the subdivider shall install the facility referred to or, whenever a private sewage disposal system or individual (water well) supply is to be provided, that the subdivider shall require, as a condition of the sale

of each lot in the subdivision, that these facilities shall be installed by the owner of the lot in accordance with this title.

§ 20.17.110 WATER MAIN SUPPLY SYSTEM.

(A) The subdivider shall provide the subdivision with a complete water main supply system of mains at least six inches in diameter (larger may be required at the discretion of the City Administrator or the city's engineer), which shall be connected to an existing public water system utilizing mechanical joint fittings (no welded or glued fittings permitted). The subdivider shall also provide a minimum one-inch water service line to each lot line to be terminated with a curb stop and curb box with an extension rod accessible at surface grade. If not available, the subdivider shall provide an individual water supply on each lot in the subdivision in accordance with minimum standards approved by the state's Department of Public Health.

(B) The subdivider with the co-operation of the City Water Department shall prepare the plans for installation of a water main supply system. Upon completion of the water supply installation, four certified copies of the plans for such system as built shall be filed with the city and one with the state's Environmental Protection Agency.

(C) Fire hydrants shall be provided at no more than 600-foot intervals (or one per block if less than 600 feet) where a public water system is available or will be provided. Fire hydrants shall require one-half cubic yard of washed rock to be placed around the foot of the hydrant to allow proper drainage.

(D) All water mains shall be buried to a minimum depth of 42 inches.

(E) The subdivision may require a sampling hydrant to be installed for the water main line at the discretion of the Public Works Superintendent.

§ 20.17.120 STORM DRAINAGE.

(A) The subdivider of a subdivision shall provide the subdivision with an adequate street storm water system, in accordance with specifications of the City Council, where the evidence available to the City Council indicates that the natural surface drainage is inadequate. When the surface drainage is adequate, easements for such surface drainage shall be provided.

(B) For any new construction tributary to the combined sewer system, a building permit will only be issued if it can be demonstrated that inflow contributions to the combined sewer system will be minimized and/or delayed, such that the maximum inflow after construction will not exceed the inflow contribution before construction for up to a ten-year storm event.

(Ord. 2006-02)

§ 20.17.130 IMPROVEMENT DEDICATION.

Before the final plat for a major subdivision is signed by the Mayor, all applicants shall be required to complete, in accordance with the City Council's decision and to the satisfaction of the city's engineer, all the street, sanitary, and other public improvements, including lot improvements on the individual lots

of the subdivision, as required in these regulations, specified in the final subdivision plat and as approved by the City Council, and to dedicate those public improvements to the city, free and clear of all liens and encumbrances on the dedicated property and public improvements.

TABLE OF SPECIAL ORDINANCES

Table

- I. AGREEMENTS**
- II. PROPERTY TRANSFERS**

TABLE I: AGREEMENTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
-	- -	Agreement with Nicor Gas Company
2010-04	3-15-2010	Granting easement to waste management company
2011-18	10-3-2011	Approving final plat of Struder Subdivision
2013-02	- -2013	Approving a water supply agreement
2013-07	- -2013	Extending the cable television franchise agreement
2016-006	6-6-2016	Authorizing loan agreement

TABLE II: PROPERTY TRANSFERS

<i>Ord./Res No.</i>	<i>Date Passed</i>	<i>Description</i>
2010-02	2-15-2010	Accepting bid for property
2010-03	4-19-2010	Sale of vehicle
2011-04	4-18-2011	Sale of a vehicle
2011-08	6-20-2011	Sale of property
2011-10	6-20-2011	Sale of property
2011-12	- -2011	Sale of property
2011-13	8-15-2011	Sale of property
2011-14	8-15-2011	Sale of property
2011-15	9-19-2011	Accepting bid on property
2011-16	9-19-2011	Accepting bid on property
2011-17	9-19-2011	Accepting bid on property
Res. 2011-01	11-21-2011	Sale of property
2012-10	- -2012	Purchase of property
2012-11	11-19-2012	Purchase of property
2012-12	11-19-2012	Purchase of property
2012-13	11-19-2012	Purchase of property
2012-14	11-19-2012	Purchase of property
2012-15	11-19-2012	Purchase of property
2012-16	11-19-2012	Purchase of property
2013-04	- -2013	Sale of vehicles/equipment

Minonk - Table of Special Ordinances

<i>Ord./Res No.</i>	<i>Date Passed</i>	<i>Description</i>
2013-09	- -2013	Property sale
2013-13	- -2013	Vacation of an alley
2014-03	3-3-2014	Sale of pickup truck
2014-10	10-6-2014	Property sale

PARALLEL REFERENCES

References to Illinois Compiled Statutes
References to Resolutions
References to Ordinances

REFERENCES TO ILLINOIS COMPILED STATUTES

<i>ILCS Cites</i>	<i>Code Section</i>
5 ILCS 315/3	2.50.010
5 ILCS 120/1 et seq.	2.08.010, 2.08.030, 2.08.040, 2.16.010
5 ILCS 140/1 et seq.	2.54.030
5 ILCS 140/6(b)	2.19.05
5 ILCS 179/1 et seq.	2.54.020
10 ILCS 5/1-3	2.50.010
10 ILCS 5/9-1.4	2.50.010
10 ILCS 5/9-3	2.50.010
20 ILCS 3305/1 et seq.	2.44.030, 2.44.090, 2.44.120
30 ILCS 405/1 et seq.	13.16.010
35 ILCS 105/1 et seq.	3.28.010
35 ILCS 120/3	3.20.020
35 ILCS 145/1 et seq.	3.38.010
35 ILCS 640/2-1 et seq.	3.34.080
50 ILCS 705/1 et seq.	2.33.055
65 ILCS 5	13.16.710
65 ILCS 5/1-2-1	1.01.010
65 ILCS 5/1-2-3	1.01.030
65 ILCS 5/1-2-4	3.20.050, 3.24.050, 3.28.030
65 ILCS 5/8-11-1	3.20.010, 3.34.020
65 ILCS 5/8-11-2	3.34.010, 3.34.070
65 ILCS 5/8-11-5	3.24.010
65 ILCS 5/8-11-6	3.28.010
65 ILCS 5/11-1-3	3.16.010
65 ILCS 5/11-13-6	17.20.06
65 ILCS 5/11-13-7	17.20.06
65 ILCS 5/11-31-1	16.04.080, 16.04.130
65 ILCS 5/11-31-1(a)	16.04.100
65 ILCS 5/11-60-2	16.04.020
65 ILCS 5/11-74.4-8	17.02.02
65 ILCS 5/11-80-5	3.36.010
65 ILCS 8-2-9.1 through 8-2-9.10	3.06.010 – 3.06.030
70 ILCS 210/13	3.38.010
220 ILCS 5/16-104	3.34.010
225 ILCS 225/1 et seq.	13.16.090
225 ILCS 320/3	13.20.060
230 ILCS 40/1 et seq.	5.04.285
235 ILCS 5/1-1 et seq.	5.04.040
425 ILCS 30/1 et seq.	9.38.0050

ILCS Cites***Code Section***

625 ILCS 5/1-100 et seq.	10.20.010, 10.32.020, 10.32.040, 10.32.050, 17.12.02
625 ILCS 5/1-123.9	10.32.030
625 ILCS 5/1-159.1	10.12.065
625 ILCS 5/1-168.8	10.32.030
625 ILCS 5/6-101	10.29.010
625 ILCS 5/6-303	10.29.010
625 ILCS 5/11-500 et seq.	10.32.040
625 ILCS 5/11-501	10.29.010
625 ILCS 5/11-1426	10.32.040
625 ILCS 5/11-1426.1	10.32.060
625 ILCS 5/11-1426.1(b-5)	10.32.040
625 ILCS 5/12-603.1	10.32.040
625 ILCS 5/12-709	10.32.040
625 ILCS 25/1 et seq.	10.32.040
625 ILCS 40/1-1 et seq.	10.24.010
720 ILCS 5/24-1 et seq.	10.29.010
720 ILCS 550/1 et seq.	9.40.010, 10.29.010
720 ILCS 550/3(a)	9.42.010
720 ILCS 570/100 et seq.	9.40.010
720 ILCS 570/201 et seq.	10.29.010
720 ILCS 600/2	10.29.010
735 ILCS 5/3-101 et seq.	10.29.090.
765 ILCS 201	17.00.05

REFERENCES TO RESOLUTIONS

<i>Res. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	5-3-1954	5.04.100
701 § 1	- -1974	9.16.010
701 § 2	- -1974	9.16.030
701 § 3	- -1974	9.16.020
- §§ 1, 2	10-1-1979	5.04.270
2010-02	2-15-2010	TSO Table II
2011-01	- -2011	2.54.010 – 2.54.060
2011-01	11-21-2011	TSO Table II

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	--	TSO Table I
Div. 3 § 1	--	3.16.010
Div. 3 § 3	--	2.36.020, 5.04.040, 5.12.040
Div. 5 § 13	--	3.04.010
94-08 § F	--	5.04.030
96-16	--	10.20.070
718	--	2.34.010 – 2.34.070
2000-08	--	17.00.01
2002-11	--	10.05.030
2003-	--	10.20.020
2003-01	--	10.05.030
2003-05	--	10.08.010 – 10.08.040
2003-08	--	10.08.010 – 10.08.040
2004-03	--	10.20.050 – 10.20.080
2004-04	--	2.50.040
2004-05	--	1.01.010 – 1.01.030, 1.01.050 – 1.01.080, 1.01.100 – 1.01.110, 1.08.010, 1.08.020, 2.03.010 – 2.03.030, 2.04.070, 2.08.030, 2.08.170 – 2.08.190, 2.12.020, 2.28.030, 2.28.060, 2.32.010 – 2.32.060, 2.33.010 – 2.33.140, 2.34.010 – 2.34.070, 2.36.010 – 2.36.040, 2.40.010 – 2.40.100, 2.40.110 – 2.40.130, 2.44.010 – 2.44.120, 2.48.010, 2.48.020, 3.04.010, 3.06.010 – 3.06.050, 3.08.010, 3.16.010, 3.20.010 – 3.20.050, 3.24.010 – 3.24.050, 3.28.010 – 3.28.030, 5.04.010 – 5.04.290, 5.08.010 – 5.08.050, 5.12.010 – 5.12.100, 5.28.010 – 5.28.060, 6.04.002 – 6.04.030, 6.04.060 – 6.04.082, 6.08.010 – 6.08.060, 8.20.120, 9.10.090, 9.12.010, 9.12.020, 9.14.010 – 9.14.060, 9.16.010 – 9.16.030, 9.30.040, 9.36.010 – 9.36.060, 10.04.020 – 10.04.050, 10.08.010 – 10.08.040, 10.12.010 – 10.12.130, 10.16.010, 10.16.020, 10.20.020, 10.20.060 – 10.20.080, 10.24.010 – 10.24.040, 12.04.010 – 12.04.040, 13.02.020, 13.04.060 – 13.04.310, 13.12.005 – 13.12.060, 13.16.010 – 13.16.090, 13.16.110 – 13.16.300, 13.16.320 – 13.16.760, 15.04.010 – 15.04.050, 17.00.01

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
2004-07	--	9.10.090, 9.10.100
2004-08	--	8.20.120
2004-09	--	10.04.010
2005-03	--	5.16.07
2005-05	--	5.20.19
2005-11	--	10.12.010, 10.12.040, 10.12.050
2006-01	--	10.12.060
2006-02	--	13.16.130, 13.16.140, 13.16.261, 13.16.270, 20.17.120
2006-04	--	10.12.010, 10.12.040, 10.12.050
2006-10	--	17.03.06
2006-11	--	17.03.06
2007-01	--	13.02.070
2007-02	--	13.02.010
2007-03	--	13.02.010
2007-4	--	13.02.020
2008-04	--	5.04.160
2008-6	--	2.04.10
2008-7	--	2.12.030
2009-02	--	17.12.02
2009-04	--	2.28.010, 2.28.060, 17.15.02
2009-08	--	10.12.060
2010-1	--	13.12.030, 13.12.050, 13.16.150, 13.16.220
2012-07	--	2.33.055
2 § 1	--1867	2.36.010
2 § 2	--1867	2.36.030
2 § 6	--1867	2.36.040
10 § 3	--1869	15.04.010
10 § 4	--1869	15.04.020
10 § 6	--1869	15.04.030
10 § 7	--1869	15.04.040
10 § 8	--1869	15.04.050
11 § 12	--1868	13.04.200
11 § 13	--1868	13.04.160
11 § 14	--1868	13.04.180
11 § 15	--1868	13.04.170
11 § 16	--1868	13.04.270
11 § 17	--1868	13.04.280
11 § 18	--1868	13.04.090
11 § 19	--1868	13.04.080
11 § 21	--1868	13.04.070
11 § 23	--1868	13.04.190
11 § 26	--1868	13.04.240
11 § 28	--1868	13.04.250
11 § 29	--1868	13.04.290
11 § 30	--1868	13.04.300
11 § 31	--1868	13.04.310

References to Ordinances

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
14 § 1	--1869	1.08.010
14 § 2	--1869	1.08.020
385	--1913	2.40.020
385 § 1	--1913	2.40.010
385 § 2	--1913	2.40.030
385 § 3	--1913	2.40.040
385 § 4	--1913	2.40.050
385 § 5	--1913	2.40.060
385 § 6	--1913	2.40.070
385 § 7	--1913	2.40.080
385 § 8	--1913	2.40.090
385 § 9	--1913	2.40.110
385 § 10	--1913	2.40.100
385 § 13	--1913	2.40.130
385 § 14	--1913	2.40.120
420 § 1	--1915	2.40.020
420 § 2	--1915	2.40.130
492 § 1	--1933	5.12.010
492 § 2	--1933	5.12.020
492 § 3	--1933	5.12.030
492 § 4	--1933	5.12.040
492 § 5	--1933	5.12.050
492 § 6	--1933	5.12.060
492 § 7	--1933	5.12.070
492 § 8	--1933	5.12.080
492 § 9	--1933	5.12.090
492 § 10	--1933	5.12.100
494	--1934	5.04.210 – 5.04.250
494 § 1	--1934	5.04.010
494 § 2	--1934	5.04.020
494 § 3	--1934	5.04.030
494 § 4	--1934	5.04.040
494 § 6	--1934	5.04.050
494 § 7	--1934	5.04.060
494 § 8	--1934	5.04.070
494 § 9	--1934	5.04.080
494 § 10	--1934	5.04.090
494 § 11	--1934	5.04.200
494 § 12	--1934	5.04.100
494 § 13	--1934	5.04.110
494 § 14	--1934	5.04.140
494 § 15	--1934	5.04.180
494 § 16	--1934	5.04.280
494 § 17	--1934	5.04.150
494 § 18	--1934	5.04.260
494 § 19	--1934	5.04.170
494 § 20	--1934	5.04.160

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
494 § 21	--1934	5.04.270
494 § 22	--1934	5.04.190
494 § 23	--1934	5.04.120
494 § 24	--1934	5.04.130
494 § 25	--1934	5.04.290
497	--1934	5.04.160
506 § 3	--1937	13.04.060
506 § 4	--1937	13.04.120
506 § 5	--1937	13.04.130
506 § 6	--1937	13.04.140
506 § 7	--1937	13.04.150
506 § 8	--1937	13.04.260
506 § 9	--1937	13.04.250
506 § 10	--1937	13.04.300
494 A	--1946	5.04.060
535 § 1	--1947	10.12.060
537 § 2	--1948	5.04.100
545 § 3	--1950	13.12.010
545 § 4	--1950	13.12.020
545 § 5	--1950	13.12.030
545 § 6	--1950	13.12.040
545 § 7	--1950	13.12.050
545 § 8	--1950	13.12.060
566 § 1	--1953	13.04.100
566 § 2	--1953	13.04.110
600 § 1	--1957	10.12.080
600 § 2	--1957	10.12.080
600 § 4	--1957	10.12.100
602 § 1	--1958	13.04.060
604 § 1	--1958	5.04.190
608 § 1	--1958	5.04.060
611 §§ 1 through 3	--1959	10.12.127
613 § 1	--1959	5.04.060
614 § 2	--1960	10.12.060
614 § 4	--1960	10.12.100
625 § 1	--1961	10.12.070
625 § 2	--1961	10.12.060
625 § 4	--1961	10.12.100
630 § 1	--1961	9.36.010
630 § 2	--1961	9.36.020
630 § 4	--1961	9.36.060
631 § 1	--1961	10.12.060
631 § 3	--1961	10.12.100
639 §§ 1 through 16	--1963	10.12.010
639 § 4	--1963	10.12.020
639 § 17	--1963	10.04.010
639 § 18	--1963	10.04.020, 10.12.040

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
642 § 1	--1963	10.16.010
642 § 2	--1963	10.16.010
642 § 3	--1963	10.16.010
643 § 1	--1963	12.04.010
643 § 2	--1963	12.04.020
643 § 3	--1963	12.04.030
643 § 4	--1963	12.04.040
650 § 1	--1965	10.12.110
650 § 2	--1965	10.12.110
650 § 3	--1965	10.12.110
651 § 1	--1966	10.12.060, 10.12.080
651 § 3	--1966	10.12.100
652 § 1	--1966	10.12.010, 10.12.050
652 § 2	--1966	10.12.040
660 § 2	--1968	6.04.020
660 § 3	--1968	6.04.030
660 § 6	--1968	6.04.060
660 § 7	--1968	6.04.070
660 § 8	--1968	6.04.080
663	--1969	5.08.010 – 5.08.050
666 § 1	--1969	3.20.010
666 § 2	--1969	3.20.020
666 § 3	--1969	3.20.030
666 § 4	--1969	3.20.040
666 § 5	--1969	3.20.050
667 § 1	--1969	3.24.010
667 § 2	--1969	3.24.020
667 § 3	--1969	3.24.030
667 § 4	--1969	3.24.040
667 § 5	--1969	3.24.050
669 § 1	--1969	3.16.010
671 § 1	--1969	9.14.010
671 § 2	--1969	9.14.020
671 § 3	--1969	9.14.030
671 § 4	--1969	9.14.040
671 § 5	--1969	9.14.050
671 § 6	--1969	9.14.060
684	--1972	10.12.130
688 § 1	--1972	10.08.010
688 § 2	--1972	10.08.020
688 § 3	--1972	10.08.030
688 § 4	--1972	10.08.040
695	--1973	10.12.030
697	--1973	5.04.210 – 5.04.250
699 § 1	--1974	2.48.010
699 § 2	--1974	2.48.020
700 § 1	--1974	3.28.010

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
700 § 3	--1974	3.28.020
700 § 4	--1974	3.28.030
708 § 4	--1974	9.36.040
703 § 1	--1975	10.16.020
703 § 2	--1975	10.16.020
706 § 1	--1975	5.28.010
706 § 2	--1975	5.28.020
706 § 3	--1975	5.28.030
706 § 4	--1975	5.28.040
706 § 5	--1975	5.28.050
706 § 6	--1975	5.28.060
708 § 3	--1975	9.36.030
708 § 5	--1975	9.36.050
709	--1975	2.36.030
714	--1976	3.08.010
715 § 1	--1977	2.44.010
715 § 2	--1977	2.44.020
715 § 3	--1977	2.44.030
715 § 4	--1977	2.44.040
715 § 5	--1977	2.44.050
715 § 6	--1977	2.44.060
715 § 7	--1977	2.44.070
715 § 8	--1977	2.44.080
715 § 9	--1977	2.44.090
715 § 10	--1977	2.44.100
715 § 11	--1977	2.44.110
715 § 12	--1977	2.44.120
719	--1978	2.08.180
720 §§ 1 through 3	--1978	10.12.035
722 § 2	--1978	10.20.020
722 § 5	--1978	10.20.050
723 § 2	--1978	1.01.020
723 § 3	--1978	1.01.030
723 § 5	--1978	1.01.050
723 § 6	--1978	1.01.060
723 § 7	--1978	1.01.070
723 § 8	--1978	1.01.080
723 § 10	--1978	1.01.100
723 § 11	--1978	1.01.110
-	6-5-1978	2.08.190, 2.33.010 – 2.33.140
-	10-2-1978	10.12.060
731 Ch. 1 §§ 1 through 13	--1979	13.16.010
731 Ch. 2, Art. I § 1	--1979	13.16.020
731 Ch. 2, Art. I § 2	--1979	13.16.030
731 Ch. 2, Art. I § 3	--1979	13.16.040
731 Ch. 2, Art. I § 4	--1979	13.16.050
731 Ch. 2, Art. II § 1	--1979	13.16.060

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
731 Ch. 2, Art. II § 2	--1979	13.16.070
731 Ch. 2, Art. II § 3	--1979	13.16.080
731 Ch. 2, Art. II § 4	--1979	13.16.090
731 Ch. 2, Art. II § 5	--1979	13.16.100
731 Ch. 2, Art. II § 6	--1979	13.16.110
731 Ch. 2, Art. II § 7	--1979	13.16.120
731 Ch. 2, Art. II § 8	--1979	13.16.130
731 Ch. 2, Art. III § 1	--1979	13.16.140
731 Ch. 2, Art. III § 2	--1979	13.16.150
731 Ch. 2, Art. III § 3	--1979	13.16.160
731 Ch. 2, Art. III § 4	--1979	13.16.170
731 Ch. 2, Art. III § 5	--1979	13.16.180
731 Ch. 2, Art. III § 6	--1979	13.16.190
731 Ch. 2, Art. III § 7	--1979	13.16.200
731 Ch. 2, Art. III § 8	--1979	13.16.210
731 Ch. 2, Art. III § 9	--1979	13.16.220
731 Ch. 2, Art. III § 10	--1979	13.16.230
731 Ch. 2, Art. III § 11	--1979	13.16.240
731 Ch. 2, Art. III § 12	--1979	13.16.250
731 Ch. 2, Art. IV § 1	--1979	13.16.260
731 Ch. 2, Art. IV § 2	--1979	13.16.270
731 Ch. 2, Art. IV § 3	--1979	13.16.280
731 Ch. 2, Art. IV § 4	--1979	13.16.290
731 Ch. 2, Art. IV § 5	--1979	13.16.300
731 Ch. 2, Art. IV § 6	--1979	13.16.310
731 Ch. 2, Art. IV § 7	--1979	13.16.320
731 Ch. 2, Art. IV § 8	--1979	13.16.330
731 Ch. 2, Art. IV § 9	--1979	13.16.340
731 Ch. 2, Art. IV § 10	--1979	13.16.350
731 Ch. 2, Art. IV § 11	--1979	13.16.360
731 Ch. 2, Art. V § 1	--1979	13.16.370
731 Ch. 2, Art. VI § 1	--1979	13.16.380
731 Ch. 2, Art. VI § 2	--1979	13.16.390
731 Ch. 2, Art. VI § 3	--1979	13.16.400
731 Ch. 2, Art. VII § 1	--1979	13.16.410
731 Ch. 2, Art. VIII § 1	--1979	13.16.420
731 Ch. 2, Art. IX § 1	--1979	13.16.430
731 Ch. 2, Art. IX § 2	--1979	13.16.440
731 Ch. 2, Art. IX § 3	--1979	13.16.450
731 Ch. 3, Art. I § 1	--1979	13.16.460, 13.16.510
731 Ch. 3, Art. I § 2	--1979	13.16.470
731 Ch. 3, Art. I § 3	--1979	13.16.480
731 Ch. 3, Art. I § 4	--1979	13.16.490
731 Ch. 3, Art. I § 5	--1979	13.16.500
731 Ch. 3, Art. II § 1	--1979	13.16.520
731 Ch. 3, Art. II § 2	--1979	13.16.530
731 Ch. 3, Art. II § 3	--1979	13.16.540

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
731 Ch. 3, Art. II § 4	--1979	13.16.550
731 Ch. 3, Art. II § 5	--1979	13.16.560
731 Ch. 3, Art. II § 6	--1979	13.16.570
731 Ch. 3, Art. II § 7	--1979	13.16.580
731 Ch. 3, Art. II § 8	--1979	13.16.590
731 Ch. 3, Art. II § 9	--1979	13.16.600
731 Ch. 3, Art. II § 10	--1979	13.16.610
731 Ch. 3, Art. II § 11	--1979	13.16.620
731 Ch. 3, Art. II § 12	--1979	13.16.630
731 Ch. 3, Art. II § 13	--1979	13.16.640
731 Ch. 3, Art. II § 14	--1979	13.16.650
731 Ch. 3, Art. II § 15	--1979	13.16.660
731 Ch. 3, Art. II § 16	--1979	13.16.670, 13.16.680
731 Ch. 3, Art. III	--1979	13.16.760
731 Ch. 3, Art. III § 2	--1979	13.16.690
731 Ch. 3, Art. III § 3	--1979	13.16.700
731 Ch. 3, Art. III § 4	--1979	13.16.710
731 Ch. 3, Art. III § 5	--1979	13.16.720
731 Ch. 3, Art. III § 6	--1979	13.16.730
731 Ch. 3, Art. III § 7	--1979	13.16.740
731 Ch. 3, Art. III § 8	--1979	13.16.750
732 § 1-3	--1979	10.12.055
- §§ 1 through 6	12-3-1979	5.04.160
734 § 1	--1980	10.24.010
734 § 2	--1980	10.24.020
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