



Past Pride - Future Strength

1884 - 2018

Code of Ordinances

CHAPTER 1
OFFICIAL CODE

SECTION

	Title
1-1-1	Acceptance
1-1-2	Amendments
1-1-3	Interpretations
1-1-4	Code Alteration
1-1-5	

1-1-1

Title Upon adoption by the Board of Trustees, this Village Code is hereby declared to be and shall hereafter constitute the official Village Code of the Village of Andalusia. This Village Code of Ordinances shall be known and cited as the Andalusia Municipal Code, and it is hereby published by authority of the Board of Trustees and shall be kept up to date as provided in Section 1-1-3 under the direction of the Village Attorney, acting for said Village Board of Trustees. Any reference to the number of any Section contained herein shall be understood to refer to the position of the same number, its appropriate Chapter, and Title heading, as to the general penalty clause relating thereto, as well as to the Section itself, when made to this Village Code by title in any legal document.

as hereby presented in printed form, shall hereinafter be given full force and effect, and shall be given permanent effect, except

Adopted December 3, 2018

Updated April 10, 2023

Prepared by:



Village of Andalusia

Code of Ordinances

ADOPTED 2018

UPDATED 2023

Table of Contents

Title 1 Administrative	1
Chapter 1 Official Code	3
Chapter 2 Savings Clause.....	5
Chapter 3 Definitions.....	7
Chapter 4 Penalty	11
Chapter 5 Village President.....	13
Chapter 6 Board of Trustees	17
Chapter 7 Officers and Employees	23
Chapter 8 Clerk	31
Chapter 9 Treasurer	35
Chapter 10 Attorney	43
Chapter 11 Health Officer.....	45
Chapter 12 Building Inspector	47
Chapter 13 Superintendent of Public Works	49
Chapter 14 Village Jail	51
Chapter 15 Corporate Seal	53
Chapter 16 Administrative Enforcement System	54
Title 2 Boards and Commissions.....	61
Chapter 1 Board of Health.....	63
Chapter 2 Youth Guidance Council.....	65
Chapter 3 Zoning Board of Appeals	67
Chapter 4 Board of Local Improvements.....	75
Chapter 5 Civil Defense	77
Chapter 6 Planning and Zoning Board	81

Title 3 Business.....	83
Chapter 1 Licenses	85
Chapter 2 Certain Businesses	95
Chapter 3 Billiard, Pool Halls	103
Chapter 4 Food Dealers.....	105
Chapter 5 Food Deliveries	109
Chapter 6 Liquor	111
Chapter 7 Peddlers	121
Chapter 8 Service Stations	123
Chapter 9 Body Repair Shops; Public Garages	131
Chapter 10 Utility Tax	133
Chapter 11 Retailers' Occupation Tax	137
Chapter 12 Use Tax.....	139
Chapter 13 Small Engine-Appliance Repair Shops	141
Chapter 14 Self-Storage Rental Unit Complex	143
Chapter 15 Video Gaming	145
Title 4 Building	149
Chapter 1 Building Codes	151
Chapter 2 Building, General Provisions	169
Chapter 3 Dangerous Buildings	173
Chapter 4 Moving Buildings	177
Chapter 5 Plumbing	179
Chapter 6 Electricity	181
Chapter 7 Flood Damage Prevention.....	183

Title 5 Fire	219
Chapter 1 Explosives; Fireworks	221
Chapter 2 Fire Regulations	223
Title 6 Public Safety	225
Chapter 1 General Offenses	227
Chapter 2 Animals.....	251
Chapter 3 Dogs and Cats.....	253
Chapter 4 Public Gatherings	255
Chapter 5 Curfew	257
Chapter 6 Plants and Weeds	261
Chapter 7 Offenses Involving Children.....	265
Chapter 8 Declaration of Civil emergency.....	268
Title 7 Health and Sanitation	271
Chapter 1 Nuisances.....	273
Chapter 2 Contagious Diseases.....	275
Chapter 3 Inoperable Vehicles	277
Chapter 4 Junk and Refuse on Private Property	281
Chapter 5 Garbage Collection	287
Chapter 6 Private Sewage Disposal System.....	291
Chapter 7 Public Sewerage System.....	293
Chapter 8 [RESERVED].....	297
Chapter 9 [RESERVED].....	298
Chapter 10 [RESERVED].....	299
Title 8 Public Ways and Property.....	301
Chapter 1 Excavating, Backfilling, Surfacing, & Resurfacing Public Roadways	303
Chapter 2 Trees and Shrubs	309

Chapter 3 Signs, Billboards, and Awnings	311
Chapter 4 Houseboats	317
Chapter 5 Street Names, House Numbering	319
Chapter 6 [RESERVED]	321
Chapter 7 Streets and Sidewalks	323
Title 9 Traffic.....	327
Chapter 1 General Provisions	329
Chapter 2 Pedestrians	335
Chapter 3 Rules For Driving	337
Chapter 4 Condition of Vehicles	341
Chapter 5 Parking Rules	343
Chapter 6 Drivers	347
Chapter 7 Slow Moving Vehicles (SMVs)	348
 Appendix A List of Fees for the Village of Andalusia	
 Appendix B Village Forms	
 Subdivision and Official Map Ordinance	
 Village of Andalusia Zoning Ordinance	

TITLE 1

ADMINISTRATIVE

<u>Subject</u>	<u>Chapter</u>
Official Code	1
Savings Clause	2
Definitions	3
Penalty	4
Village President	5
Board of Trustees	6
Officers and Employees	7
Clerk	8
Treasurer	9
Attorney	10
Health Officer	11
Building Inspector	12
Superintendent of Public Works	13
Village Jail	14
Corporate Seal	15
Administrative Enforcement System	17

CHAPTER 1

OFFICIAL CODE

SECTION

- 1-1-1 Title
- 1-1-2 Acceptance
- 1-1-3 Amendments
- 1-1-4 Interpretations
- 1-1-5 Code Alteration

- 1-1-1 Title** Upon adoption by the Board of Trustees, this Village Code is hereby declared to be and shall hereafter constitute the official Village Code of the Village of Andalusia. This Village Code of Ordinances shall be known and cited as the Andalusia Municipal Code, and it is hereby published by authority of the Board of Trustees and shall be kept up to date as provided in Section 1-1-3 under the direction of the Village Attorney, acting for said Village Board of Trustees. Any reference to the number of any Section contained herein shall be understood to refer to the position of the same number, its appropriate Chapter, and Title heading, and to the general penalty clause relating thereto, as well as to the Section itself, when reference is made to this Village Code by title in any legal document.
- 1-1-2 Acceptance** This Village Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the Village of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1.
- 1-1-3 Amendments** Any ordinance amending this Village Code shall set forth the Title, Chapter and Section number of the Section or Sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Village Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Village Code within thirty (30) days from the date of its final passage.

1-1-4 Interpretations In the determination of the provisions of each Section of this Code, the following rules shall be observed:

- A. Intent to Defraud: Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.
- B. Liability of Employers and Agents: When the provisions of any Section of this Village Code prohibits the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth.

1-1-5 Code Alteration It shall be deemed unlawful for any person to alter, change, replace, or deface in any way any Section or any page of this Village Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the Village Board. The Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk.

Any person having in his custody an official copy of this Village Code shall make every effort to maintain said Code in an up to date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the Village Clerk. Said Code Books, while in actual possession of officials and other interested persons, shall be and remain the property of the Village and shall be returned to the office of the Clerk when directed so to do by order of the Village Board.

CHAPTER 2

SAVINGS CLAUSE

SECTION

1-2-1 Repeal of General Ordinances

1-2-2 Public Utility Ordinances

1-2-3 Court Proceedings

1-2-1 Repeal of General Ordinances All general ordinances of the Village passed prior to the adoption of this Village Code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following Section), from which are excluded the following ordinances which are not hereby repealed:

- Tax levy ordinance
- Appropriation ordinances
- Ordinances relating to boundaries and annexations
- Franchise ordinances and other ordinances granting special rights to persons or corporations
- Contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants
- Salary ordinances
- Ordinances establishing, naming or vacating streets, alleys or other public places
- Improvement ordinances
- Bond ordinances
- Ordinances relating to elections
- Ordinances relating to the transfer or acceptance of real estate by or from the Village
- And all special ordinances

1-2-2 Public Utility Ordinances No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Village Code or by virtue of the preceding Section, excepting as this Village Code may contain provisions for such matters, in which case this Village Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

1-2-3 Court Proceedings No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture, or punishment were mitigated by any provision of a new ordinance, such provision may be applied, by the consent of the party affected, to any judgment announced after the new ordinance takes effect

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

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village herein repealed. The provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision. Nor shall this Chapter be deemed as discontinuing, abating, modifying, or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Village under any ordinance or provision thereof in force at the time of the adoption of this Village Code. (1974 Code)

CHAPTER 3

DEFINITIONS

SECTION

- 1-3-1 Construction of Words
- 1-3-2 Definitions
- 1-3-3 Catchlines

1-3-1 Construction of Words Whenever any word in any Section of this Village Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed included, although distributive words may not have been used.

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

1-3-2 Definitions Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT: The word "agent" as used in this Code shall mean a person acting on behalf of another.

BOARD: The word "Board," unless otherwise indicated, shall mean the Board of Trustees of the Village.

CLERK: The Village Clerk of Andalusia, Illinois.

CODE: The word "Code" shall mean the Municipal Code of Andalusia and amendments thereto.

COUNTY: The word "County" shall mean County of Rock Island.

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

FEE: The word "fee" as used in this Code shall mean a sum of money charged by the Village for the carrying on of a business, profession, or occupation. (1973 Code)

FISCAL YEAR: The "fiscal year" of the Village shall begin May 1 of each year and end on April 30 of the following year. (M.C. 1949; Sec. 106)

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

LICENSE: The word "license" as used in this code shall mean the permission granted for the carrying on of a business, profession, or occupation.

MEASURE: An ordinance, amendment, resolution, or motion.

MISDEMEANOR: The word "misdemeanor" shall mean any offense deemed a violation of the provisions of this Code that is a lesser offense than a felony as defined by State law.

MONTH: Calendar month.

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

NUISANCE: The word "nuisance" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the Village; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

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

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

OFFENSE: The word "offense" shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

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

OPERATOR: The word "operator" as used in this Code shall mean the person who is in charge of any operation, business, or profession.

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

PERSON: The word "person" shall mean any real human being, firm, trust, partnership, joint stock association or corporation, or the State of Illinois or any subdivision of the State, and includes any trustee, receiver, assignee, or personal representative of any of those entities or other representative appointed by the court. Whenever the word "person" is used in any Section of this Code prescribing a penalty or fine as applied to partnerships or associations, the word shall include the partners or members thereof, and such word as applied to corporations shall include the officers, agents, or employees thereof who are responsible for any violation of said Section.

PERSONAL PROPERTY: The term "personal property" shall include every description of money, goods, chattels 1 effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished any every right or interest therein.

PRESIDENT: The President of the Village Board of Trustees.

PROPERTY: Includes real property and tangible and intangible personal property unless clearly indicated otherwise.

PROPERTY OWNER: A person owning private property in the Village, as shown by the County Recorder's plats of the Village.

PUBLIC PROPERTY: All property owned by the Village or held in the name of the Village by and of the departments, commissions, or agencies within the Village government.

PUBLIC PLACE: Includes in its meaning, but is not restricted to, any Village-owned open place, such as parks and squares.

PUBLIC WAY: Includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare

RETAILER: The word "retailer" as used in this Code, unless otherwise specifically defined shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

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

SIDEWALK: That portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line.

STATE: The word "State," unless otherwise indicated, shall mean the State of Illinois.

STATUTES, LAWS: The Illinois Compiled Statutes.

STREET: The word "street" shall include alleys, lanes, courts, boulevard, public squares, public places, and sidewalks.

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

VILLAGE: The word "Village" shall mean the Village of Andalusia, located in the County of Rock Island, and State of Illinois.

WHOLESALE: The words "wholesaler" and "wholesale dealer" as used in the Village Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.

WILLFULLY: The word "willfully" when applied to the intent, with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the referred to omission. It does not require any intent to violate law, or injure another, or acquire an advantage.

WRITTEN, IN WRITING: The terms "written" or "in writing" may include printing and any other mode of representing words and letters. However, when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by this proper mark.

1-3-3 Catchlines The catchlines of the several Sections of this Village Code are intended as mere catchwords to indicate the content of the Section and shall not be deemed or taken to be title of such Sections, nor as any part of the Section, nor unless expressly so provided, shall they be so deemed when any of such Sections, including the catchlines, are amended or re-enacted. (1974 Code)

CHAPTER 4

PENALTY

SECTION

- 1-4-1 Penalty
- 1-4-2 License
- 1-4-3 Application
- 1-4-4 Liability of Officers

1-4-1 Penalty Any person convicted of a violation of any Section of the Village Code shall be fined in a sum not to exceed five hundred dollars (\$500.00) for any one offense or imprisoned in the County jail for not to exceed six (6) months, or both so fined and imprisoned, excepting any specific Section of this Code wherein the maximum fine is limited to a lesser amount.

1-4-2 License When the Village convicts a person of a violation of any Section of this Village Code any license previously issued him may be revoked by the court or by the Board of Trustees.

1-4-3 Application The penalty provided in this Chapter shall be applicable to every section of this Village Code the same as though it were a part of each separate section. Any person convicted of a violation of any section of this Village Code where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature is forbidden or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Village Code.

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

A penalty imposed for violation of an ordinance may include, or consist of, a requirement that the defendant do one or both of the following:

- 1) Complete an education program, except that a holder of a valid commercial driver's license who commits a vehicle weight or size restriction violation shall not be required to complete an education program under this Section. (625 ILCS 5/11-208)
- 2) Perform some reasonable public service work such as but not limited to the

picking up of litter in public parks or along public highways or the maintenance of public facilities. (625 ILCS 5/11-208)

A low-income individual required to complete an education program under this Section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required education program. (625 ILCS 5/11-208)

Whenever the doing of any act or the omission to do any act constitutes a breach of any Section or provision of this Village Code and there shall be no fine or penalty specifically declared of such breach, the provisions of this Chapter shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

1-4-4 Liability of Officers No provision of this Village Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the Section creating the duty. (1974 Code)

CHAPTER 5

VILLAGE PRESIDENT

SECTION

- 1-5-1 Election; Term of Office
- 1-5-2 Duties
- 1-5-3 Bond; Oath; Salary
- 1-5-4 President Pro Tem or Temporary Chairperson
- 1-5-5 Designation for Signing Instruments

1-5-1 Election; Term of Office The Village President shall be elected for a term of four (4) years, and shall be the President of the Board of Trustees as is provided by Statute. (M.C. 1949; Sec. 1)

1-5-2 Duties

- 1-5-2-1 Duties: The Village President shall perform all the duties which are prescribed by law, including ordinances, and shall take care that the laws and ordinances are faithfully executed. The president from time to time may, and annually shall, give the corporate authorities information concerning the affairs of the municipality and may recommend for their consideration measures the president believes expedient. (65 ILCS 5/3.1-35-5)
- 1-5-2-2 Examination of records: The President at all times may examine and inspect the books, records, and papers of any agent, employee, or officer of the municipality. (65 ILCS 5/3.1-35-20)
- 1-5-2-3 Designation of Duties: Whenever there is a question as to the respective duties or powers of any appointed officer of the Village, this shall be settled by the President; who shall have the power to delegate to any such officer any duty that is to be performed when no specific officer has been directed to perform that duty. (M.C. 1949; Sec. 3)

- 1-5-2-4 Village President and removal of appointed officer: Except where otherwise provided by statute, the president may remove any officer appointed by the president under this Code, on any written charge, whenever the president is of the opinion that the interests of the municipality demand removal. The president shall report the reasons for the removal to the corporate authorities at a meeting to be held not less than 5 nor more than 10 days after the removal. If the president fails or refuses to report to the corporate authorities the reasons for the removal, or if the corporate authorities by a two-thirds vote of all members authorized by law to be elected disapprove of the removal, the officer thereupon shall be restored to the office from which the officer was removed. The vote shall be by yeas and nays, which shall be entered upon the journal of the corporate authorities. 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. (Source: P.A. 87-1119.) (65 ILCS 5/3.1-35-10)
- 1-5-2-5 The President shall preside at all meetings of the Board, preserving order and decorum, call special meetings alone, or by order of any three Trustees, appoint all committees, sign all orders on the Treasurer and passed by the Board. The President shall not vote upon any subject or question before the Board for consideration, unless there is a tie, when he shall give the casting vote.
- 1-5-2-6 The President may miss more than two meetings per year and may receive compensation, if he can show due cause for such additional absences, such as illness of the President, serious illness of a member of the President's immediate family, or other like cause at the discretion of the Village Board of Trustees. The President may be allowed two absences in each year for which compensation may be paid.

1-5-3 Bond; Oath; Salary Before entering upon the duties of the office, the President shall give a bond with sureties to be approved by the Board of Trustees conditioned upon the faithful performance of the duties of the office, in the sum of at least three thousand dollars (\$3,000.00) or such higher sum as may be directed by the Board of Trustees. The President shall take the oath of the office prescribed by Statute, and shall be compensated as follows:

- 1) Salary of the President: The President shall receive an annual salary of Three Thousand Six Hundred Dollars (\$3600.00), payable in monthly installments.
- 2) Acting President: In the event the office of president is vacated prior to the end of a term, said office shall be filled pursuant to the Illinois Municipal Code. The salary of the acting president shall be the current salary of the president. (Ord. 2017-10-02)

1-5-4 President Pro Tem or Temporary Chairperson If the president is temporarily absent because of an incapacity to perform official duties, but the incapacity does not create a vacancy in the office, the corporate authorities shall elect one of their members to act as president pro tem. The president pro tem, during this absence or disability, shall perform the duties and possess all the rights and powers of the president but shall not be entitled to vote both as president pro tem and as trustee.

In the absence of the president, acting president, or president pro tem, the corporate authorities may elect one of their members to act as a temporary chairperson. The temporary chairperson shall have only the powers of a presiding officer and a right to vote only in the capacity as trustee on any ordinance, resolution, or motion. (Source: P.A. 87-1119.) (65 ILCS 5/3.1-35-35) (from Ch. 24, par. 3.1-35-35) Sec. 3.1-35-35.

1-5-5 Designation for Signing Instruments The president may designate in writing another person to affix the signature of the president to any written instrument or instruments required to be signed by the president. The president shall send written notice of this designation to the corporate authorities, stating the name of the person who has been selected and what instrument or instruments the person will have authority to sign. A written signature of the president executed by the designated person, with the signature of the designated person underneath, shall be attached to the notice. The notice, with the signatures attached, shall be recorded in the journal of the corporate authorities and then filed with the municipal clerk. When the signature of the president is placed on a written instrument at the direction of the president in the specified manner, the instrument or instruments, in all respects, shall be as binding on the municipality as if signed by the president in person. (65 ILCS 5/3.1-35-30)

CHAPTER 6

BOARD OF TRUSTEES

SECTION

- 1-6-1 Election; Functions
- 1-6-2 Oath; Salary
- 1-6-3 Meetings
- 1-6-4 Special Meetings
- 1-6-5 President
- 1-6-6 Absence
- 1-6-7 Quorum/Compelling Members To Attend
- 1-6-8 Rules; Order of Business

1-6-1 Election; Functions The Board of Trustees, consisting of six (6) members, shall be elected to office for a four (4) year term as is provided by Statute. This Board shall be the legislative department of the Village Government, and shall perform such duties and have such powers as may be delegated to it by Statute. (M.C. 1949; Sec. 6)

1-6-2 Oath; Salary Before entering upon the duties of their respective offices, all municipal officers, whether elected or appointed, shall take and subscribe the oath or affirmation required by the Illinois Constitution. The subscribed oath or affirmation shall be filed in the office of the Village clerk. (65 ILCS 5/3.1-10-25)

The members of the Board of Trustees shall take the oath of office prescribed by Statute, and shall be compensated as follows:

1-6-2-1 Salary of Trustees:

- 1-6-2-1-1 The Village Trustees shall receive an annual salary of Nine Hundred Dollars (\$900.00) plus Twenty-Five Dollars (\$25.00) per Board Meeting for the Two Board meetings per month, for a total compensation not to exceed One Hundred Twenty-Five Dollars (\$125.00) per month, payable in monthly installments.
- 1-6-2-1-2 Any Village Trustee elected in 2019 or at any election thereafter shall be granted two (2) paid absences per year from attending a board meeting.

1-6-2-2 **Office of Trustee:** Any person appointed to fill a vacancy in the office of trustee shall receive the same payment sum as his or her predecessor. (Ord. 2017-10-02)

1-6-3 Meetings The regular meetings of the Board of Trustees shall be held on the first and third Monday of each month at seven (7) o'clock P.M. and no notice of such regular meeting shall be required. (Ord. 458; 3/3/ 86)

The meeting place of the said Board shall be at the Municipal Building, unless otherwise ordered by the Board. Provided that if such meeting date should fall on a legal holiday the meeting shall be held on the following Monday. (Ord.234; 12/1/63)

Legal Holidays shall be only those named as follows: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veteran's Day Thanksgiving, and Christmas.

1-6-4 Special Meetings Special meetings may be called by the President of the Village or any three (3) Trustees upon at least twenty-four (24) hours' notice to all members and the President; provided that if all of the Trustees are present at a special meeting no notice of the meeting shall be necessary and such notice shall be deemed waived. (M.C. 1949; Sec. 9)

1-6-5 President The Village President shall be the presiding officer of all regular and special meetings of the Board of Trustees and all times when the Board meets as a committee of the whole in accordance with section 1-5-4. (M.C. 1949; Sec. 10)

1-6-6 Absence In the absence of the President, the Board shall appoint one of their number to fill the vacancy, who shall perform the duties required of the President and shall draw the pay of the President for that meeting. In the absence of the Village Clerk, the Deputy Clerk shall fill the vacancy. He shall perform the duties required of the Village Clerk, and shall draw the pay of the Village Clerk for that meeting.

1-6-7 Quorum/Compelling Members to Attend A majority of the Trustees-elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time and compel absentees to attend any regular or special meeting by a written citation to that effect, stating the day and hour of such meeting. Such citation shall be signed by the President of the Board of Trustees or the Trustees issuing the same, and may be served by the Village Clerk, or any officer authorized to serve the processes in the Village, by reading the same to such absentees. Any Trustee willfully refusing to obey such citation shall forfeit Ten Dollars (\$10.00), to be deducted out of his salary and upon the repeated refusal to obey such citation, such Trustee may be expelled, and his office declared vacant. Any Trustee who shall willfully refuse to obey such citation shall be fined

not exceeding One Hundred Dollars (\$100.00) to be collected by the Village in a civil action. Any trustee who shall twice willfully refuse to obey such citation shall be considered to have abandoned his office and the President and Board of Trustees may fill such vacancy in the manner provided by the Statutes of the State of Illinois.

1-6-8 Rules; Order of Business

1-6-8-1 Order of Business: The order of business of the Board of Trustees shall be as follows:

1-6-8-1-1 Roll Call

1-6-8-1-2 Minutes of the preceding meeting.

1-6-8-1-3 Approval of Bills

1-6-8-1-4 Treasurer's report

1-6-8-1-5 Reports of committees

1-6-8-1-6 Reports of officers

1-6-8-1-7 Other business

(M.G. 1949; Sec. 11)

1-6-8-2 Rescinded Action: No vote or action of the Board of Trustees shall be rescinded at any special meeting unless there be present at such meeting as many members of the Board of Trustees as were present at the meeting when such vote or action was taken, as provided by Statute. (M.G. 1949; Sec. 12)

1-6-8-3 Resolutions: Any resolution submitted to the Board of Trustees shall be reduced to writing before voted upon on request of any two (2) members of the Board. (M.C. 1949; Sec. 13)

1-6-8-4 Addressing Meetings: No person other than the President or a member of the Board shall address that body at any regular or special meeting except upon the consent of a majority of the members present. (M.G. 1949; Sec. 14)

1-6-8-5 Suspension of Rules: The rules of order, other than those prescribed by Statute, may be suspended at any time by the consent of a majority of the members present at any meeting. (M.G. 1949; Sec. 15)

1-6-8-6 Robert's Rules of Order: Robert's Rules of Order shall govern the deliberations of the Board of Trustees except when in conflict with any of the foregoing rules. (M.G. 1949; Sec. 16)

1-6-8-7 Quorum: A majority of the corporate authorities shall constitute a quorum to do business, but no ordinance shall be passed except upon a favorable vote of a majority of the elected members as is provided by Statute. (M.G. 1949; Sec. 17)

1-6-8-8 Committees: The following shall be the standing committees of the Board of Trustees:

Parks, Recreation, and Harbor
Water and Sewer
Streets and Alleys
Police
Finance and Audit
Building, Grounds and Dikes
Ordinance
Sanitary and Humane

Special committees shall be created from time to time as directed by the Board of Trustees.

All standing and special committees shall consist of three (3) members, including the Chairman, unless the Board shall direct otherwise. The Village Board shall appoint all committees. (M.G. 1949, Sec. 18)

1-6-8-9 Disturbing Meetings: It shall be unlawful for any person to disturb any meeting of the Board of Trustees or of any committee thereof; any person violating the provisions of this subsection shall be fined not less than ten dollars (\$10.00) nor more than fifty (\$50.00) for each offense. (M.G. 1949, Sec. 19, amd. Ord. 338, 1-3-77)

1-6-9 Remote Attendance Policy

1-6-9-1 Policy Statement: It is the policy of the Village of Andalusia, Illinois, that a member of the Village Board of Trustees, which is subject to the provisions of the Open Meetings Act, 5 Illinois Compiled Statutes 120/1 et seq., may attend and participate in any open or closed meeting of the Board from a remote location via telephone, video or internet connection, provided that such attendance and participation is in compliance with this policy and any other applicable laws.

1-6-9-2 Prerequisites: Any member of the Board shall be provided the opportunity to attend an open or closed meeting via electronic means from a remote location if a quorum is physically present at the meeting site, the quorum votes to approve the attendance by electronic means, and the requesting member meets the following conditions:

- 1-6-9-2-1 The member must notify the Village Clerk at least forty-eight (48) hours prior to the scheduled meeting, unless such notice is impractical, so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements will result in denial of a request for electronic attendance.
- 1-6-9-2-2 The member must assert one of the three (3) following reasons why he or she is unable to physically attend the meeting:
 - 1-6-9-2-2-1 Due to personal illness or disability
 - 1-6-9-2-2-2 Due to employment purposes or other Village business
 - 1-6-9-2-2-3 Due to a family emergency or other emergency
- 1-6-9-3 Quorum and Vote Required: Providing the above prerequisites have been met and following roll call to establish that a quorum is physically present at the meeting site a motion shall be made and considered as to whether to allow the member to remotely attend the meeting via electronic means. A vote may be taken to permit participation for a stated series of meetings if the same reason applies to each case and proper notice has been provided to the Village Clerk. Otherwise, a vote must be taken to allow each remote participation via electronic means. The motion must be approved by a vote of a majority of the Board.
- 1-6-9-4 Adequate Equipment Required: Any member participating electronically, and other members of the City Council, must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing remote attendance via electronic means at any meeting, the Board must be satisfied that adequate remote access is available to satisfy these requirements.
- 1-6-9-5 Meeting Minutes: Any member attending remotely via electronic means shall be counted as present for the meeting. The meeting minutes shall reflect and state specifically whether each member is physically present, absent, or present by electronic means and shall state the approved reason necessitating attendance via electronic means.

- 1-6-9-6 Rights of Remote Member: Any member permitted to participate remotely via electronic means shall be permitted to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The remote member shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any remote members shall be called during any vote taken and his or her vote counted and recorded by the Village Clerk and placed in the meeting minutes. A member participating remotely via electronic means may leave a meeting and return as in the case of any member, provided the member attending via electronic means shall announce his or her leaving and returning to the quorum present.
- 1-6-9-7 Costs: Any member participating remotely via telephone shall be reimbursed for the cost of the telephone call upon a valid receipt shown. Any other costs associated with attendance and participation via electronic means, including video conferencing and other audio and video equipment, must be approved by the Board prior to incurring such costs.
(Amd. Ord. 3-1-2021)

CHAPTER 7

OFFICERS AND EMPLOYEES

SECTION

- 1-7-1 Effect
- 1-7-2 Appointments
- 1-7-3 Elections
- 1-7-4 Term of Office Vacancies
- 1-7-5 Moneys Received
- 1-7-6 Oaths and Administering Oaths
- 1-7-7 Salaries
- 1-7-8 Assignment of Duties
- 1-7-9 Records
- 1-7-10 Surety Bonds
- 1-7-11 Arrests
- 1-7-12 Termination of Office; Duty to Successor
- 1-7-13 Impersonation
- 1-7-14 Interfering With Officers
- 1-7-15 Social Security Tax
- 1-7-16 State Gift Ban Act
- 1-7-17 State Officials and Employees Ethics Act
- 1-7-18 Travel, Meal and Lodging Expenses

1-7-1 Effect The provisions of this Chapter shall apply alike to all officers and employees of the Village, regardless of the time of the creation of the office or position or the time of the appointment of the officer or employee. (M.C. 1949, Sec. 86)

1-7-2 Appointments The President and the Board of Trustees shall appoint all officers other than elective officers, as is provided by Statute provided, that all employees shall, in the absence of any provision to the contrary be hired by the Village President. (M.C. 1949, Sec. 87)

1-7-3 Elections Elections for Municipal offices shall be held as provided by Statute, and at the time prescribed by Statute. (M.C. 1949, Sec. 108)

All political parties shall nominate candidates for Municipal office in Andalusia by primary in accordance with article 7, chapter 46, Illinois Revised Statutes. (P.A.83-1337, section 1, eff. September 7, 1984). (Ord.422, 11-5-84)

1-7-4 Term of Office Vacancies Vacancies to elected offices shall be handled per State Statutes for Vacancies. (65 ILCS 5/3.1-10-30) (from Ch. 24, par. 3.1-10-30)

Every appointive officer of the Village shall hold office for a term of one year or until his successor is appointed and qualified unless it is otherwise provided by

ordinance. In case of a vacancy in any such place, it shall be filled in the same manner as such appointments or selections are made in the absence of provision of the contrary. (M.C. 1949, Sec.88)

1-7-5 Moneys Received Every officer of the Village shall at least once each month turn over all money received by him in his official capacity, to the Clerk with a statement showing the source from which the same was received. (M.C. 1949, Sec.89)

1-7-6 Oaths and Administering Oaths Every officer of the Village shall, take the oath prescribed by Statute before entering upon his duties. (M.C. 1949, Sec. 90)

The Village President, the Clerk, the Chairman of a Plan Commission, and the Chairman of a Zoning Board of Appeals of a municipality have power to administer oaths and affirmations on all lawful occasions. The corporate authorities by ordinance may authorize other municipal officers to administer oaths. (65 ILCS 5/3.1-15-20) (from Ch. 24, par. 3.1-15-20) (Source: P.A. 87-1119.)

1-7-7 Salaries All officers and employees of the Village shall receive such salary as may be from time to time provided by ordinance. (M.C. 1949, Sec. 91)

1-7-8 Assignment of Duties The Board of Trustees shall have the power to assign to any appointive officer any duty that is not assigned by ordinance to some other specific officer; and shall determine disputes or questions to the respective powers or duties of officers. (M.C. 1949, Sec. 92)

1-7-9 Records All records kept by any officer of the Village shall be open to inspection by the President, or any member of the Board of Trustees at all reasonable times, whether or not such records are required to be kept by Statute or ordinance. (M.C. 1949, Sec.93)

1-7-10 Surety Bonds

1-7-10-1 Bond: Before entering upon the duties of their respective offices, all municipal officers and trustees shall execute a bond with security, to be approved by the corporate authorities. The bond shall be payable to the Village in the penal sum directed by resolution or ordinance, conditioned upon the faithful performance of the duties of the office and the payment of all money received by the officer, according to law and the ordinances of the Village of Andalusia. The bond may provide that the obligation of the sureties shall not extend to any loss sustained by the insolvency, failure, or closing of any bank or savings and loan association organized and operating either under the laws of the State of Illinois or the United States in which the officer has placed funds in the officer's custody, if the bank or savings and loan association has been approved by the corporate authorities as a depository for those funds. In no case, however, shall the mayor's bond be fixed at less

than \$3,000. The treasurer's bond shall be an amount of money that is not less than three times the latest Federal census population or any subsequent census figure used for Motor Fuel Tax purposes. Bonds shall be filed with the municipal clerk, except the bond of the clerk, which shall be filed with the municipal treasurer. (65 ILCS 5/3.1-10-30) (Source: P.A. 87-1119.)

- 1-7-10-2 **Surety Bonds:** Whenever a surety bond to indemnify the Village is required as a prerequisite to exercising the duties of any office or position, or to the issuance of a license or permit or the exercise of any special privilege, the surety of such bond shall be a corporation licensed and authorized to do business in this State as a surety company, in the absence of specific provision to the contrary.

Whenever in its opinion additional sureties or an additional surety may be needed on any bond to indemnify the Village against the loss or liability because of the insolvency of the existing surety or sureties or for any other reason, the Village may order a new surety or sureties to be secured for such bond. If such new surety or sureties are not procured within ten (10) days from the time such order is transmitted to the principal on the bond, or his assignee, the Board shall declare the bond to be void, and thereupon such principal or assignee, shall be deemed to have surrendered the privilege or position as condition of which the bond was required. (M.C. 1949, Sec. 109)

- 1-7-11 **Arrests** The Village President, members of the Board of Trustees, members of the Fire Department, as well as every member of the Police Department, are hereby declared conservators of the peace with such powers to make arrests as are given to the conservators of the peace by Statute. (M.C. 1949, Sec. 95)
- 1-7-12 **Termination of Office; Duty to Successor** Upon expiration of his term for any cause and/or within 5 days after written notification and request, a person who has been an officer of the Village of Andalusia shall deliver to the Village Clerk all property, books, and effects in the former officer's possession, belonging to the Village. A former officer who violates this Section is liable for all the damages caused by the violation and is subject to the penalty prescribed by ordinance. (65 ILCS 5/3.1-10-35) (Source: P.A. 87-1119.)
- 1-7-13 **Impersonation** It shall be unlawful for any person to impersonate without lawful authority any Village officer or employee. Any person violating this Section shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. (M.C. 1949, Sec. 97)

1-7-14 Interfering With Officers It shall be unlawful to interfere with or hinder any officer or employee of the Village while engaged in the duties of his office or employment. Any person violating any of the provisions of this Section shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. (M.C. 1949, Sec. 98)

1-7-15 Social Security Tax A Social Security tax is hereby imposed for meeting the cost of providing Social Security Tax payments, under 40 ILCS 5/21-105 to the extent necessary to discharge such obligations. Said tax is levied and will be collected in a like manner with the general taxes of the Village of Andalusia, and shall be exclusive of and in addition to the amount of tax that the Village of Andalusia, is now or may hereafter be authorized to levy for general purposes under any Statute which may limit the amount of the tax which the Village of Andalusia may levy for general purposes.

Revenues derived from this tax shall be paid to the Treasurer of the Village of Andalusia as collected and used for the purposes of providing Social Security payments. If payments because of such taxes are insufficient during any year to meet such purposes, the Village of Andalusia, may issue tax anticipation warrants against the current tax levy in the manner so provided by Statute. (Ord. 336, 8-2-76)

1-7-16 State Gift Ban Act

Adoption of Act.

- The State Gift Ban Act (5 ILCS 425 et seq.) is hereby adopted as required by Section 83 of the Act (5 ILCS 425/83).
- The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the Village. All non-salaried appointed or elected officials are exempted from the Act and the provisions of this Ordinance.

Ethics Officer.

- To the extent authorized by law and to the extent required by Section 35 of the Act (5 ILCS 425/35), the Village President is authorized to appoint an individual to serve as the "ethics officer" of the Village. The ethics officer's duties shall be as provided in Section 35.

Local Ethics Commission; Complaints.

- To the extent authorized by law and to the extent required by the Act, the President shall appoint three (3) persons to a Local Ethics Commission with the advice and consent of the Board of Trustees.
- The Local Ethics Commission shall have the power and duties set forth in Section 55 of the Act.

- To the extent that any of its provisions may be applicable, Section 45 of the Act shall be applicable to the Local Ethics Commission.
- The complaint procedure and the enforcement and penalty provisions of the Act and this Ordinance shall be as are provided in Section 60, 65, and 70 of the Act.

Future Amendments to State Gift Ban Act.

- Any amendment to the State Gift Ban Act (5 ILCS 425/1 et seq.) that becomes effective after the passage of this Ordinance shall be incorporated into this Ordinance by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Ordinance by reference without formal action by the corporate authorities of the Village.

Future Declaration of Unconstitutionality of the State Gift Ban Act.

- If the Illinois Supreme Court declares the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional in its entirety, then this Ordinance shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. The ordinance shall be deemed repealed without further action by the corporate authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.
- If the Illinois Supreme Court declares part of the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this Ordinance shall remain in full force and in effect; however, that part of this Ordinance relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the Village.

1-7-17 State Officials and Employees Ethics Act

- The regulations of Sections 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the "Act" in this Section) are hereby adopted by reference and made applicable to the officers and employees of the City/Village to the extent required by 5 ILCS 430/70-5.
- The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the City/Village, is hereby prohibited.
- The offering or making of gifts prohibited to be offered or made to an officer or employee of the City/Village under the Act is hereby prohibited.

- The participation in political activities prohibited under the Act, by any officer or employee of the City/Village, is hereby prohibited.
- For purposes of this Section, the terms "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5(c).
- The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.
- This Section does not repeal or otherwise amend or modify any existing ordinances or policies that regulate the conduct of City/Village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).
- Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the City/Village.
- If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearing. This Section shall be deemed repealed without further action by the Corporate Authorities of the City/Village if the Act is found unconstitutional by the Illinois Supreme Court.
- If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the City/Village.

(Section 1 passed 8/10/04).

1-7-18 Travel, Meal, and Lodging Expenses

The provisions of Illinois Public Act 99-0604, known as the "Local Government Travel Expense Control Act," (1-1-2017) that requires non-home rule units of local government to establish regulations with respect to allowable travel, meal, and lodging expenses are hereby adopted. (Ord. 2016-12-02, effective 3-2-17).

Section 1. Definitions.

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

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

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

Section 2. The Village shall only reimburse the following types of travel, meal, and lodging expenses incurred by its employees and officers up to the maximum allowable amounts in Appendix A – Village Fees.

Alcohol is specifically excluded from reimbursement.

Section 3. No reimbursement of travel, meal or lodging expenses incurred by a Village employee or officer shall be authorized unless the "Travel, Meal, and Lodging Expense Reimbursement Request Form," located in Appendix B: Forms, has been submitted and approved. All documents and information submitted with the form shall be subject to disclosure under the Freedom of Information Act (5 ILCS 140/1 *et seq.*).

Section 4. Expenses for travel, meals, and lodging of: (1) any officer or employee that exceeds the maximum reimbursement allowed under the regulations adopted under Section 3 of this Ordinance or (2) any member of the corporate authorities of the Village may only be approved by roll call vote at an open meeting of the corporate authorities of the Village. However, in the event of an emergency or other extraordinary circumstances, the corporate authorities may approve more than the maximum allowable expenses set forth above.

Section 5. The Village shall not reimburse any elected official, employee, or officer for any activities which would be considered entertainment. Activities which would otherwise be considered entertainment, but which are excluded from the prohibition on reimbursement due to being ancillary to the purpose of the program or event, may be reimbursed in accordance with the provisions of this Ordinance.

Section 6. Any policy, resolution, or ordinance that conflicts with the provisions of this ordinance shall be and is hereby repealed to the extent of such conflict.

Section 8. This ordinance shall be in full force and effect on March 2, 2017.

CHAPTER 8

CLERK

SECTION

- 1-8-1 Appointment
- 1-8-2 Clerk; Duties
- 1-8-3 Bond
- 1-8-4 Signatures
- 1-8-5 Money Collected
- 1-8-6 Accounts
- 1-8-7 Records
- 1-8-8 Ex Officio Collector
- 1-8-9 Seal
- 1-8-10 Documents
- 1-8-11 Indices
- 1-8-12 Vacancy
- 1-8-13 Office Hours

1-8-1 Appointment The Mayor and Board of Trustees voting jointly shall appoint the Village Clerk. The Clerk shall serve at the pleasure of the Mayor and Board of Trustees. (Ord. 438, 11-19-84, eff. 4-30-85)

1-8-2 Clerk; Duties

- 1-8-2-1 The municipal clerk shall keep the corporate seal, to be provided by the corporate authorities, and all papers belonging to the municipality the custody and control of which are not given to other officers. The clerk shall attend all meetings of the corporate authorities including executive sessions and keep a full record of their proceedings in the journal, except if the clerk is the subject matter of the meeting and his or her presence creates a conflict of interest. The record of those proceedings shall be made available for public inspection within seven (7) days after being approved or accepted by the corporate authorities as the official minutes of their proceedings.
- 1-8-2-2 The municipal clerk shall have other duties prescribed by the corporate authorities.

- 1-8-2-3 Copies of all papers duly filed in the clerk's office and transcripts from the journals and other records and files of the clerk's office, certified by the clerk under the corporate seal, and shall be evidence in all courts in like manner as if the originals were produced. (65 ILCS 5/3.1-35-90) (from Ch. 24, par. 3.1-35-90) (Source: P.A. 96-294, eff. 8-11-09.)
- 1-8-3 Bond** Before entering upon the duties of the office the Village Clerk shall execute a bond in such amount and with such sureties as is provided by statute, conditioned upon the faithful performance of his duties. (M.C. 1949, Sec. 21)
- 1-8-4 Signatures** The Clerk shall seal attest all contracts of the Village and licenses, permits, and such other documents that require this formality. (M.C. 1949, Sec. 22)
- 1-8-5 Money Collected** The Clerk shall turn over all money received by him on behalf of the Village to the Village Treasurer promptly upon receipt of the same; and with such money, he shall give a statement as to the source thereof. (M.C. 1949, Sec. 23)
- 1-8-6 Accounts** The Clerk shall keep the accounts showing all money received by him and the source and disposition thereof; and such other accounts as may be required by Statute or ordinance. (M.C. 1949; Sec. 24)
- 1-8-7 Records** In addition to the record of ordinances and other records that the Clerk is required by Statute to keep, he shall keep a register of all licenses and permits issued; and the payments thereon; a record showing all of the officers and regular employees of the Village; and such other records as may be required by the Board of Trustees. (M.C. 1949; Sec. 25)
- 1-8-8 Ex Officio Collector** The Village Clerk shall be Ex Officio Collector and he shall collect all special assessments and special taxes and perform all other duties of the Village Collector, as provided by law. (M.C. 1949; Sec. 26)
- 1-8-9 Seal** The Clerk shall be the custodian of the Village Seal, and shall fix its impression on documents whenever this is required. (M.C. 1949; Sec. 27)
- 1-8-10 Documents** It is hereby expressly declared that all original documents, contracts, correspondence, and all papers relating to Village business must be kept in the custody of the Village Clerk.

Whenever the Village Attorney needs any documents, contracts, correspondence, or paper relating to Village business, the Village Clerk shall furnish the attorney with exact duplicates of the same. This shall be done by the Clerk only for the Village Attorney. In no case shall this be undertaken for any other person except for the President of the Board of Trustees and each Village Trustee, unless it is authorized by the President and Board of Trustees. (Ord. 284; 4-20-70)

- 1-8-11 Indices** The Clerk shall keep and maintain a proper index to all documents and records of the Village, so that ready access thereto may be had. (M D. 1949; Sec.29)
- 1-8-12 Vacancy** In case the office of Village Clerk shall become vacant for any reason, the President and Board of Trustees shall appoint a successor as is provided by Statute. (M.C. 1949; Sec. 31)
- 1-8-13 Office Hours** The Village Clerk shall maintain office hours in the office located in Village Hall during the following days and times except on legal holidays that are hereby excluded:
- Monday - 8:00 a.m. to 4:30 p.m.
 - First and third Monday - 8:00 a.m. to 2:30 p.m. due to the Board Meeting.
 - Tuesday - 8:00 a.m. to 4:30 p.m.
 - Wednesday - 8:00 a.m. to 4:30 p.m.
 - Thursday - 8:00 a.m. to 4:30 p.m.
 - Friday - 8:00 a.m. to 4:30 p.m.

CHAPTER 9

TREASURER

SECTION

- 1-9-1 Appointment
- 1-9-2 Bond
- 1-9-3 General Duties
- 1-9-4 Deposit of Funds
- 1-9-5 Records
- 1-9-6 Reports.
- 1-9-7 Accounting
- 1-9-8 Policy
- 1-9-9 Scope
- 1-9-10 Prudence
- 1-9-11 Objective
- 1-9-12 Delegation of Authority
- 1-9-13 Ethics and Conflicts of Interest
- 1-9-14 Authorized and Suitable Investments
- 1-9-15 Collateralization
- 1-9-16 Safekeeping and Custody
- 1-9-17 Diversification
- 1-9-18 Maximum Maturities
- 1-9-19 Internal Control
- 1-9-20 Performance Standards
- 1-9-21 Reporting
- 1-9-22 Marking to Market
- 1-9-23 Investment Policy Adoption
- 1-9-24 Special Assessment Funds
- 1-9-25 Failure to file account

- 1-9-1 Appointment** There is hereby created the office of Village Treasurer, who shall be appointed by the President and Board of Trustees as is provided by Statute. He/she shall serve for one year. (M.C. 1949; Sec. 32)
- 1-9-2 Bond** The Treasurer shall give a bond before entering upon the duties of his office, in the sum required by the Board of Trustees, but such amount shall not be less than that required by Statute. This bond shall be conditioned upon the faithful performance by the Treasurer of his/her duties, and shall be conditioned to indemnify the Village for any loss because of any neglect of duty or any act of the Treasurer. (M.C. 1949; Sec. 33)

1-9-3 General Duties The Village treasurer shall receive all money belonging to the Village and shall keep the treasurer's books and accounts in the manner prescribed by ordinance. These books and accounts shall always be subject to the inspection of any member of the corporate authorities. The Village may, however, by ordinance designate a person or institution that, as bond trustee, shall receive from the county collector amounts payable to the Village as taxes levied pursuant to a bond issuance. (65 ILCS 5/3.1-35-40)

The treasurer shall give every person paying money into the treasury a receipt, specifying the date of payment and upon what account paid. The treasurer shall file copies of these receipts with the clerk, with the treasurer's monthly reports. If the treasurer has possession of money properly appropriated to the payment of any warrant lawfully drawn upon the treasurer, the treasurer shall pay the money specified in the warrant to the person designated by the warrant.

1-9-4 Deposit of Funds The Treasurer shall deposit the Village funds in such depositories as may be selected from time to time as is provided by law; and he shall keep the deposit of the Village money separate and distinct from his own money, and shall not make private or personal use of any Village money. (M.C. 1949; Sec. 35)

1-9-4-1 The municipal treasurer may be required to keep all funds and money in the treasurer's custody belonging to the municipality in places of deposit designated by ordinance. When requested by the municipal treasurer, the corporate authorities shall designate one or more banks or savings and loan associations in which may be kept the funds and money of the municipality in the custody of the treasurer. When a bank or savings and loan association has been designated as a depository, it shall continue as a depository until ten (10) days have elapsed after a new depository has been designated and has qualified by furnishing the statements of resources and liabilities as required by this Section. When a new depository is designated, the corporate authorities shall notify the sureties of the municipal treasurer of that fact in writing at least five (5) days before the transfer of funds. The treasurer shall be discharged from responsibility for all funds or money that the treasurer deposits in a designated bank or savings and loan association while the funds and money are so deposited.

1-9-4-2 The municipal treasurer may require any bank or savings and loan association to deposit with the treasurer securities or mortgages that have a market value at least equal to the amount of the funds or moneys of the municipality deposited with the bank or savings and loan association that exceeds the insurance limitation provided by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

- 1-9-4-3 The municipal treasurer may enter into agreements of any definite or indefinite term regarding the deposit, redeposit, investment, reinvestment, or withdrawal of municipal funds.
- 1-9-4-4 Notwithstanding any other provision of this Act or any other law, each official custodian of municipal funds, including, without limitation, the Village Treasurer or each person properly designated as the official custodian for Village funds, including, without limitation, each person properly designated as official custodian for funds held by an intergovernmental risk management entity, self-insurance pool, waste management agency, or other intergovernmental entity composed solely of participating municipalities, is permitted to:
 - 1-9-4-5 combine moneys from more than one fund of a single municipality, risk management entity, self-insurance pool, or other intergovernmental entity composed solely of participating municipalities for the purpose of investing such moneys;
 - 1-9-4-5-1 join with any other official custodians or treasurers of municipal, intergovernmental risk management entity, self-insurance pool, waste management agency, or other intergovernmental entity composed solely of participating municipalities for the purpose of jointly investing the funds of which the official custodians or treasurers have custody; and
 - 1-9-4-5-2 enter into agreements of any definite or indefinite term regarding the redeposit, investment, or withdrawal of municipal, risk management entity, self-insurance agency, waste management agency, or other intergovernmental entity funds.

When funds are combined for investment purposes as authorized in this Section, the moneys combined for those purposes shall be accounted for separately in all respects. The earnings from such investment shall be separately and individually computed, recorded, and credited to the fund, municipality, intergovernmental risk management entity, self-insurance pool, waste management agency, or other intergovernmental entity for which the investment was acquired.

Joint investments shall be made only in investments authorized by law for investment of municipal funds. The grant of authority contained in this subsection is cumulative and supplemental. In addition, not all other power or authority granted by any other law shall be construed as a limitation of any power and authority otherwise granted.

1-9-4-6 No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established by Section 6 of the Public Funds Investment Act.

1-9-4-7 In addition to any other investments or deposits authorized under this Code, municipalities are authorized to invest the funds and public moneys in the custody of the Village Treasurer in accordance with the Public Funds Investment Act. (65 ILCS 5/3.1-35-50) (Source: P.A. 98-297, eff. 1-1-14.)

1-9-5 Records The Treasurer shall keep the records showing all money received, showing the source from which it is received and the purpose for which it is paid, and shall keep records at all times showing the financial status of the Village. The treasurer shall keep a separate account of each fund or appropriation and the debits and credits belonging to the fund or appropriation.

1-9-6 Reports At the end of every month, and more often if required by the corporate authorities, the municipal treasurer shall render an account under oath to the corporate authorities, or to an officer designated by ordinance, showing the state of the treasury at the date of the account and the balance of money in the treasury. The treasurer 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 the treasurer. On the day the treasurer renders an account, these warrants, with all vouchers held by the treasurer, shall be delivered to the municipal clerk, and filed, together with the account, in the clerk's office. All paid warrants shall be marked "paid." The treasurer shall keep a register of all warrants, which shall describe each warrant, showing its date, amount, and number, the fund from which paid, the name of the person to whom paid, and when paid. (65 ILCS 5/3.1-35-45)

1-9-7 Accounting The Treasurer shall keep such books and accounts as may be required by Statute or ordinance, and shall keep them in the manner required by the Board of Trustees. (M.C. 1949; Sec. 37)

1-9-8 Policy It is Village policy to invest funds in a manner that will provide the highest investment return with the maximum security, while meeting the daily cash flow demands of the entity and conforming to all state and local statutes governing the investment of public funds. (Ord. 560; 11-99)

1-9-9 Scope This policy includes all funds governed by the Board of Trustees. (Ord. 560; 11-99)

1-9-10 Prudence Investments shall be made with judgement and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. (Ord. 560; 11-99)

1-9-11 Objective The primary objective, in order of priority, shall be:

Legality – conformance with federal, state, and local requirements.

Safety – preservation of capital and protection of investment principal.

Liquidity – maintenance of sufficient liquidity to meet operating requirements.

Yield – attainment of market rates of return.

The portfolio should be reviewed periodically as to its effectiveness in meeting the entity's needs for safety, liquidity, rate of return, diversification and its general performance. (Ord. 560; 11-99)

1-9-12 Delegation of Authority Management and administrative responsibility for the investment program is hereby delegated to the Treasurer who, under the delegation of the Board of Trustees, shall establish written procedures for the operation of the investment program. (Ord. 560; 11-99)

1-9-13 Ethics and Conflicts of Interest Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. The Treasurer will maintain a list of financial institutions to provide investment services. In addition, a list will also be maintained of approved security brokers/dealers selected by credit worthiness. (Ord. 560; 11-99)

1-9-14 Authorized and Suitable Investments Investments may be made in any type of security allowed for in Illinois statutes regarding the investment of public funds. Investments shall be made that reflect the cash flow needs of the fund type being invested. (Ord. 560; 11-99)

1-9-15 Collateralization Funds on deposit (checking accounts, certificates of deposit, etc.), in excess of FDIC limits, must be secured by some form of collateral, witnessed by a written agreement, and held at an independent-third party institution in the name of the municipality. (Ord. 560; 11-99)

- 1-9-16 Safekeeping and Custody** All security transactions, including collateral for repurchase agreements, entered into by the Village, shall be conducted on a delivery-versus payment (DVP) basis. Securities will be held by an independent third party custodian designated by the Treasurer and evidenced by safekeeping receipts and a written custodial agreement. (Ord. 560; 11-99)
- 1-9-17 Diversification** The entity shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds. Diversification can be by type of investment, number of institutions invested in, and length of maturity. (Ord. 560; 11-99)
- 1-9-18 Maximum Maturities** To the extent possible, the Village shall attempt to match its investments with the anticipated cash flow requirements. Unless matched to a specific cash flow, the Village will not directly invest in securities maturing more than five (5) years from the date of purchase. Reserve funds may be invested in securities exceeding five (5) years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of the funds. (Ord. 560; 11-99)
- 1-9-19 Internal Control** The Treasurer is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points: control of collusion; separation of transaction authority from accounting; custodial safekeeping; written confirmation of telephone transactions for investments and wire transfers. (Ord. 560; 11-99)
- 1-9-20 Performance Standards** This investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a comparable rate of return during a market/ economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity, and credit quality as the portfolio. (Ord. 560; 11-99)
- 1-9-21 Reporting** The Treasurer shall prepare an investment report at least monthly. The report should be provided to the Board of Trustees and available on request. The report should be in a format suitable for review by the public. An annual report should also be provided to the Board. (Ord. 560; 11-99)
- 1-9-22 Marking to Market** A statement of market value of the portfolio shall be issued to the Board of Trustees quarterly. (Ord. 560; 11-99)
- 1-9-23 Investment Policy Adoption** The Board of Trustees shall adopt the investment policy. The Treasurer shall review the policy on an annual basis and any modifications made thereto must be approved by the Board of Trustees. (Ord. 560; 11-99)

- 1-9-24 Special Assessment Funds** All money received on a special assessment shall be held by the Village 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 Village for money expended for the improvement. (65 ILCS 5/3.1-35-85) (Source: P.A. 87-1119.)
- 1-9-25 Failure to file account** If the Village Treasurer fails to file the annual account and affidavit with the county collector within six (6) months after the end of a fiscal year as required by Section 3.1-35-70, the county collector shall withhold payment to the treasurer of any and all moneys due the municipality after the expiration of that six (6) month period and until the annual account and affidavit are received by the collector. The failure of the Village Treasurer or Village Clerk to comply with the provisions of Sections 3.1-35-65 and 3.1-35-70 within six (6) months after the end of a fiscal year shall not preclude the treasurer or clerk or the other officers of the Village from preparing, publishing or posting, and filing the annual account and affidavit after the expiration of that six (6) month period. If the clerk, treasurer, or other officers later comply with the provisions of this Division 35, County Collector shall pay over to the municipal treasurer the moneys withheld by the collector immediately upon the filing of the annual account and affidavit with the collector. (65 ILCS 5/3.1-35-75) (Source: P.A. 87-1119.)

CHAPTER 10

ATTORNEY

SECTION

- 1-10-1 Creation of Office; Appointment
- 1-10-2 Special Counsel
- 1-10-3 Suits and Actions
- 1-10-4 Judgments
- 1-10-5 Advice
- 1-10-6 Special Assessments

- 1-10-1 Creation of Office; Appointment** There is hereby created the office of Village Attorney, an executive office of the Village. The President and Board of Trustees shall appoint the Attorney. (M.C. 1949; Sec. 38)
- 1-10-2 Special Counsel** The President, with the consent of the Board of Trustees, may from time to time retain an attorney to represent or advise the Village on legal matters if no Village Attorney has been appointed; and he may likewise retain special counsel to advise or represent the Village on special matters or to assist the Village Attorney. (M.C. 1949; Sec.39)
- 1-10-3 Suits and Actions** The Attorney shall prosecute or defend any and all suits or actions at law or equity to which the Village may be a party, or in which it may be interested, or which may be brought against or by, any officer of the Village on behalf of the Village or in the capacity of such person as an officer of the Village. (M.C. 1949; Sec.40)
- 1-10-4 Judgments** It shall be the duty of the Attorney to see to the full enforcement of all judgments or decrees entered in favor of the Village, and of all similar interlocutory orders. (M.C. 1949; Sec. 41)
- 1-10-5 Advice** The Attorney shall be the legal advisor of the Village and shall render advice on all legal questions affecting it, whenever requested to do so by any Village official. Upon request by the President or the Board, he shall reduce any such opinion to writing. (M.C. 1949; Sec.42)
- 1-10-6 Special Assessments** It shall be the duty of the Attorney to see to the completion of all special assessment proceedings and condemnation proceedings. (M.C. 1949; Sec.43)

CHAPTER 11

HEALTH OFFICER

Rock Island County serves as the Health Officer for the Village of Andalusia.

CHAPTER 12

BUILDING INSPECTOR

(Note: Rock Island County currently carries the duties of Building Inspector for the Village of Andalusia.)

SECTION

- 1-12-1 Appointment
- 1-12-2 Duties
- 1-12-3 Plumbing Inspector
- 1-12-4 Electrical Inspector
- 1-12-5 Stop Order
- 1-12-6 Entry Powers
- 1-12-7 Ex Officio Superintendent of Public Works
- 1-12-8 Penalty

- 1-12-1 Appointment** There is hereby created the position of Building Inspector, who shall be appointed by the President and Board of Trustees. (M.C. 1949; Sec. 51)
- 1-12-2 Duties** It shall be the duty of the Building Inspector to see to the enforcement of all Code provisions relating to building or zoning and to inspect all buildings or structures being erected or altered, as frequently as may be necessary to insure compliance with the Village Code. (M.C. 1949; Sec. 52)
- 1-12-3 Plumbing Inspector** The Village of Andalusia contracts with a Plumbing Inspector for all plumbing inspection needs in the Village.
- 1-12-4 Electrical Inspector** The Village of Andalusia contracts with an Electrical Inspector for all electrical inspection needs in the Village.
- 1-12-5 Stop Order** The Building Inspector shall have the power to order all work stopped on construction, alteration, or repair of buildings in the Village when such work is being done in violation of any provision of this Code relating thereto, or in violation of the Zoning Title (Title 10 of this Code). Work shall not be resumed after the issuance of such an order except on the written permission of the Inspector if the stop order is an oral one, it shall be followed by a written stop order within an hour. Such written stop order may be served by any police officer. (M.C. 1949, Sec. 55)
- 1-12-6 Entry Powers** The Building Inspector shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspection, at any reasonable hour. (M.C. 1949, Sec. 56)

- 1-12-7 Ex Officio Superintendent of Public Works** The Building Inspector shall be Ex Officio Superintendent of Public Works and shall perform all of the duties of that position until and unless a separate Superintendent of Public Works is appointed. (M.C. 1949, Sec. 57)
- 1-12-8 Penalty** Any person who shall continue doing work in violation of a stop order shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each day during or on which any work in violation of a stop order is done. (M.C. 1949, Sec. 58; amd. Ord.338, 1-3-77)

CHAPTER 13

SUPERINTENDENT OF PUBLIC WORKS

SECTION

- 1-13-1 Office Created
- 1-13-2 Sewers
- 1-13-3 Lighting
- 1-13-4 Water
- 1-13-5 Employees
- 1-13-6 Property

- 1-13-1 Office Created** There is hereby created the office of Superintendent of Public Works, an executive office of the Village. The Superintendent shall have charge of the construction, cleanliness, and care of all public streets, alleys, and sidewalks in the Village. The Superintendent shall ensure all gutters and drains in the Village function properly and are free from defects. (M.C. 1949, Sec. 59)
- 1-13-2 Lighting** The Superintendent of Public Works shall supervise the lighting of the public streets and alleys, and shall keep the lighting system in efficient operation and good repair. (M.C. 1949, Sec. 61)
- 1-13-3 Employees** All officers and employees assigned to the Department of Public Works shall perform their duties subject to the orders and under the supervision of the Superintendent thereof. (M.C. 1949, Sec.63)
- 1-13-4 Property** The Superintendent of Public Works shall be the custodian of all property of the Village that is not assigned to the care or custody of any other officer. (M.C. 1949; Sec.64)

CHAPTER 14

VILLAGE JAIL

Rock Island County houses all prisoners for the Village of Andalusia.

CHAPTER 15

CORPORATE SEAL

SECTION

- 1-15-1 Seal Described
- 1-15-2 Care and Use

1-15-1 Seal Described The Corporate Seal of the Village shall be as follows:

A circular disk, so designed as to impress the words, "Village of Andalusia, Rock Island Co. Ills" on the periphery thereof and the words "Corporate Seal" in the center thereof. (M.C. 1949; Sec. 105)

1-15-2 Care and Use The seal shall be and remain in the care and custody of the Village Clerk, to be kept in office, and be used by the Clerk in all cases and purposes required by law or the ordinances of this Village, and for the authentication of all copies of ordinances, certificates of publication of ordinances, contracts and bonds entered into by the Board of Trustees.

CHAPTER 16

ADMINISTRATIVE ENFORCEMENT SYSTEM

SECTION

- 1-16-1 Purpose
- 1-16-2 Ordinance Enforcement Department
- 1-16-3 Violation Notice
- 1-16-4 Administrative Hearings
- 1-16-5 Final Determination of Liability
- 1-16-6 Notices
- 1-16-7 Judicial Review
- 1-16-8 Enforcement of Award

1-16-1 Purpose The purpose of this Article is to provide for the fair and efficient enforcement of village ordinances as may be allowed by law and directed by ordinance, through an administrative adjudication of violations of such village ordinances and establishing a schedule of fines and penalties, and authority and procedures for collection of unpaid fines and penalties, pursuant to the authority granted to all municipalities under 65 ILCS 5/1-2.2.

1-16-2 Ordinance Enforcement Department

- 1-16-2-1 There is hereby established an executive department of the Village government to be known as the Andalusia Ordinance Enforcement Department ("AOED"), to have the power to enforce compliance with all Village ordinances as from time to time authorized by the Village Board of Trustees. The AOED shall not prosecute building code violations that must be adjudicated pursuant to 735 Illinois Compiled Statutes 5/3-101 *et seq.*, which provides for prosecution by an administrative agency of the village. This Article may be enforced through the use of an administrative hearing officer system created by intergovernmental agreement between the Village and such other governmental agencies as shall be parties to such agreement. The establishment of AOED does not preclude the Village President or Village Board of Trustees from using any other method to enforce ordinances of the Village.

1-16-2-2 The Village President is hereby authorized to execute an agreement with the cities of East Moline, Moline, and Rock Island, Illinois, and any other municipalities that may now or hereafter join together in the establishment of the municipal code enforcement system "MUNICES," a joint process for the administrative adjudication of ordinances for participating local governments. As authorized by subsection A of this section, MUNICES shall act as the AOED for the village pursuant to the agreement authorized in this subsection, as may be amended from time to time.

1-16-3 Violation Notice

1-16-3-1 The system of administrative adjudication of any Village ordinance violation authorized to be adjudicated hereunder shall be in accordance with the following procedures:

1-16-3-1-1 Violation notice of any ordinance violation shall be issued by persons authorized under this code and shall contain information and shall be certified and constitute prima facie evidence of the violation cited as hereinafter set forth.

1-16-3-1-2 All full time police officers, the fire inspector or other authorized firefighter, all building inspectors, animal control officers, health inspectors and zoning enforcement officer, as well as other specifically authorized individuals of any Village department, shall have the authority to issue violation notices.

1-16-3-1-3 Any individual authorized hereby to issue violation notices and who detects an ordinance violation authorized to be adjudicated under this article or a violation of any section of any Village ordinance, is authorized to issue notice of violation thereof and shall make service thereof as is hereinafter set forth.

1-16-3-1-4 The violation notice shall contain, but shall not be limited to, the following information:

1-16-3-1-4-1 The name of the party violating the ordinance, if known.

1-16-3-1-4-2 The date, time and place of the violation (date of issuance).

1-16-3-1-4-3 The particular ordinance violated, and the type and nature of the violation.

- 1-16-3-1-4-4 Vehicle make and state registration number (if applicable).
 - 1-16-3-1-4-5 The names of the witnesses to the violation.
 - 1-16-3-1-4-6 The fine and any penalty which may be assessed for late payment.
 - 1-16-3-1-4-7 The signature and identification number of the person issuing the notice.
 - 1-16-3-1-4-8 The date and location of the adjudicating hearing of ordinance violations, the legal authority and jurisdiction under which the hearing is to be held and the penalties for failure to appear at the hearing.
- 1-16-3-2 Service of any violation notice shall be made by the person issuing such notice by:
- 1-16-3-2-1 Handing the notice to the person responsible for the ordinance violation
 - 1-16-3-2-2 Handing the notice to the responsible person or leaving the notice with any person twelve (12) years of age or older at the residence of the responsible person
 - 1-16-3-2-3 Mailing the notice by certified mail, return receipt requested, to the person responsible for the ordinance violation
 - 1-16-3-2-4 Posting the notice upon the property where the violation is found when the person is the owner or manager of the property
 - 1-16-3-2-5 The correctness of facts contained in any violation notice shall be verified by the person issuing said notice by:
 - 1-16-3-2-6 Signing his/her name to the notice at the time of issuance
 - 1-16-3-2-7 In the case of a notice produced by a computer device, by signing a single certificate, to be kept by the ordinance enforcement administrator, attesting to the correctness of all notices produced by the device while under his/her control.

1-16-3-3 The original or a facsimile of the violation notice shall be retained by the ordinance enforcement administrator and kept as a record in the ordinary course of business.

1-16-3-4 Any violation notice issued, signed and served in accordance herewith, or a copy of the notice, shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice.

1-16-4 Administrative Hearings An administrative hearing to adjudicate any alleged ordinance violation on its merits shall be granted to the alleged violator at the date, time, and place set forth by the AOED and by notice given and served upon the alleged violator. All administrative hearings shall be recorded and shall culminate in a determination of liability or non-liability, made by the hearing officer, who shall consider facts and/or testimony without the application of the formal or technical rules of evidence. 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. The hearing officer shall, upon a determination of liability, assess fines and penalties in accordance with the provisions of the ordinance found to have been violated. Persons appearing to contest the alleged violation on its merits may be represented by counsel at their own expense. The burden of proof shall be on the Village to present the preponderance of evidence to prove the violation of the ordinance.

1-16-5 Final Determination of Liability A final determination of liability shall occur following the failure to pay the fine or penalty after the hearing officer's determination of liability and the exhaustion of, or the failure to exhaust, any administrative review procedures hereinafter set forth. Where a person fails to appear at the administrative hearing to contest the alleged violation on the date and at the time and place specified in a prior served or mailed notice pursuant to section 1-14-6 of this article, the hearing officer's determination of liability shall become final either upon a denial of a timely petition to set aside that determination or upon the expiration of the period for filing a petition without a filing having been made.

1-16-6 Notices Service of notices sent in accordance herewith shall be complete as of the date of deposit in the United States mail. The notices sent in accordance herewith shall be in the following sequence and contain, but not be limited to, the following information:

1-16-6-1 Upon failure of the person receiving a notice of a violation of a Village ordinance to appear at the time and date designated for a hearing stated on said notice, the AOED shall send or cause to be sent notices by first class mail, postage prepaid, to the person who received the notice of an ordinance violation and shall contain, but not be limited to, the following information:

1-16-6-1-1 Date and location of violation cited in the violation notice.

1-16-6-1-2 Particular ordinance violated.

1-16-6-1-3 Vehicle make and state registration number (if applicable).

1-16-6-1-4 Fine and any penalty that may be assessed for late payment.

1-16-6-1-5 A section entitled "Notice of Hearing" which shall clearly set forth that the person receiving a notice of ordinance violation may appear at an administrative hearing to contest the validity of the violation notice on the date and at the time and place as specified in the notice of hearing.

1-16-6-1-6 Date, time and place of the administrative hearing at which the alleged violation may be contested on its merits.

1-16-6-1-7 Statement that failure to either pay the fine and any applicable penalty or failure to appear at the hearing on its merits on the date and at the time and place specified will result in a final determination of liability for the "cited" violation in the amount of the fine and penalty indicated.

1-16-6-1-8 Statement that upon the occurrence of a final determination of liability for the failure, and the exhaustion of, or the failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the Village.

1-16-6-2 A notice of final determination of liability shall be sent following the conclusion of administrative hearing, as is herein set forth, and shall contain, but not be limited to, the following information and warnings:

1-16-6-2-1 A statement that the unpaid fine and any penalty assessed is a debt due and owing the Village.

1-16-6-2-2 A statement of any sanction ordered or costs imposed, which costs are debts due and owing the Village.

1-16-6-2-3 A warning that failure to pay the fine and any penalty due and owing the Village within the time specified may result in proceeding with collection procedures in the same manner as a judgment entered by any court of competent jurisdiction.

1-16-6-2-4 Any other warning of possible impoundment as permitted by law or ordinance.

1-16-7 Judicial Review Any final decision by a hearing officer that a code violation does or does not exist shall constitute a final determination for purposes of judicial review under the Illinois administrative review law.

1-16-8 Enforcement of Award

1-16-8-1 Any fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures under the Illinois administrative review law shall be a debt due and owing the Village and may be collected in accordance with applicable law.

1-16-8-2 After expiration of the period in which judicial review under the Illinois administrative review law may be sought for a final determination of a code violation, the Village attorney may commence a proceeding in the Rock Island Circuit Court for the purpose of obtaining a judgment on the findings, decision and order. Nothing in this article shall prevent the village from consolidating multiple findings, decisions and orders against a person in such a proceeding. Upon commencement of the action, the village shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order were issued in accordance with state law and the applicable Village ordinance. Service of the summons and a copy of the petition may be by any method provided by section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested; provided, that the total amount of fines, other sanctions, and costs imposed by the findings, decision and order does not exceed seven hundred fifty dollars (\$750.00). If the Court is satisfied that the findings, decision and order was entered in accordance with the requirements of state law and the applicable Village ordinance and that the violation had an opportunity for a hearing and for judicial review:

1-16-8-2-1 The Court shall render judgment in favor of the Village and against the violator for the amount indicated in the findings, decision and order, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.

- 1-16-8-2-2 The Court may also issue any other orders and injunctions that are requested by the Village to enforce the order of the hearing officer to correct a code violation.
- 1-16-8-3 In any case in which a hearing officer finds that a defendant has failed to comply with a judgment ordering a defendant to correct a code violation or imposing any fine or other sanction as a result of a code violation, any expenses incurred by the village to enforce the judgment including, but not limited to, attorney fees, court costs, and costs related to property demolition or foreclosure after they are fixed by the hearing officer shall be a debt due and owing the Village and may be collected in accordance with applicable law and this article.
- 1-16-8-4 A lien shall be imposed on the real estate or personal estate, or both, of the defendant in the amount of any debt due and owing the Village under this article, and after court entry of judgment as set forth in subsection B of this section. The lien may be recorded and enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction. No lien may be enforced under this article until it has been recorded in the manner provided by article XII of the code of civil procedure or by the Uniform Commercial Code.
- 1-16-8-5 A hearing officer may set aside any judgment entered by default and set a new hearing date upon a petition filed within twenty one (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 any time if the petitioner establishes that the Village did not provide proper service of process.

TITLE 2

BOARDS AND COMMISSIONS

<u>Subject</u>	<u>Chapter</u>
Board of Health	1
Youth Guidance Council	2
Zoning Board of Appeals	3
Board of Local Improvements	4
Civil Defense	5
Planning and Zoning Board	6

CHAPTER 1

BOARD OF HEALTH

Rock Island County Health Department serves the Village.

CHAPTER 2

YOUTH GUIDANCE COUNCIL

All youth guidance services and activities are provide to the Village of Andalusia youth by the local school district.

CHAPTER 3

ZONING BOARD OF APPEALS

SECTION

- 2-3-1 Board Established; Meetings
- 2-3-2 Duties of the Board
- 2-3-3 Appeals
- 2-3-4 Meeting Notice
- 2-3-5 Authorize Variance
- 2-3-6 Petition
- 2-3-7 Review Decision
- 2-3-8 Return Certified Copies
- 2-3-9 Take Evidence
- 2-3-10 Costs
- 2-3-11 Rights of Applicants and Property Owners
- 2-3-12 Judicial Review
- 2-3-13 Regulation Amendments

2-3-1 Board Established; Meetings A Zoning Board of Appeals (ZBA) is hereby established. Whenever the word "Board" or (ZBA) are used in this Chapter, it shall mean the Zoning Board of Appeals.

The Zoning Board of Appeals shall consist of seven (7) members who shall be property owners in the Village. The Village President with approval of the Village Board shall appoint the Zoning Board of Appeals board members to serve respectively for the following terms: One for one year, one for two years, one for three years, one for four years, and one for five years, one for six years, and one for 7 years. The successor to each member so appointed is to serve for a term of five years.

The Board shall name one of its members as Chairman at the time of appointment and in case of vacancy; the appointing person shall designate a Chairman. The Village Board shall fix the amount of compensation paid to members, if any. The appointing authority has the power to remove any appointed member for cause and after public hearing. The appointing authority shall fill vacancies for the unexpired term of any member whose place has become vacant. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of the Zoning Title (Title 10. of this Code),

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times and places within the Village as the Board authorizes. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member

upon every question. If a member is absent or failing to vote, indicating such fact. No hearing shall be conducted without a quorum of the board being present. A quorum shall consist of a majority of all the members. Any absent member who certifies that he or she has read the transcript of the proceedings before the board may vote upon any question before the board. Every rule or regulation and its amendment or repeal and every order, requirement, decision, or determination of the board shall immediately be filed in the office of the board and shall be a public record.

2-3-2 Duties of the Board The duties of the Zoning Board of Appeals include:

- 2-3-2-1 To hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of the zoning ordinance;
- 2-3-2-2 Conduct the public hearing upon requests for a variation from the zoning ordinance;
- 2-3-2-3 To decide whether to grant a variation from the zoning ordinance, but only if so authorized by the corporate authorities; and
- 2-3-2-4 To hear and decide all matters referred to it or upon which it is required to pass under the zoning ordinance.

The concurring vote of four members of the Board is required to reverse any order, requirement, decision, or determination made by an administrative official charged with the enforcement of the zoning ordinance, or to decide in favor of the applicant any matter upon which it is required to pass under the zoning ordinance, or to effect any variation in the ordinance, or to recommend any variation or modification in the ordinance to the corporate authorities.

2-3-3 Appeals Appeals to the Board may be taken by any person in the Village effected by any decision of the Building Inspector. Such appeals shall be taken within a reasonable time. A fee of ten dollars (\$10.00) shall be paid to the Building Inspector at the time the notice of appeal is filed. The Building Inspector shall promptly pay to the Village Treasurer to the credit of the Village General Fund.

2-3-4 Meeting Notice Notice shall be given of the time and place of the hearing, not more than thirty (30), nor less than fifteen (15) days before the hearing. A hearing notice must be published at least once in one or more newspapers with a general circulation within the municipality

If a written protest against any proposed amendment of the regulations or districts is signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of the 20% of the frontage directly opposite the frontage proposed to be altered, is filed with the clerk of the municipality, the

amendment shall not be passed except by a favorable vote of two-thirds of the trustees of the Village currently holding office.

In such cases, the protestor or protestors shall serve the applicant and applicant's attorney, if any, for the proposed amendments with a copy of the written protest by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. Any notice required by this Section need not include a metes and bounds legal description, provided that the notice includes: (i) the common street address or addresses and (ii) the property index number ("PIN") or numbers of all the parcels of real property contained in the affected area. (65 ILCS 5/11-13-14) (Source: P.A. 97-336, eff. 8-12-11.)

2-3-5 Authorize Variance No change shall be made in the zoning ordinance nor shall any zoning variation be granted within six (6) months after the date upon which an official plan is adopted by the corporate authorities unless such change in the zoning ordinance or such variation is approved by a two-thirds vote of the corporate authorities or the zoning board of appeals then holding office, as the case may be. (65 ILCS 5/11-13-3.1) (Source: Laws 1967, p. 3425)

Actions subject to novo review: due process.

- A. Any special use, variance, rezoning, or other amendment to a zoning ordinance adopted by the corporate authorities of any municipality, home rule or non-home rule, shall be the subject to de novo judicial review as a legislative decision, regardless of whether the process of its adoption is considered administrative for other purposes. Any action seeking the judicial review of such decision shall begin no later than 90 days after the date of the decision.
- B. The principles of substantive and procedural due process apply at all stages of the decision-making and review of all zoning decisions. (65 ILCS 5/11-13-25 new 2006)

Where a variation is to be made by ordinance, upon the report of the board of appeals, the corporate authorities, by ordinance, without further public hearing, may adopt any proposed variation or may refer it back to the board for further consideration. Any proposed variation that fails to receive the approval of the board of appeals shall not be passed except by the favorable vote of two-thirds of all trustees of the municipality. (65 ILCS 5/11-13-10) (Source: Laws 1961, p576.)

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Zoning Title, the Board may authorize a variation of the application of the use, height, and area regulations so that the spirit of the Zoning Title shall be observed, public safety and welfare secured and substantial justice done.

The Board shall not have the power to change the classification of property as shown on the District Map nor to make any changes in the regulations of the Zoning Title, but shall interpret the Zoning Title and authorize variations only as follows:

- 2-3-5-1 To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Building Inspector in the enforcement of the Zoning Title.
- 2-3-5-2 To permit the extension of a district where the boundary line of a district divides a lot in a single ownership at the time of the passage of the Zoning Title.
- 2-3-5-3 To interpret the provisions of the Zoning Title in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of the Zoning Title where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.
- 2-3-5-4 To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Board determines reasonably necessary for the public convenience or welfare.
- 2-3-5-5 To permit the reconstruction of a nonconforming building that has been damaged by explosion, fire, act of God or public enemy, to the extent of less than seventy percent (70%) of its fair market value where the Board finds such compelling public necessity requiring a continuance of the nonconforming use, and the primary purpose of continuing the nonconforming use is not to continue monopoly.
- 2-3-5-6 Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situations or condition of a specific piece of property. The strict application of any provision of the Zoning Title would result in peculiar and exceptional practical difficulties and particular hardship upon the owner the property and amount to a practical confiscation the property, and not a mere inconvenience to the owner, provided relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the Comprehensive Plan as established by the regulations and provisions contained in the Zoning Title.

2-3-5-7 To authorize upon appeal, whenever a property owner can show that a strict application of the terms of the Zoning Title relating to the use, construction, or alteration of buildings or structures or the use of the land will impose upon him practical difficulties or particular hardship. Such variations of the strict application of the terms of the Zoning Title, that are in harmony with its general purpose, intent, and convenience to the applicant, but will alleviate some demonstrable hardship or difficulties so great as to warrant a variation from the Comprehensive Plan (as established by the Zoning Title) at the same time the surrounding property will be properly protected.

2-3-5-7-1 In its consideration of the standards of practical difficulties or particular hardship, the board of appeals shall require evidence that

2-3-5-7-2 the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and

2-3-5-7-3 the plight of the owner is due to unique circumstances; and

2-3-5-7-4 the variation, if granted, will not alter the essential character of the locality.

A variation shall be permitted only if the evidence, in the judgment of the board of appeals, sustains each of the three conditions enumerated. The corporate authorities may provide rules implementing, and consistent with the rules herein provided to govern determinations of the board of appeals. A decision of the board of appeals shall not be subject to review, reversal, or modification by the corporate authorities but shall be judicially reviewable under the provisions of 65 ILCS 5/11-13-13 (Source: P.A. 82-783).

2-3-6 Petition Any aggrieved person or officer, department, or board of the Village may take an appeal to the Board of Appeals. The appellant, within 45 days of the complained action, shall file the notice of appeal that specifies the grounds of the appeal with the officer from whom the appeal is taken and with the Board of Appeals. The Board is to receive from said officer, all papers constituting the record for any appeal to come before the Board.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In this event, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of appeals or by a circuit court on application and on notice to the officer from whom the appeal is taken, and on due cause shown.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end has all the powers of the officer from whom the appeal is taken. (65 ILCS 5/11-13-12) (Source: P.A. 76-1507.)

2-3-7 Review Decision Upon the presentation of such petition, the Court may allow a writ of certiorari directed to the Board to review such decision of the Board, and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

All final administrative decisions of the board of appeals under the Division 13 shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined in Section 3-101 of the Code of Civil Procedure. (65 ILCS 5/11-13-13) (Source: P.A. 82-783.)

2-3-8 Return Certified Copies The Board shall not be required to return the original papers acted upon by it. It shall be sufficient to return certified or sworn copies of the original papers or portions of them, as may be called for by writ. The returned papers must denote the other pertinent facts and materials to show the grounds of the appealed decision. They also must be verified

2-3-9 Take Evidence Every variation or special use, whether made by the Board of Appeals directly, or by an ordinance after a hearing before the Board of Appeals, shall be accompanied by findings of facts and shall refer to any exhibits containing plans and specifications for the proposed use or variation, which shall remain a part of the permanent records of the Board of Appeals. The findings of facts shall specify the reason or reasons for making the variation.

The terms of the relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact of the board of appeals or ordinance. Property for which relief has been granted shall not be used in violation of the specific terms of the Board of Appeals' findings of fact or ordinance, unless its usage is changed by further findings of fact of a Board of Appeals or additional ordinances. (65 ILCS 5/11-13-11) (Source: P.A. 76-584.)

2-3-10 Costs Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the appealed decision. (Ord. 220; 5-5-62)

2-3-11 Rights of Applicants and Property Owners Zoning variation and special use applicants and property owners, shall have the following rights, in addition to any others they may possess in law, at any hearing before the Board of Appeals:

2-3-11-1 To have subpoenas issued for persons to appear at Board of Appeals' hearings.

2-3-11-2 For examination of documents by the person requesting the subpoena either before or at Board of Appeals hearings subject to the limitations in this Section. The Board of Appeals shall issue subpoenas as requested by zoning variation and special use applicants and by property owners within the terms of 65 ILCS 5/11-13-7. Subpoenas shall only be enforceable against persons or for documents that have a substantial evidentiary connection with

2-3-11-2-1 the property for which a zoning variation or special use is requested,

2-3-11-2-2 facts which would support or negate the requisite legal standards for granting a zoning variation or special use, and

2-3-11-2-3 facts which support or negate the conclusion that property within the 250 feet notice requirement of 65 ILCS 5/11-13-7 will be substantially affected by the outcome of the decision of the board.

2-3-11-2-3-1 All matters relating to subpoenas concerning a particular zoning variation or special use case, including all enforcement and motions to quash, shall be heard in a single action, however, the court obtaining jurisdiction over any such matter may retain jurisdiction until the disposition of the case by the board of appeals. Service of such subpoenas shall be made in the same manner as summons in a civil action.

2-3-11-2-3-2 To cross-examine all witnesses testifying.

2-3-11-2-3-3 To present witnesses on their behalf.

Property owners within the terms of 65 ILCS 5/11-13-7 who object to the zoning application or special use application may be granted, upon request, one continuance for presenting evidence to rebut testimony given by the applicant. The date of such continued hearing shall be in the discretion of the board of appeals.

2-3-12 Judicial Review All final administrative decisions of the board of appeals shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Illinois Code of Civil Procedure. (65 ILCS 5/11-13-13) (Source: P.A. 82-783.)

2-3-13 Regulation Amendments The regulations imposed and the districts created under the authority of 65 ILCS 5/11-13-14 may be amended from time to time by ordinance after the ordinance establishing them has gone into effect, but no such amendments shall be made without a hearing before some commission or committee designated by the corporate authorities.

Notice shall be given of the time and place of the hearing, not more than thirty (30) nor less than fifteen (15) days before the hearing, by publishing a notice thereof at least once in one or more newspapers general circulation within the municipality. In municipalities with less than 500 population in which no newspaper is published, publication may be made instead by posting a notice in three prominent places within municipality.

The Village Clerk shall receive and file all written protests against any proposed amendment of the regulations or districts that is signed and acknowledged by any of the following groups:

- the owners of 20% of the frontage proposed to be altered,
- by the owners of 20% of the frontage immediately adjoining or across an alley from the frontage proposed to be altered,
- by the owners of the 20% of the frontage directly opposite the frontage proposed to be altered.

The proposed amendment shall not be passed except by a favorable vote of two-thirds of the Village Trustees then holding office. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendments and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

Any notice required by this Section need not include a metes and bounds legal description, provided that the notice includes: (i) the common street address or addresses and (ii) the property index number ("PIN") or numbers of all the parcels of real property contained in the affected area.. (65 ILCS 5/11-13-14) (Source: P.A. 97-336, eff. 8-12-11.)

CHAPTER 4

BOARD OF LOCAL IMPROVEMENTS

SECTION

- 2-4-1 Board Created; Duties
- 2-4-2 Selection of Members
- 2-4-3 President of Board

- 2-4-1 Board Created; Duties** The Board of Local Improvements for the Village is hereby created and shall consist of three (3) members, namely the President of the Village and two (2) members of the Board of Trustees, which shall function as and perform all duties of the Board of Local Improvements, as provided in the Illinois Municipal Code, Municipalities, Chapter 24 of the Illinois Revised Statutes, 1961, and amendments thereto. (65 ILCS 5/Art. 9 heading)
- 2-4-2 Selection of Members** The members from the Board of Trustees, to act as members of the Board of Local Improvements, shall be selected by the President of the Board of Trustees, with the approval of a majority vote of the Village Trustees.
- 2-4-3 President of Board** The President of the Village shall be the President of said Board of Local Improvements. (Ord. 231; 7-6-63)

CHAPTER 5

CIVIL DEFENSE

SECTION

- 2-5-1 Establishment
- 2-5-2 Director
- 2-5-3 Functions
- 2-5-4 Service as Mobile Support Team
- 2-5-5 Agreements with other Political Subdivisions
- 2-5-6 Emergency Action
- 2-5-7 Compensation
- 2-5-8 Reimbursement by State
- 2-5-9 Purchases and Expenditures
- 2-5-10 Oath
- 2-5-11 Office
- 2-5-12 Appropriation; Levy of Taxes

2-5-1 Establishment There is hereby created the local Municipal Civil Defense Organization to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or from natural disaster, in accordance with "The Illinois Civil Defense Act of 1958," as amended. This Civil Defense Organization shall consist of the Director and additional members to be selected by the Director.

2-5-2 Director The Director of the Municipal Civil Defense Organization shall be appointed by the President and Board of Trustees and shall serve until removed by the same.

The Director shall have direct responsibility for the organization, administration, training, and operation of the Civil Defense Organization, subject to the direction and control of the President, as provided by Statute.

In the event of the absence, resignation, death or inability to serve of the Director, the Village President or any person designated by him shall be and act as Director until a new appointment is made as provided in this Chapter.

2-5-3 Functions The Municipal Civil Defense organization shall perform such civil defense functions within the Municipality as shall be prescribed in and by the State Civil Defense 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 Illinois Civil Defense Act of 1958," as amended.

2-5-4 Service as Mobile Support Team All or any members of the Municipal Civil Defense Organization may be designated as members of a Mobile Support Team created by the State Director of Civil Defense as provided by law.

The Director of the Municipal Civil Defense Organization shall designate the leader of such Mobile Support Team.

2-5-5 Agreements with other Political Subdivisions The Director of the Civil Defense Organization may negotiate mutual aid agreements with other municipal corporations or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Board of Trustees and by the State Director of Civil Defense.

2-5-6 Emergency Action If the Governor declares that a civil defense emergency exists in the event of actual enemy attack upon the United State of the occurrence within the State of Illinois of major disaster resulting from enemy sabotage or other hostile action or from natural disaster, it shall be the duty of the Municipal Civil Defense Organization to cooperate fully with the State office of Civil Defense and with the Governor in the exercise of emergency powers as provided by law.

2-5-7 Compensation Members of the Civil Defense Organization who are paid employees or officers of the Municipality, if called for training by the State Director of Civil Defense, shall receive for time spent in such training the same rate of pay as is attached to the position held. Members who are not such Municipal employees or officers shall receive for such training time such compensation as may be established by the Board of Trustees.

Any member of a Mobile Support Team, who is a Municipal employee or officer while serving on call to duty by the Governor, or the State Director of Civil Defense, shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the Municipality, while so serving, shall receive from the State reasonable compensation as provided by law.

- 2-5-8 Reimbursement by State** The State Treasurer may receive and allocate to the appropriate fund any reimbursement by the State to the Municipality for expenses incident to training members of the Civil Defense, compensation for services and expenses of members of a mobile support team while serving outside the Municipality as provided by law, and any other reimbursement made by the State incident to civil defense activities, as provided by law.
- 2-5-9 Purchases and Expenditures** The Board of Trustees may, on recommendation of the Municipal Director of Civil Defense, authorize any purchase or contracts necessary to place the Municipality 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 natural disaster.
- In the event of enemy caused or natural disaster, the Municipal Director of Civil Defense is authorized, on behalf of the Village, to procure services, supplies, equipment or material as may be necessary for such purposes, because of the urgent need or demand, without regard to the statutory procedures or formalities normally prescribed by law pertaining to Municipal contracts or obligations, as authorized by "The Illinois Civil Defense Act of 1958," as amended. Provided that, if the Board of Trustees meets at such time, as the Director and shall act subject to the directions and restrictions imposed by that body.
- 2-5-10 Oath** Every person appointed to serve in any capacity in the Municipal Civil Defense Organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Director:

"I __, Local Civil Defense Director of the civil defense

organization of __, 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. I take this obligation freely, without any mental reservation or purpose of evasion. I will well and faithfully discharge the duties upon which I am about to enter. 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. During such time as I am affiliated with the _____(name of 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."

- 2-5-11 Office** The Village President is authorized to designate space in the Village Hall or elsewhere, for the Municipal Civil Defense Organization as its office.
- 2-5-12 Appropriation; Levy of Taxes** The Village Board may have an appropriation for civil defense purposes in the manner provided by law. It may levy for civil defense purposes only, a tax not to exceed five cents (5¢) per hundred dollars of the assessed value of all taxable property in addition to all other taxes, as provided by "The Illinois Civil Defense Act of 1958," as amended. Provided, however, that the amount collectable under such levy shall in no event exceed twenty-five cents (25¢) per capita. (Ord. 266; 10-2-67)

CHAPTER 6

PLANNING AND ZONING BOARD

SECTION

- 2-6-1 Board Established, Term, Members
- 2-6-2 Meetings
- 2-6-3 Function
- 2-6-4 Powers
- 2-6-5 Compensation

- 2-6-1 Board Established, Term, Members** A Planning and Zoning Board is hereby/established. The Planning and Zoning Board shall consist of five (5) members, none who shall also be a member of the Board of Trustees. Appointment to the Planning and Zoning Board shall be by the President of the Village Board subject to the approval by a majority vote of the Board of Trustees. Appointments to the Planning and Zoning Board shall be made for the following terms: two (2) for one year, two (2) for two (2) years, and one for three (3) years. The successor to each member so appointed shall serve for a term of three (3) years. The Village President and Board of Trustees shall name one of the members so appointed as Chairman of the Planning and Zoning Board at the time of appointment and approval. Such person shall continue to act as Chairman through the duration of the appointed term. At any time by majority vote, the Board of Trustees may rescind the appointment of the Chairman. Any such action taken by the Board of Trustees shall in no way interfere with the length of the term of any such individual as a member of the Planning and Zoning Board. Vacancies in the membership or Chairmanship of the Board shall be filled for the unexpired term in the same manner as specified for normal appointments.
- 2-6-2 Meetings** Meetings of the Planning and Zoning Board shall be paid at the call of the Chairman, at such times and places within the Village as the Board may determine. Such Board shall keep minutes of its proceedings, showing the vote of each member on every question, or if absent or failing to vote, indicating such fact. All meetings of the Board shall be open to the public, and all minutes of its proceedings shall be filed in the office of the Board and shall be a public record.
- 2-6-3 Function** The Board shall function as and perform all duties entrusted to the Planning and Zoning Board and the Subdivision and Official Map Ordinance (Ordinance No.325). The Village Board of Trustees may from time to time by ordinance modify or extend the authorities and responsibilities of the Planning and Zoning Board.

2-6-4 Powers The Planning and Zoning Commission shall have the following powers:

- 2-6-4-1 To prepare and recommend to the Village authorities a comprehensive plan of public improvements looking to the present and future development of the Village. After its adoption by the Village authorities, this Plan shall be known as the Official Plan of the Village of Andalusia. From time to time, the Planning and Zoning Commission may recommend changes in the Official Plan. This Plan may include reasonable requirements with reference to streets, alleys, and public grounds in un-subdivided land situated within the corporate limits or in contiguous territory not more than one and one-half (1-1/2) miles beyond the Village limits and not included in any municipality.
- 2-6-4-2 To prepare and recommend to the Village authorities, from time to time, plans for specific improvements in pursuance of the Official Plan.
- 2-6-4-3 To give aid to the Village officials charged with the direction of projects for improvements embraced within the Official Plan, to further the making of these projects, and generally to promote the realization of the Official Plan.

To exercise such the corporate authorities may confer other powers, germane to the powers granted by 65 ILCS 5/11-12-1, *et seq.*

2-6-5 Compensation Members of the Planning and Zoning Board may receive compensation as determined by the Board of Trustees. (Ord.330, 2-23-76)

TITLE 3

BUSINESS

<u>Subject</u>	<u>Chapter</u>
Licenses	1
Certain Businesses	2
Billiard, Pool Halls	3
Food Dealers	4
Food Deliveries	5
Liquor	6
Peddlers	7
Service Stations	8
Body Repair Shops; Public Garages	9
Utility Tax	10
Retailers' Occupation Tax	11
Use Tax	12
Small Engine-Appliance Repair Shops	13
Self-Storage Rental Unit Complex	14
Video Gaming	15

CHAPTER 1

LICENSES

SECTION

- 3-1-1 Applications
- 3-1-2 Entity Subject to License
- 3-1-3 Forms
- 3-1-4 Signatures
- 3-1-5 Investigations
- 3-1-6 Fees
- 3-1-7 Termination of Licenses
- 3-1-8 Building and Premises
- 3-1-9 Change of Location
- 3-1-10 Frontage Consents
- 3-1-11 Nuisances Prohibited
- 3-1-12 Working Conditions
- 3-1-13 Inspections
- 3-1-14 Appeal
- 3-1-15 Posting License
- 3-1-16 Penalty

3-1-1 Applications Applications for all licenses required by ordinance must be made in writing to the Village Clerk in the absence of a provision to the contrary. Each application must state the name of the applicant, the license desired, the location to be used (if any), the time covered, and the fee to be paid. Each application must contain additional information that may be needed for the proper guidance of the Village officials in the issuing of the license. (M.C. 1949; Sec. 150)

3-1-2 Entity Subject to License If this Village Code or any Village Ordinance requires a license

- for the maintenance, operation, or conduct of any business or establishment,
- for doing business,
- for engaging in any business activity or occupation; then any person, firm, or corporation shall be subject to the license requirement
- if by himself, itself, or through an agent, employee, or partner;
- when he or it is engaged in the business, activity, or occupation;
- or if he or it solicits patronage actively or passively;
- or if he or it performs or attempts to perform any business, activity, or occupation in the Village. (M.C. 1949; Sec. 151)

- 3-1-3 Forms** The Village Clerk shall prepare forms and maintain files for all licenses. (M.G. 1949; Sec. 152)
- 3-1-4 Signatures** Each license issued shall bear the signature of the Village President and Village Clerk in the absence of any provision to the contrary. (M.C. 1949; Sec. 153)
- 3-1-5 Investigations** The Village Clerk receives all applications for a license. Where the provisions of this Code necessitate an inspection or investigation before the issuance of the license, or where an inspection or investigation shall be deemed reasonably necessary or appropriate, the Clerk within forty-eight (48) hours of application receipt, shall refer the application to the proper official(s) to make the investigation or inspection.

Andalusia Business Code

1. Any Race (People or animal) where a fee is charged.
2. Any show or amusement, which is calculated to cause a riot. (Prohibited)
3. Athletic exhibition where a fee is charged.
4. Auction, Public.
5. Barber Shop.
6. Beauty Shop.
7. Billiard Pool Hall.
8. Body Repair Shop
9. Dress Shop.
10. Exhibition of criminals or bodies. (Prohibited)
11. Food Deliveries (Each vehicle used.)
12. Grocery Store.
13. Indecent Shows. (Prohibited)
14. Liquor.
15. Peddlers (Hawkers).
16. Public Garages.
17. Restaurant.
18. Retail sale of meat, poultry, or fish.

19. Self-storage rental units.

20. Service Stations.

21. Small engine repair shops.

22. Vegetable Stands.

The official(s) charged with the duty of investigation or inspection and to whom the application has been referred, shall create a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy, thereof. The County Health Officer shall inspect or cause to be made an inspection concerning the licenses pertaining to the care and handling of food, the prevention of nuisances, the spread of disease, and the protection of health. The County Building Inspector shall inspect or cause to be made all inspections which relate to compliance with the Building Code, Zoning Ordinance, and other related regulations. All other investigations except where otherwise provided shall be made by the Chief of Police or some other officer designated by the Village President. (M.C. 1949; Sec. 154)

Upon receipt of all related investigative reports, the Village Clerk shall forward the reports, together with the application, to the Village President and Board of Trustees for evaluation and determination.

If it appears to the corporate authorities that the matters and circumstances relating to an application require further information before a proper determination can be made, the application must be returned to the Village Clerk for the inclusion of all additional information that may be specified necessary and appropriate.

If, after due consideration of the information contained within the application and the related investigative reports, the corporate authorities determine that the matters concerning the application are unsatisfactory, they may disapprove the application, indicating the reasons for disapproval. The Village Clerk must promptly notify the applicant that his application is disapproved, and that no license will be issued.

If, after due consideration of the information contained within the application and the related investigative reports, the corporate authorities determine that the application is satisfactory, they shall approve the application. The Village Clerk must promptly notify the applicant that his application is approved, and the license may be issued.

3-1-6 Fees¹ In the absence of provision to the contrary, all fees and charges for licenses shall be paid at the time the application is made to the Village Clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by quarter and the fee shall be paid for each quarter or fraction thereof during which the business has been or will be conducted. Except, as otherwise provided, all license fees shall become a part of the Corporate Fund. In no event shall any rebate or refund be made of any license fee, or part, due to death, or departure of the licensee; nor shall any rebate or refund be made due to nonuse of the license or discontinuance of the operation or conduct of the licensed establishment, business, or activity. (M.C. 1949; Sec. 155)

3-1-7 Termination of Licenses All business licenses shall terminate on December 31 of each year, where no provision to the contrary is made.

The Village Clerk shall notify all licensees of the Village of the time of expiration of the license held by the licensee (if an annual) three (3) weeks prior to the date of such expiration. Provided, however, that a failure to make such notification, or the failure of the licensee to receive it, shall not excuse the licensee from the obligation to obtain a new license, or a renewal thereof, nor shall it be a defense in an action based upon operation without a license. (M.C. 1949; Sec. 156)

3-1-8 Building and Premises No license shall be issued for the conduct of any business, for any purpose, or activity, if the premises and building to be used for the purpose do not fully comply with the applicable ordinances and regulations of the Village and the State of Illinois. No such license shall be issued for the conduct of any business or performance of any act that would involve a violation of the Zoning Title (Title 10) of this Code. (M.C. 1949; Sec. 157)

3-1-9 Change of Location The location of any licensed business or occupation may be changed, if a notice is provided to the Village Clerk ten (10) days prior to change of location, there are no provisions to the contrary, and the business has complied with all applicable ordinances and regulations of the Village. (M.C. 1949; Sec. 158)

3-1-10 Frontage Consents Whenever the consent of adjoining neighboring owners is required as a prerequisite to the conduct of any business or occupation, or the location of any establishment, such consents must be obtained by securing the necessary signatures to a written consent petition. Such petition shall be filed with the Village Clerk when signed.

Consents once given and filed shall not be withdrawn; and such petitions need not be renewed for the continuous conduct of the same business, whether by the same proprietor or not.

It shall be unlawful to forge any name to a petition or to represent falsely that the names thereon have been properly placed, if such is not the fact.

¹ See Section 6-2-36 of this Village Code.

Each consent when filed shall be accompanied by the affidavit of the person securing the signatures that each signature appearing therein was properly secured and written on; and that the petition contains the necessary number of signatures required by ordinance.

The frontage consent requirements contained in this Code shall not be construed to amend or change any zoning provision of the Village. No such provision shall be construed as permitting the erection of a structure or building, or the conduct of a business or the commission of any act, in any location where such structure, building, business or act is or are prohibited by any zoning provisions of the Village. (M.G. 1949; Sec. 159)

3-1-11 Nuisances Prohibited

No Business to Constitute a Nuisance: No business or establishment, whether or not licensed, shall be so conducted or operated as to constitute a nuisance in fact. No building, vehicle, structure, yard, lot, premises, or part, shall be used, kept, maintained, or operated in connection with any business or establishment to occasion any nuisance, or become dangerous to life or detrimental to health.

3-1-11-1 Any business or establishment, whether or not licensed, including all real property that is part of said business or establishment, may be required by the Rock Island County Building Inspector or the Village Board of Andalusia to install a privacy fence or natural or artificial buffer area between it and the residentially zoned property if said property is adjacent to a residentially zoned property. The requirement of installing a fence or buffer area shall be based on a finding that the business or establishment and/or its grounds constitute a nuisance as defined in Section 10.1.

3-1-11-2 Any fence or buffer as required by this Ordinance shall be not less than six (6) feet in height and not greater than ten (10) feet in height.

Unsafe or Unhealthful Business:

3-1-11-3 No building or structure, utilized, constructed, or maintained in connection with any business or occupation, shall evidence an unsanitary, unsafe, or dangerous condition.

3-1-11-4 No substance, matter, or thing of any kind that shall be deemed dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in the Village.

Refuse Disposal:

- 3-1-11-5 Refuse Containers. The standard refuse container required by this Article shall be a receptacle of not less than twenty (20) nor more than thirty-two (32) gallons capacity, of impervious material and sturdy construction, with a tight fitting cover, and equipped with handles properly placed to facilitate handling.
- 3-1-11-6 Duty to Provide Refuse Containers. The occupant of every building, structure, or premises used or maintained in connection with any business or occupation shall provide and maintain in good condition and repair a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.
- 3-1-11-7 All refuse that is placed for collection service outside any building or structure must be kept in standard refuse containers.
- 3-1-11-8 Refuse Removal. It shall be the duty of the occupant of every building, structure, or premises used or maintained in connection with any business or occupation to cause to be removed at his own cost and expense at least once each week all refuse produced therein.
- 3-1-11-9 Removal of Restaurant Garbage. Every person owning or controlling any hotel, restaurant, café, or retail food establishment where more than thirty-two (32) gallons of refuse is normally produced weekly shall cause all garbage to be placed in sanitary refuse containers and shall cause all substances deposited in such containers to be removed daily from his premises and to be disposed of at his own expense.

3-1-12 Working Conditions

Health Requirements: No owner, lessee, manager, or superintendent of any store, factory, workshop, or other place where persons are employed shall cause or permit such place, or any room or part thereof, to be overcrowded or inadequate or faulty with respect to light, ventilation, heat, or cleanliness.

Sanitation: All places of employment shall be kept in a clean condition, free from the effluvia of a sewer, drain, or other nuisance; also as far as practicable, such premises shall be free from all gases, vapors, dust, or other impurities generated by manufacturing processes or otherwise which are injurious to health. Sufficient washroom facilities for male and female employees shall be provided and such facilities shall be properly ventilated.

Heat Required:

- 3-1-12-1 It shall be the duty of every person owning or controlling the heating plant that furnishes heat to any factory or workshop, to maintain a temperature within such factory or workshop of not less than 68 degrees Fahrenheit without such undue restriction of ventilation as to interfere with proper sanitary conditions. However this requirement shall not apply to any factory or workshop where the business conducted is of such a nature that a higher or lower temperature than 68 degrees Fahrenheit is necessary or expedient for the work or manufacturing processes of such business.
- 3-1-12-2 It shall be the duty of any person owning or controlling the heating plant which furnishes heat to any office, store, or other place of employment to maintain a temperature of not less than 68 degrees Fahrenheit without such undue restriction of ventilation as to interfere with proper sanitary conditions between the hours of 8:00 a.m. and 6:00 p.m. from October 1 of each year to June 1 of the succeeding year, Sundays and legal holidays excepted.

Inspection: The Village Board and the Building Inspector shall cause to be visited all such places of employment in the Village as often as they shall deem necessary to assure compliance with the provisions of this Section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

- 3-1-13 Inspections** When inspections of premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary thereto to assure compliance with the provisions of any ordinance or regulation of the Village or to detect violations thereof. The licensee or the person in charge of the premises has a duty to admit for inspection, any officer or employee of the Village who is duly authorized to inspect at any reasonable time that admission or entry is requested.

Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with the provisions of any ordinance or regulation, or to detect violations; it shall be the duty of the licensee or the person in charge of the premises to give any duly authorized officer or employee of the Village requesting the same sufficient samples of such material or commodity for such analysis upon official request.

In addition to any other penalty which may be provided, the Village President and Village Board may revoke the license of any owner or operator of any licensed business in the Village who refuses to permit any duly authorized officer or employee to make such inspection or take an adequate sample of the commodity, or who interferes with such officer or employee while in the performance of his duties; provided; however, that no license shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter the premises

in the name of the Village after first having presented a warrant authorizing such entry. (M.C. 1949; Sec. 161)

Suspension, Revocation of License

When the conduct or operation of any business or establishment, whether or not licensed, constitutes a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Village President shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license for a period not to exceed ten (10) days.

The Village President must call a hearing for determination within eight (8) days after he acted on whether the license should be revoked.

The Village President may revoke licenses issued under the ordinances of the Village, unless otherwise provided, after notice and hearing as provided in Subsection 13.4 of this Section for any of the following causes:

- 3-1-13-1 Any fraud, misrepresentation, or false statement contained in the application for the license.
- 3-1-13-2 Any violation by the licensee of ordinance provisions relating to the license, the subject matter of the license, or the premises occupied.
- 3-1-13-3 Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.
- 3-1-13-4 Failure of the licensee to pay any fine or penalty owing to the Village.
- 3-1-13-5 Refusal to permit any inspection or sampling, or any interference with a duly authorized Village officer or employee while in the performance of his duties in making such inspections, as provided in Section 12.

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable ordinances of the Village.

Notice of the hearing for revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee at his last known address at least five (5) days prior to the date set for the hearing.

- 3-1-14 Appeal** Any person aggrieved by the decision of the Village President in regard to the denial of an application for a business license, as provided in Section 4 and in connection with the revocation of a license, as provided in Section 13, shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Clerk, within ten (10) days after notice of a denial of any application or a revocation of a license, a written statement under oath setting forth specifically the grounds for appeal. The Board of Trustees shall set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee in the same manner as provided in Section 13. The decision of the Board of Trustees on such appeal shall be final.
- 3-1-15 Posting License** It shall be the duty of any person conducting a licensed business in the Village to keep his license posted in a prominent place on the premises used for such business at all times. (M.C. 1949; Sec. 163)
- 3-1-16 Penalty** Any person, firm, or corporation convicted of violating any provision of this Chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949, Sec. 165; amd. Ord. 338, 1-3-77)

CHAPTER 2

CERTAIN BUSINESSES

SECTION

- 3-2-1 Business License Required; Annual Fees
- 3-2-2 Location
- 3-2-3 Bond Requirement – Retailers
- 3-2-4 Investigation Approval of License
- 3-2-5 Requirements of all Licensees
- 3-2-6 Sanitary Requirements
- 3-2-7 Certain Acts and Practices Prohibited
- 3-2-8 Revocation of License
- 3-2-9 Shifting Devices Prohibited
- 3-2-10 Penalty

3-2-1 Business License Required; Annual Fees The following businesses shall be required to obtain a license and pay the annual fee listed:

Appliance Store	\$50.00
Barber Shop or Beauty Parlor	\$50.00
Clothing Store	\$50.00
Vegetable Stand	\$50.00
Drive-thru Restaurant	\$50.00
Public Auction Operation	\$50.00

(Ord. 2011-08-115; 8-15-2011)

If an applicant should make a false statement in the application, violate any agreement, or agreed upon stipulations in the application, there shall be sufficient grounds for the revocation of any license granted. In addition, the applicant shall be deemed in violation of this Chapter and subject to any penalties listed.

3-2-2 Location

- 3-2-2-1 No license under this Chapter shall be granted to any applicant for the premises within the corporate limits of the Village of Andalusia, where the same is at the time of application located in any block in the said Village of Andalusia that is devoted exclusively to residential purposes. For the purpose of the foregoing provision, "block" shall be construed to mean the space from the intersection to intersection on the side of the street that the proposed location fronts.
- 3-2-2-2 No license shall be granted to any applicant for any premises within the corporate limits of the Village of Andalusia.
 - 3-2-2-2-1 Where the premises is located in any block in Andalusia that is at the time of said application either wholly or partially devoted to business uses unless the applicant shall first file at Village Hall a petition signed by a majority of the property owners that represent a majority of the frontage within three hundred (300) feet in each direction of the proposed location, on both sides of the street on which the proposed location shall front.
 - 3-2-2-2-1-1 The petition signers must signify their willingness to have a business license issued hereunder;
 - 3-2-2-2-1-2 If the property owners within at least forty (40) feet of the property, immediately adjacent to, or abutting on any side of the proposed location do not appear as signer on said petition, no license shall be issued hereunder.
 - 3-2-2-2-1-3 The signature of any adjacent property owner, who is then conducting a place of business in the said block under a license issued hereunder, shall not be deemed necessary for the purpose of this action.
- 3-2-2-3 Before the President shall issue any license under this Chapter, he shall first obtain the approval of a majority of the Trustees of the Village, voting in regular or special meeting for the location upon which the license is proposed to be exercised.

- 3-2-3 Bond Requirement – Retailers** Each person to whom a retailer's license is about to be issued, under the provisions of this Chapter, shall execute a penal bond in form and with sureties acceptable to the President, in the sum of Two Hundred Dollars (\$200.00). This bond shall be conditioned upon the faithful performance and observance of the provisions of the laws of Illinois, and of this Chapter. It shall be further conditioned upon the prompt payment of any fine that may be levied or assessed against any licensee for the violation of any of the penal provisions of this Chapter. Upon approval, such bond shall be filed in the office of the President.
- 3-2-4 Investigation Approval of License** All applications for retailer's licenses shall be filed with the President and said President shall investigate all the statements contained in each application. If upon investigation he is satisfied that the matters and things therein contained are true, that the applicant is of good moral character and entitled to a license, and that the said applicant has complied with all the requirements of this Chapter, he shall approve the same and upon the receipt of the required license fee, issue a license in accordance with the provisions herein.
- 3-2-5 Requirements of all Licensees** Every person licensed in accordance with the provisions of this Chapter shall immediately post and keep posted while in force, in a conspicuous place on the premises, the license certificate so issued. Whenever such license shall be lost or destroyed, a duplicate thereof shall be issued in lieu thereof by the President of the Village Board, upon application made therefore by the licensee, who shall also make a verified statement of such loss or destruction.
- 3-2-5-1 No license issued hereunder shall be transferrable from person to person.
- 3-2-5-2 All licenses issued under this Chapter shall specify the premises upon which the sale of liquor is licensed and the same shall be prominently stated in the license certificate required in this Chapter to be posted on said premises.
- 3-2-6 Sanitary Requirements** Each licensee shall maintain upon the premises licensed to him for the sale of liquor under this Chapter, separate restrooms for men and for women. Each restroom shall be equipped with flush toilets and lavatories with running water connected to a suitable sewage disposal system complying with the Ordinances of the Village of Andalusia and with the Statutes of the State of Illinois and the Rules and Regulations of the Illinois Liquor Control Commission.
- 3-2-7 Certain Acts and Practices Prohibited**

- 3-2-7-1 All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural or artificial light so that all parts of the interior of the premises shall be clearly visible.
 - 3-2-7-2 No person licensed under this Chapter shall sell, or permit to be sold, any liquor, wine, or beer, as herein defined, to any minor, or to any person notoriously addicted by habit to the abnormal use of the same.
 - 3-2-7-3 No minors shall be permitted in any licensed premises where the principal business is the sale of alcoholic liquor with or without their parents. Parents, guardians, or other adult persons who shall bring or accompany any minor on such premises shall be deemed guilty of violation of this provision.
 - 3-2-7-4 No gambling device shall be kept or used for gambling in any place licensed hereunder where liquor, wine, or beer as defined herein, is sold on the premises for consumption on the premises without permit from the state for gaming.
 - 3-2-7-5 No person licensed under this Chapter shall order or receive the delivery of any liquor, beer, or wine on Sunday at the premises so licensed, or at any other premises.
- 3-2-8 Revocation of License** The President of the Village Board may suspend or revoke any license issued hereunder for any one or more of the following circumstances:
- 3-2-8-1 When the President of the Village Board is satisfied that a licensee has violated any of the provisions of this Chapter, or of any valid resolution enacted by the Village Council or any applicable rule or regulation established by the President of the Village Board that is consistent with law.
 - 3-2-8-2 When the licensee violates any law of the State of Illinois relating to the regulation of the sale of liquor.
 - 3-2-8-3 When the licensee willfully makes any false statement as to a material fact in any application for a license hereunder.

3-2-8-4 Procedure. No such license shall be revoked or suspended except after a public hearing before the President of the Village Board acting as Local Liquor Control Commissioner. Notice of said public hearing shall be in writing, shall be personally served upon the licensee at least three days prior to the date set for said public hearing, and shall notify the licensee that he shall have an opportunity to appear at said hearing and defend the charges against him. All such hearings shall be open to the public, all evidence shall be reduced to writing, and the Local Liquor Control Commissioner shall maintain an official record of the proceedings. After a hearing in which the Local Liquor Control Commissioner determines that the license should be revoked or suspended and he states the reason or reasons for such determination in a written Order together with the period of suspension or indicates that the license has been revoked he shall serve a copy upon the licensee of such Order within the five (5) days after such hearing.

3-2-8-5 Appeal. The licensee or any resident of the Village or any person interested may appeal the revocation or suspension of a license to the State Commission within twenty (20) days after notice of such Order or action of the President of the Village Board acting as the Local Liquor Control Commissioner. The appeal shall be limited to a review of the official record of the proceedings of such Local Liquor Control Commissioner.

3-2-9 Shifting Devices Prohibited The giving away of any liquor, wine or beer, or other shift or device to evade the provisions of this Chapter, shall be deemed to be unlawful selling and shall be punished as such. (Amended 12/1/86)

Persons Ineligible to be licensed. No license shall be issued under the provisions of this Chapter 2 to:

3-2-9-1 An individual who is not a citizen of the United States of America.

3-2-9-2 A person who has been convicted of a felony under any federal or state law.

3-2-9-3 A person who has been convicted of keeping a house of ill fame, pandering or other crime, or misdemeanor opposed to decency or morality.

3-2-9-4 A person who has been convicted of two (2) or more criminal misdemeanors, other than traffic violations, within two (2) year proceeding the application.

- 3-2-9-5 A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, or has forfeited his bond to appear in court to answer charges from any such violation.
- 3-2-9-6 A person who has been convicted of violation of any federal or state law concerning gambling.
- 3-2-9-7 A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
- 3-2-9-8 A person whose license, issued under this chapter or under the Illinois Liquor Control Act, has been revoked for cause.
- 3-2-9-9 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.
- 3-2-9-10 A person whose place of business is supervised by a manager or agent, unless said manager or agent possesses the same qualifications required by the licensee and is a citizen of the United States of America and of this Village.
- 3-2-9-11 A person who is not a beneficial owner of the business to be operated by the licensee.
- 3-2-9-12 A co-partnership, unless all the persons forming a part of such co-partnership shall be qualified to obtain a license, except that only one (1) partner shall be required to be a resident of this Village.
- 3-2-9-13 A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation qualified under Illinois law to do business in the state.
- 3-2-9-14 A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than five (5) percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and/or residence within this Village.
- 3-2-9-15 Any law enforcing public official, including members of local liquor control commissions, any president or member of the board of trustees of this Village, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the state liquor control commission.

3-2-10 **Penalty** Whoever violates any of the provisions of this Chapter shall be punished by a fine of no more than Five Hundred Dollars (\$500.00); and in the discretion of the President of the Village, said license may be revoked.
(Amended 11/4/96)

CHAPTER 3

BILLIARD, POOL HALLS

SECTION

- 3-3-1 License Required
- 3-3-2 Fee
- 3-3-3 Hours of Operation
- 3-3-4 Penalty

3-3-1 License Required No person shall operate, maintain or conduct a billiard, pool, bagatelle or pigeon hole table open to the public without having first obtained a license therefor as is herein provided. All applications for such a license shall state thereon the intended location of the place of business and the number of tables to be used therein. (M.C. 1949, Sec. 181)

3-3-2 Fee The annual fee for any such license shall be fifty dollars (\$50.00) (Ord. 2011-08-115; 8-15-2011)

Minors: Minors under the age of sixteen (16) years shall under no circumstances frequent, loiter, go or remain in any hall licensed hereunder at any time, unless it is upon some lawful errand, and under the direction and with the consent and knowledge of the parents, guardian or other person having the lawful custody of said minor; and it shall be unlawful for the proprietor of any hall so licensed to allow or permit any such minor to frequent, loiter or remain within such hall in violation of the Section. (M.C. 1949, Sec. 183)

3-3-3 Hours of Operation No billiard hall, or other hall licensed hereunder shall be open for business, or used, between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) in the morning. (M.C. 1949, Sec. 1984)

3-3-4 Penalty Any person violating any provision of this Chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949, Sec. 185; amd. Ord. 338, 1-3-77)

CHAPTER 4

FOOD DEALERS

SECTION

- 3-4-1 Definition
- 3-4-2 License Required
- 3-4-3 Fee
- 3-4-4 Revocation of Licenses
- 3-4-5 Unwholesome Food
- 3-4-6 Adulterations
- 3-4-7 Sanitary Regulations
- 3-4-8 Application for License
- 3-4-9 Double Licensing
- 3-4-10 Flies and Vermin
- 3-4-11 Employees
- 3-4-12 Beverages, as Food
- 3-4-13 Penalty

3-4-1 Definition The term "food dealer" as used in this Chapter shall be construed to mean and include every person, firm or corporation engaged in the business of selling food at retail for human consumption either on or off the premises where sold with the exception of nonprofit-making organizations.

3-4-2 License Required It shall be unlawful for any food dealer to engage in or do business in the City without having first secured a license therefor. Applications for such licenses shall be made in compliance with the general provisions of this Code relating thereto and shall state thereon the kind of food intended to be sold or handled. The annual fee for such license shall be fifty dollars (\$50.00). (Ord. 2011-08-115; 8-15-2011)

3-4-3 Fee The annual fee for all business licenses is \$50.00 annually and \$110.00 for corporations. (Ord. 174, 4-20-55)

3-4-4 Revocation of Licenses The President and Board of Trustees may revoke any food dealer's license for repeated violation of the provisions of this Chapter, or for any violation of any other Code provision, relating to the conduct of the business, the condition of the premises, the article sold, or to the license required. (M.C. 1949, Sec. 215)

- 3-4-5 Unwholesome Food** No person shall offer for sale, or keep for the purpose of selling or offering for sale, any food of any kind intended for human consumption which is spoiled or tainted or is unwholesome and unfit for human consumption for any reason.

All tainted or unwholesome food intended for human consumption may be condemned by the County Health Department, and shall thereupon be seized and destroyed by the Health Officer or any Police Officer. (M.C. 1949, Sec. 216)

- 3-4-6 Adulterations** It shall be unlawful to sell, offer for sale, or keep for such purpose, any food or drink intended for human consumption that has been adulterated by any material harmful in any way, or which does not comply with the Statutes governing the same. (M.C. 1949, Sec. 217)

- 3-4-7 Sanitary Regulations** Premises used for the sale or storage of food intended for human consumption must be kept in a clean and sanitary condition. It shall be unlawful to permit any accumulation of refuse or waste of any kind to remain therein for more than twenty-four (24) hours, and it shall be unlawful to permit any decaying animal or plant material to remain on such premises. (M.C. 1949, Sec. 218)

- 3-4-8 Application for License** All applications for a license to conduct a business connected with the storage, handling, sale or preparation of food or drink intended for human consumption shall be referred to the Rock Island County Health Department, who shall investigate or cause an investigation to be made of the premises to be used, and report his findings thereon. The County Health Officer recommends or advises against the issuance of the license. (M.C. 1949, Sec. 219)

- 3-4-9 Double Licensing** Any person licensed to sell any of the foods or beverages for the sale of which a license is required by the terms of this Chapter, may conduct on the same premises and in connection with the licensed business any other business mentioned in this Title without paying any additional fee therefor; provided that the fee paid for the licensed business is at least as great in amount as the fee required for the other business so conducted. However, this Section shall not be so construed as to relieve any such applicant from the regulatory requirement to such business. (M.C. 1949, Sec. 220)

- 3-4-10 Flies and Vermin** Premises used for the storage, preparation, or sale of food intended for human consumption shall be kept free from flies, vermin, and rodents. (M.C. 1949, Sec. 221)

- 3-4-11 Employees** All persons engaged in handling or coming in contact with food intended for sale for human consumption shall keep themselves clean, both as to person and clothing. It shall be unlawful for any person who is afflicted with or a carrier of, any infectious or contagious disease to handle or be engaged in the care or preparation of any food; and it shall be unlawful to permit any infectious or contagious person to be employed in or about any premises where food is stored, prepared or sold, or to deliver such food. (M.C. 1949, Sec. 222)
- 3-4-12 Beverages, as Food** The term "food" as used in this Chapter shall be construed to include beverages. (M.C. 19.49, Sec. 223)
- 3-4-13 Penalty** Any person violating any provision of this Chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949, Sec. 224; amd. Ord. 338, 1-3-77)

CHAPTER 5

FOOD DELIVERIES

SECTION

- 3-5-1 License Required
- 3-5-2 Applications
- 3-5-3 Fee
- 3-5-4 Regulations
- 3-5-5 Inspection
- 3-5-6 Penalty

3-5-1 License Required A license must be secured by anyone seeking to use any motorized or non-motorized vehicle or cart to store, carry, or deliver any food or food related products to be used for human consumption in the Village. All licensees must also abide by all provisions outlined in this chapter. (M.C. 1949, Sec. 225)

3-5-2 Applications An application for a food delivery license must be made to the Village Clerk. It shall state the name and address of the owner of the vehicle and the name, or names of the persons from whom such deliveries are made, and the nature of the goods carried. The Village Clerk must issue all licenses and must provide a list of all licenses issued to the County Health Officer. (M.C. 1949, Sec. 226)

3-5-3 Fee The annual fee for such licenses shall be fifty dollars (\$50.00) per vehicle. (Ord. 2011-08-115; 8-15-2011)

Exemptions: No license fee will be required for any vehicle used to deliver foodstuffs from any establishment which is licensed and inspected as a food dealing establishment in the Village; but all provisions of this Chapter other than that providing for the payment of a fee, must be complied with in connection with such vehicle. (M.C. 1949, Sec. 228)

3-5-4 Regulations All such vehicles must be kept in a clean and sanitary condition during each day of use. It will considered be unlawful to permit stale food, decaying matter, or any other waste or material to accumulate in or on any such vehicle while it is so used.

If unwrapped foodstuffs are transported in any vehicle, such goods shall be carried in a portion or compartment of the vehicle that is screened and protected against dust and insects. (M.C. 1949, Sec. 229)

- 3-5-5 Inspection** It shall be the duty of the County Health Officer to complete inspections as necessary to insure compliance with the provisions of this Chapter. (M.C. 1949, Sec. 230)
- 3-5-6 Penalty** (M.C. 1949, Sec. Any person violating any provision of this Chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. 231; amd. Ord. 338, 1-3-77)

CHAPTER 6

LIQUOR

SECTION

- 3-6-1 Definitions
- 3-6-2 License Required
- 3-6-3 Application
- 3-6-4 Liquor Bond
- 3-6-5 Restriction on Licenses
- 3-6-6 Terms, Prorating Fee
- 3-6-7 License Fee
- 3-6-8 Disposition of Fees
- 3-6-9 List
- 3-6-10 Transfer of License
- 3-6-11 Renewal of License
- 3-6-12 Number of Licenses Permitted
- 3-6-13 Change of Location
- 3-6-14 Peddling
- 3-6-15 Sanitary Conditions
- 3-6-16 Employees
- 3-6-17 Restricted Areas
- 3-6-18 Closing Hours; Sunday Closing
- 3-6-19 Minors, Restrictions
- 3-6-20 Sale to Intoxicated Persons; Habitual Drunkards
- 3-6-21 Transporting; Original Package
- 3-6-22 Election Days
- 3-6-23 View from Street
- 3-6-24 Revocation
- 3-6-25 Penalty

3-6-1 Definitions Unless the context otherwise requires, the following terms as used in this Chapter shall be construed according to the definitions given below:

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

WINE: Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including all such beverages when fortified by the addition of alcohol or spirits.

BEER: A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grains, malt and hops in water, and

includes, among other things, beer, ale, stout, lager beer, porter, and the like. (Ord. 311, 10-15-73)

RETAIL SALE: The sale for use or consumption, and not for resale.

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

HOTEL: A building or other structure kept, used, maintained, advertised, and provided to the public as a place where food is served and consumed, and sleeping accommodations are offered for a fee to travelers and guests, whether transient, permanent, or residential. The hotel must contain twenty five (25) or more guest rooms used for sleeping accommodations, and must have one or more public dining rooms where meals are served. Sleeping accommodations and dining rooms must be located in the same building or in connected buildings. All buildings or structures must be provided with adequate and sanitary kitchen and dining room equipment and capacity.

CLUB: A non-profit corporation organized under the laws of this State, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors. The club is kept, used, and maintained by its members through the payment of annual dues. It owns or leases a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests. It should contain suitable and adequate kitchen and dining room space and equipment. It should maintain a sufficient number of employees for cooking, preparing, and serving food and meals for its members and guests. The club must file with the Village President at the time of its application for a license under this Chapter, two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member of his name and address. It must provide that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting. No member or any officer, agent or employee of the club is paid, or directly or indirectly receives, in the distribution or sale of alcoholic liquor to the club or the members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club. (M.C. 1949, Sec. 232)

3-6-2 License Required It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license. (M.C. 1949, Sec. 233)

3-6-3 Application Applications for such licenses shall be made to the Village President in writing, signed by the applicant, if an individual, or by a duly authorized agent, thereof, if a club or corporation, verified by oath or affidavit. The application must contain the following statements and information:

- 3-6-3-1 *Individual* - the name, age and address of the applicant;
- 3-6-3-2 Co-partnership - the persons entitled to share in the profits thereof;
- 3-6-3-3 Corporation - the objects of organization, the name and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his nominee, the name and address of such person.
- 3-6-3-4 The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.
- 3-6-3-5 The character of business of the applicant; and in case of a corporation, the objects for which it was formed.
- 3-6-3-6 The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
- 3-6-3-7 The amount of goods, wares, and merchandise on hand at the time application is made.
- 3-6-3-8 The location and description of the premises or place of business that is to be operated under such license.
- 3-6-3-9 A statement whether the applicant has made application for a similar or other license on premises other than those described in this application, and the disposition of such application.
- 3-6-3-10 A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, laws of this State or the provisions of this Village Code.
- 3-6-3-11 Whether a previous license by any state or subdivision thereof, or by the Federal Government has been revoked, and the reason therefor.
- 3-6-3-12 A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States or any provisions of this Code in the conduct of his place of business. (M.C. 1949; Sec. 10)

3-6-4 Liquor Bond (Rep. by Ord. 317, 5-20-74)

3-6-5 Restriction on Licenses No liquor license shall be issued to: (M.C. 1949, Sec. 235)

- 3-6-5-1 (Rep. by Ord.419, 5-16-83)
- 3-6-5-2 A person who is not of good character and reputation in the community in which he resides;
- 3-6-5-3 A person who is not a citizen of the United States;
- 3-6-5-4 A person who has been convicted of a felony under the laws of the State of Illinois;
- 3-6-5-5 A person who has been convicted of being the keeper of or is keeping a house of ill-fame;
- 3-6-5-6 A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- 3-6-5-7 A person whose license under this Chapter has been revoked for cause;
- 3-6-5-8 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;
- 3-6-5-9 A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license;
- 3-6-5-10 A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;
- 3-6-5-11 A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee;
- 3-6-5-12 A person who has been convicted of a violation of any State or Federal law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for such violation;
- 3-6-5-13 A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued;

- 3-6-5-14 Any law enforcing public official, any Village President or member of the Board of Trustees; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;
- 3-6-5-15 A person, firm, or corporation not eligible for a State retail liquor dealer's license. (M.C. 1949, Sec. 235)
- 3-6-6 Terms, Prorating Fee** Each such license shall terminate on April 30 of each year. The fee to be paid shall be reduced to one-half ($\frac{1}{2}$) the fee for that year, if the license is obtained after six (6) months of the fiscal year have fee for that year if the license is obtained after six (6) months of the fiscal year has expired. (M.C. 1949, Sec. 236)
- 3-6-7 License Fee** Every person engaged in the retail sale of alcoholic liquor in the Village shall pay an annual license fee. Such license fees shall be divided into the following classes.
- 3-6-7-1 Class "A" licenses, which shall authorize the sale of alcoholic liquor for consumption only on the premises specified. The annual fee for such licenses shall be seven hundred fifty dollars (\$750.00).²
- 3-6-7-2 Class "B" licenses, which shall authorize the sale of alcoholic liquor for consumption on the premises as well as other retail sales of such liquor. The annual fee for such licenses shall be eight hundred dollars (\$800.00).
- 3-6-7-3 Class "C" licenses, which shall authorize the sale of beer and wine only, and not for consumption on the premises. The annual fee for such license shall be two hundred dollars (\$200.00).
- 3-6-7-4 Class "D" licenses, which shall authorize the sale of alcoholic liquor not for consumption on the premises. The annual fee for such license shall be three hundred dollars (\$300.00).
- 3-6-7-5 Class "E" licenses, shall be considered a special license and valid for a limited duration, and under the terms and conditions set forth by the Village authorities. Special licenses shall be given upon the approval of a simple majority vote of all the corporate authorities. Five events are allowed per year at a fee of \$25.00 for the special license. (Ord. 357, 10-16-78)
- 3-6-8 Disposition of Fees** All fees shall be paid to the Village of Andalusia at the time application is made. In the event the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the General Corporation Fund or in such other fund as shall have been designated by the Board of Trustees by proper action. (M.C. 1949, Sec. 239)

- 3-6-9 List** The Village President shall keep or cause to be kept a complete record of all such licenses issued by him. (M.D. 1949, Sec. 240)
- 3-6-10 Transfer of License** A license shall be a purely personal privilege, good for not to exceed one year after issuance unless sooner revoked as is in this Chapter provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such insolvency or bankruptcy until the expiration of such license but no longer than six (6) months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this Section. (M.C. 1949, Sec. 241)
- 3-6-11 Renewal of License** Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purpose; provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the President from decreasing the number of licenses to be issued within his jurisdiction. (M.C. 1949, Sec. 242)
- 3-6-12 Number of Licenses Permitted** The maximum number of liquor licenses permitted in the Village shall be according to classification as follows:
- 3-6-12-1 Class "A" liquor licenses shall be limited in number to four (4) or a combination of four (4) licenses of Class "A" or "B;" until such time the population of the Village exceeds two thousand (2,000) in number, and one additional license may be issued for each additional five hundred (500) thereafter.³ (Ord. 358, 12-18-78)

³ Class "A" liquor licenses were abolished by Ordinance No. 359.

- 3-6-12-2 Class "B" liquor licenses shall be limited in number to five (5) licenses of Class "A" or "B," until such time the population of the Village exceeds two thousand (2,000) in number and one additional licenses may be issued for each additional five hundred (500) thereafter.⁴ (Ord. 395, 11-2-81)
- 3-6-12-3 Class "C" liquor licenses shall be limited in number to two (2); until such time the population of the Village exceeds two thousand (2,000) in number, and one additional licenses may be issued for each additional five hundred (500) thereafter.
- 3-6-12-4 Class "D" liquor licenses shall be limited in number to two (2); until such time the population of the Village exceeds two thousand (2,000) in number, and one additional license may be issued for each additional five hundred (500) thereafter. (Rev. Ord. 9-14-92)
- 3-6-12-5 Class "E" liquor licenses shall be issued only under the terms and conditions set forth by the Village authorities at the times of issuance. (Ord. 358, 12-18-78)
- 3-6-13 Change of Location** A retail liquor dealer's licenses shall permit the sale of alcoholic liquor only in the premise described in the application and licenses. Premise location may be changed only upon a written permission to make a change issued by the President of the Village. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and the provisions of this Code. (M.G. 1949, Sec. 243)
- 3-6-14 Peddling** It shall be unlawful to peddle alcoholic liquor in the Village. (M.G. 1949, Sec. 244)
- 3-6-15 Sanitary Conditions** All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with the provisions of this Code regulating the condition of the premises used for the storage or sale of food for human consumption. (M.G. 1949, Sec. 245)
- 3-6-16 Employees** It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease. It shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premise or to be engaged in any way in the handling, preparation or distribution of such liquor. (M.G. 1949, Sec. 246)

⁴ Class "A" liquor licenses were abolished by Ordinance No. 359.

3-6-17 Restricted Areas No license for the sale of alcoholic liquor shall be issued to any person for the purpose of operating the business of or as a dealer in alcoholic liquors in any private dwelling house, flat or apartment house, nor on any premises located within one hundred feet (100') of any school, church, hospital, home for aged or indigent persons or for veterans, their wives or children or any military or naval station. This prohibition shall not apply to hotels offering restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business, if such place of business so exempted shall have been established for such purposes prior to the taking effort of this Chapter. No person shall hereafter engage in business as a retailer of any alcoholic liquor within the residence districts as described in the Zoning Title, nor within one hundred feet (100') of any mortuary or undertaking establishment. (M.C. 1949, Sec. 247)

3-6-18 Closing Hours; Sunday Closing It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. on weekdays, and two o'clock (2:00) a.m. and nine o'clock (9:00) a.m. on Sundays.

It shall be unlawful to keep open for business or to admit the public to any premises in or on which alcoholic liquor is sold as retail during the hours within which the sale of such liquor is prohibited; provided, that in the case of restaurants, hotels and clubs, such establishments may be kept open during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours. (M.C. 1949, Sec. 248; amd. 5-16-77, eff. 6-1-77)

3-6-19 Minors, Restrictions

3-6-19-1 Sale to Minors: No person shall sell, transfer, give or delivery alcoholic liquor to any person under the age of twenty-one (21) years, within the corporate limits of the Village.

Penalty: A person convicted of a violation of any provision of this Ordinance shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars) (\$200.00) for each offense.

3-6-19-2 Minors in Possession: No person under the age- of twenty-one (21) years shall be in possession of any alcoholic beverages within the corporate limits of the Village.

Penalty: A person convicted of a violation of any provision of this Ordinance shall be fined not less than twenty-five fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each offense.

3-6-19-3 Presence of Minors on Premises:

3-6-19-3-1 No person under the age of twenty-one (21) years shall be permitted by any licensee or agent thereof in that portion of

the premises where alcoholic beverages are drawn or mixed in any premises licensed under this Chapter.

- 3-6-19-3-2 No person under the age of twenty-one (21) years shall enter that portion of the premises where alcoholic beverages are drawn or mixed in any premises licensed under this Chapter.

Penalty: A person convicted of a violation of any provision of this Ordinance shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each offense. (12-1-80)

- 3-6-19-4 Sale to Addicted Persons: No person licensed under this Chapter shall sell, permit to be sold, or give any liquor, wine, or beer to any person notoriously addicted by habit to the abnormal use of it.

Penalty: Whoever shall violate the provisions of this Ordinance shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each offense. (Ord. 311, 10-15-73)

- 3-6-20 Sale to Intoxicated Persons; Habitual Drunkards** It shall be unlawful for any holder of a retail liquor dealer's license to sell, deliver, or give any alcoholic liquor to any intoxicated person or to any person known to him to be a habitual drunkard, spendthrift or insane, feeble minded or distracted person. (M.C. 1949, Sec. 250)

- 3-6-21 Transporting; Original Package** Any person who shall transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle, except in the original package and with the seal unbroken, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each such offense. (Ord. 2-05, 7-2-60)

- 3-6-22 Election Days** (Rep. by Ord.3-11-23, 5-16-83)

- 3-6-23 View from Street** No premises upon which the sale of alcoholic liquor for consumption on the premises is licensed (other than as a restaurant, hotel or club) shall be permitted to have any screen, blind, curtain, partition, article, or thing in the windows, doors or inside of such licensed premises that prevents a clear view into the building interior from the street or sidewalk at all times. No booth, screen, partition or other obstruction, nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises that prevents a clear view of the entire interior from the street or sidewalk. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case, the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him willfully permitted to be obscured or in any manner obstructed, and then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this Section, the President shall have the right to require the filing with him of plans, drawings, and photographs showing the clearance of the view as above required. (M.C. 1949, Sec.252)
- 3-6-24 Revocation** The Village President 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. (M.C. 1949, Sec.253)
- 3-6-25 Penalty** Any person violating any provision of this Chapter, where no other penalty is provided, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949, Sec. 254; amd. Ord. 338, 1-3-77)

In the event a person is accused of a violation of the preceding section and does not wish to contest said allegation prior to the time a complaint is issued for the violation, then said person so accused may pay to the Village, at Village Hall, a penalty in the sum of one hundred dollars (\$100.00) for and in full satisfaction of said violation.

CHAPTER 7

PEDDLERS

SECTION

- 3-7-1 License Required
- 3-7-2 Applications
- 3-7-3 Fee
- 3-7-4 Fraud
- 3-7-5 Penalty

3-7-1 License Required It shall be unlawful for any person to engage in the business of hawker or peddler of any merchandise, article, or thing, without first having obtained a license therefor. (M.C. 1949, Sec.317)

3-7-2 Applications Applications for such licenses shall be made to the Clerk, and shall state thereon the number of vehicles, if any, intended to be operated; the kind of article or merchandise to be peddled; and the permanent address of the peddler. (M.C. 1949, Sec.318)

3-7-3 Fee The fee for such licenses shall be for peddlers using a cart, wagon, automobile, or other vehicle, fifty dollars (\$50.00) for each such vehicle for an annual license; and five dollars (\$5.00) for each such vehicle for a daily license.

For peddlers not using any such vehicle, the fee shall be fifty dollars (\$50.00) for an annual license; and five dollars (\$5.00) for a daily license. (M.C. 1949, Sec.319)

3-7-4 Fraud Any licensed peddler or hawker who shall be guilty of any fraud, cheating, or misrepresentation, whether through himself or through an employee, while acting as a peddler in the Village or who shall barter, sell, or peddle any goods, wares, or merchandise other than those specified in his application for a license shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each such offense. The Village President may revoke his license for such offense. (M.C. 1949, Sec. 320; amd.338, 1-3-77)

3-7-5 Penalty Any person violating any provisions of this Chapter shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949, Sec.321; amd. Ord.338, 1-3-77)

CHAPTER 8

SERVICE STATIONS

SECTION

- 3-8-1 Definition
- 3-8-2 License Required
- 3-8-3 Fee
- 3-8-4 Nonbusiness Filling Stations
- 3-8-5 Bulk Sales Prohibited
- 3-8-6 Storage Underground and Limited
- 3-8-7 Setting of Tanks
- 3-8-8 Clearance Required
- 3-8-9 Material and Construction of Tanks
- 3-8-10 Venting of Tanks
- 3-8-11 Fill Pipe
- 3-8-12 Unloading Operations, Pumps
- 3-8-13 Piping
- 3-8-14 Building
- 3-8-15 Washing and Greasing Rooms
- 3-8-16 Self-Service Prohibited
- 3-8-17 Care and Attendance
- 3-8-18 Fire Extinguishers
- 3-8-19 Approval of Plans
- 3-8-20 Penalty

3-8-1 Definition A service station is any place of business where gasoline or any highly volatile fuels for motor vehicles or internal combustion engines are sold or offered for sale. (M.C. 1949; Sec. 323)

3-8-2 License Required It shall be unlawful to conduct or operate a service station in the Village without having first obtained a license therefor.

No such license shall be issued unless the location and equipment to be used fully comply with the provisions of this Code. (M.C. 1949; Sec. 322)

3-8-3 Fee The fee for each automotive service station shall be fifty dollars (\$50.00) annually. (Ord. 2011-08-115; 8-15-2011)

Village service station license shall cover the following: Selling and dispensing gasoline, lubrication, oil, emergency starting batteries, battery cables, radiator hoses, thermostats, fan belts, air conditioning belts, brake fluid, brake adjustment, anti-freeze, seal beam headlights and bulbs, flashers, wiper blades, air cleaners, tires and towing and also fuses. (Ord. 280; 2-2-70)

- 3-8-4 Nonbusiness Filling Stations** Any person maintaining or operating any storage tank for gasoline for the use of automobiles for the owner, lessee, employees, or agents of such person shall comply with all of the provisions of this Chapter other than the requirement for the payment of a fee. (M.C. 1949; Sec. 324)
- 3-8-5 Bulk Sales Prohibited** No motor fuels shall be dispensed at any service station except into the fuel tanks of motor vehicles, when such tanks are connected with the carburetion system of such vehicles; provided however, that individual sales up to five (5) gallons may be made in metal receptacles when painted red and labeled in full conformity with the Illinois Red Can Gasoline Law, such individual sales to be limited to five (5) gallons to any one person. (M.C. 1949; Sec. 325)
- 3-8-6 Storage Underground and Limited** Storage shall be underground and the combined capacity of all storage tanks shall not exceed twelve thousand (12,000) gallons. (M.C. 1949; Sec. 326)
- 3-8-7 Setting of Tanks** Tanks shall be buried so that their tops will not be less than two feet (2') below the surface of the ground or beneath twelve inches (12") of earth and a slab of concrete reinforced and not less than five inches (5") in thickness and capable of sustaining a load of two hundred fifty (250) pound per square foot; slab shall be set on a firm, well tamped earth foundation and shall extend at least one foot (1') in all directions, beyond the outline of the tank.
- 3-8-7-1 Tops of tanks shall be below the level of any piping to which tanks may be connected.
- 3-8-7-2 Tanks shall be so located that no heavy trucks or other vehicles pass over them unless they are adequately protected by a reinforced concrete slab.
- 3-8-7-3 Where soil conditions require, a firm foundation shall be provided.
- 3-8-7-4 Tanks shall not be installed under any building or structure. (M.C. 1949; Sec.327)
- 3-8-8 Clearance Required**
- 3-8-8-1 To basements, and the like, individual tanks of a capacity up to two thousand (2,000) gallons shall be buried so that tops of tanks shall be lower than all floors, basements, cellars or pits of building within ten feet (10') thereto, on or off the property, or tanks shall maintain

a clearance of ten feet (10') thereto. For individual tanks of a capacity more than two thousand (2,000) gallons and up to six thousand (6,000) gallons, this distance shall be twenty feet (20'). For individual tanks with capacity of more than six thousand (6,000) and up to twelve thousand (12,000) gallons, this distance shall be twenty-five feet (25').

- 3-8-8-2 To sewers and the like, individual tanks of a capacity up to two thousand (2,000) gallons shall be buried so that the tops of tanks shall be lower than the bottom level of all sewers, manholes, catch basins, cesspools, septic tanks wells or cisterns within ten feet (10'), on or off the property, or tanks shall maintain a full clearance of ten feet (10') thereto. For individual tanks with a capacity of more than two thousand (2,000) gallons and up to six thousand (6,000) gallons this distance shall be twenty feet (20'). For individual tanks with a capacity of more than two thousand (2,000) gallons and up to six thousand (6,000) gallons this distance shall be twenty feet (20'). For individual tanks of a capacity of more than six thousand (6,000) gallons and up to twelve thousand (12,000) gallons, this distance shall be twenty-five feet (25'). The term "sewer" includes sewer line out of station building. Provided however, that these clearances shall not be required to a sewer line out of service station if such sewer line is constructed throughout of cast iron with leaded joints.
- 3-8-8-3 To Property Lines: Individual tanks of a capacity up to two thousand (2,000) gallons shall maintain a ten-foot (10') clearance to property lines. For individual tanks of a capacity of more than two thousand (2,000) gallons and up to six thousand (6,000) gallons, this distance shall be twenty feet (20'). For individual tanks of a capacity more than six thousand (6,000) gallons and up to twelve thousand (12,000) gallons, this distance shall be twenty-five feet (25'). Provided however, that these clearances on the side adjacent to a public street, alley, or highway may be waived by consent of the authorities having immediate jurisdiction over the public street, alley, or highway, if it can be shown that the required sewer clearances can be maintained.
- 3-8-8-4 To Special Classes of Property: Tanks and pumps shall maintain a clearance of not less than eighty-five feet (85') to any schoolhouse, hospital, or church. The distance shall be measured from near points of tanks and pumps to near points of buildings. (M.C. 1949; Sec. 328)

3-8-9 Material and Construction of Tanks Tanks shall bear label of Underwriters Laboratories or meet equivalent specifications.

3-8-9-1 Tanks shall be thoroughly coated on the outside with tar, asphaltum or other suitable rust-resisting material.

3-8-9-2 Tanks shall not be surrounded or covered by cinders or other material of corrosive effect. If the soil contains corrosive material, special protection must be provided. (M.C. 1949; Sec.329)

3-8-10 Venting of Tanks Each tanks shall be provided with a vent pipe, connected with the top of the tank, and carried up to the outer air. Pipe shall be arranged for proper drainage to storage tank and its lower end shall not extend through top of tank for a distance of not more than one inch (1 "); it shall have not traps or pockets.

3-8-10-1 Upper end of pipe shall be provided with a gooseneck or T attachment, or weatherproof hood.

3-8-10-2 Vent pipe shall be of sufficient cross-sectional area to permit escape of air and gas during the filling operation and in no case less than one inch (1") in diameter. If a power pump is used in filling storage tank, and a tight connection is made to fill pipe, the vent pipe shall not be smaller than the fill pipe.

3-8-10-3 Vent pipe shall terminate outside of building not less than twelve feet (12') above top of fill pipe, and not less than four feet (4'), measuring vertically and horizontally, from any window or other building opening, and not less than fifteen feet (15') measured horizontally from any opening into the basement, cellar or pit of any building, and in a location which will not permit pocketing of gas. If a tight connection is made in the filling line, the terminus of vent pipe shall be carried to a point one foot (1') above the level of the highest reservoir from which tank may be filled.

3-8-10-4 Vent pipe from two (2) or more tanks of the same class of liquid may be connected to one upright or main header; area of header shall equal the combined area of the pipes connected to it. Connection of the header shall be not less than one foot (1') above the level of the top of the highest reservoir from which tank may be filled. (M.C. 1949; Sec.330)

3-8-11 Fill Pipe Fill pipes shall be carried to a location outside of any building, as remote as possible from any doorway or other opening into any building and in no case closer than five feet (5') from any such opening.

3-8-11-1 Location shall be in a place where there is a minimum danger of breakage from trucks or other vehicles.

- 3-8-11-2 Each fill pipe shall be closed by a screw cap or other tight fitting cap, preferably of a type, which can be locked. Cap should be locked at all times when filling or gauging process is not going on. (M.C. 1949; Sec. 331)

3-8-12 Unloading Operations, Pumps

- 3-8-12-1 Unloading hose from tank truck into underground tank shall be metallic lined or its equivalent and shall be equipped with a nonferrous nozzle or tight connection metal nipple.

3-8-12-1-1 Tank truck shall be electrically grounded by means of its drag chain before unloading operations start and during the entire unloading operations.

3-8-12-1-2 If underground tank is supplied through permanent pipe connection to an aboveground, general storage tank, filling may be by power driven pump or gravity.

- 3-8-12-2 Liquids shall be withdrawn from tanks by means of approved pumps, equipped with metallic lined hose and nonferrous discharge nozzle.

3-8-12-2-1 No pumps shall be located within a building.

3-8-12-2-2 Wiring of electrical pumps and all electrical equipment in connection therewith shall conform to Article 500 (formerly Article 32), of the National Electrical Code.

3-8-12-2-3 Devices that discharge by gravity shall be so designed that it is impossible to retain in the gauging compartment materially more than ten (10) gallons of liquid, and so that it is not possible to lock the device without draining the liquid.

3-8-12-2-4 Systems that employ continuous air pressure on storage tank in connection with gauging or vending devices are prohibited. (M.C. 1949; Sec. 332)

3-8-13 Piping Piping shall conform to the requirements set out in the rules under General Storage in this Code. (M.C. 1949; Sec. 333)

3-8-14 Building No basement or excavation shall be permitted under any service station building.

3-8-14-1 Floor level shall be above grade so as to prevent flow of liquids or vapors Every greasing pit installed in a building or enclosed by three (3) or more walls, shall be ventilated by a vent duct not less than six inches (6") in into the building.

3-8-14-2 Floors shall be of concrete. (M.C. 1949; Sec. 334)

Inflammable Liquids within Buildings

3-8-14-3 No gasoline, naphtha or other liquids of Class 1, as defined in this Code, shall be kept inside of service station.

3-8-14-4 No alcohol or other inflammable anti-freeze solutions shall be kept inside service station except in original sealed containers. No transfer of such liquids from these receptacles shall be made inside the service station. (M.C. 1949; Sec.335)

Greasing Pits; Diameter (or equivalent cross-sectional area if a noncircular duct is used). Duct shall start within four inches (4") of the floor and shall extend on and upward diagonally or by any easy bend over to sidewall, thence straight up through roof to a height sufficient to draw off gasoline vapors that may accumulate at bottom of pit. Abrupt bends must be avoided and all joints must be tight. Floor of pit should pitch slightly toward corner where duct is located, to facilitate flow of gases to duct.

3-8-14-5 Gasoline or naphtha shall never be used to clean out any pit, whether pit is located within a building or enclosure, or outside in the open.

3-8-14-6 No sewer connection shall be permitted from any greasing pit.

3-8-14-7 If electrically lighted, globes shall be of vapor proof construction and wiring shall be in conduit. (M.C. 1949; Sec.336)

3-8-15 Washing and Greasing Rooms If sewer connection is made, an adequate grease trap shall be provided to intercept grease and oils. Trap shall be cleaned out least every thirty (30) days. (M.C. 1949; Sec. 337)

3-8-16 Self-Service Prohibited (Rep. by Ord.418, 5-16-83)

3-8-17 Care and Attendance

- 3-8-17-1 The fuel tank of no motor vehicle shall be serviced until motor and ignition have been shut off.
- 3-8-17-2 Smoking not allowed on premises at any time.
- 3-8-17-3 Open lights or flames not allowed, except within a stove within the station building.
- 3-8-17-4 Premises must be kept neat and clean, free from rubbish or trash.
- 3-8-17-5 Cleaning with gasoline, naphtha or other highly inflammable liquids of Classes I and II (as defined in this Code under Inflammable Liquids) shall not be permitted in or around service station. (M.C. 1949, Sec. 339)

3-8-18 Fire Extinguishers Each service station shall be equipped with at least one chemical fire extinguisher suitable for oil or gasoline fires. (M.C. 1949, Sec. 340)

3-8-19 Approval of Plans Drawings or blueprints made to scale shall be submitted in triplicate to the President and Board of Trustees and shall be approved by them before any new construction addition or remodeling is undertaken. Drawings shall carry the name of the person, firm, or corporation proposing the installation, the location, and shall in addition show the following:

- 3-8-19-1 The plot to be utilized and its immediate surroundings on all sides; all property lines to be designated and adjacent streets and highways to be named.
- 3-8-19-2 The complete installation as proposed, including tanks and their capacity, pumps, buildings, drives and all equipment.
- 3-8-19-3 Clearance from tanks to property lines.
- 3-8-19-4 Type of construction of service station building or buildings, with a clear showing that there will be no basement, cellar, or excavation under any portion.
- 3-8-19-5 Location of basements, cellars, or pits of other buildings on the property or on adjacent property, and location of tanks with references thereto as is provided in this Chapter. If a building has no basement, cellar, or pit, make note to that effect.
- 3-8-19-6 Location of sewers, manholes, catch basins, cesspools, septic tanks, wells or cisterns (whether on the property, or adjacent property or in adjoining streets, highways or alleys), and location of tanks with reference thereto.

- 3-8-19-7 If there is no sewer, manhole or catch basin in a street or alley, or no sewer, manhole or cesspool, no septic tank, well or cistern on property, make notation to that effect in proper place.
 - 3-8-19-8 Location of vent pipe outlets and location of fill pipe.
 - 3-8-19-9 Ventilation of greasing pit if greasing pit located within a building or enclosure.
 - 3-8-19-10 Drawings shall be accompanied by an application for approval made out in triplicate on blanks furnished by the Village Clerk. (M.C. 1949, Sec. 341)
- 3-8-20 Penalty** Any person violating any provision of this Chapter shall be fined not less than One hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949, Sec.342, amd. Ord.338, 1-3-77)

CHAPTER 9

BODY REPAIR SHOPS; PUBLIC GARAGES

SECTION

- 3-9-1 License Required; Fee
- 3-9-2 Restrictions
- 3-9-3 Payment
- 3-9-4 Penalty

- 3-9-1 License Required; Fee** Any person operating or maintaining the business of a body repair shop or a public garage shall be required to pay a license fee of fifty dollars (\$50.00) annually. (Ord. 2011-08-115; 8-15-2011)
- 3-9-2 Restrictions** The payment of the previously mentioned license fee shall not permit the holder thereof, its agents, operators, lessees, assignees, or customers to dismantle, burn, or junk motor vehicles on the premises included in said license.
- 3-9-3 Payment** All said license fees must be paid to the Village Clerk in accordance with the existing Code provisions regulating licenses in the Village. (Ord. 261; 4-3-67)
- 3-9-4 Penalty** Any person who becomes delinquent in the payment of said fee prescribed in this Chapter shall, upon conviction, be fined not less than one hundred fifty dollars (\$150.00) nor more than three hundred dollars (\$300.00). (Ord. 293; 2-1-71)

CHAPTER 10

UTILITY TAX

SECTION

- 3-10-1 Definitions
- 3-10-2 Tax Imposed
- 3-10-3 Exceptions
- 3-10-4 Additional Taxes
- 3-10-5 Collection
- 3-10-6 Reports to the Illinois Department of Revenue
- 3-10-7 Credit for Over-Payment
- 3-10-8 Penalty

3-10-1 Definitions For the purpose of this Chapter, the following definitions shall apply:

GROSS RECEIPTS: means the consideration received for the transmission of messages, or for the distributing, supplying, furnishing or selling gas or electricity for use or consumption and not for resale, as the case may be; and for all services rendered in connection therewith valued in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith; and shall be determined without any deduction on account of the cost of transmitting said messages, without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever.

TRANSMITTING MESSAGES: in addition to the usual and popular meaning of person to person communication, shall include the furnishing, for a consideration, of services or facilities (whether owned or leased), or both, to persons in connection with the transmission of messages where such persons do not, in turn, receive any consideration in connection therewith, but shall not include such furnishing of services or facilities to persons for the transmission of messages to the extent that any such services or facilities for the transmissions of messages are furnished for a consideration, by such persons, for the transmission of messages.

PERSON: means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, municipal corporation, or political subdivision of this State, or a receiver, trustee, conservator or other representative appointed by order of the court.

3-10-2 Tax Imposed 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.

- 3-10-2-1 For the first 2,000 kilowatt-hours used or consumed in a month:
\$0.004489 cents per kilowatt-hour;
- 3-10-2-2 For the next 48,000 kilowatt-hours used or consumed in a month:
\$0.002944 cents per kilowatt-hour;
- 3-10-2-3 For the next 50,000 kilowatt-hours used or consumed in a month:
\$0.002649 cents per kilowatt-hour;
- 3-10-2-4 For the next 400,000 kilowatt-hours used or consumed in a month:
\$0.002576 cents per kilowatt-hour;
- 3-10-2-5 For the next 500,000 kilowatt-hours used or consumed in a month:
\$0.002502 cents per kilowatt-hour;
- 3-10-2-6 For the next 2,000,000 kilowatt-hours used or consumed in a month:
\$0.002355 cents per kilowatt-hour;
- 3-10-2-7 For the next 2,000,000 kilowatt-hours used or consumed in a month:
\$0.002318 cents per kilowatt-hour;
- 3-10-2-8 For the next 5,000,000 kilowatt hours used or consumed in a month:
\$0.002281 cents per kilowatt-hour;
- 3-10-2-9 For the next 10,000,000 kilowatt-hours used or consumed in a month:
\$0.002245 cents per kilowatt-hour; and
- 3-10-2-10 For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month: \$0.002208 cents per kilowatt-hour.

The tax rates set forth in the preceding table will be used through December 31, 2008 are proportional to the rates enumerated in 65 ILCS §5/8-11-2 (as modified by Public Act 90-561), and do not exceed the revenue that could have been collected during 1997 using the rates enumerated in 65 ILCS §5/8-11-2 (as modified by Public Act 90-561).

Pursuant to 65 ILCS §5/8-11-2, the rates set forth in subsection shall be effective on August 1, 1999 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 200 ILCS §5/16-104, for non-residential customers.

The provisions of Section 3.1 shall not be effective until August 1, 1999.

3-10-3 Exceptions No taxes authorized by this Ordinance may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not be made the subject of taxation by this State or any political sub-division thereof, under the Constitution and Statutes of the United States.

No persons shall 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 Ordinance for those transactions that are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-11-1.

No tax authorized by this Ordinance shall 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.

3-10-4 Additional Taxes Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

3-10-5 Collection The tax authorized by this Ordinance shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this Ordinance 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 three (3) percent of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering electricity, who file returns pursuant to this

paragraph, shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to this Ordinance.

3-10-6 Reports to the Illinois Department of Revenue On or before the last day of each month, each taxpayer shall make a return to the Illinois Department of Revenue for the preceding month stating

3-10-6-1 Name.

3-10-6-2 Principal place of business.

3-10-6-3 Gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed.

3-10-6-4 Amount of tax.

3-10-6-5 Such other reasonable and related information as the corporate authorities may require.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the Illinois Department of Revenue, the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if so elected, report and pay an amount based upon their 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.

3-10-7 Credit for Over-Payment If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefor shall be so credited. No action to recover any amount of tax due under the provisions of this Article shall be commenced more than three (3) years after the due date of such amount.

3-10-8 Penalty Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less the One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) in addition, shall be liable in a civil action for the amount of tax due. (See 65 ILCS 5/8-11-2) (Ord. No. 556, 6-21-99)

CHAPTER 11

RETAILERS' OCCUPATION TAX

SECTION

3-11-1 Tax Imposed

3-11-2 File Report

3-11-3 Payment

3-11-1 Tax Imposed A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in the Village at the rate of one percent (1%) of the gross receipts from such sales made in the course of such business while this Chapter is in effect, in accordance with the provisions of Section 8-11-1 of the Illinois Municipal Code.

3-11-2 File Report Every such person engaged in such business in the Village shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by Section Three of "An Act in Relation to a Tax upon Persons Engaged in the Business of Selling Personal Property to Purchasers for Use or Consumption" approved June 28, 1933, as amended.

3-11-3 Payment At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed because of the receipts from sales of tangible personal property during the preceding month. (Ord. 276; 8-18-69)

CHAPTER 12

USE TAX

SECTION

- 3-12-1 Tax Imposed
- 3-12-2 Collection
- 3-12-3 Municipal Automobile Renting Use Tax

3-12-1 Tax Imposed A tax is hereby imposed in accordance with the provisions of 65 ILCS 5/8-11-6 upon the privilege of using in the Village of Andalusia any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is title to register with an agency of Illinois Government. The tax shall be at a rate of one percent (1%) of the selling price of such tangible property with selling price to the meaning as defined in the Use Tax Act, approved July 14, 1955.

3-12-2 Collection⁵ The use tax shall be collected by the Illinois Department of Revenue for the Village of Andalusia imposing the tax and shall be paid before the title or certificate of registration for the personal property is issued. (Ord. 322, 11-18-74)

3-12-3 Municipal Automobile Renting Use Tax

3-12-3-1 A tax is hereby imposed upon the privilege of using in this City (Village) an automobile which is rented from a renter outside Illinois and which is titled or registered with any agency of this State's government in this City (Village) at the rate of one percent (1%) of the rental price of such automobile while this Section is in effect, in accordance with the provisions of 65 ILCS 5/8-11-8.

3-12-3-2 Every such person engaged in such business in the City (Village) shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by sections two (2) and three (3) of "An Act in Relation to a Tax upon Persons Engaged in the Business of Selling Tangible Personal Property to purchasers for Use or Consumption" approved June 29, 1933, as amended.

3-12-3-3 The tax provided for in this Section shall be collected from the persons whose Illinois address for titling or registration purposes is given as being in this City (Village).

⁵ See Section 6-2-36 of this Village Code.

Chapter 12 –
Use Tax

- 3-12-3-4 At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed because of the renting of automobiles during the preceding month. (Ord. 401, 2-1-82)

CHAPTER 13

SMALL ENGINE-APPLIANCE REPAIR SHOPS

SECTION

- 3-13-1 Definition
- 3-13-2 License Required
- 3-13-3 Care and Attendance
- 3-13-4 Fire Extinguishers
- 3-13-5 Hours of Operation
- 3-13-6 Inspections
- 3-13-7 Penalty

3-13-1 Definition A small engine-appliance repair shop is any place of business where mechanical or electrical repairs consisting of cutting, drilling, boring, grinding, shaping, fabricating, bending, brazing, soldering, or welding are performed.

3-13-2 License Required It shall be unlawful for any person, firm or corporation to conduct or operate a small engine-appliance repair shop without having first obtaining a license therefor.

Fee: The annual fee for such license shall be fifty dollars (\$50.00). (Ord. 2011-08-115; 8-15-2011)

3-13-3 Care and Attendance Gasoline or other highly flammable liquids and materials shall be kept in proper containers. All electrical machinery shall be used in a safe manner with respect to the electrical capacities of the facility.

Gasoline driven machinery shall be operated in a well-ventilated area. Premises must be kept neat and clean, free from rubbish, trash, and possible hazardous objects. In addition, the shop must follow OSHA guidelines for operations.

3-13-4 Fire Extinguishers All small engine-appliance repair shops shall be equipped with at least one chemical fire extinguisher suitable for oil, gasoline, and electrical fires.

3-13-5 Hours of Operation No shop shall operate in the nighttime between the hours of eight o'clock (8:00) p.m., and six o'clock (6:00) a.m., when buildings within four hundred feet (400') are used for residential purposes.

3-13-6 Inspections It shall be the duty of the Health Inspector to make periodical inspections to insure compliance with the provisions of this Chapter.

3-13-7 Penalty Any said business violating any provisions of this Chapter shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. Such license may be revoked or suspended for repeated violations at any time. (Ord. 369, 4-7-80)

CHAPTER 14

SELF-STORAGE RENTAL UNIT COMPLEX

SECTION

- 3-14-1 Definition
- 3-14-2 License Required
- 3-14-3 Fee
- 3-14-4 Prohibited Materials
- 3-14-5 Penalty

- 3-14-1 Definition** A self-storage rental unit complex is any building or group of commonly owned adjacent buildings containing two or more separate storage areas, available and offered for rent to the public, persons, or businesses.
- 3-14-2 License Required** It shall be unlawful for any person, firm, or corporation to conduct or operate a self-storage rental unit complex without first obtaining a license therefore.
- 3-14-3 Fee** The annual fee for such license shall be fifty dollars (\$50.00). (Ord. 2011-08-115; 8-15-2011)
- 3-14-4 Prohibited Materials** No flammable or combustible liquids or other regulated hazardous materials or hazardous waste materials shall be stored within the units or on the grounds. The owner or his/her agent or caretaker shall notify each renter of this prohibition. Said owner shall be responsible that this provision is obeyed.
- 3-14-5 Penalty** Any person or company violating any provision of this chapter shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand (\$1,000.00) for each offense. A separate offense shall be deemed to occur on each day during or on which a violation occurs or continues.

CHAPTER 15

VIDEO GAMING

SECTION

- 3-15-1 Definitions
- 3-15-2 License Required
- 3-15-3 Application for License
- 3-15-4 Term and Fee License
- 3-15-5 Number of Video Gaming Terminals Permitted
- 3-15-6 Penalties

3-15-1 Definitions

BOARD: means the Village of Andalusia Board of Trustees.

CREDIT: means 1, 5, 10 or 25 cents either won or purchased by a player.

DISTRIBUTOR: means an individual, partnership, corporation, or limited liability company under this Act to buy, sell, lease, or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

ELECTRONIC CARD: means a card purchased from a licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment for use in that establishment as a substitute for cash in the conduct of gaming on a video gaming terminal.

ELECTRONIC VOUCHER: means a voucher printed by an electronic video game that is redeemable in the licensed establishment for which it was issued.

TERMINAL OPERATOR: means an individual, partnership, corporation, or limited liability company that is licensed under this Act and that owns, services, and maintains video gaming terminals for placement in licensed fraternal establishments, or licensed veteran's establishment.

LICENSED TECHNICIAN: means an individual who is licensed under this Act to repair, service, and maintain video gaming terminals.

LICENSED TERMINAL HANDLER: means a person, including but not limited to an employee or independent contractor working for a manufacturer, distributor, supplier, technician, or terminal operator, who is licensed under this ACT to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal. A

licensed handler does not include an individual, partnership, corporation, or Limited Liability Company defined as a manufacturer, distributor, supplier, technician, or terminal operator under this ACT.

MANUFACTURER: means an individual, partnership, corporation, or limited liability company that is licensed under this Act and that manufactures or assembles video gaming terminals.

SUPPLIER: means an individual, partnership, corporation, or limited liability company that is licensed under this Act to supply major components or parts to video gaming terminals to licensed terminal operators.

NET TERMINAL INCOME: means money put into a video gaming terminal minus credits paid out to players.

VIDEO GAMING TERMINAL: means any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins cash, or tokens or is for amusement purposes only.

LICENSED ESTABLISHMENT: means any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises, whether the establishment operates on a nonprofit or for-profit basis. Licensed establishment includes any such establishment that has a contractual relationship with an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975, provided any contractual relationship shall not include any transfer or offer of revenue from the operation of video gaming under this Act to any licensed under the Illinois Horse Racing Act of 1975. Provided, however, that the licensed establishment that has such a contractual relationship with an inter-track wagering location licensee may not, itself, be (i) an inter-track wagering location licensee, (ii) the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975, or (iii) the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975. Licensed establishment does not include a facility operated by an organization licensee, an inter-track wagering licensee, or an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Riverboat Gambling Act, except as provided in this paragraph. The changes made to this definition by Public Act 98-587 are declarative of existing law.

LICENSED FRATERNAL ESTABLISHMENT: means the location where a qualified fraternal organization that derives its charter from a national organization regularly meets.

LICENSED VETERAN'S ESTABLISHMENT: means the location where a qualified veteran's organization that derives its charter from a national veteran's organization regularly meets.

LICENSED TRUCK STOP ESTABLISHED: means a facility (i) that is at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and (iv) with parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code. The requirement of item (iii) of this paragraph may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month. (Source: P.A. 97-333, eff. 8-12-11; 98-31, eff. 6-24-13; 98-582, eff. 8-27-13; 98-587, eff. 7-16-14.)

3-15-2 License Required No person shall operate or maintain a video gaming terminal within the Village of Andalusia without first obtaining a license therefore from the Village President as hereinafter provided.

3-15-3 Application for License Before any video gaming license shall be issued, an application for such license shall be filed with the Village President after first having been sworn an oath, stating:

3-15-3-1 The name and address of the applicant; and

3-15-3-2 That the applicant currently holds a Liquor License in the Village of Andalusia, which liquor license is currently in good standing; and

3-15-3-3 That the applicant complies with all requirements to operate and maintain a video gaming terminal as set forth in the Illinois Gaming Act (230 ILCS 40 et. seq.)

3-15-4 Term and Fee License The official licensing year shall begin on May 1 of each year and end on April 30 of the next succeeding calendar year. All licenses shall expire on the said April 30 of the licensing year. The license fee shall be twenty-five dollars (\$25.00) for each video gaming terminal maintained on site. No adjustment shall be made to the amount of license fee for license obtained after the start of the licensing year. No refunds of any fee shall be permitted.

3-15-5 Number of Video Gaming Terminals Permitted No more than five (5) video gaming terminals shall be permitted at any licensed premises.

3-15-6 Penalties Any person violating any provision of this Chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 2014-08-144)

TITLE 4

BUILDING

<u>Subject</u>	<u>Chapter</u>
Building Codes	1
Building, General Provisions	2
Dangerous Buildings	3
Moving Buildings	4
Plumbing	5
Electricity	6
Flood Damage Prevention	7

CHAPTER 1

BUILDING CODES

SECTION:

- 4-1-1 Building Codes Adopted
- 4-1-2 Reference to Other Codes

4-1-1 Building Codes Adopted The Village of Andalusia has adopted by reference the following Codes as its Building Code:

- The International Residential Code;
- The International Building Code;
- The International Fuel Gas Code;
- International Existing Building Code;
- International Mechanical Code;
- The NFPA 70: National Electrical Code prepared and published by the National Fire Protection Association.
- International Property Maintenance Code, 2012 editions, as prepared and published in book form by the International Code Council;

Adoption is pursuant to the provisions of 55 ILCS 5/5-1063, 5/5-1065, 5/5-6002, and 5/5-6004 of the Illinois Compiled Statutes and subject to the amendments set forth in Sections 1-1-3 through 1-1-11 of the Rock Island County Illinois Building Code Amendments contained herein.

4-1-2 Reference to Other Codes Where the provisions of the International Building Code; The International Residential Code; The International Fuel Gas Code; The International Mechanical Code; The International Existing Building Code; The International Property Maintenance Code, 2012 editions, as prepared and published in book form by the International Code Council; and The NFPA 70: National Electrical Code prepared and published by the National Fire Protection Association in book form and adopted by this Amendatory Resolution make references to other codes, they shall be the governing code. Where a conflict between any referenced codes appears, the more restrictive code, as determined by the Building Official, shall apply. (Ord. 2010-06-102. Amendments approved 2/5/2014)

Rock Island County, Illinois Building Code Amendments

SECTION 1-1-3, AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE.

The International Residential Code, 2012 Edition, shall be amended as follows:

R101.1 Title – Rock Island County, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

R101.2 Scope, (Add) exception: 3. "The most recent edition of the *Illinois Plumbing Code* shall apply to the installation, alteration, repair, relocation, addition, replacement, and maintenance of plumbing systems as stipulated by the *Illinois Plumbing Code*. The provisions of the *International Residential Code* shall apply to all plumbing and piping systems not covered by the *Illinois Plumbing Code*." In addition, ANY structure in which a building drain is installed shall have at least one (1) vent stack carried through the roof and increased to a minimum size of four inches (4") at a point one foot (1') below the roof line.

R104.1 GENERAL (Add) The Building Official, the Code Official, the Administrative Officer, and the Director of the Department of Zoning & Building Safety shall be inferred to be the same.

R104.11 Alternative materials, design and methods of Construction and Equipment, (Add) Structures, including accessory buildings or buildings for personal storage, built under this section using engineered trusses, said trusses shall meet a 30/10/20/10 loading requirement unless designed as part of a complete building system with plans/prints bearing an Illinois Licensed Design Professional's stamp and indicating the design requirements of Table **R301.2 (1)** are met.

R105.2 Work exempt from permit: (Change) (1) 120 square feet; (Delete) (10)

R108.2 Fees: The **Rock Island County Building Fee schedule** shall apply.

R108.6 Work commencing prior to permit issuance. (Change) Any persons, firms, corporations, owners, authorized agents or contractors who commences work requiring a permit on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to a penalty fee equal to the permit fee for the entire project, and not limited to the portion of the project done prior to permit issuance.

Persons or contractors commencing work requiring a permit prior to obtaining the necessary permits more than once in a 5 year rolling period ending on the date of the second violation, (including a 2nd occurrence on the same job site) Shall be subject to violation penalties as described in R113.4.

R113.4 Violation Penalties:

(Add 1st word) "For".

(Delete the period at the end of the section and add) The building Official is authorized, but not limited to cause the following actions:

1. Post a Stop Work order on the subject project, and
2. post a Stop Work order on any or all other projects being permitted by said person or contractor within the Jurisdiction, and

3. post a stop work order on any other contractor who re-validates the permit and uses the original person or contractor who violated the permit requirement to perform the work authorized, and
4. seek fines of not less than \$25.00 and not more than \$1,000.00 per violation with each day a violation is allowed to continue constituting a separate violation and other penalties as allowed by law through the Municipal Code Enforcement System or the Rock Island County State's Attorney's Office, and
5. reject permit applications for persons or contractors who change their business name to thwart the intent of this section, and
6. notify any other jurisdiction of said action.

Table R301.2 (1) Climatic and Geographic Criteria

Ground Snow Load	Wind Design		Seismic Design Category ^f	Subject to Damage From		
	Speed ^d (mph)	Topographic Effects ^k		Weathering ^a	Frost line depth ^b	Termite ^c
$p_s = 30$ psf, except that calculations for additional drift loads shall use a ground snow load $p_g = 25$ psf	90	YES	A	SEVERE	42"	Moderate to Heavy

Winter Design Temp	Ice Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
-4° F	YES	Initial NFIP 04/14/1978 FIRM #1705820 4/05/2010	2000	50.5° F

R202 Definitions

Accessory Structure. *(Remove definition and replace with)* A structure not more than two stories in height, the use of which is customarily accessory to and incidental to that of dwelling(s) and which is located on the same tax parcel.

R305 Ceiling height

(Add) Exception 3. Ceilings may have projections to within 6 feet 6 inches of the finished floor for a width of no more than 48 inches.

R313.2 One- and Two- Family Dwelling Automatic Fire Systems.

(Add) Exception 2. An automatic residential fire sprinkler system shall not be required when the requirements of Section R501.3 are met and the under-stair surface and any soffits are protected with ½ gypsum board.

R315.1 Carbon Monoxide Alarms *(Change)*: For new construction, an approved carbon monoxide alarm may be installed inside each separate sleeping area, or, if installed outside of each separate sleeping area must be within 15 feet of the door to the sleeping area in dwelling units within which fuel-fired appliances are installed and in dwelling units that have an attached garage.

Table R403.1 Minimum Width of concrete, precast or masonry footings (inches) ^{a, b}

(Add) Footnote b. Minimum rebar required #4 at 8 inches on center.

R403.1.1 (footings) General:

(Change): In the 3rd sentence,

(Change) 6 inches (152mm) to 8 inches (200mm).

(Add) **R403.1.1.1 Decks footings:** Deck footings NOT supporting a roof or overhead structure shall be a minimum 12 inches in diameter and 42 inches below finished grade.

(Add) **R403.1.1.2 Covered deck and room addition footings:**

All covered decks, screened porches; three season rooms, four season rooms, room additions, etc., shall have one of the following:

1. Pier footings designed by a design professional.
2. 12 inch wide reinforced trench footing 42 inches in depth.
3. Spread footings 42 inches in depth with a minimum 8-inch masonry wall or concrete foundation wall.

R507.2.3. (Add after paragraph) Where the lateral load connections are provided in accordance with Figure R507.2.3(2), the hold-down tension devices can be installed in not less than 4 locations per deck, and each device shall have an allowable stress design capacity of not less than 750 pounds (3336N).

(Add) **Figure 507.2.3(2)**

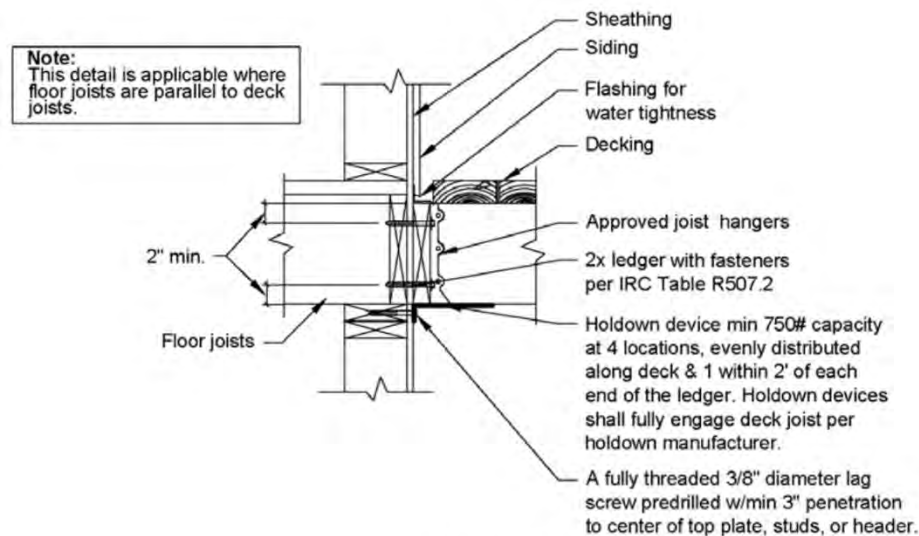


FIGURE R507.2.3(2)

R2603.5.1 Building sewers than connect to private sewage disposal systems shall be a minimum of 6 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 42 inches below grade.

Part VIII Electrical, Chapters 34-43 Chapter 34 General Requirements.

(Add) Where the 2011 National Electric Code NFPA 70 as referenced is amended by this Resolution, such amendments are to be interpreted as a minimum requirement for this Part. Requirements for registration with the jurisdiction, permits, fees and violations/penalties of this

2012 International Residential Code hereby apply to the 2011 National Electric Code NFPA 70.

E3406.3 Minimum Size of Conductors.

(Change) 14 AWG Copper to 12 AWG Copper.

(Change) 12 AWG Aluminum to 10 AWG Aluminum.

(Add) In ALL instances, where this code or the NFPA70 references 14 AWG Copper, 12 AWG Copper shall apply. In ALL instances, where this code or the NFPA70 references 12 AWG Aluminum to 10 AWG Aluminum shall apply.

Appendices: (*Adopt as noted*)

A- Sizing and Capacities of Gas Piping

B- Sizing of venting systems serving appliances equipped with draft hoods, Category 1 appliances, and appliances listed for type B vents

C- Exit terminals of mechanical draft and direct-vent venting systems

D-Recommended Procedure for inspection of an existing appliance installation

E-Manufactured housing used as a dwelling

F-Radon Control Methods with the following amendments:

AF103.4.4 – (*The second sentence must be entirely deleted.*)

(Delete) “sumps used as the suction point in a sub slab depressurization system shall have a lid designed to accommodate the vent pipe.”)

AF103.5.3 – In the second sentence (Delete) “the roof” and (Insert) “above the highest eave of the house”.

AF103.6.1 –

First paragraph:

- (Delete) ABS (not allowed)
- (Add) “schedule 40” prior to PVC
- (The last sentence must be amended to read) “Alternatively, the 3-inch (76 mm) pipe shall be inserted directly above the interior drain tile loop and not tied into it.”

Second paragraph:

- In the first sentence (Delete) “surface of the roof” and (Insert) “highest eave of the house”

AF103.6.2 – (*The last sentence should read*) “Vent pipes shall connect to a single vent that terminates at least 12” above the highest eave of the house or each individual vent pipe shall terminate separately at least 12” above the highest eave of the house.”

AF103.10 – (*The second sentence must read as follows*): “Each radon vent pipe shall terminate at least 12” above the highest eave of the house or shall be connected to a single vent that terminates at least 12” above the highest eave of the house”

G-Swimming Pools, Spas, Hot tubs

H-Patio Covers

J- Existing Buildings and Structures

K-Sound transmission

M-Home Day care- R-3 Occupancy

O-Automatic Vehicular Gates

Q-ICC- IRC Electrical provisions/NEC cross reference

SECTION 1-1-4, AMENDMENTS TO THE INTERNATIONAL BUILDING CODE

The International Building Code, 2012 Edition, shall be amended as follows:

101.1 Title – Rock Island County, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

101.2 Scope (*Add*) “1.” To exception and (*add exception*): “2. Existing buildings undergoing repair, alternations, additions, or change of occupancy shall be permitted to comply with the *International Existing Building Code*.”

104.1 General (*Add*) The Building official, the Code Official, the Administrative Officer and the Director of the Department of Zoning & Building Safety shall be inferred to be the same.

101.4.3 Plumbing:

(*Remove paragraph and replace with*) The most recent edition of the *Illinois Plumbing Code* shall apply to the installation, alteration, repair, relocation, addition, replacement, and maintenance of plumbing systems as stipulated by the *Illinois Plumbing Code*. The provisions of the *International Residential Code* shall apply to all plumbing and piping systems not covered by the *Illinois Plumbing Code*.” In addition, ANY structure in which a building drain is installed shall have at least one (1) vent stack carried through the roof and increased to a minimum size of Four Inches (4”) at a point one foot (1’) below the roof line.

109.4 Work Commencing Prior to Permit Issuance:

(*Change to*) Any person, firm, Corporation or Contractor who commences work requiring a permit on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to a penalty fee equal and in addition to the permit fee for the entire project, and not limited to the portion of the project done prior to discovery of the violation. Persons or contractors commencing work requiring a permit prior to obtaining the necessary permits more than once in a 5 year rolling period ending on the date of the second violation (including a 2nd occurrence on the same job site) shall be subject to violation penalties as described in **114.4**

114.4 Violation Penalties: (*add 1st word*) “For”. (*Delete the period at the end of the section and add*) The Building Official is authorized, but not limited to cause the following actions:

1. Post a Stop Work order on the subject project, and

2. post a Stop Work order on any or all other projects being permitted by said person or contractor within the Jurisdiction, and
3. post a stop work order on any other contractor who re-validates the permit and uses the original person or contractor who violated the permit requirement to perform the work authorized, and
4. seek fines of not less than \$25.00 and not more than \$1,000.00 per violation with each day a violation is allowed to continue constituting a separate violation and other penalties as allowed by law through the Municipal Code Enforcement System or the Rock Island County State's Attorney's Office, and
5. Reject permit applications for persons or contractors who change their business name to thwart the intent of this section, and
6. Notify any other jurisdiction of said action.

1612 FLOOD LOADS *(Replace Section with)*

1612 FLOOD LOADS, The Rock Island County Code of Ordinances Section 3-2-38, Development in a Special Flood Hazard Area shall apply.

2701.1 Scope *(add)* Where the 2011 National Electric Code NFPA 70 as referenced is amended by this Resolution; such amendments are to be interpreted as a minimum requirement. Requirements for registration with the jurisdiction, permits, fees and violations/penalties of this 2012 International Building Code hereby apply to the 2011 National Electric Code NFPA 70.

3412.2 Applicability. Structures existing prior to *(add)* **September 13, 1966**...

(Adopt the following Appendices)

A - EMPLOYEE QUALIFICATIONS

B – BOARD OF APPEALS

C – GROUP U AGRICULTURAL BUILDINGS

D – FIRE DISTRICTS

E - SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS

F - RODENT PROOFING

H – SIGNS

I - PATIO COVERS

J- GRADING

K - ADMINISTRATIVE PROVISIONS

SECTION 1-1-5, AMENDMENTS TO THE INTERNATIONAL FUEL GAS CODE

The International Fuel Gas Code, 2012 Edition, shall be amended as follows:

101.1 Title – Rock Island County, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

103.1 GENERAL (*Add*) The Building official, the Code Official, the Administrative Officer, and the Director of the Department of Zoning & Building Safety shall be inferred to be the same.

106.6.2 Fees: The **Rock Island County Building Fee schedule** shall apply.

106.6.3 Refunds:

(2) (*Change*) [specify percentage] to **80%**;

(3) (*Change*) [specify percentage] to **80%**

108.4 Violation Penalties. After “shall be guilty of a” (*change to*) **petty offense**, and shall be subject to remedies as allowed by law. The Building Official is authorized, but not limited to, the following actions:

1. Post a Stop Work order on the subject project, and
2. post a Stop Work order on any or all other projects being permitted by said person or contractor within the Jurisdiction, and
3. post a stop work order on any other contractor who re-validates the permit and uses the original person or contractor who violated the permit requirement to perform the work authorized, and
4. seek fines of not less than \$25.00 and not more than \$1,000.00 per violation with each day a violation is allowed to continue constituting a separate violation and other penalties as allowed by law through the Municipal Code Enforcement System or the Rock Island County State’s Attorney’s Office, and
5. reject permit applications for persons or contractors who change their business name to thwart the intent of this section, and
6. notify any other jurisdiction of said action.”

108.5 Stop Work Orders. Last sentence after “remove a violation or unsafe condition” (*Change to*) shall be subject to the remedies allowed under **108.4** and other penalties as prescribed by law.”

608 Vented Wall Furnaces: (*Delete section*) not allowed.

609 Floor Furnaces: (*Delete section*) not allowed.

Appendix A: adopted by this reference.

SECTION 1-1-6, AMENDMENTS TO THE INTERNATIONAL MECHANICAL CODE

The International Mechanical Code, 2012 Edition, shall be amended as follows:

101.1 Title – Rock Island County, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

103.1 GENERAL (*Add*) The Building official, the Code Official, the Administrative Officer and the Director of the Department of Zoning & Building Safety shall be inferred to be the same.

106.5.1 Work Commencing before Permit Issuance: (*Change to*) Any person, firm, Corporation or Contractor who commences work requiring a permit on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to a penalty fee equal and in addition to the permit fee for the entire project, and not limited to the portion of the project done prior to discovery of the violation.

Persons or contractors commencing work requiring a permit prior to obtaining the necessary permits more than once in a 5 year rolling period ending on the date of the second violation (including a 2nd occurrence on the same job site) Shall be subject to violation penalties as described in **R108.4**

106.5.2 Fees: The **Rock Island County Building Fee schedule** shall apply.

106.5.3 Refunds:

(2) (*Change*) [specify percentage] to **80%**;

(3) (*Change*) [specify percentage] to **80%**

108.4 Violation Penalties. After “shall be guilty of a” (*change to*) **petty offense**, and shall be subject to remedies as allowed by law. The Building Official is authorized, but not limited to, the following actions:

1. Post a Stop Work order on the subject project, and
2. post a Stop Work order on any or all other projects being permitted by said person or contractor within the Jurisdiction, and
3. post a stop work order on any other contractor who re-validates the permit and uses the original person or contractor who violated the permit requirement to perform the work authorized, and
4. seek fines of not less than \$25.00 and not more than \$1,000.00 per violation with each day a violation is allowed to continue constituting a separate violation and other penalties as allowed by law through the Municipal Code Enforcement System or the Rock Island County State’s Attorney’s Office, and
5. Reject permit applications for persons or contractors who change their business name to thwart the intent of this section, and
6. Notify any other jurisdiction of said action.”

108.5 Stop Work Orders. Last sentence after “remove a violation or unsafe condition,” (*change to*) shall be subject to the remedies allowed under **108.4** and other penalties as prescribed by law.”

All Appendices hereby adopted.

SECTION 1-1-7 AMENDMENTS TO THE INTERNATIONAL EXISTING BUILDING CODE

The International Existing Building Code, 2012 Edition, shall be amended as follows:

101.1 Title – Rock Island County, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

104.1 General *(Add)* The Building official, the Code Official, the Administrative Officer and the Director of the Department of Zoning & Building Safety shall be inferred to be the same.

113.4 Violation Penalties. *(Add 1st word)* “For”. *(Add)* The Building Official is authorized, but not limited, to cause the following actions:

1. Post a Stop Work order on the subject project, and
2. post a Stop Work order on any or all other projects being permitted by said person or contractor within the Jurisdiction, and
3. post a stop work order on any other contractor who re-validates the permit and uses the original person or contractor who violated the permit requirement to perform the work authorized, and
4. seek fines of not less than \$25.00 and not more than \$1,000.00 per violation with each day a violation is allowed to continue constituting a separate violation and other penalties as allowed by law through the Municipal Code Enforcement System or the Rock Island County State’s Attorney’s Office, and
5. Reject permit applications for persons or contractors who change their business name to thwart the intent of this section, and
6. Notify any other jurisdiction of said action.”

114.3 Unlawful Continuance. Last sentence after “remove a violation or unsafe condition,” *(change to)* shall be subject to the remedies allowed under **113.4** and other penalties as prescribed by law.”

1301.2 [date to be inserted by Jurisdiction] is **September 13, 1966**.

SECTION 1-1-8, AMENDMENTS TO THE INTERNATIONAL ELECTRIC CODE- NFPA 70

As referenced by the adopted International Code Series, The National Electric Code NFPA 70, 2011 Edition, shall be amended as follows:

220.14 Other Loads – All Occupancies *(Add)*

(M) Maximum number of outlets per circuit.

Except as otherwise provided, the maximum number of outlets per circuit shall be:

- | | |
|--|----|
| (1) Lighting outlets in dwelling occupancies | 12 |
| (2) General use receptacles – all dwelling occupancies | 10 |
| (3) General use receptacles – all dwelling kitchen countertops | 2 |

230.43 Wiring Methods for 600 Volts Nominal or Less

(Delete in its entirety and replace with the following)

Service-entrance conductors shall be installed in accordance with the applicable requirements of this Code covering the type of wiring method used and limited to the following methods:

- (1) Open wiring on insulators,
- (2) Type IGS cable,
- (3) Rigid metal conduit,
- (4) Intermediate metal conduit,
- (5) Electrical metallic tubing,
- (6) Wire ways,
- (7) Busways,
- (8) Auxiliary gutters,
- (9) Rigid nonmetallic conduit,
- (10) Cable bus,
- (11) Mineral- insulated, metal sheathed cable,
- (12) High Density Polyethylene Conduit (HDPE),
- (13) Nonmetallic Underground Conduit with Conductors NUCC),
- (14) Reinforced Thermosetting Resin Conduit (RTRC).

(Ord. 2011-546 § 1 (part))

230.91 Service-Entrance Conductors inside Structures. *(Change)*

Location of Overcurrent Protection. The service overcurrent device shall be connected by no more than 10 feet of raceway from the meter device, in structures.

314.17 Conductors entering boxes, conduit bodies, or fittings. *(Add)*

(E) Insulated Throats. All fittings for use with EMT conduit, flexible metallic tubing, and flexible metallic conduit shall utilize insulated throats

334.10 Uses Permitted. *(Delete in its entirety and replace with the following)*

Section 334.10 Uses Permitted. Type NM and Type NMC cable, minimum size # 12 copper or equivalent shall be permitted to be used in one-family and two family dwellings, and in multi-family dwellings. All service and sub-feeds shall be installed in raceway.

Exception: One-family and two-family dwellings not exceeding three stories in height may utilize # 12 NM or NMC cable or larger without raceways for sub-feeds.

334.12 Uses Not Permitted *(Add)*

- (11) Structures other than one-family and two-family dwellings, and in multi-family dwellings three (3) stories or less.

334.15 Exposed Work. *(Delete in its entirety and replace with the following)*

334.15 "Exposed Work - General"

In exposed work, except as provided in sections 300.11 (A), the cable shall be installed as specified in (a), (b), and (c) below.

- a) To Follow Surface. Cable shall closely follow the surface of the building surface or of running boards.
- b) Protection from Physical Damage. Cable shall be protected from physical damage to a height of 8 feet (2.44 meters) from the floor by rigid metal conduit, electrical metallic tubing, Schedule 80 PVC rigid nonmetallic conduit, Type RTRC marked with suffix –XW, or other approved means.
- c) In Unfinished Basements. Where the cable is run at right angles with the joist in unfinished basements, the cable shall be installed through bored holes in the joist. Nonmetallic-sheathed cable installed on a wall of an unfinished basement shall be permitted to be installed in a listed conduit or tubing or shall be protected in accordance with 300.4. Conduit or tubing shall be provided with a suitable insulating bushing or adapter at the point the cable enters the raceway. The sheath of a nonmetallic-sheathed cable shall extend through the conduit or tubing and into the outlet or device box not less than 6 mm (1/4 in.) The cable shall be secured within 300 mm (12 in.) of the point where the cable enters the conduit or tubing. Metal conduit and tubing and metal outlet boxes shall be connected to an equipment-grounding conductor complying with the provisions of 250.86 and 250.148.

334.40 (B) Devices of Insulating Material. *(Delete in its entirety and replace with the following)*

334.40 (B) Devices of Insulating Material. All switches, outlets, and tap devices must terminate in an outlet box complying with the requirements of Article 314 of the National Electrical Code.

404.4 Wet Locations *(Add)*

In no case shall any outlet, switch, or unapproved fixture be installed within the restricted tub or shower zone. The zone is all-encompassing and includes the space directly over the tub or shower. The zone extends three (3) feet from the side and eight (8) feet above the top of the tub rim. This shall be considered minimum distance from said tub or shower.

SECTION 1-1-9, AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE

The International Property maintenance Code, 2009 Edition, shall be amended as follows:

101.1 Title Rock Island County, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

103.1 General *(Add)* The Building official, the Code Official, the Administrative Officer and the Director of the Department of Zoning & Building Safety shall be inferred to be the same.

103.5 Fees *(Change)* following schedule to fee structure set forth by the Building Official.

112.4 Failure to Comply

After “not less than” *(Insert)* “\$25.00”.

After “more than”, *(Insert)* “\$1,000.00”.

302.4 Weeds. *(Delete in its entirety and replace with the following)*

All premises and exterior property shall be maintained free from weeds or plant growth in excess of “10”. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, woody vegetation in fence lines and from the wall to the drip line of any structure; however this term shall not include cultivated flowers, gardens and trimmed shrubs. For lots over one-acre, the minimum setbacks or required yards shall be maintained as described above.

304.14 Insect screens *(Insert)* “April 1st to November 1st”

503.4 Floor surface. *(Delete)* “In other than dwelling units,”

602.3 Heat supply *(Insert)* “October 1st to May 15th”

602.4 Occupiable work spaces *(Insert)* “October 1st to May 15th”

Chapter 2 (Add new text as follows)

603.1.1 Property owners are required to have annual carbon monoxide tests of furnaces performed for all fuel-burning furnaces that are 10 years old or older and for all fuel-burning furnaces that have been inoperative for one year or longer. Tests must be performed by a properly certified and registered mechanical contractor. Owners shall immediately notify Inspection Division of failed tests. Owners shall provide a legible certified copy of successful test results to Code official no later than 30 days after the test.

Exception: A carbon monoxide detector installed within 10' of furnace will meet the intent of the annual carbon monoxide test requirement.

Chapter 3 (Add new text as follows)

603.1.2: Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. Carbon monoxide detector/smoke detector alarms may be installed only if the combined unit provides different alarm tones for the carbon monoxide detection and the smoke detection.

Every structure that contains more than one dwelling unit shall contain at least one approved carbon monoxide alarm in operating condition within 15 feet of every room used for sleeping purposes.

The required carbon monoxide detector/alarm is permitted to be solely battery operated:

- In buildings where no construction is taking place;
- In buildings that are not served from a commercial power source;
- In existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space, or basement available which could provide access for building wiring without the removal of interior finishes.

Exceptions: Carbon Monoxide Detectors are not required if:

1. A residential unit is in a building that does not rely on combustion of fossil fuel for heat, ventilation, or hot water.
2. A residential unit is in a building that is not connected in any way to a garage and not close to a source of carbon monoxide.

(Add new text as follows) **603.7 Existing HVAC systems.** Refrigerant circuit access ports shall be provided with locking-type tamper-resistant caps or comparable device.

(Replace 605.2 Receptacles). Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter.

(Add) **605.2.1 Bathrooms in Residential units.** Each bathroom in residential units shall have at least one receptacle. Every bathroom receptacle in residential units shall be protected against ground faults by means of a ground fault circuit interrupter or other approved means.

(Add) **605.2.2 Kitchens in Residential units.** Every kitchen countertop receptacle that is within 6 feet of a sink or exposed pipe shall be protected against ground faults by means of a ground fault circuit interrupter or other approved means.

Chapter 4 (Replace) 606.1 General. Elevators, dumbwaiters, and escalators shall be maintained and certified in accordance with State statutes and regulations.

Section 1-1-10, Contractor Registration

1. Contractor Registration:

- A. **Permit Required:** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, change the occupancy of a building or structure, or to erect, or install. Any owner or authorized agent who intends to enlarge, alter, repair, remove, convert, or replace any electrical, mechanical, or plumbing system the installation of which is regulated by codes adopted by the County, or to cause any such work to be done, shall first make application to the Director of Zoning & Building and obtain the required permit.
- B. **Registration Required:** Owner occupants of single-family detached residential dwellings are permitted to obtain permits and perform work to said residence and accessory structures. Work being performed on structures by persons other than an owner/occupier of a primary single family detached residential dwelling and accessory structures including all persons, firms, corporations, owners, authorized agents or contractors shall be registered with the county. See section 2 for electrical contractor and section 3 for mechanical contractor for specific requirements.
- C. **Permit And Compliance Bond Required:** Any person, firm or corporation desiring to engage in the business of any form of building construction or reconstruction including, but not limited to, concrete and masonry contracting, demolition contracting, electrical contracting, fire sprinkler contracting, fire suppression contracting, fire alarm contracting, general contracting, heating, ventilation and air conditioning contracting, lawn sprinkler contracting, swimming pool contractors and installers, private sewage disposal contracting, roofing contracting, sign contracting, siding and window contracting, and radon mitigation contracting, or any similar trade required to obtain permit per County ordinances shall register with the Office of Zoning & Building Safety effective March 1 of each year, and shall file with the Office of Zoning & Building Safety a compliance bond, with the form thereof to be furnished by the building inspector, in the amount of ten thousand dollars (\$10,000.00), conditioned upon the faithful performance of all the provisions of this code. This bond is a continuous bond and shall remain in full force and effect until canceled by notice. The surety shall have the right to cancel this bond for future liability upon thirty (30) days' written notice to the Rock island County Zoning & Building Safety.

Plumbing contractors shall provide copy of current state of Illinois contractor registration and license of plumber of record.

- D. **Proof Of Insurance Required:** General contractors, upon registration, shall provide the following:
1. Proof of liability insurance acceptable to the Office of Zoning & Building Safety in the type and amount listed below:
 - a. Each applicant shall obtain and maintain for the duration of such registration, public liability and property damage insurance in the minimum amount and for as hereby specified: one hundred thousand dollars (\$100,000.00) for each occurrence of property damage and three hundred thousand dollars (\$300,000.00) for each occurrence of personal injury or bodily harm. Such policy shall provide that it cannot be canceled except upon written notification to the Office of Zoning & Building Safety at least thirty (30) days prior to the date of cancellation. Proof shall be a certificate of insurance.
 - b. Each applicant shall have proof that the applicant has obtained workers' compensation insurance or that the applicant is an approved self-insurer of workers' compensation. Proof shall be either the certificate of insurance from the insurance provider or the certificate of approval as a self-insurer issued by the Illinois industrial commission. If an applicant is a sole proprietorship or partnership then the applicant shall not be required to provide proof of workers' compensation insurance. Such applicant's application shall include a sworn statement that the applicant has no employees.
- E. **Fees:** Effective March 1, 2014, the fee for registration of all contractors shall be fifty dollars (\$50.00) and shall be valid for one year, and the filing fee for plumbing contractors shall be fifty dollars (\$50.00) and shall be valid for one year.

2. Electrical Contractor Registration:

- A. The term "electrical contractor" shall mean and include any person engaged in the business of installing, erecting, repairing, or contracting to install, erect, or repair electrical equipment. An applicant for an electrical contractor shall be of legal age to conduct business in the state of Illinois.
- B. Except as provided in subsection (C) of this section, before any person shall engage in the business of electrical contracting in the county, and before any person now engaged in the business or any class thereof shall continue in the business of electrical contracting, such person shall be required to register and be licensed with the county. The license required by this section shall be issued only to an individual, and not to a corporation or firm.
- C. The following persons shall not be required to register as an electrical contractor pursuant to subsection (B) of this section, nor shall they be required to pay a registration fee:
 1. Electricians employed by an electrical contractor to perform or to supervise electrical work.
 2. Persons who perform electrical work in their own domiciles, with the assistance of any member of said owner-occupant's family and household. However, the Director of Zoning & Building Safety shall require a sufficient display of electrical experience of a practical and elementary character to test the person's knowledge and qualifications of the electrical work to be done in the interest of safeguarding life and property. The owner-occupant shall obtain a permit for any such work and shall call for inspection by the county.
- D. An electrical contractor who is licensed in any county, city, or village in the state of Illinois or Iowa shall be required by the County to register, and pay a registration fee. However, the Director of Zoning & Building Safety shall require a sufficient display of electrical experience of a practical and elementary character to test the knowledge and qualifications of an electrical contractor subject to this subsection for the electrical work to be done in the interest of safeguarding life and property.

- E. No registration required by this section shall be issued until the applicant therefor has established proper qualifications and has successfully completed an examination, conducted by a nationally recognized testing agency, as approved by the Director of Zoning & Building Safety.
- F. Before any registration required by this chapter is issued, the applicant therefor shall furnish a compliance bond in the penal sum of ten thousand dollars (\$10,000.00). The bond shall be conditioned upon the faithful performance of the applicant's work in accordance with the provisions of the adopted codes. This shall be a continuing bond until canceled by notice. The surety shall have the right to cancel this bond for future liability upon thirty (30) days' written notice to the Director of Zoning & Building Safety, which notice must be received by the Office of Zoning & Building Safety to be effective.
- G. No person permitted to register under the provisions of this section shall install or repair electrical equipment for electric light, heat, or power purposes after the expiration of the registration or after the registration shall have been revoked pursuant to this section, unless the registration or renewal thereof shall have been received.
- H. Registrant must have taken twelve (12) hours of update courses within one year of adoption of any new or revised code for each code change and must submit a certificate of completion prior to renewal of license.
- I. Registration required by this section is prohibited from being loaned, rented, assigned, or transferred.

3. Mechanical Contractor Registration:

- A. The term "mechanical contractor" shall mean and include any person engaged in the business of installing, maintaining, altering, repairing mechanical systems that are permanently installed and/or utilized to provide control of environmental conditions and related processes within buildings. This also includes those mechanical systems, system components, equipment and appliances, the installation of fuel gas distribution piping and equipment, fuel gas-fired appliances, and fuel gas-fired appliance venting systems. An applicant for a mechanical contractor shall be of legal age to conduct business in the state of Illinois.
- B. Except as provided in subsection (C) of this section, before any person shall engage in the business of electrical contracting in the county, and before any person now engaged in the business or any class thereof shall continue in the business of electrical contracting, such person shall be required to register with the county. The registration required by this section shall be issued only to an individual, and not to a corporation or firm.
- C. The following persons shall not be required to register as a mechanical contractor pursuant to subsection (B) of this section, nor shall they be required to pay a registration fee:
 - 1. Persons employed by a mechanical contractor to perform or to supervise mechanical work.
 - 2. Persons performing mechanical work in their own domiciles, with the assistance of any member of said owner-occupant's family and household. However, the Director of Zoning & Building Safety shall require a sufficient display of mechanical I experience of a practical and elementary character to test the person's knowledge and qualifications of the mechanical work to be done in the interest of safeguarding life and property. The owner-occupant shall obtain a permit for any such work and shall call for inspection by the county.
- D. A mechanical contractor who is licensed in any county, city or village in the state of Illinois or Iowa shall be required by the County to register, and pay a registration fee. However, the Director of Zoning & Building Safety shall require a sufficient display of mechanical experience of a practical and elementary character to test the knowledge and qualifications of a mechanical contractor subject to this subsection for the mechanical work to be done in the interest of safeguarding life and property.

- E. No registration required by this section shall be issued until the applicant therefor has established proper qualifications and has successfully completed an examination, conducted by a nationally recognized testing agency, as approved by the Director of Zoning & Building Safety.
- F. Before any registration required by this chapter is issued, the applicant therefor shall furnish a compliance bond in the penal sum of ten thousand dollars (\$10,000.00). The bond shall be conditioned upon the faithful performance of the applicant's work in accordance with the provisions of the adopted codes. This shall be a continuing bond until canceled by notice. The surety shall have the right to cancel this bond for future liability upon thirty (30) days' written notice to the Director of Zoning & Building Safety, which notice must be received by the Office of Zoning & Building Safety to be effective.
- G. No person permitted to register under the provisions of this section shall install or repair electrical equipment for electric light, heat, or power purposes after the expiration of the registration or after the registration shall have been revoked pursuant to this section, unless the registration or renewal thereof shall have been received.
- H. A registration required by this section is prohibited from being loaned, rented, assigned, or transferred.

4. Penalties

- A. Any person, firm or corporation, agent employee, or contractor of such who violates, disobeys, omits, neglects, or refuses to comply with or who resists enforcement of any provisions of this Ordinance, shall upon conviction forfeit not less than twenty-five (\$25.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the Rock Island County Jail until said forfeiture and costs are paid, for a period not exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense.
- B. Any person, firm or corporation, agent employee, or contractor who commences work requiring a permit on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to a penalty fee equal to the permit fee for the entire project, and not limited to the portion of the project done prior to permit issuance.

Section 1-1-11, Repeal

The provisions of the previously adopted building codes, and other ordinances, in conflict herewith, are repealed.

Section 1-1-12, Effective Date

March 1, 2014

CHAPTER 2

BUILDING, GENERAL PROVISIONS

SECTION:

- 4-2-1 Permit Required
- 4-2-2 Application
- 4-2-3 Approval Plans
- 4-2-4 Fees
- 4-2-5 Variations
- 4-2-6 Enforcement of Provisions
- 4-2-7 Building Operations
- 4-2-8 Penalty

4-2-1 Permit Required It shall be unlawful to construct or alter any building or structure in the Village without having secured a permit, except for fences, when the cost of construction exceeds five hundred dollars (\$500.00), or where such construction or alteration enlarges the building capacity, affects the bearing walls, or roof of the building. Minor maintenance repairs to an existing structure where the costs are under five hundred dollars (\$500.00) including labor and materials are not required to secure a building permit. Cosmetic improvements do not require building permits; however, they must follow all rules and regulations according to Village Ordinance and Rock Island County Building Code, including all safety concerns.

4-2-2 Application Application for such permits must be made to the Rock Island County Building Inspector and must be accompanied by plans, drawings, and specifications as required by the Rock Island County Zoning and Building Department. Such plans should be verified by the signature of either the owner of the premises, by the architect, or by the contractor in charge of operations. (2010)

Any person required to submit a building application regarding the erection of any new building, dwelling, or commercial establishment to the Board of Trustees must do so at least twenty-one (21) days before the Board should be required to act upon it. (Ord. 288; 6-1-70)

- 4-2-3 Approval Plans** The Rock Island County Building Inspector shall examine the plans to determine whether the proposed alterations or construction will comply with all Code provisions relative thereto. Upon approval by the Rock Island County Building Inspector, one (1) set of plans shall be returned to the applicant with a Building permit, and the other set shall be retained by the Building Inspector. No permit shall be issued except after written approval of the plans and payment of the fee as provided.
- 4-2-4 Fees** The fees for such permits are set by Rock Island County and will be collected by the Rock Island County Building Inspector.
- 4-2-5 Variations** It shall be unlawful to vary materially from the submitted plans and specifications deposited with and approved by the Rock Island County Building Inspector unless amended plans and specifications showing the proposed alterations or variations are first filed with and approved by the Building Inspector. If a variation involves an increase in the total cost of the work, a statement to this effect shall be made and the necessary additional fee must be paid.
- 4-2-6 Enforcement of Provisions** It shall be the duty of the Rock Island County Building Inspector to enforce the provisions of this Chapter. The Building Inspector is empowered to make inspections as may be necessary to see to the enforcement of these provisions, and to make tests or examinations of materials or methods to be used to see if they comply with the requirements of this Chapter. All permits for building, electrical, plumbing, water, and sewer hookups must have been obtained and paid to the appropriate entities prior to any digging, grading, or construction shall be commenced.
- 4-2-7 Building Operations**
- 4-2-7-1 **Use of Streets:** Use of the street for the storage of materials during construction or alteration of a building may be granted where it will not interfere with traffic flow or reduce the usable width of the roadway to less than eighteen feet (18'). No portion of the street other than that directly abutting the property on which the work is being done shall be used except with the consent of the owner or occupant of the property abutting on such portion.
 - 4-2-7-2 Any person seeking to make such use of the street shall file with the Village Clerk, together with a bond with sureties to be approved by the Clerk, to indemnify the Village for any loss or damage which may be incurred by it on account of such use and occupation. (M.C. 1949, Sec. 499)
 - 4-2-7-3 **Night Operations:** No construction or altering operations shall be carried on at nighttime, if the same are accompanied by loud noises. (M.C. 1949, Sec. 500)

- 4-2-7-4 Sidewalks: No sidewalk shall be constructed in the course of building construction or alteration without a special permit from the Village Clerk. Whenever the removal of a sidewalk is required; a special permit from the Village Clerk shall be obtained. (M.C. 1949, Sec. 501)
- 4-2-7-5 Safeguards: It shall be the duty of the person doing any construction, alteration, or wrecking work in the Village to do the same with proper care for the safety of persons and property. Warning barricades and lights shall be maintained whenever necessary for the protection of pedestrians or traffic; temporary roofs over sidewalks shall be constructed whenever there is danger from falling articles or materials to pedestrians. (M.C. 1949, Sec. 502)
- 4-2-8 Penalty** Any person, firm or corporation, agent or employee, or contractor of such who violates, disobeys, omits, neglects, or refuses enforcement of any provisions of this Ordinance shall be assessed a fine equal to the cost of the building permit, together with costs of prosecution. Those in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the Rock Island County Jail until said forfeiture and costs are paid. Imprisonment shall not exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate violation. The Andalusia Board of Trustees gives the Rock Island County Building Inspector official power to enforce double charges. (Amendment to Ord. No. 271)

CHAPTER 3

DANGEROUS BUILDINGS

SECTION:

- 4-3-1 Definition
- 4-3-2 Prohibition
- 4-3-3 Abatement
- 4-3-4 Fire Limits
- 4-3-5 Penalty

4-3-1 Definition The term "dangerous building" as used in this Chapter, is hereby defined to mean and include:

- 4-3-1-1 Any building, shed, fence, or other man-made structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of injury, disease, or harm the health of people.
- 4-3-1-2 Any building, shed, fence or other man-made structure which because of faulty construction, age, lack of proper repair or any other cause is especially liable to fire, and constitutes or creates a fire hazard.
- 4-3-1-3 Any building, shed, fence, or other man-made structure that due to faulty construction, age, lack of proper repair, or other cause is liable to cause injury or damage to itself or adjacent structures by total structure collapse, or by a collapse or fall of any part of such structure.
- 4-3-1-4 Any building, shed, fence, or other man-made structure which, because of its condition or because of the lack of doors or windows is available to and frequented by persons or wild animals who are not lawful occupants of such structure.
- 4-3-1-5 It shall be unlawful to demolish any building or structure in the Village, without having secured a permit from the Rock Island County Building Inspector.

Permit Fees: The fees for such permits are set by Rock Island County. Any such dangerous building in the Village is hereby declared a nuisance. (M.C. 19949; Sec. 473)

4-3-2 Prohibition It shall be unlawful to maintain or permit the existence of any dangerous building in the Village. It shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy the same, or permit such building to be occupied while it is in a dangerous condition. (M.C. 1949; Sec. 474)

4-3-3 Abatement The Rock Island County Building Inspector, Fire Marshal, or the Rock Island County Health Inspector shall file the statement if they are of the opinion that any building or structure in the Village is in a dangerous condition. The property owner is given thirty (30) days to comply. If after thirty (30) days, the homeowner has not complied a summons is issued compelling the homeowner to appear at the Rock Island City Council Chambers, Third Floor, Rock Island City Hall, 1528 3rd Avenue, Rock Island, Illinois 61201 for an Administrative Hearing for the Code of Ordinances violation.

*All ordinance violations and summons are delivered by the Rock Island County Sheriff's Department.

The Village Clerk shall issue a written notice to be served upon the owner of the property, if any, by registered mail or by the Rock Island County Sheriff's Department. Such notice shall state that the building has been declared to be in a dangerous condition that must be removed or remedied at once by repairing, altering, or demolishing the building. Such notice is located in Appendix B of the Village Code.

Those persons requiring special accommodations are to contact the MUNICES Code Enforcement office at 793-6302 ext. 149, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Thursday, so special accommodations can be made.

If the person receiving such notice has not complied with it or taken an appeal from the determination of the officer or employee finding that a dangerous building exists, then within ten (10) days from the time when this notice is served upon such person, the Building Inspector may on orders of the Board of Trustees proceed to demolish the building or remedy the dangerous condition. (M.C. 1949; Sec. 475)

4-3-4 Fire Limits Any building or structure within the boundaries of the Village, which has been or may be damaged by fire, decay or other cause to the extent of fifty percent (50%) of its value, shall be torn down and removed.

Upon written notice by the Rock Island County Building Inspector, Rock Island County Health Department, or the Fire Chief and filed with the Clerk, the Clerk shall notify the Village President of the receipt of such notice. The Village President shall then appoint a special committee of three (3) persons to determine if such building or structure has been damaged to the extent of fifty percent (50%) of its value. A copy of the notice of the appointment of this

special committee to determine the damage shall be served upon the owner of the premises by person service or by registered mail to his last known address. Written Notice forms are located in Appendix B of the Village Code.

If the special committee determines that the building in question has been damaged to the extent of fifty percent (50%) of its value, it shall be the duty of the owner to tear down or remove the building within twenty (20) days after the date of determination. It shall be unlawful to occupy or permit the occupancy of the building after determination is made. (M.C. 1949, Sec. 476)

4-3-5 Penalty A person shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues if he violates any provision of this Chapter, or permits any dangerous building, or any other man-made structure to remain in a dangerous condition within the Village, or to remain within the Village Fire District limits after it has been damaged to the extent of fifty percent (50%) of its value. (M.C. 1949, Sec. 477; amd. ord. 338, 1-3-77)

CHAPTER 4

MOVING BUILDINGS

SECTION:

- 4-4-2 Approval; Fee
- 4-4-3 Bond
- 4-4-4 Lights and Warnings
- 4-4-5 Wires; Cutting
- 4-4-6 Penalty

4-4-1 Permit Required No person shall move any building from one lot to another lot, on or over any street, alley, sidewalk, or other public place in the Village without a permit for the same from the Board of Trustees. The written application for a permit to move a building must be given to the Village Clerk. The application must include the proposed moving route and the estimated number of days the building will occupy any public way or place. (M.C. 1949, Sec. 504)

4-4-2 Approval; Fee Upon approval of the intended route by the Board, a fee of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), plus twenty-five dollars (\$25.00) for each of the estimated number of days the building will occupy a portion of any public way or place shall be paid to the Clerk who will issue a permit. An additional fee of twenty-five dollars (\$25.00) for each day or fraction thereof, over and above the time stated in the application, shall be paid for occupying such way or place. (M.C. 1949, Sec. 505)

4-4-3 Bond Every person applying for a permit under this Chapter shall submit with his application a bond with at least two (2) sureties to be approved by the Village President and the Village Board. It must be conditioned on his compliance with all the provisions of this Chapter. He must agree to pay and hold the Village harmless from any claim that may be made against him because of the occupation of any street, sidewalk, alley, or other public place by the building or structure moved. (M.C. 1949, Sec. 506)

- 4-4-4 Lights and Warnings** Whenever a street or alley is blocked by a house or structure that is being moved, warnings to that effect shall be placed by the Chief of police to warn vehicles and persons from entering that portion of the street that is so blocked. The person moving any building through the streets shall keep warning signs and lanterns at night on the building to guard against any person or vehicle from colliding with it. (M.C. 1949, Sec. 507)
- 4-4-5 Wires; Cutting** The homeowner or contractor must contact the appropriate utility company and have them perform the work at their own expense and hold the Village harmless from any claim that may be made against it because of any damage that may occur.
- 4-4-6 Penalty** Any person violating any provision of this Chapter shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949, Sec. 510; amd. Ord.338, 1-3-77)

CHAPTER 5

PLUMBING

SECTION:

- 4-5-1 Permit Required
- 4-5-2 Inspections
- 4-5-3 Tests
- 4-5-4 Specifications
- 4-5-5 Standards
- 4-5-6 Penalty

- 4-5-1 Permit Required** No plumbing shall be installed in any place in the Village unless a Plumbing Permit has been obtained from the Rock Island County Zoning and Building Department. Applications for Plumbing Permits shall be made to the Rock Island County Zoning and Building Department.
- 4-5-2 Inspections** The Rock Island County Plumbing Inspector shall be required to make an inspection in all cases pursuant to this Chapter prior to any piping being covered and again upon completion of any plumbing work.
- 4-5-3 Tests** All plumbing fixtures installed shall be subjected to all tests required by the Rock Island County Plumbing Inspector and the Illinois Plumbing Code (225 ILCS 320).
- 4-5-4 Specifications** All work on any plumbing system shall be performed in accordance with the provisions of this Chapter.
- 4-5-5 Standards** The most current edition of the Illinois State Plumbing Code (225 ILCS 320) and the most current edition of the Plumbing Code of Rock Island County and the most recent amendments thereto, are adopted as the Plumbing Code of the Village of Andalusia. Where the provisions of the Plumbing Codes of the State of Illinois and Rock Island County are in conflict, the most stringent provision shall be applicable as the Plumbing Code of the Village of Andalusia.
- 4-5-6 Penalty** Any person violating any provision of this Chapter shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949, Sec. 531; amd. Ord. 338, 1-3-77)

CHAPTER 6

ELECTRICITY

SECTION:

- 4-6-2 Rules Adopted
- 4-6-3 Permits
- 4-6-4 Fees
- 4-6-5 Certificate of Approval
- 4-6-6 Penalty

4-6-1 Definition The term "electrical equipment" as used in this Chapter shall be construed to mean and include conductors and equipment installed for the utilization of electricity supplied for light, heat, or power, but does not include radio apparatus or equipment for the wireless reception of sounds and signals nor ordinary household appliances. It does not include apparatus, conductors, and other equipment installed for and by public utilities, including common carriers, which are under the jurisdiction of the Illinois Commerce Commission for use in their operations as public utilities. (M.C. 1949; Sec.532)

4-6-2 Rules Adopted Pursuant to the recommendation of the Electrical Commission there are hereby adopted as safe and practical standards for the installation, alteration, and use of electrical equipment in the City:

FIRST, the most recent edition of the National Electrical Code, published by the National Fire Protection Association and the Section 4-1-8, Amendments to the International Electric Code- NFPA 70

SECOND, the rules and regulations regarding the installation, alteration and use of electrical equipment last adopted by the electric supply company now supplying the Village, and as last published and filed with the Illinois Commerce Commission, a copy of said Code and the last mentioned rules and regulations being now on file in the office of the Clerk and of the Electrical Inspector and the Rock Island County Building Inspector.

The Rock Island County Building Inspector shall act and have all the powers of and duties herein given to the Electrical Inspector. (M.C. 1949; Sec. 533)

4-6-3 Permits Pursuant to the recommendation of the Electrical Commission there are hereby adopted as reasonable rules and regulations governing the issuance of permits for electrical installations or alterations the following:

- 4-6-3-1 It shall be unlawful to install or alter any electric equipment or wiring without having first secured a permit therefor.

- 4-6-3-2 Applications for such permits shall be made in writing to the Rock Island County Building Inspector.
- 4-6-3-3 Each such application shall contain the name of the owner of the premises to be served, the name of the contractor doing the work, and the nature of the work to be done, where the work consists of new installations or extensive repairs or alterations, plans and specifications of the work shall accompany the application. (M.C. 1949; Sec. 5.34)
- 4-6-4 Fees** All Permit fees are determined by the Rock Island County fee schedule. A copy of the fee schedule is available on the Rock Island County website for inspection.
- 4-6-5 Certificate of Approval** The Electrical Inspector shall issue a certificate of approval after each such inspection in which the wiring or apparatus is found to comply with the terms of this Chapter and with the rules adopted hereby.
- It shall be unlawful to use or turn on power into any wires or apparatus hereafter installed for which such certificate has not been issued because the permit was not secured for installation or because the work was not completed according to the provisions of this Chapter. (M.C. 1949, Sec. 536)
- 4-6-6 Penalty** Any person violating any provision of this Chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949, Sec. 537; amd. Ord. 338, 1-3-77)

CHAPTER 7

FLOOD DAMAGE PREVENTION

SECTION:

- 4-7-1 Purpose
- 4-7-2 Definitions
- 4-7-3 Base Flood Elevation
- 4-7-4 Duties of the Rock Island County Building Inspector
- 4-7-5 Development Permit
- 4-7-6 Preventing Increased Flood Heights and Damages
- 4-7-7 Protecting Buildings
- 4-7-8 Subdivision Requirements
- 4-7-9 Public Health and Other Standards
- 4-7-10 Carrying Capacity and Notification
- 4-7-11 Variances
- 4-7-12 Disclaimer of Liability
- 4-7-13 Violation; Penalty
- 4-7-14 Abrogation and Greater Restrictions
- 4-7-15 Severability

4-7-1 Purpose This ordinance is enacted pursuant to the police powers granted to this Village of Andalusia by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5111-12-12, 5111-30-2, 5111-30-8 and 5111-31-2) in order to accomplish the following purposes:

- 4-7-1-1 To prevent unwise developments from increasing flood or drainage hazards to others;
- 4-7-1-2 protect new buildings and major improvements to buildings from flood damage;
- 4-7-1-3 to promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- 4-7-1-4 to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- 4-7-1-5 maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- 4-7-1-6 make federally subsidized flood insurance available, and

- 4-7-1-7 to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development. (Ord. 659, 1-18-2010)

4-7-2 Definitions

ANCHORED. Adequately secured to prevent flotation, collapse or lateral movement.

APPURTENANT STRUCTURE. A detached garage servicing a 1-4 family dwelling.

BASE FLOOD. A flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD DEPTH (BFD). The depth shown on the Flood Insurance Rate Map (FIRM) for Zone AO that indicates the depth of water above highest adjacent grade resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year.

BASE FLOOD ELEVATION (BFE). The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30 and VE.

BASEMENT. Any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.

BASE FLOOD. A flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD DEPTH (BFD). The depth shown on the Flood Insurance Rate Map (FIRM) for Zone AO that indicates the depth of water above highest adjacent grade resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year.

BASE FLOOD ELEVATION (BFE). The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30 and VE.

BASEMENT. Any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.

CISTERN. Covered cisterns and the water in them are defined as an integral part of an insurable building, meaning under the building or above ground and physically attached to a side of the building with one (1) of the walls of the building and cistern being common to each other.

CLOSED BASIN LAKE. A natural lake from which water leaves primarily through evaporation and whose surface area exceeds or has exceeded 1 square mile at any time in the recorded past. NFIP-insured buildings that are subject to continuous lake flooding from a closed basin lake are covered under the provisions of Standard Flood Insurance Policy (SFIP).

CRAWLSPACE. An under-floor space that has its interior floor area (finished or not) no more than 5 feet below the top of the next-higher floor. Crawlspace generally have solid foundation walls.

CUMULATIVE DAMAGE BUILDING. Any building that has incurred flood-related damage as a result of two or more flooding events in which the cumulative amounts of payments equals or exceeds the fair market value of such building, as determined through use of the following procedure. To determine whether a building has been cumulatively damaged, a loss percentage will be calculated, for each loss, equal to the claim payment amount for that loss divided by the fair market value of such building on the day before each loss. If the sum of the loss percentages for more than one loss equals or exceeds 100%, then the property will be deemed a cumulative damage building.

CUMULATIVE DAMAGE PROPERTY. Either a cumulative damage building or the contents within a cumulative damage building, or both.

DOUBLEWIDE MANUFACTURED (MOBILE) HOME. A manufactured (mobile) home that, when assembled as a nonmovable, permanent building, is at least 16 feet wide and has an area within its perimeter walls of at least 600 square feet.

DWELLING. A building designed for use as a residence for no more than 4 families or a single-family unit in building under a condominium form of ownership.

DWELLING FORM. See Standard Flood Insurance Policy (SFIP)--Dwelling Form.

ELEVATED BUILDING. A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid (perimeter) foundations walls are not an acceptable means of elevating buildings in V and VE zones.

ENCLOSURE. That portion of an elevated building below the lowest elevated floor that is either partially or fully shut in by rigid walls.

EROSION. The collapse, undermining or subsidence of land along the shore of a lake or other body of water. Erosion is a covered peril if it is caused by waves or currents of water exceeding their cyclical levels which result in flooding.

FAIR MARKET VALUE. The price that the seller is willing to accept and the buyer is to pay on the open market and in an arm's length transaction.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). The Federal agency under which the NFIP is administered. In March 2003, FEMA became part of the newly created U.S. Department of Homeland Security.

FEDERAL POLICY FEE. A flat charge that the policyholder must pay on each new or renewal policy to defray certain administrative expenses incurred in carrying out the NFIP.

FINANCIAL ASSISTANCE/SUBSIDY ARRANGEMENT. The arrangement between an insurance company and FEMA to initiate the company's participation in the Write Your Own (WYO) Program. It establishes the duties of the company and the government.

FINISHED (HABITABLE) AREA. An enclosed area having more than twenty (20) linear feet of finished interior walls (paneling, etc.) or used for any purpose other than solely for parking of vehicles, building access or storage.

FLOOD. A general and temporary condition of partial or complete inundation of 2 or more acres of normally dry land area or of two or more properties (at least 1 of which is the policyholder's property) from:

1. Overflow of inland or tidal waters; or
2. Unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudflow; or
4. Collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.

FLOOD HAZARD BOUNDARY MAP (FHBM). Official map of a community issued by FEMA, where the boundaries of the flood, mudflow and related erosion areas having special hazards have been designated.

FLOOD INSURANCE RATE MAP (FIRM). Official map of a community on which FEMA has delineated the Special Flood Hazard Areas (SFHAs), the Base Flood Elevations (BFEs) and the risk premium zones applicable to the community.

FLOODPLAIN. Any land area susceptible to being inundated by floodwaters from any source.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood-control works and floodplain management regulations.

FLOODPROOFING. Any combination of structural and nonstructural additions, changes or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities or structures with their contents.

FOUNDATION WALLS. Masonry walls, poured concrete walls or precast concrete walls, regardless of height, that extend above grade and support the weight of a building.

FREEBOARD. An additional amount of height above the Base Flood Elevation used as a factor of safety (e.g., two feet above the Base Flood) in determining the level at which a structure's lowest floor must be elevated or flood proofed to be in accordance with state or community floodplain management regulations.

GRADE ELEVATION. The lowest or highest finished ground level that is immediately adjacent to the walls of the building. Use natural (pre-construction), ground level, if available, for Zone AO and Zone A (without BFE).

GRANDFATHERING. An exemption based on circumstances previously existing.

1. Under NFIP statutory grandfathering, buildings located in Emergency Program communities and Pre-FIRM buildings in the Regular Program are eligible for subsidized flood insurance rates.
2. Under NFIP administrative grandfathering, Post-FIRM buildings in the Regular Program built in compliance with the floodplain management regulations in effect at the start of construction will continue to have favorable rate treatment even though higher Base Flood Elevations (BFEs) or more restrictive, greater risk zone designations result from Flood

Insurance Rate Map (FIRM) revisions. Policyholders who have remained loyal customers of the NFIP by maintaining continuous coverage (since coverage was first obtained on the building) are also eligible for administrative grandfathering.

GROUP FLOOD INSURANCE. Issued by the NFIP Direct Program in response to a Presidential disaster declaration. Disaster assistance applicants, in exchange for a modest premium, receive a minimum amount of building and/or contents coverage for a three-year policy period. An applicant may cancel the group policy at any time and secure a regular Standard Flood Insurance Policy (SFIP) through the NFIP.

HFIAA SURCHARGE. The statutory surcharge imposed by Section 1308 of the Act.

HISTORIC BUILDING. Any building that is:

1. Listed individually in the National Register of Historic places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district; or
3. Individually listed in a state inventory of historic places in states with preservation programs that have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

IMPROVEMENTS AND BETTERMENTS. Fixtures, alterations, installations or additions made or acquired solely at a tenant's expense and comprising part of an insured building.

INCREASED COST OF COMPLIANCE. Coverage for expenses that a property owner must incur, above and beyond the cost to repair the physical damage the structure actually sustained from a flooding event, to comply with mitigation requirements of state or local floodplain management ordinances or laws. Acceptable mitigation measures are elevation, flood proofing, relocation, demolition or any combination thereof.

LOSS IN PROGRESS. A loss that is already in progress as of 12:01 a.m. on the first day of the policy term; or, as to any increase in the limits of coverage which is requested, a loss that is already in progress when the additional coverage is requested.

LOWEST ADJACENT GRADE. The lowest point of the ground level immediately next to a building.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including a basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of requirements.

LOWEST FLOOR ELEVATION (LFE). The measured distance of a building's lowest floor above the National Geodetic Vertical Datum (NGVD) or other datum specified on the FIRM for that location.

MANDATORY PURCHASE. Under the provisions of the Flood Disaster Protection Act of 1973, individuals, businesses and others buying, building or improving property located in identified areas of special flood hazards within participating communities are required to purchase flood insurance as a prerequisite for receiving any type of direct or indirect federal financial assistance (e.g., any loan, grant, guaranty, insurance, payment, subsidy or disaster assistance) when the building or personal property is the subject of or security for such assistance.

MANUFACTURED (MOBILE) HOME. A structure built on a permanent chassis, transported to its site in 1 or more sections and affixed to a permanent foundation. "Manufactured (mobile) home" does not include recreational vehicles.

MANUFACTURED (MOBILE) HOME PARK OR SUBDIVISION, EXISTING. A manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or before December 31, 1974 or before the effective date of the community's initial Flood Insurance Rate Map (FIRM), whichever is later.

MANUFACTURED (MOBILE) HOME PARK OR SUBDIVISION, EXPANSION TO EXISTING SITE. The preparation of additional sites by the construction of facilities for servicing the lots on which manufactured (mobile) homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

MANUFACTURED (MOBILE) HOME PARK OR SUBDIVISION, NEW. A manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed after December 31, 1974, or on or after the effective date of the community's initial Flood Insurance Rate Map (FIRM), whichever is later.

MAP REVISION. A change in the Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) for a community which reflects revised zone, base flood or other information.

MISRATING. The premium charged is incorrect because one or more of the rating characteristics used to determine the applicable premium rate for an application or renewal is discovered to be incorrect or was previously correct, but has changed. For example, a misrating will be considered to have occurred when the premium rate charged is incorrect because:

1. The policy was issued on the incorrect form of the Standard Flood Insurance Policy;
2. The policyholder's loss history makes the property ineligible for coverage at that rate;
3. The building has been physically altered (e.g., addition of an enclosure);
4. The use or occupancy of the building changed (e.g., the building is no longer utilized as a primary residence or a single family building was converted to a non-residential business building);
5. The building was reclassified as a severe repetitive loss building or a cumulative damage building;
6. The building was substantially damaged or improved;
7. The wrong flood zone or Base Flood Elevation was utilized to determine the premium rates;
8. The presence or absence of certain structural characteristics used in determining premium rates (e.g., basement, enclosures, or crawlspaces) is incorrectly indicated on the policy record;
9. The building replacement cost used to determine the premium rate is incorrect;
10. The building construction date is incorrectly indicated on the policy record; or

11. The community in which the property covered by the policy is shown to be located on the policy record is incorrect.

MODULAR BUILDING. A building that is usually transported to its site on a steel frame or special trailer because it does not have a permanent chassis like a manufactured (mobile) home. A modular building is classified and rated under one of the other building types.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP). The program of flood insurance coverage and floodplain management administered under the Act and applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations, Subchapter B.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929. National standard reference datum for elevations, formerly referred to as Mean Sea Level (MSL) of 1929. NGVD 1929 may be used as the reference datum on some Flood Insurance Rate Maps (FIRMs).

NATURAL GRADE. The grade unaffected by construction techniques such as fill, landscaping or berming.

NEW CONSTRUCTION. Buildings for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map (FIRM) or after December 31, 1974, whichever is later, including any subsequent improvements.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP). The program of flood insurance coverage and floodplain management administered under the Act and applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations, Subchapter B.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929. National standard reference datum for elevations, formerly referred to as Mean Sea Level (MSL) of 1929. NGVD 1929 may be used as the reference datum on some Flood Insurance Rate Maps (FIRMs).

NATURAL GRADE. The grade unaffected by construction techniques such as fill, landscaping or berming.

NEW CONSTRUCTION. Buildings for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map (FIRM) or after December 31, 1974, whichever is later, including any subsequent improvements.

POST-FIRM BUILDING. A building for which construction or substantial improvement occurred after December 31, 1974 or on or after the effective date of an initial Flood Insurance Rate Map (FIRM), whichever is later.

PRE-FIRM BUILDING. A building for which construction or substantial improvement occurred on or before December 31, 1974 or before the effective date of an initial Flood Insurance Rate Map (FIRM).

PREFERRED RISK POLICY (PRP). A lower-cost Standard Flood Insurance Policy (SFIP) written under the Dwelling Form or General Property Form. It offers fixed combinations of building/contents coverage limits or contents-only coverage. The PRP is available for property located in B, C and X Zones in Regular Program communities that meets eligibility requirements based on the property's flood loss history. It is also available for buildings that are eligible under the PRP Eligibility Extension.

PROPER OPENINGS. Enclosures (Applicable to Zones A, A1-A30, AE, AO, AH, AR and AR Dual). All enclosures below the lowest elevated floor must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. A minimum of two openings, with positioning on at least two walls, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided. The bottom of all openings must be no higher than one foot above the higher of the exterior or interior (adjacent) or floor immediately below the openings.

PROPERTY REMOVED TO SAFETY EXPENSE. Up to \$1,000 of reasonable expenses incurred by the insured to temporarily remove insured property from the described location because of flood or the imminent danger of flood.

REPETITIVE LOSS STRUCTURE. An NFIP-insured structure that has had at least two paid flood losses of more than \$1,000 each in any 10-year period since 1978.

REPLACEMENT COST VALUE (RCV). The cost to replace property with the same kind of material and construction without deduction for depreciation.

SEVERE REPETITIVE LOSS BUILDING. Any building that:

1. Is covered under a Standard Flood Insurance Policy made available under this title;
2. Has incurred flood damage for which:
 - a. Four (4) or more separate claim payments have been made under a Standard Flood Insurance Policy issued pursuant to this title, with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or
 - b. At least two separate claims payments have been made under a Standard Flood Insurance Policy, with the cumulative amount of such

claim payments exceed the fair market value of the insured building on the day before each loss.

SEVERE REPETITIVE LOSS PROPERTY. Either a severe repetitive loss building or the contents within a severe repetitive loss building, or both.

SHEAR WALLS. Walls used for structural support but not structurally joined or enclosed at the ends (except by breakaway walls). Shear walls are parallel or nearly parallel, to the flow of the water and can be used in any flood zone.

SPECIAL FLOOD HAZARD AREA (SFHA). An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. For the purpose of determining Community Rating System (CRS) premium discounts, all AR and A99 zones are treated as non-SFHAs.

STANDARD FLOOD INSURANCE POLICY (SFIP)

1. **Dwelling Form.** The policy form used to insure a building designed for use as a residence for no more than four families or a single-family unit in a residential building under a condominium form of ownership. This form is also used to insure residential contents in any building. The owner of a residential building with five or more units can use this form to insure contents only in his or her own residential unit.
2. **General Property Form.** The policy form used to insure a non-residential building or a five-or-more-unit residential building not eligible for the Residential Condominium Building Association Policy (RCBAP). This form is also used to insure non-residential contents in any building or a building owner's residential contents located in multiple units within a building with 5 or more units.
3. **Residential Condominium Building Association Policy (RCBAP).** The policy form used to insure a building, owned and administered as a condominium, containing one or more units and in which at least 75% of the floor area is residential. The building must be located in a Regular Program community.

START OF CONSTRUCTION. For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA), this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor

or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

SUBSTANTIALLY DAMAGED BUILDING. A building that has incurred damage of any origin whereby the cost of restoring the building to its before damaged condition would equal or exceed 50% of the market value of the building before the damage occurred.

SUBSTANTIALLY DAMAGED PROPERTY. Either a substantially damaged building or the contents within a substantially damaged building, or both.

SUBSTANTIALLY IMPROVED BUILDING. A building that has undergone reconstruction, rehabilitation, addition, or other improvement, the cost of which equals or exceeds 50% of the market value of the building before the "start of construction" of the improvement. This term does not include a building that has undergone reconstruction, rehabilitation, addition, or other improvement related to:

1. Any project or improvement of a building to correct existing violations of a state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic building," provided that the alteration will not preclude the structure's continued designation as a "historic building."

SUBSTANTIALLY IMPROVED PROPERTY. Either a substantially improved building or the contents within a substantially improved building, or both.

WRITE YOUR OWN (WYO) PROGRAM. A cooperative undertaking of the insurance industry and FEMA begun in October 1983. The Write Your Own (WYO) Program operates within the context of the NFIP and involves private insurance carriers who issue and service NFIP policies.

ZONE. A geographical area shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) that reflects the severity or type of flooding in the area.

4-7-3 Base Flood Elevation This ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

- 4-7-3-1 The base flood elevation for the floodplains of Mississippi River shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Rock Island County prepared by the Federal Emergency Management Agency and dated April 05, 2010.
- 4-7-3-2 The base flood elevation for each floodplain delineated as an "AH Zone" or AO Zone" shall be that elevation (or depth) delineated on the county wide flood insurance rate map of Rock Island County.
- 4-7-3-3 The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide flood insurance rate map of Rock Island County shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.
- 4-7-3-4 The base flood elevation for the floodplains of those parts of unincorporated Rock Island County that are within the extraterritorial jurisdiction of the Village of Andalusia, or that may be annexed into the Village of Andalusia, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Rock Island County prepared by the Federal Emergency Management Agency and dated April 5, 2010.

4-7-4 Duties of the Rock Island County Building Inspector The Rock Island County Building Inspector shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the Village of Andalusia meet the requirements of this ordinance. Specifically, the Building Inspector shall:

- 4-7-4-1 Process development permits in accordance with 4-8-5;
- 4-7-4-2 ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of 4-8-6;
- 4-7-4-3 ensure that the building protection requirements for all buildings subject to 4-8-7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or flood proof certificate;
- 4-7-4-4 assure that all subdivisions and annexations meet the requirements of 4-8-8;
- 4-7-4-5 ensure that water supply and waste disposal systems meet the Public Health standards of 4-8-9;

- 4-7-4-6 if a variance is requested, ensure that the requirements of 4-8-11 are met and maintain documentation of any variances granted;
- 4-7-4-7 inspect all development projects and take any and all penalty actions outlined in 4-8-13 as a necessary to ensure compliance with this ordinance;
- 4-7-4-8 assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- 4-7-4-9 notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- 4-7-4-10 provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- 4-7-4-11 cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;
- 4-7-4-12 maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;
- 4-7-4-13 perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and
- 4-7-4-14 maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

4-7-5 Development Permit

- 4-7-5-1 Permit and Compliance Required: No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Rock Island County Building Inspector. The Building Inspector shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.
- 4-7-5-2 Application for Permit: The application for development permit shall be accompanied by:
 - 4-7-5-2-1 drawings of the site, drawn to scale showing property line dimensions;
 - 4-7-5-2-2 existing grade elevations and all changes in grade resulting from excavation or filling;

- 4-7-5-2-3 the location and dimensions of all buildings and additions to buildings;
 - 4-7-5-2-4 the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of 4-8-7 of this ordinance, and
 - 4-7-5-2-5 cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- 4-7-5-3 **Review of Application:** Upon receipt of an application for a development permit, the Building Inspector shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance.
- 4-7-5-4 **Records of Ground Elevation:** The Rock Island County Building Inspector shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.
- 4-7-5-5 **Additional Required Permits:** The Rock Island County Building Inspector shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not- required letters that may be required for this type of activity. The Building Inspector shall not issue a permit unless all other federal, state, and local permits have been obtained.
- 4-7-6 Preventing Increased Flood Heights and Damages** Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:
- 4-7-6-1 Except as provided in 4-8-6(B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
 - 4-7-6-2 Bridge and culvert crossings of streams in rural areas meeting the following conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:

- 4-7-6-2-1 the crossing will not result in an increase in water surface profile elevation in excess of one (1.0') foot, and
 - 4-7-6-2-1-1 the crossing will not result in an increase in water surface profile elevation in excess of one-half (0.5') foot at a point one thousand (1,000') feet upstream of the proposed structure.
 - 4-7-6-2-1-2 There are no buildings in the area impacted by the increases in water surface profile.
 - 4-7-6-2-1-3 The proposed bridge or culvert crossing will not involve straightening, enlarging, or relocating the existing channel.
 - 4-7-6-2-1-4 The design must be certified by a licensed professional engineer in the State of Illinois and the designs must meet the conditions of an IDNR/OWR permit.
 - 4-7-6-2-1-5 The design must be certified by a second licensed professional engineer.
- 4-7-6-3 Barge fleeting facilities meeting the following conditions of IDNR/OWR Statewide Permit Number 3:
 - 4-7-6-3-1 The permit is only applicable when deadmen, pier cells, or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers.
- 4-7-6-3-2 Aerial utility crossings meeting the following conditions of IDNR/OWR Statewide Permit Number 4;
 - 4-7-6-3-2-1 The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge.
 - 4-7-6-3-2-2 A utility line attached to an existing bridge shall be constructed above the low cord elevation of the bridge.
 - 4-7-6-3-2-3 No supporting towers or poles shall be located in a river, lake or stream.
 - 4-7-6-3-2-4 Supporting towers including foundation and poles shall be designed and located so as to not cause an obstruction of flood flows by trapping debris.
 - 4-7-6-3-2-5 All disturbed areas shall be returned to pre-construction grades and re-vegetated.

- 4-7-6-3-2-6 All Illinois Commerce Commission, National Electrical Safety Code, and federal requirements must be met.
- 4-7-6-3-3 Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:
 - 4-7-6-3-3-1 The boat dock must not extend more than fifty (50') feet into a waterway and no more than one quarter (1/4) of the width of the waterway and shall not extend beyond the navigational limited established by the IDNR and Corps of Engineers.
 - 4-7-6-3-3-2 The width of the boat dock shall not be more than ten (10') feet.
 - 4-7-6-3-3-3 For L-Shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed fifty percent (50%) of the landowner's shoreline frontage nor fifty (50') feet.
 - 4-7-6-3-3-4 Docks must be aligned so as not to cross the projection of property lines into the waterway or come within ten (10') feet of the projected property line.
 - 4-7-6-3-3-5 Dock posts must be marked by reflective devices.
 - 4-7-6-3-3-6 The boat dock must be securely anchored to prevent detachment during times of high wind or water.
 - 4-7-6-3-3-7 Metal drums or containers may not be used as buoyancy units unless they are filled with floatation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.
 - 4-7-6-3-3-8 This permit does not authorize any other related construction activity such as shore protection or fill.
 - 4-7-6-3-3-9 Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.
 - 4-7-6-3-3-10 At any future date, the permittee must agree to make necessary modifications to the dock as determined by the IDNR or Corp of Engineers
- 4-7-6-3-4 Minor, non-obstructive activities meeting the following conditions of IDNR/OWR Statewide Permit Number 6:

4-7-6-3-4-1 the following activities (not involving fill or positive change in grade) are covered by this permit:

- 4-7-6-3-4-1-1 The construction of underground utility lines, wells, or septic tanks not crossing a lake or stream.
- 4-7-6-3-4-1-2 The construction of light poles, sign posts, and similar structures.
- 4-7-6-3-4-1-3 The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar structures.
- 4-7-6-3-4-1-4 The construction of properly anchored, unwallled, open structures such as playground equipment, pavilions, and carports.
- 4-7-6-3-4-1-5 The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) square feet in any dimension. Only one such building on a property is authorized by this statewide permit.
- 4-7-6-3-4-1-6 The raising of existing buildings, provided no changes are made to the outside dimensions of the building and the placement of fill is not involved.

4-7-6-3-5 Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:

- 4-7-6-3-5-1 Any outfall structure, including any headwall or end- section, shall not extend riverward or lake ward of the existing adjacent natural bank slope or adjacent bank protection.
- 4-7-6-3-5-2 The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures.
- 4-7-6-3-5-3 Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.

- 4-7-6-3-5-4 Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
- 4-7-6-3-6 Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:
 - 4-7-6-3-6-1 In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of three (3) feet of cover shall be provided. The river, lake or stream bed shall be returned to its original condition.
 - 4-7-6-3-6-2 Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
 - 4-7-6-3-6-3 Any utility crossing carrying material which may cause water pollution, as defined by the Illinois Environmental Protection Act (415 ILCS 5), shall be provided with shut-off valves on each side of the body of water to be crossed.
 - 4-7-6-3-6-4 If blasting is to be utilized in the construction of the crossing, the permittee shall notify the IDNR/OWR at least ten (10) days prior to the blasting date to allow monitoring of any related fish kills.
- 4-7-6-3-7 Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:

- 4-7-6-3-7-1 Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation, and treated timber. Urban areas are defined as: areas of the State where residential, commercial, or industrial development currently exists or, based on land use plans or controls, is expected to occur within ten (10) years. (The Department should be consulted if there is a question of whether or not an area is considered urban).
- 4-7-6-3-7-2 In addition to the materials listed in 4-8-6(A)(8) (a), other materials (e.g. tire revetments) may be utilized in rural areas provided all other conditions of this permit are met.
- 4-7-6-3-7-3 The following materials shall not be used in any case: auto bodies, garbage or debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which would cause water pollution as defined by the Illinois Environmental Protections Act (415 ILCS 5).
- 4-7-6-3-7-4 The affected length of shoreline, stream bank, or channel to be protected shall not exceed, either singularly or cumulatively, one thousand (1,000') feet.
- 4-7-6-3-7-5 All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.
- 4-7-6-3-7-6 Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.
- 4-7-6-3-7-7 Materials shall not be placed higher than the existing top of the bank.
- 4-7-6-3-7-8 Materials shall be placed so that the modified bank full- width and cross-sectional area of the channel will conform to or be no more restrictive than that of the natural channel upstream and downstream of the site.

- 4-7-6-3-7-9 For projects involving continuous placement of riprap along the bank, toe of the bank or other similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than ten percent (10%) nor the volume of material placed exceed two (2) cubic yards per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.
 - 4-7-6-3-7-9-1 If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area.
 - 4-7-6-3-7-9-2 Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.
 - 4-7-6-3-7-9-3 In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation, unless:
 - 4-7-6-3-7-10 It is constructed in alignment with an existing seawall(s) or gabion structure(s), and
 - 4-7-6-3-7-11 the volume of material placed, including the structure, would not exceed two (2) cubic yards per lineal foot.
 - 4-7-6-3-7-12 Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws and rules and shall not be placed in a floodway.
- 4-7-6-3-8 Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:

- 4-7-6-3-8-1 The accessory structure or building addition must comply with the requirements of the local floodplain ordinance.
- 4-7-6-3-8-2 The principle structure to which the project is being added must have been in existence on the effective date of this permit (July 25, 1988).
- 4-7-6-3-8-3 The accessory structure or addition must not exceed five hundred (500) square feet in size and must not deflect floodwaters onto another property, and
- 4-7-6-3-8-4 must not involve the placement of any fill material.
- 4-7-6-3-8-5 No construction shall be undertaken in, or within fifty (50') feet of the bank of the stream channel.
- 4-7-6-3-8-6 The accessory structure or addition must be properly anchored to prevent its movement during flood conditions.
- 4-7-6-3-8-7 Only one accessory structure or addition to an existing structure shall be authorized by this permit; plans for any subsequent addition must be submitted to IDNR/OWR for review.
- 4-7-6-3-8-8 Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas shall be seeded or otherwise stabilized upon completion of construction.
- 4-7-6-3-9 Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:
 - 4-7-6-3-9-1 The affected length of the stream shall not either singularly or cumulatively exceed one thousand (1,000') feet.
 - 4-7-6-3-9-2 The project shall not include the construction of any new channel; all work must be confined to the existing channel or to reestablishing flows in the natural stream channel, and
 - 4-7-6-3-9-3 the cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and downstream of the site.

- 4-7-6-3-9-4 Dredged or spoil material shall not be disposed of in a wetland and shall be either:
 - 4-7-6-3-9-4-1 removed from the floodway;
 - 4-7-6-3-9-4-2 used to stabilize an existing bank provided no materials would be placed higher than the existing top of bank and provided the cross-sectional area of the natural channel would not be reduced by more than ten percent (10%), nor the volume of material placed exceed two (2) cubic yards per lineal foot of streambank;
 - 4-7-6-3-9-4-3 used to fill an existing washed out or scoured floodplain area such that the average natural floodplain elevation is not increased;
 - 4-7-6-3-9-4-4 used to stabilize an existing levee provided the height of the levee would not be increased nor its alignment changed;
 - 4-7-6-3-9-4-5 placed in a disposal site previously approved by the Department in accordance with the conditions of the approval, or
 - 4-7-6-3-9-4-6 used for beach nourishment, provided the material meets all applicable water quality standards.
- 4-7-6-3-9-5 Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.
- 4-7-6-3-10 Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:
 - 4-7-6-3-10-1 A licensed professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:
 - 4-7-6-3-10-1-1 No buildings or structures have been impacted by the backwater induced by the existing structure, and

4-7-6-3-10-1-2 there is no record of complaints of flood damages associated with the existing structure.

- i. A licensed professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge.
- ii. The project shall not include any appreciable raising of the approach roads. (This condition does not apply if all points on the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR).
- iii. The project shall not involve the straightening, enlargement or relocation of the existing channel of the river or stream except as permitted by the Department's Statewide Permit Number 9 (Minor Shoreline, channel and Streambank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).
- iv. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above conditions.

4-7-6-3-11 Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:

- 4-7-6-3-11-1 No temporary construction activity shall be commenced until the individual permittee determines that the permanent structure (if any) for which the work is being performed has received all required federal, state and local authorizations.

- 4-7-6-3-11-2 The term "temporary" shall mean not more than one construction season. All temporary construction materials must be removed from the stream and floodway within one year of their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive material placement shall not occur without the review and approval of the IDNR/OWR.
 - 4-7-6-3-11-3 The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties. For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks.
 - 4-7-6-3-11-4 This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee, or dike across any channel or floodway.
 - 4-7-6-3-11-5 No temporary structure shall be placed within any river or stream channel until a licensed professional engineer determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of this statewide permit. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure.
 - 4-7-6-3-11-6 The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above condition.
 - 4-7-6-3-11-7 Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction.
 - 4-7-6-3-11-8 Materials used for the project shall not cause water pollution as defined by the Illinois Environmental Protection Act (415 ILCS 5).
 - 4-7-6-3-11-8-1 Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.
- 4-7-6-4 Other development activities not listed in 4-8-6(A) may be permitted only if:

- 4-7-6-4-1 permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or
- 4-7-6-4-2 sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

4-7-7 Protecting Buildings

- 4-7-7-1 Application of Provisions: In addition to the damage prevention requirements of 4-8-6 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:
 - 4-7-7-1-1 Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or seventy (70') square feet.
 - 4-7-7-1-2 Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively during a 10-year period. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
 - 4-7-7-1-3 Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during the life of the building. If substantially damaged the entire structure must meet the flood protection standards of this section.
 - 4-7-7-1-4 Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).
 - 4-7-7-1-5 Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
 - 4-7-7-1-6 Repetitive loss to an existing building as defined in 4-8-2(B).
- 4-7-7-2 Residential and Non-residential Buildings: Residential or non-residential buildings can meet the building protection requirements by one of the following methods:
 - 4-7-7-2-1 The building may be constructed on permanent landfill in accordance with the following:

- 4-7-7-2-1-1 The lowest floor (including basement) shall be at or above the flood protection elevation.
 - 4-7-7-2-1-2 The fill shall be placed in layers no greater than six (6") inches before compaction and should extend at least ten (10') feet beyond the foundation before sloping below the flood protection elevation;
 - 4-7-7-2-1-3 The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
 - 4-7-7-2-1-4 The fill shall be composed of rock or soil and not incorporated debris or refuse material; and
 - 4-7-7-2-1-5 shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.
- 4-7-7-2-2 The building may be elevated on solid walls in accordance with the following:
- 4-7-7-2-2-1 The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
 - 4-7-7-2-2-2 The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
 - 4-7-7-2-2-3 If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, and

- 4-7-7-2-2-4 the foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
 - 4-7-7-2-2-4-1 All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
 - 4-7-7-2-2-4-2 Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
 - 4-7-7-2-2-4-3 The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or
 - 4-7-7-2-2-4-4 in lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
- 4-7-7-2-3 The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
 - 4-7-7-2-4 The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - 4-7-7-2-5 Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.
 - 4-7-7-2-6 The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.
 - 4-7-7-2-7 The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.

- 4-7-7-2-8 An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
- 4-7-7-2-9 Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
- 4-7-7-2-10 utility systems within the crawlspace must be elevated above the flood protection elevation.
- 4-7-7-3 Non-residential buildings may be structurally dry flood proofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:
 - 4-7-7-3-1 Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
 - 4-7-7-3-2 The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
 - 4-7-7-3-3 Flood proofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
 - 4-7-7-3-4 Levees, berms, floodwalls and similar works are not considered flood proofing for the purpose of this subsection.
- 4-7-7-4 Manufactured homes or travel trailers to be permanently installed on site shall be:
 - 4-7-7-4-1 Elevated to or above the flood protection elevation in accordance with 4-8-7(B), and
 - 4-7-7-4-2 anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL. Adm. Code § 870.
- 4-7-7-5 Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of section 7(D) unless the following conditions are met:
 - 4-7-7-5-1 The vehicle must be either self-propelled or towable by a light duty truck.
 - 4-7-7-5-2 The hitch must remain on the vehicle at all times.

- 4-7-7-5-3 The vehicle must not be attached to external structures such as decks and porches
- 4-7-7-5-4 The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
- 4-7-7-5-5 The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.
- 4-7-7-5-6 The vehicle's wheels must remain on axles and inflated.
- 4-7-7-5-7 Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
- 4-7-7-5-8 Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.
- 4-7-7-5-9 The vehicle must be licensed and titled as a recreational vehicle or park model, and
- 4-7-7-5-10 must either:
 - 4-7-7-5-10-1 entirely be supported by jacks, or
 - 4-7-7-5-10-2 have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.
- 4-7-7-6 Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:
 - 4-7-7-6-1 The garage or shed must be non-habitable.
 - 4-7-7-6-2 The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
 - 4-7-7-6-3 The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
 - 4-7-7-6-4 The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.
 - 4-7-7-6-5 Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
 - 4-7-7-6-6 All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.

- 4-7-7-6-7 The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.
- 4-7-7-6-8 The garage or shed must be less than ten thousand dollars (\$10,000) in market value or replacement cost whichever is greater or less than five hundred (500) square feet.
- 4-7-7-6-9 The structure shall be anchored to resist floatation and overturning.
- 4-7-7-6-10 All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
- 4-7-7-6-11 The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

4-7-8 Subdivision Requirements

- 4-7-8-1 The Village of Andalusia shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.
 - 4-7-8-1-1 New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Sections 6 and 7 of this ordinance. Any proposal for such development shall include the following data:
 - 4-7-8-1-1-1 The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
 - 4-7-8-1-1-2 the boundary of the floodway when applicable, and
 - 4-7-8-1-1-3 a signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).
 - 4-7-8-1-2 Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

4-7-9 Public Health and Other Standards

- 4-7-9-1 Public health standards must be met for all floodplain development. In addition to the requirements of 4-8-6 and 4-8-7 of this ordinance the following standards apply:
- 4-7-9-1-1 No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a flood proofed and anchored storage tank and certified by a professional engineer or flood proofed building constructed according to the requirements of 4-8-7 of this ordinance.
 - 4-7-9-1-2 Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
 - 4-7-9-1-3 Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - 4-7-9-1-4 New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other aboveground openings located below the flood protection elevation shall be watertight.
 - 4-7-9-1-5 Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry flood proofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

- 4-7-9-2 All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

4-7-10 Carrying Capacity and Notification For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, the Village of Andalusia shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

4-7-11 Variances

- 4-7-11-1 Authority: Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Village of Andalusia for a variance. The Village of Andalusia shall review the applicant's request for a variance and shall submit its recommendation to the Village of Andalusia Board. The Village of Andalusia Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.
- 4-7-11-2 No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
- 4-7-11-2-1 The development activity cannot be located outside the floodplain.
 - 4-7-11-2-2 An exceptional hardship would result if the variance were not granted.
 - 4-7-11-2-3 The relief requested is the minimum necessary.
 - 4-7-11-2-4 There will be no additional threat to public health, safety or creation of a nuisance.
 - 4-7-11-2-5 There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
 - 4-7-11-2-6 The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
 - 4-7-11-2-7 all other state and federal permits have been obtained.

4-7-11-3 The Village of Andalusia shall notify an applicant in writing that a variance from the requirements of the building protections standards of 4-8-7 that would lessen the degree of protection to a building will:

4-7-11-3-1 Result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;

4-7-11-3-2 increase the risk to life and property, and

4-7-11-3-3 require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

4-7-11-4 Variances to the building protection requirements of 4-8-7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of 4-8-6 and 4-8-7 of this ordinance subject to the conditions that:

4-7-11-4-1 The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.

4-7-11-4-2 The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

4-7-12 Disclaimer of Liability The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the Village of Andalusia or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

4-7-13 Violation; Penalty

4-7-13-1 Determination of Violation: Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the Building Inspector may determine that a violation of the minimum standards of this ordinance exists. The Building Inspector shall notify the owner in writing of such violation.

4-7-13-2 Penalties: If such owner fails after ten (10) days' notice to correct the violation:

- 4-7-13-2-1 The Village of Andalusia shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.
- 4-7-13-2-2 Any person who violates this ordinance shall upon conviction thereof be fined not less than fifty dollars (\$50) or more than seven hundred fifty (\$750) for each offense.
- 4-7-13-2-3 A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and
- 4-7-13-2-4 The village of Andalusia shall record a notice of violation on the title of the property.

4-7-13-3 Notice of Insurance and Development of Suspension; Hearing:

- 4-7-13-3-1 The Rock Island County Building Inspector shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- 4-7-13-3-2 The Building Inspector is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.
- 4-7-13-3-3 No site development permit shall be permanently suspended or revoked until a hearing is held by the Village of Andalusia Board. Written notice of such hearing shall be served on the permittee and shall state:
 - 4-7-13-3-3-1 The grounds for the complaint, reasons for suspension or revocation, and
 - 4-7-13-3-3-2 the time and place of the hearing.
- 4-7-13-3-4 At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Village of Andalusia Board shall determine whether the permit shall be suspended or revoked.

4-7-13-4 Other Actions: Nothing herein shall prevent the Village of Andalusia from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

4-7-14 Abrogation and Greater Restrictions This ordinance repeals and replaces other ordinances adopted by the Village of Andalusia to fulfill the requirements of the National Flood Insurance Program including: October 18, 2002. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

4-7-15 Severability The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

TITLE 5

FIRE

<u>Subject</u>	<u>Chapter</u>
Explosives; Fireworks	1
Fire Regulations	2

CHAPTER 1

EXPLOSIVES; FIREWORKS

SECTION:

- 5-1-1 Fireworks
- 5-1-2 Explosive Materials and Devices
- 5-1-3 Rules
- 5-1-4 Permit Requirements
- 5-1-5 Penalty:

5-1-1 Fireworks It shall be unlawful to sell, store, discharge or set off any fireworks or give any pyrotechnic displays in the Village except in connection with public exhibitions as herein provided.

No public exhibition of fireworks or pyrotechnics shall be given unless a permit therefor is first secured from the President and Village Board. All such public displays shall be under the supervision of a competent adult person. It shall be unlawful for any person to offer for sale or keep for the purpose of selling any fireworks in the Village at any time. (M.C. 1949; Sec. 538)

5-1-2 Explosive Materials and Devices It shall be unlawful to keep or store any nitroglycerine, T.N.T., or other explosive substances, materials, or devices in the Village in any quantities, excepting for medicinal or laboratory purposes and for such purposes, no more than one pound shall be stored in any one building or premises. (M.C. 1949; Sec. 539)

5-1-3 Rules All explosives must be kept or stored in accordance with the rules of the State Fire Marshal, subject to the provisions of this Chapter. (M.C. 1949, Sec. 540)

5-1-4 Permit Requirements The minimum requirements each adult applicant must meet in order to qualify for issuance of a permit are as follows:

- 5-1-4-1 Applicant must submit a written application for a permit at least fifteen (15) days in advance of the date of the pyrotechnic display.
- 5-1-4-2 The pyrotechnic display service must be provided by a licensed pyrotechnic distributor. The display must be conducted by a licensed pyrotechnic distributor and a licensed lead pyrotechnic operator.

5-1-4-3 Applicant must show proof of liability insurance in a sum not less than one million dollars (\$1,000,000.00) with an insurance company authorized to do business in Illinois.

5-1-4-4 The fire chief or his designee for the Andalusia Fire Protection District must inspect the display site and ensure the display can be performed in full compliance with the NFPA standards adopted and amended by the OSFM rules, part 235, for the type of pyrotechnic display to be performed. Further, the chief of the fire department providing fire protection must sign the display permit.

5-1-5 Penalty: Any person violating any provision of this Chapter shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949; Sec. 541)

In the event a person is accused of a violation of the preceding section and does not wish to contest said allegation said person so accused may pay to the Village, at the Village Hall, a penalty in the sum of one hundred dollars (\$100.00) for and in full satisfaction of said violation.

CHAPTER 2

FIRE REGULATIONS

SECTION:

- 5-2-1 Adoption of Fire Prevention Code
- 5-2-2 Removal of Apparatus
- 5-2-3 Open Burning
- 5-2-4 Dense Smoke
- 5-2-5 Fires on Public Property
- 5-2-6 Burning on Public Streets, Sidewalks or Alleys
- 5-2-7 Burn or Demolish Building
- 5-2-8 Penalty

5-2-1 Adoption of Fire Prevention Code There is hereby adopted by reference and for fire protection the Code adopted by the Fire Protection District serving the Village of Andalusia.

5-2-2 Removal of Apparatus It shall be unlawful to remove from its proper place any fire apparatus or appliances except for inspection or in case of emergency. (M.C.1949; Sec. 546)

5-2-3 Open Burning Burn Days: Monday thru Sunday it shall be lawful to burn landscape waste. Landscape waste is defined as: shrubbery, leaves and tree limbs. Burning of green or wet grass is prohibited. Burning shall be prohibited during school hours.

Burning of rubbish or trash is strictly prohibited in the Village of Andalusia: Rubbish shall include: garbage or waste materials from construction demolition or renovation of buildings.

Boundary Limitations: The burning of landscape waste shall not be conducted within twenty-five (25) feet of any structure. Fires may not exceed eight (8) feet in diameter.

Attendance of Open Fires: When burning landscape waste, all fires shall be attended by a competent person until such fires are extinguished. The person attending such fire shall have a garden hose connected to a working water supply or other fire extinguishing equipment readily available for use as long as the fire has not been extinguished.

Fire Chief: The fire chief may prohibit any or all such fires when atmospheric conditions or other local circumstances make such fires hazardous. Prohibitive burning will be communicated by the local fire chief.

Complaints: The Rock Island County Sheriff's Department will handle all complaints regarding such fires. The minimum fine shall be fifty (\$50.00) dollars and the maximum fine shall be five hundred (\$500.00) dollars and/or resulting damage of such fires.

- 5-2-4 Dense Smoke** It shall be unlawful to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the Village so as to cause annoyance or discomfort to the residents thereof.

For the purpose of testing and grading the density of smoke, the Ringelmann Smoke Chart as published and used by the United States Geological Survey shall be and is hereby adopted as a standard for such grading, and smoke shall be, and is hereby, defined as and declared to be "dense" when it is of a degree of density of number three (3) of said chart, or greater, for more than six (6) minutes in any one hour whether such period of time is consecutive or not. (M.C. 1949, Sec.460)

- 5-2-5 Fires on Public Property** It shall be unlawful to build or light any bonfire on any public grounds maintained for recreational purposes or so close to any building or other structure as to endanger such building or structure, sidewalk or pavement. (M.C. 1949, Sec. 601)

- 5-2-6 Burning on Public Streets, Sidewalks or Alleys** It shall be unlawful for any person to burn leaves, paper rubbish or other substances upon any of the public streets, sidewalks, or alleys in the village.

- 5-2-7 Burn or Demolish Building** It is hereby declared to be unlawful to willfully burn and/or demolish any building without first obtaining a permit in writing from the Village Clerk and the Fire Marshal after first having received permission from the Village Board and the Board of the applicable Fire Protection District.

Any person violating any of the provisions of this Section shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00), upon conviction, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation as aforementioned of this Section is committed, continued or permitted. (Ord.282; 4-20-70)

- 5-2-8 Penalty** Any person violating any provision of this Chapter, and where no other penalty is provided, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949; Sec. 549)

TITLE 6

PUBLIC SAFETY

<u>Subject</u>	<u>Chapter</u>
General Offenses	1
Animals	2
Dogs and Cats	3
Public Gatherings	4
Curfew	5
Plants and Weeds	6
Offenses Involving Children	7
Declaration of Civil Emergency	8

CHAPTER 1

GENERAL OFFENSES

SECTION:

- 6-1-1 Abandoned, Discarded Motor Vehicles
- 6-1-2 Advertising
- 6-1-3 Assault or Battery
- 6-1-4 Littering
- 6-1-5 Criminal Damage, Trespass to Property
- 6-1-6 Discharge of Firearms
- 6-1-7 Disorderly Conduct
- 6-1-8 Disturbing Assemblages
- 6-1-9 Gambling
- 6-1-10 Harassment through Electronic Communication
- 6-1-11 Hunting
- 6-1-12 Intoxication
- 6-1-13 Junk Dealers
- 6-1-14 Vagrants
- 6-1-15 Depositing or Throwing Objects
- 6-1-16 Obstructing Stairways, Exits
- 6-1-17 Posting Bills
- 6-1-18 Prostitution
- 6-1-19 Resisting, Obstructing Peace Officer
- 6-1-20 Scaffolds
- 6-1-21 Soliciting or Peddling
- 6-1-22 Unlawful Assemblages
- 6-1-23 Unsafe Machinery, Vehicles
- 6-1-24 Weapons
- 6-1-25 Whistles
- 6-1-26 Swimming in Creeks
- 6-1-27 Liquor, School Premises
- 6-1-28 Insufficient Personal Checks in Payment of Village Fees
- 6-1-29 Regulating Controlled Substances
- 6-1-30 Tobacco Possession
- 6-1-31 Disturbing the Peace-Prohibited
- 6-1-32 Prohibiting Entertainment Involving Nudity
- 6-1-33 Possession of Cannabis
- 6-1-34 Prowling
- 6-1-35 Indecent publications

6-1-1 Abandoned, Discarded Motor Vehicles International Property Maintenance Code (Ord. 2016-09-01) applies.

The Illinois "Litter Control Act" applies. (415 ILCS 105/1) (Source: P.A. 78-837.) No person shall abandon a motor vehicle on any highway, on any public property or on any private property of which he is not the owner or tenant in lawful possession in this State. The person to whom last was issued the certificate of title to the vehicle by the Secretary of State is presumed to be the person to have abandoned that vehicle, but such presumption may be rebutted. (Source: P.A. 78-837.)

Property owners in violation will be issued and Ordinance Violation notice. They have thirty (30) days to either repair or remove the vehicle. If after thirty (30) days, a summons will be issued by the Rock Island County Sheriff's Department for a hearing to be held at the Rock Island City Council Chambers, third floor, 1528 Third Avenue, Rock Island, Illinois, 61201.

6-1-2 Advertising

6-1-2-1 Advertising: It shall be unlawful to advertise any unlawful business or article in the Village and it is unlawful to injure or deface any lawful advertisement or notice. (M.C. 1949, Sec. 599)

6-1-2-2 Medical Advertisements: It shall be unlawful for any person by himself, or his agent or servant to distribute, cast, throw, place, or cause to be distributed, thrown, cast or placed in, upon or along any of the streets, alleys or other public places of the Village, or upon the porches or yard of any private resident therein, or within any dwelling or building in the Village, any samples or merchandise or medicinal preparations for the purpose or within the intent of advertising or making known in a general or promiscuous manner any business, occupation, proposition, medical treatment, medicine, or any other article whatsoever. (M.C. 1949, Sec. 609)

6-1-3 Assault or Battery

6-1-3-1 Assault: A person commits the offense of assault when he knowingly intentionally without lawful authority engages in conduct which places another person in reasonable apprehension of receiving bodily harm physical contact of an insulting or provoking nature.

6-1-3-2 A person commits an aggravated assault when in committing an assault, he:

6-1-3-2-1 uses a deadly weapon; or

6-1-3-2-2 is hooded, robed, masked, or marked in such a manner as to conceal his identity; or

- 6-1-3-2-3 knows the individual assaulted is a teacher or person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes; or.
- 6-1-3-2-4 knows the individual assaulted is a supervisor; director, instructor, or other person employed in any park district and such supervisor, director, instructor, or other employee is upon the grounds of the park, or grounds adjacent thereto, or in any part of a building used for park purposes; or.
- 6-1-3-2-5 knows the individual assaulted is a caseworker, investigator, or person employed by the State Department of Public Aid or a County Department of Public Aid and such caseworker, investigator, or person is
 - 6-1-3-2-5-1 upon the grounds of a public aid office or grounds adjacent to a public aid office; or
 - 6-1-3-2-5-2 in any part of a building used for public aid purposes; or
 - 6-1-3-2-5-3 on the grounds of the home of a public aid applicant or recipient person being interviewed or investigated in the employee's discharge of his duties; or
 - 6-1-3-2-5-4 on grounds adjacent to the home of the public aid applicant or recipient person being interviewed or investigated in the employee's discharge of his duties; or
 - 6-1-3-2-5-5 in any part of a building in which a public aid applicant or recipient person being investigated in the employee's discharge of his duties resides or is located; or
- 6-1-3-2-6 in doing so, he knows the individual assaulted is a

- 6-1-3-2-6-1 peace officer or firefighter who at the time is engaged in the execution of and he assaults that officer or firefighter to prevent him from performing and he assaults that officer or firefighter in retaliation for performing his official duties; or
- 6-1-3-2-6-2 person summoned or directed by a peace officer who at the time is engaged in the execution of and he assaults that person to prevent that peace officer from performing and he assaults that person in retaliation for that person helping the peace officer perform his official duties; or
- 6-1-3-2-7 in doing so, he knows the individual assaulted is an emergency medical technician, an ambulance driver, a medical assistant, or a first aid attendant, employed by a municipality or other governmental unit who at the time was engaged in the execution of and he assaults that individual to prevent him from performing and he assaults that individual in retaliation for that individual performing his official duties; or
- 6-1-3-2-8 In doing so, he knows the individual assaulted is the driver, operator, employee, or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is
 - 6-1-3-2-8-1 then performing in such capacity; or
 - 6-1-3-2-8-2 then using such public transportation as a passenger; or
 - 6-1-3-2-8-3 using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location; or
- 6-1-3-2-9 the person he assaults is, at the time of the assault, on or about a public way, public property, or public place of accommodation or amusement; or
- 6-1-3-2-10 in doing so, he knows the individual assaulted is an employee of the State of Illinois, a municipal corporation of the State of Illinois, or a political subdivision of the State of Illinois engaged in the performance of his authorized duties as such employee; or
- 6-1-3-2-11 the other person is physically handicapped. A physically handicapped person is a person who suffers from a

permanent and disabling physical characteristic, resulting from disease, injury, functional disorder, or congenital condition; or

6-1-3-2-12 the other person is an individual of 60 years of age or older; or

6-1-3-2-13 in doing so, he discharges a firearm; or

6-1-3-2-14 in doing so, he knows the individual assaulted is a correctional officer who at the time is engaged in the execution of and he assaults the employee to prevent him from performing and he assaults the employee in retaliation for performing his official duties; or

6-1-3-2-15 in doing so, he knows the individual assaulted is a correctional employee who at the time is engaged in the execution of and he assaults the employee to prevent him from performing and he assaults the employee in retaliation for performing his official duties. (720 ILCS 5/12-1)

6-1-3-3 Battery: A person commits the offense of battery, when he intentionally or knowingly without legal justification and by any means (1) causes bodily harm to an individual or (2) makes physical contact of an insulting or provoking nature with an individual.

6-1-3-4 Aggravated Battery: A person who, in committing battery intentionally or knowingly without legal justification and by any means causes great bodily harm, permanent disability, or permanent disfigurement to another person.

6-1-4 Littering "Litter Control Act". The Village of Andalusia finds that adoption of the Illinois Litter Control Act is necessary to provide for uniform prohibition throughout the State of all littering on public or private property to protect the health, safety, and welfare of the people of the State of Illinois. (415 ILCS 105/3) (From Ch. 38, par. 86-3) (Source: P.A. 78-837.)

Sec. 3. As used in this Act, unless the context otherwise requires:

(a) "Litter" means any discarded, used, or unconsumed substance or waste. "Litter" may include, but is not limited to, any garbage, trash, refuse, cigarettes, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, abandoned vehicle (as defined in the Illinois Vehicle Code), motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, potentially infectious medical waste as defined in Section 3.360 of the Environmental Protection Act, or anything else of an unsightly or unsanitary nature, which has been discarded,

abandoned or otherwise disposed of improperly.

- (b) "Motor vehicle" has the meaning ascribed to that term in Section 1-146 of the Illinois Vehicle Code.
- (c) "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, or any other legal entity, or their legal representative, agent or assigns. (415 ILCS 105/4) (From Ch. 38, par. 86-4)

Sec. 4. No person shall dump, deposit, drop, throw, discard, leave, cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of litter upon any public or private property in this State, or upon or into any river, lake, pond, or other stream or body of water in this State, unless:

- (a) the property has been designated by the State or any of its agencies, political subdivisions, units of local government or school districts for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the Pollution Control Board;
- (b) the litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;
- (c) the person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard;
- (d) the person is acting under the direction of proper public officials during special cleanup days; or
- (e) the person is lawfully acting in or reacting to an emergency where health and safety is threatened, and removes and properly disposes of such litter, including, but not limited to, potentially infectious medical waste as defined in Section 3.360 of the Environmental Protection Act, when the emergency situation no longer exists. (Source: P.A. 92-574, eff. 6-26-02.)

Sec. 5. No person shall dump, deposit, drop, throw, discard or otherwise dispose of litter from any motor vehicle upon any public highway, upon any public or private property or upon or into any river, lake, pond, stream or body of water in this State except as permitted under any of paragraphs (a) through (e) of Section 4. Nor shall any person transport by any means garbage or refuse from any dwelling, residence, place of business, farm or other site to and deposit such material in, around or on top of trash barrels or other

receptacles placed along public highways or at roadside rest areas. (415 ILCS 105/5) (From Ch. 38, par. 86-5) (Source: P.A. 78-837.)

Sec. 6. No person shall allow litter to accumulate upon real property, of which the person charged is the owner or tenant in control, in such a manner as to constitute a public nuisance or in such a manner that the litter may be blown or otherwise carried by the natural elements on to the real property of another person. (415 ILCS 105/6) (From Ch. 38, par. 86-6) (Source: P.A. 78-837.)

It shall be unlawful to permit or store or throw any refuse in such a way as to create a fire hazard, or to store or throw any refuse of any kind on any street, alley or other public place. (M.C. 1949; Sec. 587)

6-1-5 Criminal Damage, Trespass to Property

6-1-5-1 Criminal Damage to Property: Whoever commits any of the following acts shall be fined as hereinafter provided:

- 6-1-5-1-1 Knowingly damages any property of another without his consent; or
- 6-1-5-1-2 Recklessly by means of fire or explosive, damages property of another, or
- 6-1-5-1-3 Knowingly starts a fire on the land of another without his consent, or
- 6-1-5-1-4 Knowingly injures a domestic animal of another without consent, or
- 6-1-5-1-5 Knowingly deposits on the land or in the building of another without his consent, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building.
- 6-1-5-1-6 knowingly damages any property, other than as described in paragraph (2) of subsection (a) of Section 20-1, with intent to defraud an insurer;
- 6-1-5-1-7 knowingly, without proper authorization, cuts, injures, damages, defaces, destroys, or tampers with any fire hydrant or any public or private firefighting equipment, or any apparatus appertaining to firefighting equipment; or intentionally, without proper authorization, opens any fire hydrant. (720 ILCS 5/Art. 21, Subdiv. 1 heading) (Source: P.A. 97-1108, eff. 1-1-13.)

6-1-5-2 Criminal Trespass to Vehicles: A person commits criminal trespass to vehicles when he or she knowingly and without authority enters any part of or operates any vehicle, aircraft, watercraft or snowmobile. Criminal trespass to vehicles is a Class A misdemeanor. 720 ILCS 5/21-2) (from Ch. 38, par. 21-2) (Source: P.A. 97-1108, eff. 1-1-13.).

6-1-5-3 Criminal Trespass to Land:

6-1-5-3-1 Whoever enters land or any part thereof of another, after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or remains upon the land of another after receiving notice from the owner or occupant to depart, shall be fined as herein provided.

6-1-5-3-2 A person has received notice from the owner or occupant within the meaning of subsection (A), if he has been notified personally, either orally or in writing, or if a printed notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof. (Ord. 255, 6-20-66)

6-1-5-4 Injury to Public Property: It shall be unlawful to injure, deface, or interfere with any property belonging to the Village without proper authority from the Village Board. (Amd. Ord. 338, 1-3-77)

6-1-6 Discharge of Firearms It shall be unlawful to discharge any firearm, air gun, cross bow, bow and arrow or slingshot with wrist rest in the Village. This Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty, nor any citizen to discharge a firearm when lawfully defending his person or property. (Amd. Ord. 552, 5-4-1998)

This Section shall not be construed to prohibit archery or slingshot practice on private property by adults, or under proper supervision by adults, provided that the archery or slingshot practice is conducted with an adequate backstop and in a direction where no occupied dwelling is within 100 yards. (Amd. Ord. 4-4-2022)

6-1-7 Disorderly Conduct Elements of the Offense. A person commits disorderly conduct when he knowingly:

- 6-1-7-1 Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;
- 6-1-7-2 Transmits or causes to be transmitted in any manner to the Fire Department of any city, town or village a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or
- 6-1-7-3 Transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in a place where its explosion or release would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that the bomb, explosive, or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in the place; or
- 6-1-7-4 Transmits or causes to be transmitted a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session; or
- 6-1-7-5 Transmits or causes to be transmitted in any manner to any peace officer, public officer, or public employee a report to the effect that an offense will be committed, is being committed, or has been committed knowing at the time of the transmission that there is no reasonable ground for believing that the offense will be committed, is being committed, or has been committed; or
- 6-1-7-6 Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting the report is necessary for the safety and welfare of the public; or
- 6-1-7-7 Calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency; or

- 6-1-7-8 Transmits or causes to be transmitted a false report to the Department of Children and Family Services under Section 4 of the Abused and Neglected Child Reporting Act; or
- 6-1-7-9 Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act; or
- 6-1-7-10 Transmits or causes to be transmitted in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that the assistance is required; or
- 6-1-7-11 Transmits or causes to be transmitted a false report under Article II of Public Act 83-1432;
- 6-1-7-12 Enters upon the property of another and, for a lewd or unlawful purpose, deliberately looks into a dwelling on the property through any window or other opening in it; or
- 6-1-7-13 While acting as a collection agency as defined in the Collection Agency Act or as an employee of the collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor, which is designed to harass, annoy, or intimidate the alleged debtor.
- 6-1-7-14 Disorderly conduct at a funeral or memorial service.
 - 6-1-7-14-1 Due to the unique nature of funeral and memorial services and the heightened opportunity for extreme emotional distress on such occasions, the purpose of this Section is to protect the privacy and ability to mourn of grieving families directly before, during, and after a funeral or memorial service.

6-1-7-14-2 Definitions:

- 6-1-7-14-2-1 "Funeral" means the ceremonies, rituals, processions, and memorial services held at a funeral site in connection with the burial, cremation, or memorial of a deceased person.
- 6-1-7-14-2-2 "Funeral site" means a church, synagogue, mosque, funeral home, mortuary, cemetery, gravesite, mausoleum, or other place at which a funeral is conducted or is scheduled to be conducted within the next 30 minutes or has been conducted within the last 30 minutes.
- 6-1-7-14-3 A person commits the offense of disorderly conduct at a funeral or memorial service when he or she:
 - 6-1-7-14-3-1 engages, with knowledge of the existence of a funeral site, in any loud singing, playing of music, chanting, whistling, yelling, or noisemaking with, or without, noise amplification including, but not limited to, bullhorns, auto horns, and microphones within 300 feet of any ingress or egress of that funeral site, where the volume of such singing, music, chanting, whistling, yelling, or noisemaking is likely to be audible at and disturbing to the funeral site;
 - 6-1-7-14-3-2 displays, with knowledge of the existence of a funeral site and within 300 feet of any ingress or egress of that funeral site, any visual images that convey fighting words or actual or veiled threats against any other person; or
 - 6-1-7-14-3-3 with knowledge of the existence of a funeral site, knowingly obstructs, hinders, impedes, or blocks another person's entry to or exit from that funeral site or a facility containing that funeral site, except that the owner or occupant of property may take lawful actions to exclude others from that property.
- 6-1-7-14-4 Disorderly conduct at a funeral or memorial service is a Class C misdemeanor. A second or subsequent violation is a Class 4 felony.
- 6-1-7-14-5 If any clause, sentence, section, provision, or part of this Section or the application thereof to any person or circumstance is adjudged to be unconstitutional, the remainder

of this Section or its application to persons or circumstances other than those to which it is held invalid, is not affected thereby. (720 ILCS 5/26-6) (Source: P.A. 97-359, eff. 8-15-11.)

6-1-8 Disturbing Assemblages It shall be unlawful for any person to disturb any lawful assemblage or gathering in the Village. (M.C. 1949, Sec. 594)

6-1-9 Gambling

DEFINITION: Any participant in any of the following activities shall not be convicted of gambling. Any charitable game including but not limited to trivia nights, roulette, blackjack, poker, pull tabs, craps, bang, beat the dealer, big six, gin rummy, five card stud poker, chuck-a-luck, keno, hold-em poker and merchandise wheel conducted pursuant to and in strict compliance with the Charitable Games Act 230 ILCS30/1.

A license is required for any and all charitable events held in the Village of Andalusia. There is a maximum of 12 licenses per year and each license shall have an eight (8) hour maximum limit. The charity must be declared before the license is issued.

FEE: There is a fee of \$100.00 per charitable license issued. All license fees shall be deposited in the Park and Recreation Fund. (Ordinance Number 635; 1-22-07)

6-1-10 Harassment through Electronic Communication Conduct known hereafter as harassment through electronic communication is hereby declared a violation of Village ordinance and prohibited conduct. (720 ILCS 135/ Harassing and Obscene Communications Act.)

6-1-10-1 Harassment through electronic communications is the use of electronic communication for any of the following purposes:

- 6-1-10-1-1 Making any comment, request, suggestion or proposal which is obscene with an intent to offend;
- 6-1-10-1-2 Interrupting, with the intent to harass, the telephone service or the electronic communication service of any person;
- 6-1-10-1-3 Transmitting to any person, with the intent to harass and regardless of whether the communication is read in its entirety or at all, any file, document, or other communication which prevents that person from using his or her telephone service or electronic communications device;
- 6-1-10-1-4 Transmitting an electronic communication or knowingly inducing a person to transmit an electronic communication for

the purposes of harassing another person who is under thirteen years of age, regardless of whether the person under thirteen years of age consents to the harassment, if the defendant is at least sixteen years of age at the time of the commission of the offense;

6-1-10-1-5 Threatening injury to the person or to the property of the person to whom an electronic communication is directed or to any of his or her family or household members; or

6-1-10-1-6 Knowingly permitting any electronic communications device to be used for any of the purposes mentioned in this subsection A.

6-1-10-2 As used in this section, "family or household member" includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this section, neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship.

6-1-10-3 Evidence inference. Evidence that a defendant made additional telephone calls or engaged in additional electronic communications after having been requested by a named complainant or by a family or household member of the complainant to stop may be considered as evidence of an intent to harass unless disproved by evidence to the contrary. (720 ILCS 135/1-3) (Source: P.A. 90-578, eff. 6-1-98.)

6-1-10-4 As used in this section:

"Harassment" means to engage in a knowing and willful course of conduct directed at a specific person that alarms, torments, or terrorizes that person.

"Electronic communication" means any transfer of signs, signals, writing, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes text messaging, email, and other transmissions by a computer through the Internet to another computer.

6-1-11 Hunting Except as provided below, it shall be unlawful for any person to engage in killing, hunting or trapping any animal in the Village. (Amd. Ord. 4-4-2022)

6-1-11-1 This Section shall not be construed to prohibit any officer of the law from killing any animal in the performance of his or her duty; or any citizen from doing so in self-defense from such animal.

6-1-11-2 This Section shall not be construed to prohibit hunting or trapping on private property within the Village that consists of five (5) or more acres. Any hunting or trapping on such property shall be conducted in compliance with all State and Federal laws and this ordinance.

6-1-11-3 A person may discharge a long, recurve, compound bow, or crossbow as permitted by the Illinois Department of Natural Resources regulations and the laws of the State of Illinois, within the corporate limits of the Village during the course of harvesting deer if the following requirements are met:

6-1-11-3-1 The person must possess a valid deer archery permit issued by the state of Illinois and must comply with all of the conditions of a state permit and all applicable laws and regulations of the Illinois Department of Natural Resources relating to archery deer hunting.

6-1-11-3-2 Hunting will only be allowed on those specific days designated as deer bow season by the Illinois department of natural resources and the city of Rock Island, Illinois.

6-1-11-3-3 No hunting shall be permitted under this section without permission from the landowner where the hunting will take place.

6-1-11-3-4 On lands where hunting is permitted, the property owner shall be required to maintain a distance of three hundred yards (300 yd), or nine hundred feet (900'), from property lines, roadways, railways, and inhabited dwellings while actively engaged in hunting activities. Permanent signs shall also be placed at every entrance to the subject property and along the boundary of said property at intervals of one hundred yards (100 yd), or three hundred feet (300'), clearly identifying that hunting is taking place on the property.

6-1-11-3-5 Any violation of the deer management program rules and guidelines will subject the hunter to a possible fine for violating this ordinance.

- 6-1-11-3-6 The minimum fine for a violation of this Section shall be fifty dollars (\$50.00). In the event a person is accused of a violation of this section and does not wish to contest said allegation prior to the time a complaint is issued for the violation, then the person so accused may pay to the city at police headquarters a penalty in the sum of fifty dollars (\$50.00) for and in full satisfaction of the violation.
- 6-1-12 Intoxication** It shall be unlawful for any person to be in an intoxicated condition in or on any street, alley, or public place in the Village. (M.C. 1949, Sec. 589)
- 6-1-13 Junk Dealers** It shall be unlawful to operate or carry on the business of junk dealer or salvage dealer in the Village. Any person violating the provisions of this Section shall be fined, as hereinafter provided, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues
- 6-1-14 Vagrants** It shall be unlawful for anyone to beg for money or goods within the Village. It shall be unlawful for a vagrant to frequent anyplace of business, street, alley, sidewalk, park or other public place frequented by the public in the Village. Any person found sleeping in such places, and who has not established domicile or residence, shall be considered a vagrant. (M.C. 1949, Section 612)
- 6-1-15 Depositing or Throwing Objects** It shall be unlawful to cast, throw, or propel any missile on any street, alley, or public place. It is unlawful to throw or deposit any glass, nails, tacks, or other similar articles on any street, alley, sidewalk, or other public place in the Village.
- 6-1-16 Obstructing Stairways, Exits** It shall be unlawful to obstruct or permit the obstruction of any stairway, aisle, corridor or exit in any office building, factory, hotel, school, church, theater, assembly hall, lodge, or other public hall, or any building used by two (2) or more tenants or families in such manner that it interferes with the free use of such stairway, aisle, corridor or exit. (M.C. 1949, Sec. 611)
- 6-1-17 Posting Bills** It shall be unlawful to post any bills or advertisements on any public property without the authority of the President of the Board of Trustees; and it shall be unlawful to post any bill or advertisement on any property without the written consent of the owner thereof. (M.C. 1949, Sec. 611)

6-1-18 Prostitution

- 6-1-18-1 Practice: It shall be unlawful for any person to practice prostitution in the Village. (M.C. 1949, Sec 584)
- 6-1-18-2 Soliciting: It shall be unlawful for any person to solicit on any street, alley, or other public place in the Village for inducing any person to engage in prostitution any unlawful sexual intercourse of any kind. (M.C. 1949, Sec. 585)
- 6-1-18-3 House of Ill-Fame: It shall be unlawful to maintain, frequent, or patronize any house of ill fame or house of prostitution in the Village. (M.C. 1949, Sec. 586)

6-1-19 Resisting, Obstructing Peace Officer

- 6-1-19-1 A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer or any authorized act within his official capacity shall be fined as hereinafter provided.
- 6-1-19-2 Obstructing Service of Process: Whoever knowingly resists or obstructs the authorized service or execution of any civil or criminal process or order of any court shall be fined as hereinafter provided.
- 6-1-19-3 Obstructing Justice: A person obstructs justice when, with intent to prevent the apprehension or obstruct the prosecution or defense of any person, he knowingly commits any of the following acts:
 - 6-1-19-3-1 Destroys, alters, conceals or disguises physical evidence, plants false evidence, furnishes false information; or
 - 6-1-19-3-2 Induces a witness having knowledge material to the subject at issue to leave the State or conceal himself; or
 - 6-1-19-3-3 Possessing knowledge of material to the subject at issue, he leaves the State or conceals himself.

6-1-20 Scaffolds Any scaffolds or ladders placed in such a position that they overhang or can fall onto any public street, alley, or other public place in the Village, shall be firmly and properly constructed and safeguarded. It shall be unlawful to place or leave any tools or articles on any such place in such a manner that the same can fall into any such street, sidewalk, alley, or other public way from a greater height than four (4) feet. (M.C. 1949, Sec. 608)

6-1-21 Soliciting or Peddling It shall be unlawful for any person to go selling or peddling without the consent or invitation of the owner or occupant. (M.C. 1949, Sec. 605)

6-1-22 Unlawful Assemblages It shall be unlawful to collect, gather, or be a member of any disorderly crowd, or any crowd gathered together for any unlawful purpose. (M.C. 1949, Sec. 600)

6-1-23 Unsafe Machinery, Vehicles

6-1-23-1 It is hereby declared that the keeping or suffering to be kept within the limits of the Village of any vehicles, machinery, appliances or household items in a foul, offensive, nauseous, filthy, dilapidated or unsafe condition, is a public nuisance.

6-1-23-2 It is unlawful to permit any unused refrigerator, icebox or deep-freeze, or other freezers, to remain in any place accessible to any child, without first removing the doors or breaking the hinges of the doors of such icebox, refrigerator or freezer.

6-1-23-3 Any person violating any of the provisions of this Section shall be subject to a fine and each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued, or permitted. (Ord. 253, 6-20-66; Amd. Ord. 338)

6-1-24 Weapons It shall be unlawful to carry any concealed weapons in the Village without having first secured a license to carry such concealed weapons issued under the laws of this State. (M.C. 1949, Sec. 596)

6-1-25 Whistles It shall be unlawful to blow or cause to be sounded any whistle or siren that could be mistaken for the fire department siren.

6-1-26 Swimming in Creeks It shall be unlawful for any person to swim in the East and West Creeks in the Village of Andalusia.

As soon after the effective date of this Ordinance as possible, appropriate "no swimming" signs warning the public shall be placed at appropriate places along the creeks to advise the public of the foregoing prohibition.

6-1-27 Liquor, School Premises It shall be unlawful for any person to transport, carry, possess, or have, except in the original package and with the seal unbroken, any alcoholic liquor upon or within fifty feet (50') of any public school property within the Village of Andalusia.

6-1-28 Insufficient Personal Checks in Payment of Village Fees It shall be unlawful for any person to make payment or attempt to make payment on any Village tax, license fees for permits, bills for water, sewer, and garbage services, or for any other legal charge with a personal check not covered by sufficient funds, or on a closed account.

All checks received in payment of items listed above returned for nonsufficient funds, or due to account being closed shall be subject to a twenty-five dollar (\$25.00) or current bank charge and all persons must immediately pay in full all amounts owed to the Village in connection with the account the check was returned on.

6-1-29 Regulating Controlled Substances ·No person shall sell, transfer, give, or deliver any controlled substance as defined by Illinois law to any other person or minor within the Village of Andalusia.

6-1-29-1 Definition of Drug Paraphernalia

6-1-29-1-1 The term "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of 720 Illinois Compiled Statutes 550/1 et. seq. and 570/100.

6-1-29-1-1-1 Kits used, intended for use of designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

6-1-29-1-1-2 Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

6-1-29-1-1-3 Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

6-1-29-1-1-4 Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

- 6-1-29-1-1-5 Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- 6-1-29-1-1-6 Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
- 6-1-29-1-1-7 Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;
- 6-1-29-1-1-8 Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- 6-1-29-1-1-9 Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in compounding controlled substances;
- 6-1-29-1-1-10 Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- 6-1-29-1-1-11 Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
- 6-1-29-1-1-12 Objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
 - 6-1-29-1-1-12-1 Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - 6-1-29-1-1-12-2 Carburetion tubes and devices;
 - 6-1-29-1-1-12-3 Water pipes;
 - 6-1-29-1-1-12-4 Smoking and carburetion masks;

- 6-1-29-1-1-12-5 Roach clips; meaning objects used to hold burning material, such as marijuana cigarette that has become too small or too short to be held in the hand;
 - 6-1-29-1-1-12-6 Miniature cocaine spoons, and cocaine vials;
 - 6-1-29-1-1-12-7 Chamber pipes;
 - 6-1-29-1-1-12-8 Carburetor pipes;
 - 6-1-29-1-1-12-9 Electric pipes;
 - 6-1-29-1-1-12-10 Air-driven pipes;
 - 6-1-29-1-1-12-11 Chillums;
 - 6-1-29-1-1-12-12 Bongs;
 - 6-1-29-1-1-12-13 Ice pipes or chillers.
- 6-1-29-1-2 In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- 6-1-29-1-2-1 Statements by an owner or by anyone in control of the object concerning its use;
 - 6-1-29-1-2-2 Prior convictions, if any, of any owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance;
 - 6-1-29-1-2-3 The proximity of the object, in time and space, to a direct violation of 720 Illinois Compiled Statutes 550/1 et seq. and 570/100;
 - 6-1-29-1-2-4 The proximity of the object to controlled substances;
 - 6-1-29-1-2-5 The existence of any residue of controlled substances on the object;

- 6-1-29-1-2-6 Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of 720 Illinois Compiled Statutes 550/1 et seq. and 570/100; the innocence of an owner, or of anyone in control of the object, as to a direct violation of 720 Illinois Compiled Statutes 550/1 et seq. and 570/100, shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
 - 6-1-29-1-2-7 Instructions, oral or written, provided with the object concerning its use;
 - 6-1-29-1-2-8 Descriptive materials accompanying the object which explain or depict its use;
 - 6-1-29-1-2-9 National and local advertising concerning its use;
 - 6-1-29-1-2-10 The manner in which the object is displayed for sale;
 - 6-1-29-1-2-11 Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
 - 6-1-29-1-2-12 Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
 - 6-1-29-1-2-13 The existence and scope of legitimate uses for the object in the community;
 - 6-1-29-1-2-14 Expert testimony concerning its use.
- 6-1-29-2 Possession of Drug Paraphernalia: It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of 560 Illinois Compiled Statutes 550/1 et. Seq. and 570/100. (Ord. 551, 4-20-98)

6-1-30 Tobacco Possession

6-1-30-1 Possession by Minors Prohibited: It shall be unlawful for any person under the age of eighteen (18) years to accept, possess or consume any cigarettes, cigars, smokeless tobacco or tobacco in any of its forms; provided that the possession or consumption by a person under the age of eighteen (18) years is under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be permitted.

6-1-30-2 Penalties-Possession by Minors: A penalty of fifty dollars (\$50) for each offense.

6-1-31 Disturbing the Peace-Prohibited

6-1-31-1 It shall be unlawful for any person within the Village to make or create any loud noises, unusual noises, by blowing of horns, bugles, or other instruments or beating drums, kettles, or other sounding vessels or instruments of, by the ringing of bells or crying of goods, tending to the collection of persons in the streets or on the sidewalks or by loud or boisterous laughing or by singing, bellowing, whooping, screaming, hallooing, swearing, or cursing; nor shall any person in the Village disturb the peace of any street, avenue, alley, neighborhood or person by conducting him or herself in a tumultuous, riotous, indecent, disorderly or offensive manner, or by any means enumerated in this Section or by any other devise or means whatever.

6-1-32 Prohibiting Entertainment Involving Nudity

6-1-32-1 It shall be cause for revocation or suspension as herein provided if a licensee, his manager or agent shall allow any live person to appear or have reasonable cause to believe that any live person shall appear in any licensed premises in a state of nudity to provide entertainment; to provide service; to act as hostess, manager or owner, or to serve as an employee in any capacity.

6-1-32-2 This Ordinance shall additionally include any establishment or business operating within the Village of Andalusia, whether they are licensed or not.

6-1-32-3 For the purposes of this subsection, the term "nudity" shall mean the showing of human male or female genitals, pubic area or buttocks, or the female breast including the nipple or any portion below the nipple with less than a full opaque covering. (Ord. 522; 1-25-93)

6-1-33 Possession of Cannabis

6-1-33-1 Definition of Cannabis: "Cannabis" includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, and the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetra- 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.

6-1-33-2 It is unlawful for any person knowingly to possess Cannabis. Any person who violates this Section with respect to not more than 2.5 grams of any substance containing Cannabis shall be fined not to exceed five hundred dollars (\$500.00).

A person convicted of a violation of any provision of the Ordinances contained in Title 6, Chapter 2, of the Andalusia Village Ordinances shall be fined not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00).

In the event a person is accused of a violation of an Ordinance contained in Title 6, Chapter 2, of the Andalusia Ordinances, and does not wish to contest that accusation, then said person so accused may pay to the Village Clerk at Village Hall, a minimum fine of one hundred dollars (\$100.00) within seven (7) days of the date of receipt of the citation (the date of issuance included) for and in full satisfaction of said violation.

6-1-34 Prowling

6-1-34-1 The acts of an individual which would cause a reasonable man to believe the safety of persons or security of property in the surrounding area, residence or business is threatened shall be considered prowling.

6-1-34-2 The actions specified in subsection A of this section shall include, but not be limited to, inspecting doors or windows of an individual's house, residence and/or business or attempting to flee and conceal oneself from an deputy of the Rock Island County Sheriff's department upon identification.

6-1-35 Indecent publications It is unlawful to sell or offer for sale, or to circulate, pass from one person to another or expose in any public place or anywhere in view of a store or place frequented by the public, any immoral, indecent or obscene publications, printed or written matter or pictures or other representation.

It is unlawful to keep any such publication, printed or written matter, picture or other representation in any place frequented by minors, or to disclose or expose any such material to a minor.

CHAPTER 2

ANIMALS

SECTION:

- 6-2-1 Definitions
- 6-2-2 Cruelty to Animals
- 6-2-3 Prohibited Animals; Exceptions:
- 6-2-4 Dangerous Animals
- 6-2-5 Killing Dangerous Animals
- 6-2-6 Noises
- 6-2-7 Diseased Animals
- 6-2-8 Penalty

6-2-1 Definitions

ANIMAL means every living creature, domestic or wild, but does not include man. (510 ILCS 70/2.01) (From Ch. 8, par. 702.01) (Source: P.A. 78-905.)

ANIMAL CONTROL OFFICER shall mean the Rock Island County Animal Control Officer or his authorized representative.

HEALTH OFFICER shall mean the Rock Island County Health Officer or his authorized representative.

SERVICE ANIMAL means an animal trained in obedience and task skills to meet the needs of a person with a disability. (510 ILCS 70/2.01c) (Source: P.A. 99-143, eff. 7-27-15.)

6-2-2 Cruelty to Animals Any person who shall be guilty of cruelty to any animal in any of the ways set forth in the following provisions of this Section shall be punished as provided in Section 6-3-U of this Chapter.

- 6-2-2-1 By overloading, overdriving, overworking, cruelly beating, torturing, knowingly allowing the same to be done.
- 6-2-2-2 By unnecessarily failing to provide any animal in his charge or custody as owner or otherwise with proper food, drink, shelter, and air.
- 6-2-2-3 By abandoning any old, maimed, infirmed, sick or disabled animal.

- 6-2-3 Prohibited Animals; Exceptions:** No person shall keep any cattle, sheep, horses, goats, swine, rabbits, or poultry at any place or upon any premises, situated in the Village without written approval of Village Board and the consent of the Board of Trustees. Exceptions shall include approved sale barns, and transient trucks. (Ord. 286, 5-18-70)
- 6-2-4 Dangerous Animals** It shall be unlawful to permit any dangerous animal or any vicious animal of any kind to run at large within the Village; exhibitions or parades of animals which are ferae naturae in the eyes of the law may be conducted only upon securing a permit from the Chief of Police. This Section as applying to dogs shall include any dog or dogs which act in a dangerous or vicious manner by charging, barking, growling, snarling or acting in a belligerent manner when in close proximity to any person, thereby causing such person undue alarm. Any person in the pursuit of legitimate business while entering upon any private property shall not be subjected to the action or actions of any dog or dogs as herein described. Any dog acting as herein described shall be declared a public nuisance. (Ord. 186, 4-6-57)
- 6-2-5 Killing Dangerous Animals** The members of the Sheriff's Department or any other person in the Village are authorized to kill any dangerous animal of any kind when it is necessary for the protection of any person or property. (M.C. 1949, Sec.423)
- 6-2-6 Noises** It shall be unlawful to harbor or keep any animal, which disturbs the peace by loud noises at any time of the day or night. (M.C. 1949, Sec.421)
- 6-2-7 Diseased Animals** No domestic animal afflicted with a contagious disease or an infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof.
- It is hereby made the duty of Rock Island County Animal Care and Control to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of contagion or infection, except in cases where the State Veterinarian is empowered to act. (M.C. 1949, Sec. 424)
- 6-2-8 Penalty** Any person violating any of the provisions of this Chapter shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00); and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949, Sec. 426; amd. Ord. 286, 5-18-70; amd. Ord. 338, 1-3-77)

CHAPTER 3

DOGS AND CATS

SECTION:

- 6-3-1 Vaccinations and Licenses
- 6-3-2 Leash Required
- 6-3-3 Restraint
- 6-3-4 Impoundment
- 6-3-5 Kennels
- 6-3-6 Dog Bite
- 6-3-7 Penalty

6-3-1 Vaccinations and Licenses Every owner of a dog or cat four (4) months or more of age, within the Village of Andalusia, shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian as established by regulations set forth in Illinois Animal Control Act, Illinois Compiled Statutes; Chapter 5/8-8, and shall register such dog or cat with the Rock Island County Animal Control Office as required by the Illinois Compiled Statutes.

6-3-2 Leash Required The owner, possessor, or keeper of any dog or cat shall keep the dog or cat under restraint at all times. Such dog or cat shall not be at large off the premises or property of such owner, possessor or keeper unless under the control of a competent person.

6-3-3 Restraint A dog is under restraint within the meaning of this section, if it is controlled by a leash attached to a collar or harness, "at heel" beside a competent person and is obedient to that person's commands, or when under the control of a competent person on or within a vehicle being driven or parked on the street, or within an enclosure on the property or premises of the owner or keeper.

A cat is under restraint within the meaning of his section, if it is controlled by a leash, confined, or has been "de-sexed," thereby reducing its wanderings to the immediate area of its protected residence.

6-3-4 Impoundment Every dog or cat running at large within the Village shall be subject to impoundment at any time by the Rock Island County Animal Control Officer.

The Animal Control Officer shall thereupon attempt to notify such owner of said dog or cat so taken. If the name of the owner is ascertained, said owner shall be permitted to redeem said dog or cat, upon proof of vaccination and shall pay the fines required by Rock Island County Animal Care and Control.

Should no redemption be made of any animal thus impounded, it shall be the duty of the pound keeper to dispose of all animals by turning them over to Rock Island County Animal Control officers.

6-3-5 Kennels A kennel is any property or premise on which are kept for (4) or more dogs, more than six (6) months of age.

It shall be unlawful for any person or entity to operate a kennel within the Village of Andalusia.

6-3-6 Dog Bite Whenever any dog or animal bites a person, the owner of said dog or animal shall immediately notify the Rock Island County Sheriff's Department who shall order the dog or animal held on the owner's premises or impounded, and shall notify the required agency or persons to insure that all current regulations and statutes regulating animal bites are fulfilled.

The welfare of the person bitten in regards to rabies infection or any other cause shall be the prime objective of this section.

6-3-7 Penalty Any person violating any provision of this Chapter shall be fined no less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

In the event a person is accused of a violation of the preceding section and does not wish to contest said allegation prior to the time a complaint is issued for the violation, then said person so accused may pay to the Village Clerk at the Village Hall, a penalty in the sum of fifty dollars (\$50.00) for an in full satisfaction of said violation.

CHAPTER 4

PUBLIC GATHERINGS

SECTION:

- 6-4-1 Regulations
- 6-4-2 Inspections
- 6-4-3 Exits
- 6-4-4 Seats
- 6-4-5 Doors
- 6-4-6 Notice
- 6-4-7 Penalty

6-4-1 Regulations It shall be unlawful to hold, manage, and conduct any meeting or entertainment of any kind in the Village in any premises other than a building constructed in full compliance with the ordinances and laws pertaining thereto for auditorium, theater, or lodge room purposes, excepting in compliance with the provisions of this Chapter. (M.C. 1949, Sec. 572)

6-4-2 Inspections No such gathering or entertainment shall be held or presented in any premises other than a building as described in the preceding Section, unless such premises have been examined by the Fire Chief or Building Inspector not more than three (3) days before the date of such gathering and found to be free of any fire hazard and found to be suitable for the purpose. No structure enclosed by a roof shall be used for such purpose unless the same is constructed of noninflammable materials. If tents or structures covered by canvas or similar material may be so used if such canvas or other material has been properly treated so as to be rendered fire resistive. (M.C. 1949, Sec. 573)

6-4-3 Exits Adequate unobstructed exits shall be provided in all premises used for such purposes to permit rapid exit of all persons attending, and there shall be at least two (2) separate exits located at least thirty feet (30') from each other. There shall be two (2) lineal feet of doorway or exit space for each one hundred (100) people accommodated. (M.C. 1949, Sec. 574)

6-4-4 Seats Any stands or rows of seats used in such premises shall be constructed as to be safe for the use designed and shall be sufficiently strong to carry the same weight and stress as is required for the construction of the auditorium floors of theater buildings, not less than one hundred (100) pounds per square foot.

It shall be unlawful to admit to any such premises a number of persons to exceed the number of actual seats maintained for their accommodation. (M.C. 1949, Sec. 575)

- 6-4-5 Doors** All doors or gates on exits from premises used for such purposes shall open outward and no such exit shall be so constructed or locked that exit from inside the premises is blocked. (M.C. 1949, Sec. 576)
- 6-4-6 Notice** It shall be the duty of any person or persons conducting, calling for or managing any gathering in any premises other than a theater, lodge room, or auditorium building constructed as provided in the first Section of this Chapter, to notify the Village Clerk of the date of such intended use at least ten (10) days before such meeting is to take place. Upon such notice the Fire Chief or the County Building Inspector shall inspect the premises to determine whether or not they comply with the provisions hereof. Any permit issued for any such gathering shall be subject to the condition that this Chapter be fully complied with, whether or not such condition is embodied in the permit. (M.C. 1949, Sec. 577)
- 6-4-7 Penalty** Any person violating any provision of this Chapter shall be fined not less than fifty dollars (\$50.00) more than five hundred dollars (\$500.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949, Sec. 578)

CHAPTER 5

CURFEW

SECTION:

- 6-5-1 Curfew offenses
- 6-5-2 Curfew defenses
- 6-5-3 Enforcement
- 6-5-4 Definitions
- 6-5-5 Penalty

6-5-1 Curfew offenses

- 6-5-1-1 A minor commits a curfew offense when he or she remains in any public place or on the premises of any establishment during curfew hours.
- 6-5-1-2 A parent or guardian of a minor or other person in custody or control of a minor commits a curfew offense when he or she knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours.

6-5-2 Curfew defenses It is a defense to prosecution under subsection (a) that the minor was:

- 6-5-2-1 accompanied by the minor's parent or guardian or other person in custody or control of the minor
- 6-5-2-2 on an errand at the direction of the minor's parent or guardian, without any detour or stop
- 6-5-2-3 in a motor vehicle involved in interstate travel
- 6-5-2-4 engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop
- 6-5-2-5 involved in an emergency
- 6-5-2-6 on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence

- 6-5-2-7 attending an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor
- 6-5-2-8 exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly
- 6-5-2-9 married or had been married or is an emancipated minor under the Emancipation of Minors Act
- 6-5-3 Enforcement** Before taking any enforcement action under this Section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (b) is present.
- 6-5-4 Definitions** In this Section:
 - 6-5-4-1 "Curfew hours" means:
 - 6-5-4-1-1 Between 12:01 a.m. and 6:00 a.m. on Saturday;
 - 6-5-4-1-2 Between 12:01 a.m. and 6:00 a.m. on Sunday; and
 - 6-5-4-1-3 Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.
 - 6-5-4-2 "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
 - 6-5-4-3 "Establishment" means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.
 - 6-5-4-4 "Guardian" means:
 - 6-5-4-4-1 a person who, under court order, is the guardian of the person of a minor; or

6-5-4-4-2 a public or private agency with whom a minor has been placed by a court

6-5-4-5 "Minor" means any person under 17 years of age.

6-5-4-6 "Parent" means a person who is:

6-5-4-6-1 a natural parent, adoptive parent, or step-parent of another person; or

6-5-4-6-2 at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor

6-5-4-7 "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

6-5-4-8 "Remain" means to:

6-5-4-8-1 linger or stay; or

6-5-4-8-2 fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises

6-5-4-9 "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

6-5-5 Penalty A violation of this Section is a petty offense with a fine of not less than \$10 nor more than \$500, except that neither a person who has been made a ward of the court under the Juvenile Court Act of 1987, nor that person's legal guardian, shall be subject to any fine. In addition to or instead of the fine imposed by this Section, the court may order a parent, legal guardian, or other person convicted of a violation of subsection (a) of this Section to perform community service as determined by the court, except that the legal guardian of a person who has been made a ward of the court under the Juvenile Court Act of 1987 may not be ordered to perform community service. The dates and times established for the performance of community service by the parent, legal guardian, or other person convicted of a violation of subsection (a) of this Section shall not conflict with the dates and times that the person is employed in his or her regular occupation.

County, municipal and other local boards and bodies authorized to adopt local police laws and regulations under the constitution and laws of this State may exercise legislative or regulatory authority over this subject matter by

ordinance or resolution incorporating the substance of this Section or increasing the requirements thereof or otherwise not in conflict with this Section. (Source: P.A. 97-1109, eff. 1-1-13.)

CHAPTER 6

PLANTS AND WEEDS

SECTION:

- 6-6-1 Weeds; Nuisance
- 6-6-2 Weeds; Noxious
- 6-6-3 Weeds; Exotic
- 6-6-4 Vegetation Height
- 6-6-5 Barberry Bushes
- 6-6-6 Removal; Notices
- 6-6-7 Abatement
- 6-6-8 Penalty

6-6-1 Weeds; Nuisance Any weeds, such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of like kind, found growing in any lot or tract of land in the Village area are hereby to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

6-6-2 Weeds; Noxious The following plants within the sovereign territory of the State of Illinois are designated and declared noxious weeds:

- 6-6-2-1 Marijuana (*Cannabis sativa* L.);
- 6-6-2-2 Giant Ragweed (*Ambrosia trifida* L.) within the corporate limits of cities, villages, and incorporated towns;
- 6-6-2-3 Common Ragweed (*Ambrosia artemisiifolia* L.) within the corporate limits of cities, villages, and incorporated towns;
- 6-6-2-4 Canada Thistle (*Cirsium arvense*);
- 6-6-2-5 Perennial Sowthistle (*Sonchus arvensis*);
- 6-6-2-6 Musk Thistle (*Carduus nutans*);
- 6-6-2-7 Perennial members of the sorghum genus, including Johnson grass (*Sorghum halepense*), sorghum alnum, and other johnsongrass X sorghum crosses with rhizomes; and
- 6-6-2-8 Kudzu (*Pueraria labata*).

(Source: Amended at 26 Ill. Reg. 14644, effective 9/23/2002)

6-6-3 Weeds; Exotic Exotic weeds are plants not native to North America which, when planted either spread vegetatively or naturalize and degrade natural communities, reduce the value of fish and wildlife habitat, or threaten an Illinois endangered or threatened species. (525 ILCS 10/2) (from Ch. 5, par. 932) (Source: P.A. 85-150.)

Designated exotic weeds - Japanese honeysuckle (*Lonicera japonica*), multiflora rose (*Rosa multiflora*), purple loosestrife (*Lythrum salicaria*), common buckthorn (*Rhamnus cathartica*), glossy buckthorn (*Rhamnus frangula*), saw-toothed buckthorn (*Rhamnus arguta*), Dahurian buckthorn (*Rhamnus davurica*), Japanese buckthorn (*Rhamnus japonica*), Chinese buckthorn (*Rhamnus utilis*), kudzu (*Pueraria lobata*), exotic bush honeysuckles (*Lonicera maackii*, *Lonicera tatarica*, *Lonicera morrowii*, and *Lonicera fragrantissima*), exotic olives (*Elaeagnus umbellata*, *Elaeagnus pungens*, *Elaeagnus angustifolia*), salt cedar (all members of the *Tamarix* genus), poison hemlock (*Conium maculatum*), giant hogweed (*Heracleum mantegazzianum*), Oriental bittersweet (*Celastrus orbiculatus*), and lesser celandine (*Ficaria verna*), teasel (all members of the *Dipsacus* genus), and Japanese, giant, and Bohemian knotweed (*Fallopia japonica*, syn. *Polygonum cuspidatum*; *Fallopia sachalinensis*; and *Fallopia x bohemica*, resp.) are hereby designated exotic weeds. (525 ILCS 10/3) (from Ch. 5, par. 933)(Source: P.A. 99-81, eff. 1-1-16.)

Control of exotic weeds - It shall be unlawful for any person, corporation, political subdivision, agency or department of the State to buy, sell, offer for sale, distribute or plant seeds, plants or plant parts of exotic weeds without a permit issued by the Department of Natural Resources. Such permits shall be issued only:

1. for experiments into controlling and eradicating exotic weeds;
2. for research to demonstrate that a variety of a species listed in this Act is not an exotic weed as defined in Section 2 of the Illinois Exotic Weed Act; (525 ILCS 10/4) (from Ch. 5, par. 934)

- 6-6-4 Vegetation Height** It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding eight inches (8") anywhere in the Village; any such plants or weeds exceeding such height are hereby declared to be a nuisance.
- 6-6-5 Barberry Bushes** It shall be a nuisance and unlawful to plant or permit the growth of the bush of the species of tall, common or European Barberry further known as *Barberis Vulgaris*, or its horticultural varieties within the Village.
- 6-6-6 Removal; Notices** It shall be the duty of the Village Code Officer to site the violation and the duty of the Village Clerk to cause to be served an ordinance violation letter to the owner or occupant of any premises on which weeds or grass are permitted to grow in violation of the provisions of this Chapter and to demand the abatement of this nuisance within fifteen (15) days of this written notice. The Rock Island County Sheriff's Department will deliver all violation letters and summons. The property shall thereafter be kept in compliance with this Chapter for the remainder of the year and no further notice from the Village to the Owner or Occupant shall be required to enforce the penalty provisions of this Ordinance.
- 6-6-7 Abatement** If the person so served does not abate the nuisance within fifteen (15) days after such notice, the Village Code Officer may proceed to abate such nuisance, and such expenses shall be charged to and paid by the owner or occupant and/or occupant of the property at the rate of eighty dollars (\$80.00) per man-hour, plus any and all damage to equipment if any should occur. (This is per lot or parcel.)
- 6-6-8 Penalty** Any person who owns property within the Village where weeds or grass are permitted to grow, must cut or destroy such weeds or grass before they grown eight inches (8") in height or whenever said weeds or grass are a nuisance or danger to the health and safety of the residents of the Village. Upon refusal or neglect of any person to comply with any parts of this Chapter, the Village Code Officer or a designated member of the Village Board shall cause said weeds or grass to be cut and shall collect the costs thereof from the owner or occupier of said private property at the rate of eighty dollars (\$80.00) per man-hour per lot or parcel for mowing of said lot or parcel.
- In the event said owner refuses or neglects to pay said cost within thirty (30) days after receiving a bill therefore, said Village Code Officer or designated member of the Village Board shall cause a lien to be filed against said premises in accordance with the provisions of Ch. 65 ILCS, 5/11-20-7. The Village is further authorized to commence civil proceedings to collect monies owed to the Village under this Chapter and in addition to all reasonable

expenses incurred may collect costs and attorney's fees incurred by the Village to enforce the civil penalties contained in this Chapter.

In addition to the above sanctions, any person violating any provision of this Chapter shall also be fined not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00), for each offense. A separate offense shall be deemed committed for each lot or parcel and for every day during which a violation continues to exist.

In the event a person is accused of a violation of this Section and the Village does not wish to contest the accusation, said person so accused may pay to the Clerk at the Village Hall a minimum fine of one hundred dollars (\$100.00) within seven (7) days from the date of receipt of the citation, the date of issuance included, for an in full satisfaction of said violation.

CHAPTER 7

OFFENSES INVOLVING CHILDREN

SECTION:

- 6-7-1 Definition
- 6-7-2 Contributing to the Dependency and Neglect of Children
- 6-7-3 Unlawful Acts
- 6-7-4 Penalty

6-7-1 Definition For the purposes of this Act, a delinquent child is any boy who before his seventeenth (17) birthday or girl who before her eighteenth (18) birthday has violated or attempted to violate any Federal or State law or Municipal ordinance, and also any person under twenty one (21) years of age who has violated a lawful court order made under the Juvenile Court Act of the State of Illinois.

6-7-2 Contributing to the Dependency and Neglect of Children Any parent, legal guardian, or person having the custody of a child under the age of eighteen (18) years

- who knowingly or willfully causes, aids or encourages such person to be or to become a dependent and neglected child as defined in this Section, or
- who knowingly or willfully does acts which directly tend to render any such child so dependent and neglected, or
- who knowingly or willfully fails to do that which will directly tend to prevent such state of dependency and neglect is guilty of contributing to the dependency and neglect of children.

Instead of imposing the punishment hereinbefore provided, the court may release the defendant from custody on probation for one year upon his or her entering into recognizance with or without surety in such sum as the court directs. The conditions of the recognizance shall be such that if the defendant appears personally in court whenever ordered to do so within the year and provides and cares for such neglected and dependent child in such manner as to prevent a continuance or repetition of such state of dependency and neglect or as otherwise may be directed by the Court, then the recognizance shall be void, otherwise, it shall be of full force and effect. If the court is satisfied by information and due proof under oath that at any time during the year, the defendant has violated the terms of such order, it may forthwith revoke the order and sentence him or her under the original conviction. Unless so sentenced, the defendant shall at the end of the year be discharged. In case of forfeiture on the recognizance, the sum recovered

thereon may in the discretion of the court, be paid in whole, or in part to someone designated by the Court for the support of such dependent and neglected child.

Any person, who knowingly or willfully causes, aids, or encourages any boy or girl to be or to become a delinquent child, or who knowingly or willfully does acts that directly tend to render any such child so delinquent is contributing to the delinquency of children and is guilty of violating this Ordinance.

6-7-3 Unlawful Acts

- 6-7-3-1 Exhibit, Use, or Employ of Child: It shall be unlawful for any person, within the Village of Andalusia, having the care, custody, or control of any child under the age of fourteen (14) years to exhibit, employ, or in any manner, or under any pretense, sell, apprentice, give away, let out, or otherwise dispose of any such child to any person, in or for the vocation or occupation, service or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging or peddling, or as a gymnast, contortionist, rider or acrobat in any place whatsoever, or for any obscene, indecent, or immoral purpose, exhibition or vocation injurious to the health or dangerous to the life or limb of such child, or cause, procure, or encourage any such child to engage therein. Nothing in this section contained shall apply to or affect the employment or use of any such child as a singer, musician in any church, school, or academy (or at any respectable entertainment), or the teaching, or learning the science, or practice of music.

It shall also be unlawful for any person to take, receive, hire, employ, use, exhibit, or have in custody any child under the age and for the purposes prohibited in the first section of this act.

- 6-7-3-2 Abandoning Refrigerators, Iceboxes and Ice Chests: Whoever abandons or discards within the Village of Andalusia, in any place accessible to children, any refrigerator, icebox or ice chest, of a capacity of one and one half (1-1/2) cubic feet or more, which has an attached lid or door which the owner, lessee, or manager of such place, knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be guilty of violating this Section.

- 6-7-3-3 Endangering Life: It shall be unlawful for any person within the Village of Andalusia having the care or custody of any child, willfully to cause or permit the life of such child to be endangered, or the health of such child to be injured, or willfully cause or permit such child to be placed in such a situation that its life or health may be endangered.
- 6-7-3-4 Witness: The husband or wife of the defendant shall be a competent witness to testify in. any case brought under this reference, and to any matters relevant thereto.
- 6-7-4 Penalty** A person convicted of a violation of any provision of this Ordinance shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) (Ord. 350, 6-5-78)

CHAPTER 8

DECLARATION OF CIVIL EMERGENCY

SECTION:

- 6-8-1 Definitions
- 6-8-2 Declaration of Emergency
- 6-8-3 Curfew
- 6-8-4 Authority of Village Board President to issue orders
- 6-8-5 Effectiveness
- 6-8-6 Notification

6-8-1 Definitions

6-8-1-1 CIVIL EMERGENCY is hereby defined to be:

- 6-8-1-1-1 A "riot or unlawful assembly" characterized by the use of actual force or violence or any power to execute by three (3) or more persons acting together without authority of law; or
- 6-8-1-1-2 Any "natural disaster" or "man-made calamity", including flood, conflagration, cyclone, tornado, earthquake, or explosion within the corporate limits of the Village, 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.

6-8-1-2 "CURFEW" is hereby defined as 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 Village, excepting officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

6-8-2 Declaration of Emergency Whenever an emergency as defined in Section 6-8-1 of this Article exists, the Village Board President shall declare the existence by means of a written declaration, setting forth the facts which constitute the emergency.

6-8-3 Curfew After proclamation of a civil emergency by the Village Board President, he may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary **in the interest of the public safety and welfare.**

6-8-4 Authority of Village Board President to issue orders After the proclamation of a civil emergency, the Village Board President may also, in the interest of public safety and welfare, make any or all of the following orders:

- 6-8-4-1 Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.
- 6-8-4-2 Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.
- 6-8-4-3 Order the discontinuance of selling, distributing, or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
- 6-8-4-4 Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.
- 6-8-4-5 Issue such other orders as are imminently necessary for the protection of life and property.

6-8-5 Effectiveness The proclamation herein authorized shall be effective for a period of forty-eight (48) hours unless sooner terminated by a proclamation of the Village Board President indicating that the civil emergency no longer exists. The Village Board President shall have the power to re-proclaim the existence of a civil emergency at the end of each forty-eight-hour period during the time the civil emergency exists.

6-8-6 Notification Upon issuing the proclamation herein authorized, the Village Board President shall notify the local news media and shall cause three (3) copies of the proclamation declaring the existence of the emergency to be posted at the following places within the Village:

- 6-8-6-1 The Village Hall;
- 6-8-6-2 The Post Office;

TITLE 7

HEALTH AND SANITATION

<u>Subject</u>	<u>Chapter</u>
Nuisances	1
Contagious Diseases	2
Inoperable Vehicles	3
Junk and Refuse on Private Property	4
Garbage Collection	5
Private Sewage Disposal System	6
Public Sewerage System	7
[RESERVED]	8
[RESERVED]	9
[RESERVED]	10

CHAPTER 1

NUISANCES

SECTION:

- 7-1-1 Food Handling
- 7-1-2 Sanitary Regulations
- 7-1-3 Pollution of Watercourses
- 7-1-4 Stagnant Pools of Water
- 7-1-5 Cemeteries
- 7-1-6 Dangerous Premises
- 7-1-7 Unlawful Acts
- 7-1-8 Serving Food
- 7-1-9 Spitting
- 7-1-10 Nuisances; Abatement
- 7-1-11 Penalty

7-1-1 Food Handling Food handling regulations within the Village shall be governed by the Illinois Compiled Statutes Public Health (410 ILCS 625/) Food Handling Regulation Enforcement Act

7-1-2 Sanitary Regulations Sanitary Regulations for the Village shall be governed by General Assembly's Illinois Administrative Code Title 77: Public Health Chapter 1: Department of Public Health Subchapter M: Food, Drugs and Cosmetics PART 750 FOOD SERVICE SANITATION CODE

7-1-3 Pollution of Watercourses It shall be unlawful and a nuisance for any person to obstruct or pollute any watercourse or course of water supply for the Village. (M.C. 1949; Sec.450)

7-1-4 Stagnant Pools of Water Any stagnant pool of water in the Village is hereby declared to be a nuisance. It shall be unlawful for any person to permit any such nuisance to remain or exist on any property under his control. (M.C. 1949; Sec.451)

7-1-5 Cemeteries It shall be unlawful for any person to establish a cemetery or to bury any person within the Village limits, or within a mile thereof except in an established cemetery.

7-1-6 Dangerous Premises It shall be unlawful to permit any building, structure or place to remain in such condition as to be dangerous to the public health in any way. Any such structure, building or place is hereby declared to be a nuisance. (M.G. 1949; Sec.454)

- 7-1-7 Unlawful Acts** It shall be unlawful to commit or do any act which endangers the health of the public or results in annoyance or disturbance to the public. (M.C. 1949; Sec. 455)
- 7-1-8 Serving Food** Utensils for personal use in all places serving food or drink to the public shall be thoroughly cleaned and sterilized after each such usage. (M.G. 1949; Sec.457)
- 7-1-9 Spitting** It shall be unlawful to spit or expectorate on any public sidewalk or other public place, or on the floor or walls of any store, theater, hall, public vehicle or other place frequented by the public or to which the public is invited. (M.G. 1949; Sec.459)
- 7-1-10 Nuisances; Abatement** It shall be unlawful for any person to permit or maintain the existence of any nuisance on any property under his control. The Rock Island County Sheriff's Department and the Rock Island County Health Department are each hereby authorized to abate any such nuisance existing in the Village, whether such nuisance is specifically recognized by ordinance or not. (M.C. 1949, Sec. 458)
- 7-1-11 Penalty** Any person violating any provision of this Chapter shall be fined not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.G. 1949, Sec.461; amd. Ord. 338, 1-3-77)

CHAPTER 2

CONTAGIOUS DISEASES

SECTION:

- 7-2-1 Report Required
- 7-2-2 Quarantine
- 7-2-3 Fumigation
- 7-2-4 Spreading Contagion
- 7-2-5 Deliveries to Quarantined Premises
- 7-2-6 Penalty

7-2-1 Report Required Every person as listed in Illinois Title 77: Public Health, Chapter I: Department of Public Health, Subchapter K: Communicable Disease Control and Immunizations, Part 690 Control of Communicable Diseases Code, Section 600.200 that is called to care for or treat a person afflicted with a contagious disease or any epidemic disease shall make a report of the same within the guidelines of the Section 690.100 Diseases and Conditions, to the Rock Island County Health Department. In case no physician is in attendance it shall be the duty of the person in charge or having the care of such person to make a report within State of Illinois requirements.

7-2-2 Quarantine The Rock Island County Health Department shall have charge of the enforcement of the quarantine rules. The Health Department shall have the power and the authority to place any premises within which a contagious or epidemic disease occurs under quarantine, and the Health Department shall determine the time when the quarantine ends. (M.C. 1949, Sec438)

7-2-3 Fumigation Premises which have been quarantined in accordance with the terms of the preceding Section shall be thoroughly fumigated or otherwise freed from all risk of contagious diseases under the supervision of the Rock Island County Health Department before the quarantine shall end. (M.C. 1949, Sec. 439)

7-2-4 Spreading Contagion It shall be unlawful for any person to spread, willfully or carelessly, any contagious disease or to so cause the spread of same. (M.C. 1949, Sec. 440)

7-2-5 Deliveries to Quarantined Premises No person engaged in the delivery of food or drink intended for human consumption shall enter any premises which are quarantined because of the existence of a contagious or epidemic disease. No containers or bottles shall be removed from any such premises until the termination of the quarantine, and no such container which has been left at such premises during the quarantine shall be placed in use for carrying food or drink until it has been thoroughly sterilized. (M.C. 1949, Sec. 441)

7-2-6 Penalty

7-2-6-1 Any person violating any provision of this Chapter or violating any of the reasonable rules of the Rock Island County Health Department with regard to quarantined premises, or disturbing or disregarding any notice of quarantine placed by or under the direction of the Rock Island County Health Department, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949, Sec. 442; amd. Ord. 338, 1-3-77)

CHAPTER 3

INOPERABLE VEHICLES

SECTION:

- 7-3-1 Definitions
- 7-3-2 Exceptions
- 7-3-3 Nuisance Declared
- 7-3-4 Abatement by Owner; Notice
- 7-3-5 Failure of Owner to Abate; Vehicle Removal
- 7-3-6 Penalty
- 7-3-7 Automotive Service and Repair Businesses

7-3-1 Definitions The following definitions shall apply in the interpretation and enforcement of this chapter:

DERELICT VEHICLE Any vehicle in a state of disrepair rendering the vehicle incapable of being driven under its own power, regardless of title or registration and which has not been used for seven (7) consecutive days or more. This shall include any vehicle having lost its character as a substantial property and is contrary to the public policy expressed in 625 Illinois Compiled Statutes 5/4-301 of the Illinois vehicle code.

INOPERABLE MOTOR VEHICLE Any motor vehicle from which, for a period of seven (7) days or more, 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 power in order to perform ordinary service or repair operations.

MOTOR VEHICLE A machine propelled by power other than human power designed to travel the ground or water by use of wheels, treads, tracks, runners or slides for the transportation of persons or property or for the purpose of pulling machinery. This definition shall include, without limitation, automobiles, trucks, tractors, trailers, recreational vehicles (RVs), inoperable lawn mowers, motorcycles, wagons, or any part or accessory of such.

PERSON Any person, firm, partnership, association, corporation, company, or organization of any kind.

7-3-2 Exceptions This chapter shall not apply to vehicles or parts thereof which are kept within an enclosed building (a building with 4 sides and a roof) when not in use.

7-3-3 Nuisance Declared Any derelict, inoperable vehicle, or part thereof, situated on public property or private property within the Village and in view of the general public is a public nuisance.

7-3-4 Abatement by Owner; Notice Any person who is the owner of, or in control of, an inoperable, derelict motor vehicle or part thereof or who is the owner or in control of any property upon which such vehicle or part thereof is situated shall abate the nuisance within seven (7) days after written notice by the Village Clerk to do so.

7-3-5 Failure of Owner to Abate; Vehicle Removal

7-3-5-1 **REMOVAL BY POLICE DEPARTMENT.** In the event that the owner or person in control of any derelict or inoperable vehicle or part thereof or who is the owner of, or is in control of, any property upon which a derelict, inoperable motor vehicle or part thereof or who is the owner of, or is in control of, any property upon which a derelict, inoperable motor vehicle or part thereof is situated shall fail to abate the nuisance within seven (7) days after written notice by the Village Clerk to do so, then, in that event, it shall be the duty of the police department to cause every such derelict, inoperable motor vehicle or part thereof, whether on public or private property and in view of general public, to be removed and conveyed by, or caused to be removed and conveyed by, or under the direction of, a member of the police department to a convenient pound or storage space available for that purpose.

7-3-5-2 **RECLAMATION OF VEHICLE; PAYMENT OF FEES.** Before the owner or person entitled to possession of any impounded vehicle or part thereof shall be permitted to remove same, such owner or person shall furnish evidence of his/her identity, ownership of the vehicle or part thereof, and right to possession thereto and upon delivery shall sign a receipt for the vehicle or part thereof. He/she shall pay a fee of not less than fifty dollars (\$50.00) to cover the cost of removing said vehicle or part thereof from the public way or private property, as the case may be, and in addition thereto, the cost of storage, not to exceed the rate of two dollars (\$2.00) for each day or fraction thereof that said vehicle or part thereof shall remain impounded. The foregoing fees shall be in addition to any fee levied or assessed against the owner or operator of said vehicle by reason of the violation of any ordinance or statute, and any arrest which may have resulted from such violation.

7-3-5-3 DISPOSITION OF UNCLAIMED VEHICLES. Whenever a derelict or inoperable vehicle or part thereof shall have been impounded, such vehicle or part thereof shall be stored for a period of not less than thirty (30) days. If such vehicle or part thereof is not claimed or removed at the end of thirty (30) days, such will be disposed of in accordance with 625 Illinois Compiled Statutes 5/4-100 et seq., of the Illinois vehicle code.

7-3-6 Penalty Any person violating any of the provisions of this chapter shall be deemed guilty of a petty offense and, upon conviction thereof, shall be subject to penalty. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. The foregoing penalties shall be in addition to any fee levied or assessed against the owner or operator of said vehicle by reason of the violation of any ordinance or statute.

7-3-7 Automotive Service and Repair Businesses Any and all businesses engaged in the service or repair of automobiles, tractors, boats, trucks, lawn equipment or other similar mechanical devices shall be required to have solid fence of no less than eight feet (8') in height around the perimeter of the property where such items are kept or stored. The fence shall be constructed of a material so as to conceal such items from the view of the public.

Nothing in this section shall be construed to apply to any business in active operation at the time of the adoption of this section. This provision shall, however, apply to any expansion or existing businesses.

CHAPTER 4

JUNK AND REFUSE ON PRIVATE PROPERTY

SECTION:

- 7-4-1 Definitions
- 7-4-2 Nuisance Declared
- 7-4-3 Complaint Procedure
- 7-4-4 Notice of Violation
- 7-4-5 Abatement Investigation
- 7-4-6 Filing and Prosecution of Complaint
- 7-4-7 Removal, Violations and Penalties
- 7-4-8 Exceptions

7-4-1 Definitions As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ABATEMENT OR ABATED The removal, repair or remediation of the condition described in the notice of violation. Relocating or moving the condition described shall not be considered to be abatement, unless such condition was relocated or moved within the confines of an enclosed building, was relocated or moved to within a closed or sealed trash receptacle, or was relocated or moved outside the confines of the Village.

JUNK, TRASH AND REFUSE Shall include any and all waste matter, whether reusable or not, which is offensive to the public health and safety, specifically including, but not limited to: worn out, wrecked and/or junk vehicles or machinery of any kind or any parts thereof; old, inoperable or unused appliances including refrigerators, stoves, iceboxes, and household or other refuse not properly contained within closed or sealed trash receptacles. For purposes of this chapter, refuse contained within trash bags or other non-rigid trash containers shall not be considered to be contained within closed or sealed trash receptacles.

JUNK VEHICLE

- A. A vehicle that requires registration and/or licensure to operate on public roadways which is not located within a fully enclosed garage and is without a current valid vehicle registration from the state of Illinois; or
- B. A vehicle which, for a period of at least seven (7) days, is incapable of being driven under its own power.

OWNER The owner of record of the property as shown in the records of the office of the recorder of deeds of Rock Island County, Illinois.

PERSON Any person, firm, partnership, association, corporation, company or organization of any kind.

STREET OR HIGHWAY The entire width between the boundary lines of every way publicly maintained when any part thereof is open to use of the public for purposes of vehicular travel.

VEHICLE A machine propelled, pushed or pulled by power other than human power designed to travel along the ground by the use of wheels, treads, runners or slides and transports persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies, and wagons.

7-4-2 Nuisance Declared

7-4-2-1 **DEFINITION.** For the purposes of this section, the term “nuisance” is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, keeping or the deposition on or the scattering over the premises of any of the following:

- 7-4-2-1-1 The storing of lumber, junk, trash and refuse on private property or on a street or highway within the Village where such storage is not otherwise authorized by the Village;
- 7-4-2-1-2 The storage of any abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers or junk vehicles on public or private property or on a street or highway, except when housed in a fully closed building and not visible from any point outside said building where such storage is not otherwise authorized by the Village;
- 7-4-2-1-3 The storage of any partially dismantled junk vehicle on public or private property or on a street or highway, except when housed in a fully enclosed building and not visible from any point outside said building, where such storage is not otherwise authorized by the Village.

- 7-4-2-2 NUISANCE PROHIBITED. No person owning, leasing, occupying or having charge of any shall maintain or keep any nuisance therein, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in value of the other property in the neighborhood in which such premises are located.
- 7-4-2-3 ENFORCEMENT. Enforcement of this section may be accomplished by the Village in any manner authorized by the law, and in addition, any person who by reason of another's violation of any provision of this section suffers special damage to himself different from that suffered by other property owners throughout the Village generally may bring an action to enjoin or otherwise abate an existing violation.

7-4-3 Complaint Procedure

- 7-4-3-1 CITIZEN INITIATED COMPLAINT. Any person who observes a violation of this chapter may file a complaint affidavit with the Village at its central offices, setting forth the violation in detail, its location and, if known, the name of the owner and occupant of the property on which such violation is alleged to exist, at which time a notice of violation shall be served in compliance with section 7-4-4 of this chapter.
- 7-4-3-2 VILLAGE INITIATED COMPLAINT. Any Village employee, including any police officer, zoning officer, code enforcement officer or other employee, who observes a violation of this chapter may initiate the complaint procedure by generating and sending, or having generated and sent, a notice of violation in compliance with section 7-4-4 of this chapter.
- 7-4-3-3 CERTAIN OFFENSES NOT REQUIRING NOTICE. The following listed offenses do not require compliance with the notice provisions of section 7-4-4 of this chapter and, if complained of by a citizen, or observed by any Village employee, may be immediately prosecuted as an ordinance violation and may be immediately subject to the complaint section of this chapter. Such offenses include:
- 7-4-3-3-1 Junk vehicles left on a street or highway; or
 - 7-4-3-3-2 Junk, trash or refuse left on a street or highway.

7-4-4 Notice of Violation In the case of a violation requiring notice as described in section 7-5-3 of this chapter, notice shall be served in accordance with this section and such notice shall establish a reasonable time limit for the abatement of any alleged violation, which time shall not be less than two (2) nor more than ten (10) calendar days after the date of service of such notice. Such notice of violation shall describe the alleged violation and may include a copy of the complaint affidavit, if one is generated. Any police officer, the building commissioner, zoning or code enforcement officer, Village President, or any member of the Village Board of trustees may serve the notice of violation provided for this chapter upon the owner or occupant of the property where such nuisance exists, or violation provided for this chapter upon the owner or occupant of the property where such nuisance exists, or upon both of them, and shall make their return upon a copy of such notice, showing the time of service, the person upon whom it was served or the manner in which it is served. In the event the property is a rental property with an absentee owner, said notice shall be served upon the tenant(s) of any unit and the notice of violation shall be mailed by certified mail, return receipt requested, to the owner of such property. In the event that the individual serving the notice is unable to locate an individual over the age of eighteen (18) on the property on which to serve the notice, the notice may be affixed to the property in a visible area, and shall be considered served upon such affixation.

7-4-5 Abatement Investigation At any time after termination of the time period allotted in the notice of violation, the individual who served the notice in compliance with section 7-4-4 of this chapter or any other police officer, enforcement officer or inspector so assigned, may investigate to determine whether or not the nuisance has been abated.

7-4-6 Filing and Prosecution of Complaint In the event the owner or occupant of the property where the nuisance exists as provided in this chapter has failed, within the prescribed time, to abate such nuisance, or in the case of a violation described in subsection 7-4-4C of this chapter, then any police officer or zoning or code enforcement officer may file a complaint with the circuit court for the fourteenth (14th) Judicial circuit, or a magistrate thereof, charging violation of this chapter and demanding that the owner of the property or occupant thereof, or both, be punished as provided in this chapter. The Village attorneys shall prosecute the complaint as an ordinance violation in the appropriate court.

7-4-7 Removal, Violations and Penalties

7-4-7-1 REMOVAL. The chief of police, or any member of his department designated by him, is hereby authorized to remove any junk, trash, refuse, or junk vehicles in violation of this chapter, as described herein:

7-4-7-1-1 In the case of any other junk, trash, refuse or junk vehicle in violation of subsection 7-4-3C of this chapter, removal is authorized immediately upon observation or complaint.

7-4-7-1-2 In the case of any other junk, trash, refuse or junk vehicle in violation of this chapter, removal is authorized after the expiration of the time limit provided for abatement of the nuisance as indicated in the notice of violation, and as provided for by section 7-4-4 of this chapter.

7-4-7-2 VIOLATIONS. Without regard for a person's status as owner or occupant of property:

7-4-7-2-1 It shall be unlawful for any person in charge or in control of any property in the Village to permit any junk vehicle, except when housed in a fully enclosed building and not visible from any point outside said building, to remain on said property after receiving written notice from any officer of the Village that a nuisance exists.

7-4-7-2-2 It shall be unlawful for any person to permit a junk vehicle or junk, refuse or trash to be placed, deposited or stored upon any street or highway for any duration of time.

7-4-7-2-3 It is unlawful to otherwise maintain a nuisance as described within this chapter, within the Village.

7-4-7-3 PENALTIES

7-4-7-3-1 Violation of this chapter is a misdemeanor punishable by a fine of fifty dollars (\$50.00) for each day that the violation is permitted to continue after the expiration of the time limit provided for abatement of the nuisance as indicated in the notice of violation, and as provided for in section 7-4-7 of this chapter.

7-4-7-3-2 Violators of this chapter are subject to court ordered removal of the nuisance, or removal of the nuisance by the Village. In the event that the Village removes the nuisance, the Village may file a lien in the office of the recorder of deeds of Rock Island County for the full cost of the abatement.

7-4-7-3-3 Violators of this chapter or owners of property upon which violations of this chapter are permitted to exist that are subject to court action shall be liable for all costs, including administration expense, court costs, and reasonable attorney fees, incurred by the Village for enforcement of this chapter.

7-4-7-3-4 Violators of this chapter or owners of property upon which violations of this chapter are permitted to exist shall be subject to any and all applicable liens upon the property for any costs

associated with the removal, storage, disposal or cleanup of the junk, refuse, or junk vehicle.

7-4-7-3-5 Any junk vehicle or other vehicle removed by the Village under this section shall be subject to the procedures for abandoned, lost, stolen or unclaimed vehicles as described in 625 Illinois Compiled Statutes 5/4-201 et seq., or such other statute as may be applicable.

7-4-7-3-6 Any other junk or refuse removed by the Village under this section shall be subject to destruction or disposal by the Village, at the expense of the violator of this chapter or the owners of the property upon which violations of this chapter are permitted to exist.

7-4-8 Exceptions For purposes of this chapter, a person shall not be considered to be in violation of this chapter if said person is operating a lawful business within the Village and:

7-4-8-1 The person's business is used or new vehicle sales or repair and the person is storing vehicles without current registration as part of that business; or

7-4-8-2 The person's business is the repair of vehicles and the person is storing vehicles incapable of moving under their own power for a period longer than seven (7) days, but not more than thirty (30) days as a part of that business.

CHAPTER 5

GARBAGE COLLECTION

SECTION:

- 7-5-1 Receptacle Required
- 7-5-2 Receptacle Specifications
- 7-5-3 Littering
- 7-5-4 Separation of Yard Waste
- 7-5-5 Solid Waste Collection Procedures
- 7-5-6 Refunds
- 7-5-7 Solid Waste Vehicles
- 7-5-8 Penalties

7-5-1 Receptacle Required It shall be the duty of every owner or his agent or occupant of any house, building, flat or apartment or tenement in the Village where people reside, board or lodge, .or where animal or vegetable matter is prepared or served, and at all times, to maintain in good order and repair, a can or container for garbage. (M.C. 1949, Sec. 443; Amd. Ord. 539 6-3-96)

7-5-2 Receptacle Specifications The can or container for garbage shall be water-tight with a close fitting cover; and such can shall have a capacity of not less than five (5) or more than thirty (30) gallons. A 90-gallon wheeled container may be rented through the Village's solid waste collection contractor at own expense. (M.C. 1949, Sec. 444; Amd. Ord. 539 6-3-96)

7-5-3 Littering No garbage or refuse of any kind shall be deposited in any street, alley or public way, excepting as is provided in this Chapter; and no such refuse shall be so placed that it can be blown about or scattered by the wind. (M.C. 1949, Sec. 446)

7-5-4 Separation of Yard Waste All yard waste shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises or placed in approved degradable bags and set out for collection.

7-5-4-1 **Yard Waste Containers.** Persons choosing not to compost yard waste on their own property may place yard waste in specially marked degradable bags for collection. Paper yard waste bags sold at retail stores are allowable. A yard waste sticker for each bag must be purchased at the Village Hall. Stickers are \$2.50 each. Yard waste bags containing material other than yard waste shall not be collected.

7-5-4-2 Solid Waste Collection. All residents of the Village shall exclusively use the contractor selected by the Village for the collection of residential solid waste and yard waste in a manner and degree of frequency to be determined by motion of the Board of Trustees, but not less frequently than once a week. The Village shall not provide for the collection of commercial solid waste, hazardous materials or any residential solid waste or yard waste not prepared for disposal pursuant to this ordinance. One item of bulky trash item will be collected once a month as determined by the contractor.

7-5-5 Solid Waste Collection Procedures There is hereby established, and the Village shall impose, collect and enforce, a schedule of mandatory fees for solid waste collection services as follows:

7-5-5-1 Residential dwelling units of from one to six in number, inclusive, will be charged as single-family rate per dwelling unit per month.

7-5-5-2 Rendering Bills for Garbage Disposal. Charges for garbage disposal service shall be included as an itemized charge on water and sewer bills.

7-5-5-3 Delinquent Accounts. In that garbage bills are included in the water and sewer bills, delinquent garbage disposal bills shall not be separately recognized. Rather, water, sewer and garbage disposal bills not paid in their entirety shall be subject to those fines/penalties that are already identified in the water and sewer ordinance in addition to those penalties contained in Section 8 of this ordinance.

7-5-6 Refunds The unused portion of a fee paid in advance may be refunded in accordance with refund guidelines that are already identified in the water and sewer ordinance.

Containers (Non-Disposable)

Solid waste shall be placed in suitable containers. Solid waste containers shall not be more than forty-five (45) gallons nor less than ten (10)⁶ gallons in capacity. Containers shall be waterproof and fitted with a tight lid. The containers shall have handles, bails or other suitable lifting devices. The containers shall be of a type originally manufactured for solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual containers and contents shall not exceed fifty (50) pounds. Galvanized iron and similar metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used. Oil or grease drums, paint cans and similar

⁶ See Section 6-2-36 of this Village Code.

containers shall not be acceptable for use as containers.

Containers (Disposable)

Disposable bags manufactured for solid waste disposal shall be acceptable for solid wastes other than animal or vegetable matter which would be attractive to rats, dogs or other animals. Baskets, boxes and non-complying solid waste containers shall be considered disposable solid waste and shall be removed by collection crews if they are the proper size and otherwise acceptable for collection, or shall be left uncollected if they are other than the allowable size or unacceptable for collection. The size of such containers shall be compatible with the above specifications for non-disposable containers.

7-5-7 Solid Waste Vehicles Each truck or vehicle used on the collection of solid waste shall be equipped with either an all metal watertight box or with a box with a metal lining so that there shall be no escape of liquid contents from the box onto the ground or street. All vehicles used for the collection of solid waste shall be kept closed at all times except when stopped to receive solid waste. Any truck, trailer or other vehicle transporting solid waste on the streets and alleys of the Village shall be covered with a canvas or other effective means to prevent the same from falling or blowing onto the streets or alleys.

7-5-8 Penalties Any person, firm or partnership or corporation violating any provision of this Chapter shall be guilty of a misdemeanor and be subject to a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each separate violation of this Chapter in addition to any other civil or criminal penalties the Village may choose to pursue according to law. In the case of a delinquent garbage bill, each day such delinquent bill is not paid shall constitute a separate violation of this Chapter. In the event the person is accused of a violation of this Chapter and does not wish to contest said allegations prior to the time a complaint is issued for the violation, then said person so accused may pay to the Village Clerk at the Village Hall a penalty in the sum of fifty dollars (\$50.00) for and in satisfaction of said violation. This must be done within seven (7) days of the issued violation. (Amd. Ord. 11-15-2021)

CHAPTER 6

PRIVATE SEWAGE DISPOSAL SYSTEM

SECTION:

- 7-6-1 Sewage Disposal Facilities Required
- 7-6-2 Private Sewage Disposal Systems
- 7-6-3 Penalty

7-6-1 Sewage Disposal Facilities Required Every building or structure in the Village used for residence, business, trade, industry or meeting purposes shall be equipped with properly constructed and installed adequate sewage disposal facilities. The plumbing in all such places shall conform to the provisions of this Code and the laws of the State of Illinois relative thereto. The Owner shall operate and maintain the private sewage disposal facilities in a safe, healthful and sanitary manner at all times and at no expense to the Village. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Rock Island County Board of Health and the laws of the State and Federal Governments. (M.C. 1949, Sec. 559) (Amd. Ord. 1-1-2022)

7-6-2 Private Sewage Disposal Systems All private sewage disposal systems must conform to the laws of the State of Illinois as found in Title 77: Public Health, Chapter 1: Department of Public Health, Subchapter R: Water And Sewage, Part 905 Private Sewage Disposal Code for the State of Illinois.

7-6-3 Penalty Any person violating any provision of this Chapter or, using or occupying any premises in the Village, as habitations, or for business, trade, industry or meeting purposes unless such premises are equipped with sewage disposal facilities consisting of either a connection with a sanitary sewer system or proper septic tank, shall be fined not less than twenty five dollars (\$25 00) nor more than one hundred dollars (\$100.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949, Sec. 565; amd. Ord. 338, 1-3-77)

CHAPTER 7

PUBLIC SEWERAGE SYSTEM

SECTION:

- 7-7-1 Connection Required
- 7-7-2 Sewerage Department Established
- 7-7-3 Rates
- 7-7-4 Liability for Payment
- 7-7-5 Delinquency
- 7-7-6 Discontinue Service
- 7-7-7 Clerk to Render Bills
- 7-7-8 Sewerage Fund
- 7-7-9 System of Accounts, Record
- 7-7-10 File With County Recorder

7-7-1 Connection Required

- 7-7-1-1 The use of any premises in the Village in such manner as to create sewage thereon not discharged into the sewerage system of the Village is hereby declared to be a nuisance; every water closet or privy connected and used in any building not connected with the sewerage system of the Village is hereby declared to be a nuisance; provided, that this Section shall be inapplicable to premises where connection with said sewerage system is hereby declared to be feasible as to any premises abutting any street, alley or other public way or sewer right of way in which any line of the sewerage system of the Village exists.
- 7-7-1-2 The owner of any premises so used as to create sewage or on which there exists any water closet or privy, or any tenant or other person occupying any such premises hereby is required to cause proper connection to be made with the sewerage system of the Village within one year from the date when such connection with the sewerage system shall become feasible.
- 7-7-1-3 Any person who shall be guilty of the violation of this Section for more than ninety (90) days after notification of such violation has been given by the Village Clerk shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00). (Ord. 221, 6-6-62)

7-7-2 Sewerage Department Established There is hereby established an executive department of the Village to be known and designated as the Sewerage Department of the Village and there shall be placed in charge of the general management and control thereof a Superintendent, who shall be appointed by the President with the approval of the Village Board of Trustees expressed by ordinance. It being hereby determined and declared that the establishment of said Department and the appointment of a Superintendent is necessary and expedient for the best interests of the Village. Said Superintendent shall qualify for office in the same manner as any elective official of the Village and shall post such amount as may be determined by the President and Village Board of Trustees. All necessary employees of said Department shall likewise be appointed by the President with the approval of the Board of Trustees expressed by ordinance. (Ord. 222, 6-6-62)

7-7-3 Rates There shall be and there are hereby established rates and charges for the use of and for the services supplied by the Municipal sewerage systems of the Village based upon meter reading of the amount of water consumed.

See Appendix A for listing of Rates.

Multiple Users on same premises: A multiple use is defined as any additional number of dwelling or commercial units located on the same premises, being served through a single water meter, such as apartment buildings, more than one commercial unit in the same building served through a single water meter or commercial and residential units located in the same building served through a single water meter. Each such dwelling or commercial user shall be classified as a user equivalent.

In all such cases, the minimum charge for the type of service set out above shall apply to each user equivalent. (Ord. 423)

All applications accepted by the Village Board of Trustees for sewer service made before August 1, 1962, were installed within four feet (4') of each premises' existing sewer facilities at no expense to the owner. The signing of such application binds the applicant to pay the listed rates upon commencement of operating of the system.

All applications for sewer hookups filed after August 1, 1962, will not have to pay the application fee of seven hundred fifty dollars (\$750.00) if the applicant is using the existing sewer stub previously installed. If the applicant chooses not to use the existing sewer stub or if a sewer stub doesn't exist, the applicant must pay the seven hundred fifty dollars (\$750.00) hookup fee. This is in addition to expenses incurred during the installation. Thereafter, the applicant will pay the prevailing rate for water and sewer usage.

- 7-7-4 Liability for Payment** The owner of the premises and the occupant thereof and the user of sewerage service shall be jointly and severally liable to pay for the service on said premises, and the service is furnished to the premises of the Village only upon the condition that the owner of the premises, occupant and user of the service, are jointly and severally liable therefor to the Village. Bills shall be rendered monthly and shall be payable within fifteen (15) days after the date thereof.⁷
- 7-7-5 Delinquency** In the event said rates or charges for sewerage service are not paid by the second (2nd) day of each month for such service, a fee of 10% shall be added to the unpaid bill after the 2nd day of each month the bill is delinquent. Such charges shall be deemed and are hereby declared to be delinquent, and thereafter such delinquencies shall constitute liens upon the real estate for which such services are supplied, and the Village Clerk is hereby authorized and directed to file sworn statements showing such delinquencies in the office of the Recorder of Deeds of Rock Island County, Illinois, and the filing of such statements shall be deemed notice for the payment of such charges for such services.
- 7-7-6 Discontinue Service** If the charge for sewerage service is not paid for two (2) consecutive months after the rendition of the bill for such service, a shut-off notice letter will be sent by the Village Clerk to the premises occupant. The occupant of the premises will have 15 days from the date on the letter to pay the full amount due or the service shall be discontinued without further notice. Service shall not be reinstated until all past due bills and delinquency fees are paid in full, plus a \$50.00 fee for restoring such service.
- 7-7-7 Clerk to Render Bills** It is hereby made the duty of the Clerk to render bills for sewerage service, and all other charges in connection therewith, and to collect all moneys due thereon.
- 7-7-8 Sewerage Fund** All revenues and moneys derived from the operation of the sewerage system shall be held by the Village Treasurer separate and apart from his private funds and separate and apart from all other fund of the Village, and all of said sums, and all other funds and moneys incident to the operation of said system, as the same may be delivered to him, and deposit the same in a separate fund designated as the "Sewerage Fund of the Village of Andalusia" and said Treasurer shall administer said Fund in every respect in the manner provided by the Illinois Municipal Code and all other laws thereunto enabling.

⁷ See Section 6-2-36 of this Village Code.

7-7-9 System of Accounts, Record The Village Treasurer shall establish a proper system of accounts and shall keep proper records, books and accounts, in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals the President and Board of Trustees shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursement of the combined system.

7-7-10 File With County Recorder A copy of this Chapter, properly certified by the Village Clerk shall be filed in the office of the Recorder of Deeds of Rock Island County, Illinois, and shall be deemed notice to all owners of real estate of their liability for sewerage service supplied any occupant or user of such services on their properties. (Ord. 222, 6-6-62)

CHAPTER 8
[RESERVED]

CHAPTER 9
[RESERVED]

CHAPTER 10
[RESERVED]

TITLE 8

PUBLIC WAYS AND PROPERTY

<u>Subject</u>	<u>Chapter</u>
Excavating, Backfilling, Surfacing, & Resurfacing Public Roadways	1
Trees and Shrubs	2
Signs, Billboards, and Awnings	3
Houseboats	4
Street Names, House Numbering	5
[RESERVED]	6
Streets and Sidewalks	7

CHAPTER 1

EXCAVATING, BACKFILLING, SURFACING, & RESURFACING PUBLIC ROADWAYS

SECTION

- 8-1-1 Supervision
- 8-1-2 Construction
- 8-1-3 Application for Permit
- 8-1-4 Bond
- 8-1-5 Notification before improvement
- 8-1-6 Backfilling and Resurfacing – By Private Utility Companies
- 8-1-7 Backfilling and Resurfacing – By Others
- 8-1-8 Barricades and Signs, Etc.
- 8-1-9 Obstructions
- 8-1-10 Curb Cuts
- 8-1-11 Disturbing Barricades
- 8-1-12 Penalty

8-1-1 Supervision All public streets, alleys, sidewalks, and other public ways shall be under the supervision of the Maintenance Department and or Water & Sewer Department. They shall have supervision over all work thereon, and the cleaning thereof, and shall be charged with the enforcement of all code provisions relating to such public places (except traffic provisions) and is hereby authorized to enforce such provisions. (M.C. 1949; Sec.110)

8-1-2 Construction No person shall dig, excavate, remove, cut or in any manner tunnel under or break the surface of any part of any street, highway, alley, or right-of-way unless an excavation permit to do so has been issued by the Public Works Director or his designated representative, according to the conditions of this division.

8-1-3 Application for Permit

The excavation permit shall show the date of application, the place of the excavation, the estimated date when the same will be made, the permit fee and name of the applicant, who shall state that the person has filed with the Village of Andalusia bond as required in this division.

The excavation permit shall be void ten (10) days after the date of issue if the initial work has not been started, and the person granted the permit shall perform the work with all possible speed. From the time the public right-of-way is excavated, the permit holder shall have four (4) workdays to complete his responsibilities and turn the work area over to the village's representative

for resurfacing. The permit shall always be in the possession of the person in charge of the work allowed, or in the possession of the individual working at the location so that, the permit may be produced for inspection at any time upon request by authorized village officials.

A separate excavation permit shall be required for each uninterrupted alteration of the surface or undersurface of any street, avenue, highway, or alley; provided that when multiple cuts are made at approximately the same time for purposes of repairing or servicing the underground utilities, one (1) permit fee shall apply for each three-hundred - foot section of gas main over which such multiple cuts are made. Similarly, minimum charges for resurfacing, provided for hereinafter, shall apply to each such three-hundred-foot section.

The fee for each permit issued shall be ten dollars (\$10.00), which shall be paid to the village clerk at the time the permit is issued. No refunds shall be made on excavation permits.

In case of a break of a gas main or of other emergency which might in the opinion of the Public Works Director prove harmful to the public health of welfare or cause serious damage, the Public Works Director or his representative may grant an "emergency" permit verbally, to be entered subsequently as a written permit as hereinabove provided.

The Public Works Director, or his representative, shall have the authority and it shall be his duty to exercise his judgment in the public interest, in the issuance of excavation permits, with respect to the size, location, specification, and timing of excavations or other qualifications affecting same.

8-1-4 Bond

- 8-1-4-1 No person shall be issued an excavation permit unless a bond has been executed to the village, with a certificate that the bond is presently in full force and effect, in the penal sum of ten thousand dollars (\$10,000.00) with good and sufficient sureties to be approved by the Village Board and conditioned on the faithful performance of all duties required by ordinances, rules and regulations of the village. It shall be a further condition of the bond that the obligors will hold the Village of Andalusia harmless from any and all damages sustained by reason of neglect or incompetence on the part of such person in the performance of work done or careless or improper guarding of excavations made or trenches dug, or by reason of any other cause whatsoever, growing out of the negligence or carelessness of such person for the issuance of a permit provided for in

this division. The bond shall be further conditioned that such person will promptly pay the village any and all sums or amounts due or that may become due or owing by reason of, and under the terms and conditions of this division, and in the manner and at the time or place as provided for herein.

- 8-1-4-2 No person shall be issued an excavation permit whose bond shall not have been filed and approved as herein set forth, provided, that a plumber who has executed a bond as provided in the plumbing ordinance and which contains all of the conditions set forth in this division, shall be considered to have met the requirements for bond.

8-1-5 Notification before improvement Whenever, improvement of any street, avenue, highway, or alley is ordered by the village board, it shall be the duty of the Public Works Director or his designee to notify all pertinent utility companies, all property owners abutting the improvements, and other interested persons of such order. They are to be advised to take steps prior to the construction of said improvement, to perform all desired or necessary excavations for placing pipes, conduits, sewers, wires or other facilities in such public ways under, over, on or adjacent to the improvement. Such persons so notified shall make such excavations before the improvement work is begun, or at such time deemed convenient by the Public Works Director prior to completion of the improvement.

8-1-6 Backfilling and Resurfacing – By Private Utility Companies Private utility companies shall be responsible for backfilling, resurfacing, and safeguarding excavations made by these companies in street right-of-way, and also backfilling and safeguarding excavations made on boulevards or other village property. These companies shall be liable for the maintenance of backfilling and resurfacing for a period of two (2) years after the date the permit is issued for the excavations, and shall hold the village harmless for all claims for damages that may result because of excavations during that period. Backfilling and resurfacing shall be done in accordance with specifications provided by the Public Works Director. The sinking or deterioration within the aforesaid period of months shall be held to be the responsibility of the utility company, who shall upon direction of the Public Works Director re-excavate and properly refill and resurface the street cut.

8-1-7 Backfilling and Resurfacing – By Others The excavation permit holder shall be responsible for the proper backfill of the excavation for a period of two (2) years after the date the backfill is completed. This responsibility shall include all costs for reopening the excavation, correcting the problem causing the settlement, and replacing the pavement patch. The excavation permit holder will not be responsible for deterioration, which is not caused by settlement of the excavation.

8-1-7-1 Backfill within two (2) feet of streets, alleys, sidewalks, driveways, and other paved surfaces. With the exception of the top eight (8) inches of the excavation, the backfill material shall be sand meeting Illinois Department of Transportation gradation FA-6 or an equivalent approved by the Public Works Director. The backfill material shall be thoroughly compacted by methods approved by the Public Works Director.

8-1-7-2 Backfill for areas more than two (2) feet from paved surfaces. The entire excavation should be backfilled with earthen material free from broken concrete, asphalt, large rocks or other debris. The backfill material shall be thoroughly compacted by methods approved by the Public Works Director.

8-1-7-3 Surface restoration; paved surfaces. The excavation permit holder shall be responsible for placing a temporary pavement patch on all pavement excavations within two (2) working days after completion of the work in the excavation. The temporary patches shall conform to the following minimum standards:

8-1-7-3-1 Street and alley patches. Two (2) inches of well-compacted, cold-mix asphalt placed on six inches (6") of well-compacted stone.

8-1-7-3-2 Driveways and Sidewalks: Two inches (2") of well-compacted, cold-mix asphalt.

The excavation permit holder is responsible for maintaining the temporary patches for a period of not more than six (6) months. During this maintenance period, the permit holder shall make any repairs within two (2) working days after notification by the Village. If the permit holder fails to make the necessary repairs within two (2) working day period, the village will make the repairs and charge the permit holder for all the costs including any barricading and signing necessary to protect the public.

8-1-7-4 Surface Restoration Outside Paved Areas: All areas disturbed by the construction shall be sodded or reseeded at the discretion of the adjacent property owner. Unless other arrangements can be documented, the permit holder is responsible for watering the restored area until the new growth is well established.

8-1-8 Barricades and Signs, Etc. The excavation permit holder laying or repairing any pavement on a street, sidewalk, or other public place or making an excavation in the same shall ensure that the work is performed with minimal inconvenience and safety hazard to the public. The permit holder shall provide, maintain, and erect all barricades & signs necessary to protect the worksite and the public. Barricades shall be protected by flashing warning lights at nighttime. If the signing and barricading at any excavation is found to be inadequate and the permit holder is unable or unwilling to correct the problem immediately, the Village will make the necessary corrections; and all the costs for this work will be charged to the permit holder.

No street or alley may be closed without permission of the Public Works Director. Fire hydrants, gutters and storm inlets adjacent to the work may not be obstructed without the permission of the Public Works Director.

8-1-9 Obstructions It shall be unlawful for any person to cause, create, or maintain any obstruction of any street, alley, sidewalk, or other public way, except as may be specifically authorized by ordinance or by the Public Works Director.

8-1-10 Curb Cuts

8-1-10-1 It is hereby declared that no person shall alter, cut, or change in any way any existing curb and/or gutter without first obtaining the approval for such work from the Public Works Director and a permit in writing from the Village Clerk.

8-1-10-2 The fee for such permit shall be five dollars (\$5.00).

8-1-10-3 Any person violating any of the provisions of this Section shall be subject to a fine not less than one hundred dollars (\$100.00), and not more than five hundred dollars (\$500.00), and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Section is committed, continued or permitted.

8-1-11 Disturbing Barricades It shall be unlawful to disturb or interfere with any barricades or lights lawfully placed to protect or mark any new pavement, excavation, or opening in any public street, alley, or sidewalk. Whenever any street or alley has been closed, it shall be unlawful for any person to remove such barrier, barriers, sign or signs, or to deface or injure the same, or to walk, ride, drive or go upon any part of said street or alley so closed, except such persons as are duly authorized so to do.

8-1-12 Penalty Any person violating any provision of this Chapter, where no other penalty is provided, shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

In the event a person is accused of a violation of an ordinance contained in Title 8, Chapter 1, of the Andalusia Ordinances, and does not wish to contest that accusation, then said person so accused may pay to the Village Clerk, a minimum fine of one hundred dollars (\$100.00) within seven (7) days of the date or receipt of the citation (the date of issuance included) for and in full satisfaction of said violation.

CHAPTER 2

TREES AND SHRUBS

SECTION:

- 8-2-1 Planting
- 8-2-2 Removals
- 8-2-3 Injury
- 8-2-4 Advertisements or Notices
- 8-2-5 Dangerous Trees
- 8-2-6 Wires
- 8-2-7 Gas Pipes
- 8-2-8 Excavations
- 8-2-9 Penalty

8-2-1 Planting It shall be unlawful to plant any tree or shrub in any public street, parkway, or other public place without having first secured a permit therefor. Applications for such permits shall be made to the Village Clerk, and shall be referred by the Clerk to the President and Village Board. All trees and shrubs so planted shall be placed subject to the directions and approval of the Committee on Streets and Alleys. (M.C. 1949, Sec. 133)

8-2-2 Removals It shall be unlawful to remove or cut down any tree or shrub in any street, parkway, or other public place without having first secured a permit therefor. Applications for such permits shall be made to the Village Clerk, and shall be referred by the Clerk to the President and Village Board before permission shall be granted. (M.C. 1949, Sec. 134)

8-2-3 Injury It shall be unlawful to injure any tree or shrub planted in any such public place. (M.C. 1949, Sec. 135)

8-2-4 Advertisements or Notices It shall be unlawful to attach any sign, advertisement or notice to any tree, shrub, or telephone pole in any street, parkway, or other public place. (M.C. 1949, Sec. 136)

8-2-5 Dangerous Trees Any tree or shrub which overhangs any sidewalk, street, or other public place in the Village in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises or of the premises on which the tree or shrub grows so that the obstruction shall cease.

Any limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands. (M.C. 1949, Sec. 137)

- 8-2-6 Wires** It shall be unlawful to attach any wire or other rope to any tree or shrub in any public street, parkway, or other public place without permission of the President and Village Board.

Any person or company given the right to maintain poles and wires in the streets, alleys, or other public places in the Village shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed subject to the supervision of the Public Works Director, so that no injury shall be done to the poles or wires or shrubs and trees by contact. (M.C. 1949, Sec. 138)

- 8-2-7 Gas Pipes** Any person or company maintaining any gas pipe in the Village shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any person, tree, or shrub. (M.C. 1949, Sec. 139)

- 8-2-8 Excavations** In making excavations in streets or highways for the laying of service pipes, the road surface materials and soil removed shall be deposited in a manner that it will be the least inconvenience to the public and provide for the passage of water along the gutters. Suitable barricades must be erected around the excavations and amber lights maintained at night if unfilled before nightfall. In making excavations in streets or other public places proper care shall be taken to avoid injury to the roots of any tree or shrub, wherever possible. (M.C. 1949, Sec. 140)

- 8-2-9 Penalty** Any person violating any provision of this Chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949, Sec. 141; amd. Ord.338, 1-3-77)

CHAPTER 3

SIGNS, BILLBOARDS, AND AWNINGS

SECTION:

- 8-3-1 Permission
- 8-3-2 Bond
- 8-3-3 Insurance
- 8-3-4 Construction
- 8-3-5 Base Height
- 8-3-6 Wind Pressure
- 8-3-7 Building Line Restrictions
- 8-3-8 Fireproof Construction
- 8-3-9 Location; Frontage Consents
- 8-3-10 Roof Signs
- 8-3-11 Signs or Billboards against Buildings
- 8-3-12 Illuminated Billboards
- 8-3-13 Nuisances
- 8-3-14 Temporary signs
- 8-3-15 Inspection
- 8-3-16 Penalty
- 8-3-17 Traffic Control Signs and Devices; Offenses & Penalties
- 8-3-18 Signs Mimicking Official Signs or Devices
- 8-3-19 Illuminated or Moving Signs along Highway

8-3-1 Permission Any person who wishes to erect or maintain any sign, billboard, signboard, or rigid canopy over any street, sidewalk, alley, or other public way in the Village must first obtain permission by the Village Board. Permits for signs, billboards, or canopies shall be issued by Rock Island County and shall designate the location of the proposed structure.

8-3-2 Bond Each person maintaining a sign, billboard, signboard, or rigid canopy shall file with the Village Clerk a bond or indemnity policy in the sum of five thousand dollars (\$5,000.00), conditioned to indemnify the Village for any loss, damage, or liability that may result from the construction or maintenance of the sign, billboard, signboard, or canopy. The bond or policy shall have sureties as may be approved by the President and Village Board.

8-3-3 Insurance Provided that if a blanket indemnity insurance policy against any loss or liability due to a sign and canopy is secured by the Village, no bond shall be required. (M.C. 1949, Sec. 143)

8-3-4 Construction All signs and canopies extending over any public sidewalk, street, alley or other public place must be securely fastened and dislodged by constructed so that there will be no danger of the same being ordinary winds or falling from other cause. (M.C. 1949, Sec. 145)

8-3-5 Base Height The lowest part of any sign, canopy, or non-rigid awning, or any support thereof which extends over any public way shall be at least seven feet (7') above the level of the walk or public way over which it extends. No sign, canopy or non-rigid awning shall be maintained over any public way used by vehicles, if any part of its support or of the sign is less than fifteen feet (15') above the level of such public way. (M.C. 1949, Sec. 147)

Every billboard must be constructed as to leave an open space of at least two and one-half feet (2½') between the bottom of the display area and the ground. This open space may be filled with lattice work or other ornamental design which does not close off more than two-third (2/3) of any square foot of such open area. (M.C. 1949, Sec. 516)

8-3-6 Wind Pressure Every sign, billboard or signboard shall be firmly and solidly constructed so as to be able to bear a wind pressure of at least thirty (30) pounds per square foot of area; provided that signs which are placed upon roofs must be so constructed as to be able to withstand a lateral wind pressure of forty (40) pounds per square foot of area. (M.C. 1949, Sec. 514)

8-3-7 Building Line Restrictions Billboards constructed on lots having a properly established building line, must be built entirely in back of this building line and no permit shall be issued unless it is shown that such billboard will be built entirely in back of such building line. (M.C. 1949, Sec. 517)

8-3-8 Fireproof Construction It shall be unlawful to construct any billboard of over fifteen (15) square feet in area anywhere within the village limits unless the face of such billboard is constructed of noncombustible material. (M.C. 1949, Sec. 518)

8-3-9 Location; Frontage Consents No person shall locate, build, erect or maintain any billboard in any block where a majority of the houses abutting on both sides of the street in the block area used exclusively for residential purposes without securing written frontage consents from the owner of such property in the manner provided in Section 3-1-10 of this Village Code. (M.C. 1949, Sec. 519)

8-3-10 Roof Signs It shall be unlawful to construct any sign or billboard on the roof of any building or structure of any but noncombustible materials. All such roof signs or billboards must be so constructed that there is at least a four foot (4') space between the billboard or signboard and the edge of the roof at all sides and ends. It shall be unlawful to construct any signboard or billboard on the roof of any building which is unable to withstand the additional weight and wind pressure imposed by such construction. All roof signs and billboards which are constructed on buildings which are not constructed entirely of fireproof materials shall be so constructed and braced that the supports of such signs or billboards shall bear directly on the masonry walls of such building or on the steel girders which are supported by the masonry walls.

The metal supports and parts of every roof sign shall be thoroughly and properly painted at least once every two (2) years unless they are galvanized and otherwise protected against rust and corrosion. (M.C. 1949, Sec. 520)

8-3-11 Signs or Billboards against Buildings It shall be unlawful to construct any sign or billboard, a majority of the display area of which is within four feet (4') of any building unless such billboard is constructed of noncombustible materials. (M.C. 1949, Sec. 521)

It shall be unlawful to erect a sign, billboard, or awning in such a position as to obstruct a fire escape or any window or door leading thereto. It shall be unlawful to fastened any sign, billboard, or awning to any fire escape. (M.C. 1949, Sec. 515)

8-3-12 Illuminated Billboards The wiring of illuminated billboards and signboards must comply with the provisions of this Code relating to electric wiring. (M.C. 1949, Sec. 522)

8-3-13 Nuisances Any sign, billboard, signboard, or awning that is dangerous because of insecure fastening or construction with resultant danger of falling, or because it is a fire hazard, shall hereby be declared to be a nuisance and may be abated as such. (M.C. 1949, Sec. 523)

8-3-14 Temporary signs Temporary signs advertising sale of real estate, construction in progress on the site, advertising special sales and promotions occurring on the site, or promoting candidates for political office may be permitted in the Village. Temporary signs shall be removed immediately after the conclusion of the event or activity they are advertising.

8-3-15 Inspection It shall be the duty of the Rock Island County Building Inspector to inspect or cause to be inspected every sign, billboard, rigid canopy or awning which extends over any sidewalk, street, alley or other public way. If any such sign, billboard, canopy or awning is found to be insecurely fastened he shall report this fact to the owner of the sign or to the owner or occupant of the premises on which it is fastened. If the sign or canopy is not made secure within ten (10) days after such notice, it may be torn down by the Fire Department on order of the President and Village Board. (M.C. 1949, Sec. 148)

8-3-16 Penalty Any person violating or failing to comply with any provision of this Chapter shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense; and a separate offense shall be deemed committed on each and every day during or on which a violation or failure to comply occurs or continues. (M.C. 1949, Sec. 149; amd. Ord. 338, 1-3-77)

8-3-17 Traffic Control Signs and Devices; Offenses & Penalties Removal or possession of a traffic control device or sign; penalty. Whenever a highway has been closed as provided in (605 ILCS 5/9-102) or wherever traffic control devices or signs have been erected on any public highway as provided under this Illinois Code, it is unlawful for any person to remove or knowingly possess any such barrier, traffic control device or sign, or to deface or injure the same, or to walk, ride or drive upon any part of such highway so closed, except such persons as are duly authorized to do so.

Whoever knowingly violates the provisions of this Section shall be guilty of a Class A misdemeanor, punishable by a fine of at least \$500, as well as any other penalty which may be imposed. In addition thereto, such person convicted shall be held liable for any and all damages caused to such highway, including, but not limited to, any bridge or culvert work, traffic control device or sign, by reason of such violation.

The highway authorities or their duly authorized agents in direct charge of the work, are authorized to exercise in their respective jurisdictions, all the common law and statutory powers conferred upon sheriffs, and such highway authorities, or their duly authorized agents in direct charge of the work aforesaid, shall arrest without process any person who violates the provisions of this Section, and in so doing they shall be held to be acting for the State.

Any person or persons so arrested shall be delivered by the person making the arrest to some judge, sheriff, or police officer at some station or place within the county in which the offense was committed, for trial, according to law. (605 ILCS 5/9-103) (from Ch. 121, par. 9-103) (Source: P.A. 88-673, eff. 7-1-95.)

8-3-18 Signs Mimicking Official Signs or Devices No person shall place, or cause to be placed upon or in view of any public highway any sign or billboard or any advertising of any kind or description which in wording, color or shape is similar to official traffic control signs or other official traffic control devices erected by the proper authority having jurisdiction over such highway in compliance with the Manual of Uniform Traffic Control Devices for Streets and Highways, as now or hereafter adopted by the Illinois Department of Transportation.

Any person who violates any of the provisions of this Section shall be guilty of a petty offense and fined not less than \$10 nor more than \$100 for each offense. (605 ILCS 5/9-112.2) (from Ch. 121, par. 9-112.2) (Source: P.A. 78-255.)

8-3-19 Illuminated or Moving Signs along Highway No person shall place, or cause to be placed upon any building or other structure, within 200 feet of any public highway, oscillating, rotating or flashing lights which are of such intensity, when illuminated, to be visible at any time from such highway. This prohibition does not apply to a pole-supported business or brand identification sign with constant illumination and color and in which the only movement is a slow rotation of the entire body of the sign so as to be visible from all directions.

Any person who violates any of the provisions of this Section shall be guilty of a petty offense and fined not less than \$10 nor more than \$100 for each offense. (605 ILCS 5/9-112.2) (from Ch. 121, par. 9-112.2) (Source: P.A. 78-255.)

CHAPTER 4

HOUSEBOATS

SECTION:

8-4-1 Houseboats

8-4-1 Houseboats It shall be unlawful for any person to put a house-boat, sometimes called a cabin boat, on any lot in the Village for the purpose of using same to live in as a house. Any person, upon conviction of violating this Chapter shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) and costs for each such offense. (Ord. 104, 12-4-37)

CHAPTER 5

STREET NAMES, HOUSE NUMBERING

SECTION:

8-5-1 Change of Street and Avenue Names

8-5-2 Chart

8-5-3 House Numbering Required

8-5-4 Numbers on Houses

8-5-1 Change of Street and Avenue Names All streets and avenues in the Village shall be changed in accordance with the following plan:

Water Street to 1st Avenue East & West

Main Street to 2nd Avenue East & West

Washington Street to 3rd Avenue East & West

Jefferson Street to 4th Avenue East & West

Madison Street to 5th Avenue East & West

Carol Lane to 5th Avenue West

Kay Street to 5th Avenue Place

Peggy Drive to 5th Avenue Drive

Adams Street to 6th Avenue East & West

Jackson Street to 7th Avenue East & West

Unnamed Road to 8th Avenue East

Magnolia Street to 1st Street

Perry Street to 2nd Street East

Apple Street to 3rd Street East

Aspen Street to 4th Street East

Walnut Street to 2nd Street West

Park Street to 3rd Street West

Maple Street to 4th Street West

Grand Avenue to 5th Street West

Sherri Avenue to 6th Street West

Sharon Court to 6th Street Court

Mischelle Drive to 7th Street West

A chart of the Village showing the aforesaid streets and avenues and made a part hereof by reference shall be and remain on file in the office of the Village Clerk; and all streets and avenues not shown thereon shall hereafter be numbered in continuity and in accordance with the system as used on said chart.

8-5-2 Chart The Village Clerk shall keep a chart showing the proper street and avenue numbers, as well as the proper house number of every lot in the Village, which chart shall be open for inspection by anyone interested, during hours when the Clerk's office shall be open for business.

8-5-3 House Numbering Required All lots, buildings and structures in the Village shall be numbered in accordance with the following plan:

North and south numbers shall commence at 1st Avenue. East and west numbers shall commence at 1st Street.

Odd numbers shall be on the east and north sides of the streets and avenues; even numbers shall be on the south and west sides of the streets and avenues.

There shall be twenty four (24) numbers to each block; one number to each ten feet (10') of frontage.

8-5-4 Numbers on Houses It shall be the duty of the owners and occupants of every house in the Village to have placed thereon, in a place visible from the street, figures at least two and one-half inches (2½") high, showing the number of the house; any person failing to so number any house, building or other structure occupied by him, or if after receiving notice to do so from the Clerk shall continue to his failure to so number such house, building or structure shall be fined one dollar (\$1.00) for each day during or on which a failure to so number continues. (Ord. 210; 5-6-61)

CHAPTER 6
[RESERVED]

CHAPTER 7

STREETS AND SIDEWALKS

Section:

- 8-7-1 Supervision
- 8-7-2 Specifications
- 8-7-3 Damage to Roadway Property
- 8-7-4 Repairs
- 8-7-5 Private Use
- 8-7-6 Encroachments
- 8-7-7 Drains
- 8-7-8 Poles and Wires
- 8-7-9 Games
- 8-7-10 Openings
- 8-7-11 Barbed Wire Fences
- 8-7-12 Deposits on Streets
- 8-7-13 Deposits on Sidewalks
- 8-7-14 Driveways
- 8-7-15 Penalty

8-7-1 Supervision All public streets, alleys, sidewalks, and other public ways shall be under the supervision of the Superintendent of Public Works. He shall have supervision over all work thereon, and the cleaning thereof, and shall be charged with the enforcement of all Code provisions relating to such public places (except traffic provisions) and is hereby authorized to enforce such provisions. (M. C. 1949; Sec 110)

8-7-2 Specifications All street and sidewalk pavement shall be made in conformity with the specifications laid down from by the President and Board of Trustees. (M. C. 1949; Sec. 113)

8-7-3 Damage to Roadway Property It shall be unlawful to walk upon or drive any vehicle or animal upon, or injure any newly laid street, sidewalk, or alley pavement while the same is guarded by a warning sign or barricade; or to knowingly injure any street, sidewalk, or alley pavement. (M.C. 1949; Sec.114)

It shall be unlawful to damage State-owned or local government-owned roadway property; highway and highway property.

- 8-7-3-1 Any agency or instrumentality of the State of Illinois or unit of local government may seek recovery for the cost of the repair or replacement of damaged or destroyed roadway property. As used in this Section, "roadway property" includes road safety equipment and emergency equipment. Depreciation may not be used as a factor in determining the cost of the damaged or destroyed roadway property for which recovery is sought.
- 8-7-3-2 Any agency or instrumentality of the State of Illinois or unit of local government may seek recovery for the cost of the repair of damaged or destroyed highways, highway structures, or traffic-control devices that result from operating, driving, or moving a truck tractor-semitrailer combination exceeding 55 feet in overall dimension authorized under paragraph (1) of subsection (b) or paragraph (1) of subsection (f) of Section 15-107 of the Illinois Vehicle Code. The measure of liability for the damage is the cost of repairing the highway, highway structure, or traffic-control device, or the depreciated replacement cost of a highway structure or traffic-control device. (605 ILCS 5/9-113.02) (Source: P.A. 100-343, eff. 1-1-18.)
- 8-7-4 Repairs** All public street, alley and sidewalk pavement shall be in good repair. Such repair work, whether done by the Village or the abutting owner, shall be under the supervision of the Superintendent of Public Works. (M.C. 1949; Sec.115)
- 8-7-5 Private Use** It shall be unlawful for any person to use any street, sidewalk or other public place, as space for the display of goods or merchandise for sale: or to write or mark any sign or advertisement on any such pavement. (M.C. 1949; Sec.120)
- 8-7-6 Encroachments** It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property. (M.C. 1949; Sec. 121)
- 8-7-7 Drains** It shall be unlawful to obstruct any drain in any public street or alley. (M.C. 1949; Sec. 122)
- 8-7-8 Poles and Wires** It shall be unlawful to erect any poles or wires or maintain any poles or wires over any public street, or other public way without first having secured permission from the President and Board of Trustees. (M.C. 1949; Sec. 123)
- 8-7-9 Games** It shall be unlawful to play any games upon any street, alley, sidewalk or other public place, where such games cause unnecessary noise, or interfere with traffic or pedestrians. (M.C. 1949; Sec. 125)

- 8-7-10 Openings** It shall be unlawful to construct or maintain any opening or stairway in any public street or sidewalk or alley without a permit from the president and Village Board. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing, to the approval of the Superintendent of Public Works. (M.C. 1949; Sec. 126)
- 8-7-11 Barbed Wire Fences** It shall be unlawful to maintain or construct any fence composed in whole or part of barbed wire, or with any similar material designed to cause injury to persons, or any wire charged with electric current, anywhere with-in the village, except barb wire utilized on six (6) feet or higher commercial or governmental security fences, approved by the village board. (M.C. 1949; Sec. 127, April 21, 2003)
- 8-7-12 Deposits on Streets** It shall be unlawful to deposit on any street any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which may do injury to any person, animal or property.
- Landscape rock, mulch or other materials may be deposited in streets preparatory to delivery or use, provided that such deposit does not reduce the usable width of the roadway at that point to less than eighteen feet (18'), and provided that such material, other than material to be used in actual building construction, shall not be permitted to remain in such street for more than three (3) hours.
- Any such material, shall be guarded by lights, if the same remains upon any street after nighttime. (M.C. 1949; Sec. 128)
- 8-7-13 Deposits on Sidewalks** It shall be unlawful to deposit on any public sidewalk any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which might cause injury to persons, animals or property.
- Merchandise, or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width of the sidewalk is not thereby reduced to less than four feet (4'); and provided that no such article shall remain on such walk for more than one-half (½) hour. (M.C.1949; Sec.129)

- 8-7-14 Driveways** It shall be unlawful to construct or maintain any driveway in or across any public sidewalk in the village where this necessitates any interference with or change in the grade or any public sidewalk or curb without having first obtained a permit from the Rock Island County Zoning and Building Department. Applications for driveway permits shall state the size, location and material to be used in the driveway. It shall be unlawful to depart from the specifications or vary from them without permission of Rock Island County. It shall be the duty of any person maintaining any driveway to keep it free from snow, ice, or any obstruction and to keep the driveway in good repair where it crosses a sidewalk. (M.C. 1949, Sec. 131)
- 8-7-15 Penalty** Any person violating any provision of this Chapter, where no other penalty is provided, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949, Sec. 132; amd. Ord. 338, 1-3-77)

TITLE 9

TRAFFIC

<u>Subject</u>	<u>Chapter</u>
General Provisions	1
Pedestrians	2
Rules for Driving	3
Condition of Vehicles	4
Parking Rules	5
Drivers	6
Slow Moving Vehicles (SMVs)	7

CHAPTER 1

GENERAL PROVISIONS

SECTION:

- 9-1-1 Definitions
- 9-1-2 Classification of Vehicles
- 9-1-3 Obedience to Police Officers
- 9-1-4 Signs and Signals
- 9-1-5 Traffic Control Signals
- 9-1-6 Unauthorized Signs
- 9-1-7 Interference With Signs
- 9-1-8 Flood Protection Levee
- 9-1-9 Animals or Bicycles
- 9-1-10 Emergency Vehicles
- 9-1-11 Penalty

9-1-1 Definitions Whenever in this Title the following terms are used they shall have the meanings respectively ascribed to them in this Section:

CROSSWALK: That portion of the roadway included within the prolongation of the Sidewalk lines at street intersections.

EMERGENCY VEHICLE: Vehicles of the Police or Fire Departments; ambulances; and vehicle conveying a Village official or employee in response to any official emergency call.

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

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

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

VEHICLE: Every device, in, upon or by which any person or property is or may be transported or drawn upon a highway, including bicycles but not including strollers or toy vehicles. (M.C. 1949, Sec. 364)

- 9-1-2 Classification of Vehicles** For the purpose of this Title motor vehicles shall be divided into two (2) divisions, to-wit: First – Vehicles which are designed for the carrying of more than seven (7) passengers; Second – Those vehicles which are designed and used for pulling and carrying freight and also vehicles designed and used for carrying more than seven (7) persons. (M.C. 1949; Sec. 365)
- 9-1-3 Obedience to Police Officers** No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, fireman, person authorized by a local authority to direct traffic, or school crossing guard invested by law with authority to direct, control, or regulate traffic. Any person convicted of violating this Section is guilty of a petty offense and shall be subject to a mandatory fine of \$150. (625 ILCS 5/11-203) (from Ch. 95 1/2, par. 11-203) (Source: P.A. 98-396, eff. 1-1-14.)
- 9-1-4 Signs and Signals** It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by the authority of the Village President and Village Board or in accordance with the laws of the State of Illinois. (M.C. 1949; Sec. 367)
- 9-1-5 Traffic Control Signals Traffic-control signal legend.** Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or color lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

Green indication.

1. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
3. Unless otherwise directed by a pedestrian-control signal, as provided in Section 11-307, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the

roadway within any marked or unmarked crosswalk.

Steady yellow indication.

1. Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.
2. Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 11-307, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

Flashing yellow arrow indication.

1. Vehicular traffic facing a flashing yellow arrow indication may cautiously enter the intersection only to make the movement indicated by the arrow and shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.
2. Pedestrians facing a flashing yellow arrow indication, unless otherwise directed by a pedestrian-control signal as provided in Section 11-307, may proceed across the roadway within any marked or unmarked crosswalk that crosses the lane or lanes used to depart the intersection by traffic controlled by the flashing yellow arrow indication. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing yellow signal indication is first displayed.

Steady red indication.

1. Except as provided in paragraphs 3 and 3.5 of this subsection (c), vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection, and shall remain standing until an indication to proceed is shown.
2. Except as provided in paragraphs 3 and 3.5 of this subsection (c), vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection, and shall remain standing until an

indication permitting the movement indicated by such red arrow is shown.

3. Except when a sign is in place prohibiting a turn and local authorities by ordinance or State authorities by rule or regulation prohibit any such turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by paragraph 1 or paragraph 2 of this subsection. After stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction or roadways. Such driver shall yield the right of way to pedestrians within the intersection or an adjacent crosswalk.

In municipalities with less than 2,000,000 inhabitants, after stopping as required by paragraph 1 or 2 of this subsection, the driver of a motorcycle or bicycle, facing a steady red signal which fails to change to a green signal within a reasonable period of time not less than 120 seconds because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle or bicycle due to the vehicle's size or weight, shall have the right to proceed, after yielding the right of way to oncoming traffic facing a green signal, subject to the rules applicable after making a stop at a stop sign as required by Section 11-1204 of this Code.

4. Unless otherwise directed by a pedestrian-control signal as provided in Section 11-307, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to provisions which by their nature can have no application. Any stop required shall be at a traffic sign or a marking on the pavement indicating where the stop shall be made or, in the absence of such sign or marking, the stop shall be made at the signal.

The motorman of any streetcar shall obey the above signals as applicable to vehicles. (625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306) (Source: P.A. 97-627, eff. 1-1-12; 97-762, eff. 7-6-12; 98-798, eff. 7-31-14.)

9-1-6 Unauthorized Signs It shall be unlawful for any person to place, maintain or display any device, other than official warning or direction sign or signal authorized by Statute or ordinance, upon or in view of any street, if such device purports to be, or is in imitation of any official warning or direction sign or signal, or directs or purports to direct traffic. Any such unauthorized sign or device is hereby declared to be a nuisance and may be removed by any policeman. (M.C. 1949, Sec. 369)

9-1-7 Interference With Signs It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal. (M.C. 1949, Sec. 370)

9-1-8 Flood Protection Levee It shall be unlawful for any person to allow or cause to be allowed, the driving, parking or standing of any vehicle, automobile, tractor, truck, motorbike or motorcycle on the flood protection levee of the Village unless such vehicle is for the purpose of maintenance or emergency.

Any person violating any of the provisions of this Section shall be subject upon conviction to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). (Ord. 292, 2-1-71)

In the event a person is accused of a violation of the preceding section and does not wish to contest said allegation prior to the time a complaint is issued for the violation, then said person so accused may pay to the Village, at the Village Hall, a penalty in the sum of one hundred dollars (\$100.00) for an in full satisfaction of said violation.

9-1-9 Animals or Bicycles Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon any street shall be subject to the provisions of this Chapter applicable to the driver of a vehicle, except those provisions which can have no application to riding a bicycle or driving or riding an animal. (M.C. 1949, Sec. 371)

9-1-10 Emergency Vehicles The provisions of this Chapter regulating the movement or parking of vehicles shall not apply to emergency vehicles while driver thereof is engaged in the performance of emergency duties. Nor shall such provisions apply to persons engaged in repairing or otherwise improving the street under authority of the Village Board or the State of Illinois. (M.C. 1949, Sec. 372)

9-1-11 Penalty Any person violating any provision of Title 9 of the Village Code, where no previous penalty has been established shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each offense and a separate offense shall be deemed committed on each day during which a violation occurs, or continues, except that parking offenses shall be fined no less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each separate offense, plus costs of towing in cases of emergency or traffic safety. (Ord. 12, 9-16-82)

CHAPTER 2

PEDESTRIANS

SECTION:

- 9-2-1 Right of Way
- 9-2-2 Pedestrians Using Roadway
- 9-2-3 Signals

9-2-1 Right of Way It shall be unlawful for the driver of any vehicle to drive onto any crosswalk without the exercise of due and proper care in view of the special use made thereof by pedestrians.

It shall be unlawful to drive vehicle into any crosswalk while there is in such crosswalk upon the half of the roadway upon which such vehicle is traveling any pedestrian engaged in crossing the roadway until such pedestrian shall have passed beyond the path of such vehicle, when the pedestrian shall indicate his intention to cross.

The driver of a vehicle shall stop before entering any crosswalk when any other vehicle proceeding in the same direction is stopped at such crosswalk for the purpose of permitting a pedestrian to cross. (M.C. 1949; Sec. 373)

9-2-2 Pedestrians Using Roadway At no place shall a pedestrian cross any roadway other than by the most direct route to the opposite curbing, and when crossing at any place other than a crosswalk he shall yield the right of way to all vehicles upon the roadway.

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

It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle. (M.C. 1949; Sec. 374)

9-2-3 Signals At intersections where traffic is directed by an officer or by a traffic signal, it shall be unlawful for any pedestrian to cross the roadway, other than with released traffic. (M.C. 1949; Sec. 375)

CHAPTER 3

RULES FOR DRIVING

SECTION:

- 9-3-1 Reckless, Negligent Driving
- 9-3-2 Speed Restrictions
- 9-3-3 Bicycles, Motorcycles
- 9-3-4 Unattended Vehicles
- 9-3-5 Weight Limit on Vehicles
- 9-3-6 Noise
- 9-3-7 Signs
- 9-3-8 Penalty
- 9-3-9 Golf Carts

9-3-1 Reckless, Negligent Driving It shall be unlawful to operate any vehicle in, the Municipality in a reckless or wanton manner, or in a careless or negligent manner, or so as to unnecessarily endanger life or property.

Any person violating any provisions of this Section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. (Ord. 201, 11-7-59; amd. Ord. 338, 1-3-77)

9-3-2 Speed Restrictions No person shall drive any vehicle upon any public highway at a speed greater than is reasonable and proper having regard to the traffic and the use of the way or so as to endanger the life or limb or injure the property of any person. If the rate of speed of any motor vehicle through the business district of the Village exceeds twenty (20) miles per hour, or if the rate of speed of any such motor vehicle while operated upon any public highway where the same passes through the residence district of the Village exceeds twenty five (25) miles an hour, or if the rate of speed exceeds thirty five (35) miles per hour in a suburban district such rates of speed shall be prima facie evidence greater than is reasonable and proper having due regard to the traffic and the use of the way or so as to endanger the life or limb or injure the property of any person.

The fact that the speed of a vehicle is lower than the foregoing prima facie limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, or when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle, or on entering the highway in compliance with legal

requirements and the duty of all persons to use due care. (M.C. 1949, Sec.387)

9-3-3 Bicycles, Motorcycles

9-3-3-1 It shall be unlawful for any person to operate an unlicensed motorcycle, minibike or three wheeled vehicle within the Village limits.

Any person violating any of the provisions of this subsection shall be subject to a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00), and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof, when any violation of this subsection occurs. (Ord. 344, 10-17-77)

9-3-4 Unattended Vehicles No vehicle shall be left unattended while the motor of said vehicle is running; and no vehicle shall be left without a driver on any hill or incline unless the vehicle is secured against moving. (M.C. 1949, Sec. 391)

9-3-5 Weight Limit on Vehicles It shall be unlawful for any persons to drive a truck or other motor vehicle displaying a registration H, J, K, L, N, P, T/P, Q, T/Q, R, T/R, S, T/S, T, T/T, T/V, T/X, T/Z or G, MH, T/MH, MJ, T/MJ/MK, T/MK, ML, T/ML, MN, T/MN/MP, MR, T/MR, MS, T/MS, MT, T/MT, T/MV, T/MX, T/MZ., except for local service and delivery trucks, on any Village street, except Illinois Route 92 with a weight exceeding five (5) tons.

9-3-6 Noise It shall be unlawful for any person to operate any type of motor or engine driven auxiliary refrigerator unit parked on or off street between the hours of 9:00 p.m. and 7:00 a.m.

9-3-7 Signs Streets with access off Illinois Route 92 shall be posted with notice of restriction of truck traffic.

9-3-8 Penalty Any person, firm or corporation violating any provisions of this Ordinance shall be fined not less than \$100.00 and no more than \$500.00 for each offense, and a separate offense shall be deemed committed on each day on or which a violation occurs or continues. (M.C. 1992, Sec. 482)

9-3-9 Golf Carts No person shall operate a qualified golf cart without first obtaining a permit from the Village Clerk as provided herein. Permits shall be granted for a period of one year for the date designated on the permit. The Police Department may issue such a permit for any date approved of and designated by the Village Board of Trustees. The cost of the permit is Thirty Five Dollars (\$35.00). Such fee will be waived for any applicant over 60 years of age, has a disabled parking designation issued by the State of Illinois or is designated a veteran of a foreign war. Insurance coverage is to be verified to be in effect by the Village Clerk when obtaining and renewing a permit.

Every application for a permit shall be made on a form supplied by the Village and shall contain the following information:

- Name and address of applicant; Name of liability insurance carrier
- The make, model and description of golf cart
- Signed Waiver of Liability by applicant releasing the Village and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from the operation of their golf carts on Village Streets
- Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit
- Such other information as the Village may require

No permit shall be granted unless the following conditions are met:

- The vehicle must be inspected by the designated representative to insure that the vehicle is safe to operate on Village streets and is in compliance with this Article and with the State of Illinois Motor Vehicle Code
- A physically handicapped applicant must submit a certificate signed by the physician, certifying that the applicant is able to safely operate a qualified golf cart on Village Streets

The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance.

The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this Article or there is evidence that permittee cannot safely operate a qualified golf cart on the designated roadways. Failure to abide by this Ordinance shall result in a Fine of \$100.00 per infraction up to \$500 (not including the fee for not having a permit) with each infraction of this Ordinance constituting a separate offense bearing a separate fine."

The Village Clerk shall be authorized to issue a permit on only such days as may be approved by the Village Board of Trustees.

VIOLATION. Any failure of an individual to abide by this ordinance to secure a permit provided herein when operating a golf cart upon the streets of the Village shall subject the violator to a fine of \$500.00.

CHAPTER 4

CONDITION OF VEHICLES

SECTION:

- 9-4-1 Clear Vision
- 9-4-2 Unnecessary Noise
- 9-4-3 Horn
- 9-4-4 Gas and Smoke
- 9-4-5 Weight

9-4-1 Clear Vision It shall be unlawful to operate any vehicle which is so loaded or in such a condition that the operator does not have a clear vision of all parts of the roadway essential to the safe operation of the vehicle. Any vehicle which is constructed or loaded so that the driver's view of the roadway to the rear is obstructed shall be equipped with a mirror so attached as to give him a view of the roadway behind. (M.C. 1949; Sec. 398)

9-4-2 Unnecessary Noise It shall be unlawful to operate a vehicle upon the street which makes an unusually loud or unnecessary noise. (M.C. 1949; Sec.399)

9-4-3 Horn Every motor vehicle shall be equipped with a good and sufficient audible signaling device in efficient working order. Such signaling device shall be sounded when necessary to give timely warning of the approach of the vehicle, but such horn or other signaling device shall not be sounded for any purpose other than as a warning of impending danger.

No motor vehicle other than an emergency vehicle shall be equipped with a siren or gong signaling device. (M.C. 1949; Sec.400)

9-4-4 Gas and Smoke It shall be unlawful to operate any vehicle which emits dense clouds of gas or smoke or such an amount of smoke or fumes as to be dangerous to the health of persons or so as to endanger the drivers of other vehicles. (M.C. 1949, Sec.401)

9-4-5 Weight It shall be unlawful to drive on any street any motor vehicle with a weight, including the weight of the load, in excess of that permitted by the State traffic law for driving on improved highways or with the weight distributed in a manner not conforming to such law. (M.C. 1949, Sec.408)

It shall be unlawful to drive any vehicle onto or across East Second Avenue Bridge (County Inventory No.6200) with a total weight greater than thirteen (13) tons. It shall be unlawful to drive any vehicle onto or across West Second Avenue Bridge (County Inventory No.6201) with a total weight greater than four (4) tons.

As soon after the passage date of this Ordinance as possible, appropriate warning signs shall be placed prior to the approach of the bridges to advise the public of the foregoing weight limitations. This Ordinance shall take effect immediately upon the posting of the appropriate warning signs as aforesaid. (Ord. 315, 4-1-74)

CHAPTER 5

PARKING RULES

SECTION:

- 9-5-1 No Parking Rules
- 9-5-2 Parking at Curb
- 9-5-3 Parking on Parkway
- 9-5-4 Parking Vehicles For Sale
- 9-5-5 Abandoned Cars; Custody of
- 9-5-6 Loading Zone
- 9-5-7 Parking Restricted
- 9-5-8 Parking During Special Activities
- 9-5-9 Snow Removal; Interference by Parking

9-5-1 No Parking Rules It shall be unlawful to permit any vehicle at any time, except when necessary to avoid conflict with other vehicles or in compliance with the direction of traffic policemen or traffic signals, to stand in any of the following places:

- 9-5-1-1 In any intersection.
- 9-5-1-2 In a crosswalk.
- 9-5-1-3 Upon any bridge or viaduct.
- 9-5-1-4 Between a safety zone and the adjacent curb or within twenty feet (20') of a point on the curb immediately opposite the end of a. safety zone.
- 9-5-1-5 Within thirty feet (30') of a traffic signal or a through street sign on the approaching side.
- 9-5-1-6 Within twenty feet (20') of any intersection.
- 9-5-1-7 At any place where the standing of a vehicle reduces the usable width of the roadway for moving traffic to less than eighteen feet (18').
- 9-5-1-8 At any curb within fifteen feet (15') of a fire hydrant.
- 9-5-1-9 At any place where the vehicle would block the use of a driveway.
- 9-5-1-10 Within twenty feet (20') of the driveway entrance to any fire department station and on the side of the street opposite the entrance to such station within seventy five feet (75') of the entrance.

9-5-1-11 At any place where official signs prohibit parking. (M.C. 1949, Sec.409)

9-5-2 Parking at Curb No vehicle shall be parked with the left side of such vehicle at the curb, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two (2) right wheels of the vehicle within twelve inches (12") of the regularly established curb line, except upon those streets which have been marked for angle parking, in which case vehicles shall be parked at the curb at the angle indicated by such marks. (M.C. 1949, Sec. 411)

9-5-3 Parking on Parkway It shall be unlawful to park any vehicle in the space between the curb line and the adjacent sidewalk line. (M.C. 1949, Sec.411)

9-5-4 Parking Vehicles For Sale It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any business street from which vehicle merchandise is peddled. (M.C. 1949, Sec.412)

9-5-5 Abandoned Cars; Custody of It shall be unlawful to leave any vehicle unattended on the streets of the Village for more than twenty (20) consecutive hours. Any such vehicle shall be considered an abandoned vehicle and shall be removed- by the Police Department and held as an abandoned car. If the Chief of Police has reason to believe that such vehicle was stolen, he shall take the necessary steps in regard to stolen cars. (M.C. 1949, Sec. 413)

9-5-6 Loading Zone During the times specified herein.it shall be unlawful for the driver of a vehicle to stand a passenger vehicle for longer than is necessary to load or unload passengers, not to exceed three (3) minutes, and for the driver to stand any freight carrying vehicle or a period of time longer than is necessary to load, unload and deliver materials not to exceed thirty (30) minutes at any of the following places:

9-5-6-1 In a public alley, during any hour of the day or night.

9-5-6-2 At any place not to exceed seventy five feet (75') along the curb before the entrance to any hospital or hotel at any time.

9-5-6-3 At any place not to exceed seventy five feet (75') along the curb before the entrance to a public building between eight o'clock (8:00) a.m. and six o'clock (6:00) p.m. except on a Sunday.

9-5-6-4 Directly in front of the entrance to any theater at any time the theater is open for business. (M.C. 1949, Sec.414)

9-5-7 Parking Restricted Automobiles, trucks and other vehicles shall be prohibited from. parking along either side of 6th Avenue (marked Illinois Route 92)within the Village corporate limits.

Any person, firm or corporation violating any of the provisions of this Ordinance shall be fined not less than five, dollars (\$5.00)nor more than one hundred dollars (\$100.00)for each offense.

This Ordinance is prepared in connection with the proposed improvement of Federal Aid Route 200, known as State Section 9 W&RS, and shall go into full force and effect at the time of the completion of said improvement. (Ord. 312, 10-15-73; amd. Ord. 338, 1-3-77)

9-5-8 Parking During Special Activities In the event of any special activities held in the Village which are recognized and approved by the Village of Andalusia, such as a chicken fry or a fish fry or other events, it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a policeman or traffic control device;

9-5-8-1 At any time on that part of the west side of 1st Street between 2nd Street West and 2nd Street East.

9-5-8-2 The Chief of Police or any other person authorized by the President and Board of Trustees shall cause "temporary signs" to be posted at all areas where parking is limited or prohibited, indicating such limitations or prohibitions.

9-5-8-3 For each violation of this Ordinance there shall be a minimum fee of five dollars \$5.00)and a maximum fine of fifty dollars (\$50.00). (Ord. 331, 3-15-76)

9-5-9 Snow Removal; Interference by Parking

9-5-9-1 ESTABLISH SNOW ROUTES: Upon declaration of an emergency situation by the Village President or his designated representative or snowfall of two inches (2") or more, parking regulations shall be declared on the following streets:

9-5-9-1-1 1st Street

9-5-9-1-2 2nd Avenue East

9-5-9-1-3 10th Ave East

9-5-9-1-4 2nd Avenue West

9-5-9-1-5 6th Street Court West

9-5-9-1-6 8th Street West

9-5-9-1-7 8th Street Place West

- 9-5-9-1-8 5th Street West
- 9-5-9-1-9 4th Avenue West
- 9-5-9-1-10 5th Avenue Drive West
- 9-5-9-1-11 7th Street West
- 9-5-9-2 ENFORCEMENT: The provisions of Section (A) shall supersede all other parking regulations in force and effect on any such arterial or residential street during such emergency situation and shall not require posting of the emergency situation on residential streets.
- 9-5-9-3 VIOLATION VEHICLE – NUISANCE: Any vehicle located or parked within the limits of any of the named streets in the Village, or parked in violation of any of the provisions of this Ordinance is a nuisance and may be towed or removed by or under the direction of the Public Works Director and/or the Rock Island County Sheriff's Department.
- 9-5-9-4 VIOLATING VEHICLE – NOTICE OF REMOVAL: In the event the Public Works Director and/or Rock Island County Sheriff's Department, or their designated subordinate directs the towing or removal of any vehicle in accordance with this Ordinance, he/she shall make a record thereof and shall within twenty-four (24) hours thereafter give written notice to the owner at his or her last known address. If the owner is unknown, on the first business day following the removal, he/she shall publish such notice at least once in a newspaper having general circulation in the Village. Such notice shall include a statement of the time of towing or removal, the place of storage, a description of the vehicle, and the registration number, if any.
- 9-5-9-5 VIOLATING VEHICLE – COST OF REMOVAL – OWNER RESPONSIBILITY: The cost of towing or removal of any vehicle in accordance with this section and the storage charges, if any, shall be paid by the owner of such vehicle.
- 9-5-9-6 PENALTY: Any person violating any of the provisions of this ordinance shall be fined a sum not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and may be in addition to any towing or storing charges as provided by this Ordinance.

CHAPTER 6

DRIVERS

SECTION:

- 9-6-1 Age Limit
- 9-6-2 Liquor; Drugs
- 9-6-3 Accidents
- 9-6-4 Penalty

- 9-6-1 Age Limit** It shall be unlawful for any person under fifteen (15) years of age to operate any motor vehicle upon the streets of the Village, unless otherwise permitted by State law. (M.C. 1949, Sec. 415)
- 9-6-2 Liquor; Drugs** It shall be unlawful for the habitual user of narcotic drugs to operate any motor vehicle in any street; and it shall be unlawful for any intoxicated person, or any person under the influence of alcoholic liquor or of a narcotic drug, to operate or attempt to operate any motor vehicle on any street. (M.C. 1949, Sec.416)
- 9-6-3 Accidents** It shall be unlawful for the driver of a vehicle which has collided with any vehicle, person or property in such a manner as to cause injury or damage, to fail or refuse to stop immediately to render such assistance as may be possible, to give his true name to the injured person or the owner of the property damaged, and to a policeman if one is present. A report of each accident shall be given to the Chief of Police by the driver of each vehicle concerned in it, within twenty four (24) hours. (M.C. 1949, Sec.417)
- 9-6-4 Penalty** Any person violating any provision of this Title shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (M.C. 1949, Sec.418; amd. Ord. 338, 1-3-77)

CHAPTER 7

SLOW MOVING VEHICLES (SMVS)

SECTION:

- 7-7-1 Definitions
- 7-7-2 Compliance
- 7-7-3 Equipment
- 7-7-4 Permits
- 7-7-5 Penalties

9-7-1 Definitions

SLOW MOVING VEHICLE (SMV) means ATV/4 Wheeler; Gas/Electric Scooter; or other motorized mode of transportation that cannot be licensed in the State of Illinois, for use on public streets and highways. This does NOT include Snowmobiles and Lawnmowers.

VILLAGE STREETS means any of the streets within the boundaries of the Village of Andalusia.

9-7-2 Compliance All persons wishing to operate a SMV on the Village streets must ensure compliance with the following requirements:

- 9-7-2-1 Proof of current liability insurance must be presented at time of application for permit.
- 9-7-2-2 Must be certified with the Village and have the vehicles certified with the Village by inspection of Andalusia Village police officer or his/her designee.
- 9-7-2-3 Must display Village decal on the rear of the vehicle.
- 9-7-2-4 Must be eighteen (18) years of age and have a valid driver's license.
- 9-7-2-5 Must obey all traffic laws of the State of Illinois.
- 9-7-2-6 Must be operated only on the Village streets, except where operation is prohibited.
- 9-7-2-7 Must not be operated in excess of posted speed limit and may not exceed twenty-five (25) miles per hour.
- 9-7-2-8 Must be operated in a reasonable and safe manner.

- 9-7-2-9 A person operating or who is in actual physical control of a SMV is described herein on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes (625 ILCS 5/11-500 through 11-502).
- 9-7-2-10 SMVs shall not be operated on sidewalks or in Village parks other than parking areas.
- 9-7-2-11 SMVs may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (Route 92) or the County Highway Department.
- 9-7-2-12 Persons driving the SMV are to pull over to the side of the street and stop, yield the right of way to approaching traffic from behind.

9-7-3 Equipment All SMVs must be equipped as follows:

- 9-7-3-1 Horn.
- 9-7-3-2 Breaks and break light/tail lam that emits a red light visible from at least one hundred (100) feet from the rear which must be illuminated when in operation.
- 9-7-3-3 Turn signals. (optional)
- 9-7-3-4 Steering apparatus.
- 9-7-3-5 Tires.
- 9-7-3-6 Rearview and/or side view mirror.
- 9-7-3-7 Headlight that emits a white light visible from a distance of five hundred (500) feet to the front which must illuminate when in operation.
- 9-7-3-8 Any additional requirement which may be amended to 65 ILCS 5-11-1428 of the Illinois Motor Vehicle Code.

9-7-4 Permits

- 9-7-4-1 No person shall operate a qualified SMV without first obtaining a permit from the Village Clerk as provided herein.
 - 9-7-4-1-1 Permits shall be granted for a period of one (1) year and renewed annually. It is the sole responsibility of the owner to renew the Permit each and every year.
 - 9-7-4-1-2 The cost of the permit is twenty-five (\$25.00) dollars and shall be paid to the Village Clerk at the time of application for permit. Lost, stolen, mutilated, or destroyed permit stickers are the sole responsibility of the permit holder.

- 9-7-4-1-3 Duplicate permit stickers are ten (\$10.00) dollars.
- 9-7-4-1-4 Permit sticker transferred to a replacement unit is fifteen (\$15.00) dollars.
- 9-7-4-1-5 All fees are fully earned at time of permit and/or renewal.
- 9-7-4-1-6 Insurance coverage is to be verified to be in effect by the Police Department when obtaining a permit.
- 9-7-4-2 Every application for a permit shall be made on a form supplied by the Village and shall contain the following information:
 - 9-7-4-2-1 Name and address of applicant.
 - 9-7-4-2-2 Name of liability insurance carrier and photocopy and applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit.
 - 9-7-4-2-3 The serial number, make, model and description of SMV.
 - 9-7-4-2-4 Signed waiver of liability by applicant releasing the Village and agreeing indemnify and hold the Village harmless from any and all future claims resulting from the operation of their SMV on Village streets.
 - 9-7-4-2-5 Such other information as the Village may require.
- 9-7-4-3 No permit shall be granted unless the following conditions are met:
 - 9-7-4-3-1 The vehicle must be inspected by the Village of Andalusia Maintenance Department or designated representative to insure that the vehicle is safe to operate on Village streets and is in compliance with this Article and with the State of Illinois Motor Vehicle Code.
 - 9-7-4-3-2 A physically handicapped applicant must submit a certificate signed by their physician, certifying that the applicant is able to safely operate a qualified SMV on Village Streets.
 - 9-7-4-3-3 The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance.
 - 9-7-4-3-4 The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this Article or there is evidence that permittee cannot safely operate a qualified SMV on the designated roadways.

9-7-5 Penalties

- 9-7-5-1 Failure to abide by this Ordinance shall result in fine of one hundred (\$100.00) dollars with each infraction of this Ordinance constituting a separate offense bearing a separate fine.
- 9-7-5-2 Administrative Warning Ticket(s) – In the sole discretion of a Village Police officer, the officer may issue an Administrative Warning Ticket (AWT), which for purposes of this Ordinance is defined as a notice of a violation of the Village Ordinance in lieu of an arrest or Notice to Appear in Circuit Court. If a warning ticket is issued, vehicle must not be operated until the Police Department inspects vehicle for compliance. Persons who have received an AWT for a violation of any provision of this Ordinance may settle and compromise the claim by paying the Village of Andalusia an administrative fee in the amount of fifty (\$50.00) dollars within fifteen (15) days of the date of issuance. In addition to paying an administrative fee, as provided for in this subparagraph, persons issued an AWT will be required, within fifteen (15) days of the date of issuance of AWT; to correct the violation(s) indicated thereon to the satisfaction of the Village Police Department. Persons who have been issued an AWT for a violation of this Ordinance and who fail to pay the administrative fee in the allotted time, and/or those persons who have been issued an AWT who fail to correct the violation when required or indicated, within the time allotted, will be issued a Notice to Appear in the Circuit Court of Rock Island County, or issued a Notice of Complaint filed in the Circuit Court of Rock Island County, or issued a combination of a Notice to Appear and a Notice of Complaint filed in said Court, and shall be subject to the fines and penalties set forth in subparagraph 5.3 of this section.
- 9-7-5-3 In lieu of an AWT. As defined in subparagraph 5.2 of this Section. Or upon failure to timely compromise and/or correct any violation for which an AWT has been issued, a Village police officer may cause the issuance of Notice to Appear and/or cause the issuance of a Notice of Complaint to be filed in the Circuit Court of Rock Island County, which will subject the person to whom the notice or notices have been issued to a fine of not less than two hundred (\$200.00) dollars.
- 9-7-5-4 A permit may be suspended, revoked and/or declined by the Village Board for repeat offences.