

VILLAGE OF WONDER LAKE, ILLINOIS

CODE OF ORDINANCES

2017 S-1 Supplement contains:
Local legislation current through Ord. 452, passed 10-4-2017; and
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ORDINANCE NO. 435
AN ORDINANCE ENACTING A CODE OF ORDINANCES
FOR THE VILLAGE OF WONDER LAKE, ILLINOIS,
REVISING, AMENDING, RESTATING, CODIFYING AND
COMPILING CERTAIN EXISTING GENERAL ORDINANCES
OF THE VILLAGE OF WONDER LAKE DEALING WITH
SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES

WHEREAS, the present general and permanent ordinances of the Village of Wonder Lake, McHenry County, Illinois, are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the Village of Wonder Lake and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Illinois empower and authorize the Village of Wonder Lake to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the President and Board of Trustees of the Village of Wonder Lake has authorized a general compilation, revision and codification of the ordinances of the Village of Wonder Lake of a general and permanent nature and publication of such ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the Village of Wonder Lake that this Ordinance take effect at an early date.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Wonder Lake as follows:

SECTION 1: The general ordinances of the Village of Wonder Lake as revised, amended, restate, codified and compiled in book form are hereby adopted as and shall constitute the "Code of Ordinances of the Village of Wonder Lake, McHenry County, Illinois."

SECTION 2: Such Code of Ordinances, adopted in Section 1, shall consist of the following Titles:

Title I: General Provisions
Title III: Administration
Title V: Public Works
Title VII: Traffic Code
Title IX: General Regulations
Title XI: Business Regulations
Title XIII: General Offenses
Title XV: Land Usages
Table of Special Ordinances

Wonder Lake - Adopting Ordinance

SECTION 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

DATED this 3rd day of August, 2016.

AYES: Anderson, Learman, Palys, Reinhard, Naatz

NAYS: None

ABSTAIN: None

ABSENT: Windler

PASSED this 3rd day of August, 2016.

APPROVED by me this 3rd day of August, 2016.

/s/
PRESIDENT

ATTEST:

/s/
VILLAGE CLERK

VILLAGE OF WONDER LAKE, ILLINOIS

CODE OF ORDINANCES

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PUBLISHER'S ACKNOWLEDGMENT

In the publication of this Code of Ordinances, every effort was made to provide easy access to local law by village officials, the citizens of this village, and members of the business community.

We want to express our grateful appreciation to all village officials for their untiring efforts in the preparation of this Code of Ordinances.

AMERICAN LEGAL PUBLISHING CORPORATION

Stephen G. Wolf, Esq.
President

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§ 10.01 TITLE OF CODE.

This codification by and for the Village of Wonder Lake shall be designated as the “Code of Wonder Lake” and may be so cited.

§ 10.02 DEFINITIONS.

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

ANOTHER. When used to designate the owner of property which is the subject of an offense, includes not only natural persons, but also every other owner of property.

BOARD OF TRUSTEES or **VILLAGE BOARD**. The Board of Trustees of the village.

COUNTY. McHenry County, Illinois.

COUNTY BOARD. The County Board of McHenry County, Illinois.
(5 ILCS 70/1.07)

COURT. Construed to mean any court of competent jurisdiction.

DECREE. Synonymous with **JUDGMENT**.
(5 ILCS 70/1.24)

ELECTORS. Persons qualified to vote for elective officers at municipal elections.
(65 ILCS 5/1-1-2)

EXECUTIVE OFFICER. Words used for an executive or ministerial officer may include any deputy or other person performing the duties of that officer, either generally or in special cases.
(5 ILCS 70/1.08)

HERETOFORE or **HEREAFTER**. **HERETOFORE** means any time previous to the day on which the ordinance, resolution, or statute takes effect; **HEREAFTER** means at any time after that date.
(5 ILCS 70/1.17)

HIGHWAY, ROAD or **STREET**. May include any road laid out by authority of the United States, or of the state, or of any town or county of the state, and all bridges thereupon.
(5 ILCS 70/1.16)

ILCS. Illinois Compiled Statutes, 1992, as heretofore and hereafter amended.

KEEPER or **PROPRIETOR**. Includes all persons, whether acting by themselves, or as a servant, agent or employee.

LAND or **REAL ESTATE**. Includes rights and easements of an incorporeal nature.

MAY. The act referred to is permissive.

MAYOR. The President of the Village of Wonder Lake.

MONTH. A calendar month.
(5 ILCS 70/1.10)

MUNICIPAL CODE. The Illinois Municipal Code, 65 ILCS Act 5.

OATH. Includes affirmation, and **SWEAR** includes affirm.
(5 ILCS 70/1.12)

OWNER. When applied to property, includes any part owner, joint owner, purchaser and seller under a contract and/or deed, or tenant in common of the whole or part of the property, and includes any beneficiary of a land trust which owns property.

PERSON. Any legal person; includes associations, partnerships, corporations, joint ventures and bodies politic and corporate as well as individuals.
(5 ILCS 70/1.05)

PERSONAL PROPERTY. Includes all property, except real.

POLICE OFFICERS. Police officers employed and in the service of the Village of Wonder Lake. **POLICE FORCE** shall be construed to include those persons in the employ of a village as members of the Department of Police, who are or shall hereafter be appointed and sworn as **POLICE OFFICERS**.
(5 ILCS 70/1.20)

PREMISES. As applied to property, includes land and buildings.

PROPERTY. Includes real, personal, mixed estates and other interests.

PUBLIC AUTHORITY. Includes school districts; units of legal government; the village, county, state or federal governments, officers and agencies thereof, or any commissions or committees thereof; or any duly authorized public official.

PUBLIC PLACE. Includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance or any other place for the sale of merchandise, public accommodation or amusement.

REAL PROPERTY. Includes lands, tenements and hereditaments.

REGISTERED MAIL. Includes certified mail and **CERTIFIED MAIL** includes registered mail.

SHALL. The act referred to is mandatory.

SIDEWALK. The portion of the street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.
(625 ILCS 5/1-188)

SPECIAL DISTRICTS. The meaning ascribed in Art. VII of the Constitution of the State of Illinois of 1970.
(5 ILCS 70/1.29)

STATE. The State of Illinois.

STREET. Where the context admits, includes alleys, lanes, courts, boulevards, squares and other public thoroughfares.

TENANT or **OCCUPANT.** As applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of the premises, alone or with others.

THIS CODE or **THIS CODE OF ORDINANCES.** The village code hereby adopted, and as hereinafter modified by amendment, revision and by the adoption of new titles, chapters or sections.

UNITS OF LOCAL GOVERNMENT. The meaning established in § 1 of Art. VII of the Constitution of the State of Illinois of 1970.
(5 ILCS 70/1.28)

WEEK. Seven consecutive days.

VILLAGE. The Village of Wonder Lake, Illinois.

WHOEVER. Includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private.

WRITTEN or **IN WRITING.** Includes printing, electronic and any other mode of representing words and letters; but when the written signature of any person is required by law on any official or public writing or bond, required by law, except as otherwise provided by law it shall be:

(1) The proper handwriting of that person, or in case he or she is unable to write, his or her proper mark; or

(2) An electronic signature as defined in the Electronic Commerce Security Act, 5 ILCS 175/1-101 et seq.
(5 ILCS 70/1.15)

YEAR. A calendar year unless otherwise expressed; and the word **YEAR** alone is equivalent to the expression "Year of Our Lord".
(5 ILCS 70/1.10)

§ 10.03 SECTION HEADINGS.

Headings and captions used in this code are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.04 RULES OF CONSTRUCTION.

(A) (1) Words and phrases shall be read in context and construed according to the rules of grammar and common usage.

(2) Words and phrases that have acquired a technical or particular meaning, whether by legislative or judicial definition or otherwise, shall be construed accordingly.

(B) As used in this code, unless the context otherwise requires, the following rules will be followed.

(1) The singular shall include the plural, and the plural shall include the singular.
(5 ILCS 70/1.03)

(2) Words of one gender shall include the other genders.
(5 ILCS 70/1.04)

(3) Words in the present tense shall include the future.
(5 ILCS 70/1.02)

(4) *AND* may be read *OR*, and *OR* may be read *AND*, if the context admits.

(C) The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in the state, and then it shall also be excluded. If the day succeeding Saturday, Sunday or a holiday is also a holiday or a Saturday or Sunday, then the succeeding day shall also be excluded.
(5 ILCS 70/1.11)

(D) When the law requires an act to be done which may by law as well be done by an agent as by the principal, the requirement shall be construed to include all such acts when done by an authorized agent.

(E) Words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving authority to a majority of the officers or persons.
(5 ILCS 70/1.09)

(F) These rules of construction shall not apply to any provision of this code which shall contain any express provision excluding that construction, or when the subject matter or context of this code may be repugnant thereto.

(G) All general provisions, terms, phrases and expressions shall be liberally construed in order that the true intent and meaning of the President and Board of Trustees may be fully carried out.
(5 ILCS 70/1.01)

(H) The provisions of any ordinance, in so far as they are the same as those of any prior ordinance, shall be construed as a continuation of the prior provisions, and not as a new enactment.
(5 ILCS 70/2)

§ 10.05 OFFICIAL TIME.

The official time for the village shall be as set by federal law.

§ 10.06 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(A) The repeal of a repealing ordinance does not revive the ordinance originally repealed, nor impair the effect of any saving clause therein.

(B) The reenactment, amendment or repeal of an ordinance does not do any of the following, except as provided in division (C) below:

(1) Affect the prior operation of the ordinance or any prior action taken thereunder;

(2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;

(3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal; or

(4) Affect any investigation, proceeding or remedy in respect of any privilege, obligation, liability, penalty, forfeiture or punishment. The investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the ordinance had not been repealed or amended.

(C) If the penalty, forfeiture or punishment for any offense is reduced by a reenactment or amendment of an ordinance, the penalty, forfeiture or punishment, if not already imposed, shall be imposed according to the ordinance as amended.

§ 10.07 REFERENCE TO OTHER SECTIONS.

(A) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, the reference shall be construed to mean a violation of any provision of the section or sections included in the reference.

(B) References in this code to action taken or authorized under designated sections of this code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by this code.

(C) Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision and the context clearly indicates that the reference to the section as amended or revised was not intended.

§ 10.08 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters or sections of these codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.

§ 10.09 AMENDMENTS TO CODE.

All ordinances passed subsequent to this code which amend, repeal or in any way affect this code may be numbered in accordance with the numbering system of this code and printed for inclusion herein, or in the case of repealed chapters, sections and divisions, or any part thereof, by subsequent ordinances, the repealed portions may be excluded from the code by the omission from reprinted pages affected thereby, and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of subsequent ordinances until this code of ordinances and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the Board of Trustees.

§ 10.10 SEVERABILITY.

If any provisions of a section of these codified ordinances or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the section or related sections which can be given effect without the invalid provision or application and, to this end, the provisions are severable.

§ 10.11 REFERENCE TO PUBLIC OFFICE OR OFFICER.

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the village exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary. These references shall also include the designee or agent of the officer or office, unless the law or the context clearly requires otherwise.

§ 10.12 ERRORS AND OMISSIONS.

(A) If a manifest error is discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published.

(B) No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.13 ORDINANCES REPEALED.

(A) This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced.

(B) All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code of ordinances.

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature (including, but not limited to, tax levy ordinances; 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) as well as any other ordinances pertaining to subjects not enumerated and embraced in this code of ordinances, shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 ORDINANCES SAVED.

Whenever an ordinance by its nature either authorizes or enables the Board of Trustees or a certain village officer or employee to make additional regulations for the purpose of carrying out the intent of the ordinance, all regulations of a similar nature serving that purpose effected prior to the codification and not inconsistent thereto, shall remain in effect and are saved.

§ 10.16 TECHNICAL CODES.

(A) Whenever any technical codes are incorporated herein by reference, any subsequent amendments or revisions to the technical codes shall automatically become a part of this code and shall be made available for public inspection by the village.

(B) Further, to the extent of any conflict between the technical provisions of this code and any technical codes adopted by reference, the most restrictive provision shall prevail.

§ 10.17 HISTORICAL AND STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and amending ordinances, if any, are listed following the text of the code section. Example:

(Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) An "ILCS" cite included in the history indicates that the text of the section reads either verbatim or substantially the same as the statute. Example:

(65 ILCS 5/3.1-2-1)

(C) An "ILCS" cite set forth as a "statutory reference" following the text of the section indicates that the reader should refer to that statute for further information. Example:

§ 38.04 PUBLIC RECORDS AVAILABLE.

The village shall make available to any person for inspection or copying all public records, as provided in the Illinois Freedom of Information Act.

Statutory reference:

Freedom of Information Act, see 5 ILCS 140/1 et seq.

§ 10.99 GENERAL PENALTY.

Whoever violates any provision of this code or other ordinance of the village, for which another penalty is not specifically provided, shall be fined not more than \$750 for each and every violation thereof, and every day the violation continues shall constitute a separate offense.

Statutory reference:

Authority to imprison for certain ordinance violations, see 65 ILCS 5/1-2-1.1

Limitations on penalties and collection upon default in payment, see 65 ILCS 5/1-2-1

TITLE III: ADMINISTRATION

Chapter

- 30. BOARD OF TRUSTEES AND OFFICIALS**
- 31. EMPLOYEES AND PERSONNEL POLICIES**
- 32. ORGANIZATIONS**
- 33. POLICE DEPARTMENT**
- 34. EMERGENCY SERVICES AND DISASTER AGENCIES**
- 35. FINANCE AND REVENUE; TAXES**
- 36. GENERAL POLICIES**

CHAPTER 30: BOARD OF TRUSTEES AND OFFICIALS

Section

- 30.01 Administrative Code adopted by reference
- 30.02 Salaries of officials
- 30.03 Electronic attendance at meetings
- 30.04 Village Clerk as Village Collector
- 30.05 Succession; order

§ 30.01 ADMINISTRATIVE CODE ADOPTED BY REFERENCE.

The village's amended Administrative Code is hereby adopted by reference and incorporated herein as if set out in full.

(Ord. A-A-001, passed 4-1-1975; Ord. 001/A1, passed 5-20-1975; Ord. 001/A2, passed 7-18-1975; Ord. 001/A3, passed 3-16-1976; Ord. 001/A4, passed 8-17-1976; Ord. 001/A5, passed 9-23-1976; Ord. 001/A6, passed 6-24-1977; Ord. 001/A7, passed 10-27-1977; Ord. 001/A8, passed 7-26-1976; Ord. 001/A9, passed 7-26-1979; Ord. 001/A10, passed 7-26-1979; Ord. 011/A11, passed 4-5-1980; Ord. 001/A12, passed 2-24-1981; Ord. 001/A13, passed 3-22-1983)

§ 30.02 SALARIES OF OFFICIALS.

The salaries of the village's Board of Trustees and officials are hereby adopted by reference and incorporated herein as if set out in full.

(Ord. 032, passed 3-16-1976; Ord. 033, 3-16-1976; Ord. 032/A-1, passed 3-24-1977; Ord. 033/A-1, passed 3-30-1977; Ord. 032/A2, passed 7-26-1979; Ord. 033/A2, passed 7-26-1979; Ord. 032-A/3, passed 12-28-1982; Ord. 033/A-3, passed 2-28-1982; Ord. 033/A4, passed 11-24-1987; Ord. 032A/4, passed 12-26-1990; Ord. 033/A-5, passed 10-2-1996; Ord. 032/A5, passed 9-16-1998; Ord. 033/A6, passed 9-16-1998; Ord. 033, passed 10-21-1998; Ord. 033/A6, passed 11-3-1999; Ord. 033/A7, passed 11-5-2003; Ord. 033/A-8, passed 7-5-2006)

§ 30.03 ELECTRONIC ATTENDANCE AT MEETINGS.

(A) *Rules statement.* It is the decision of the village that any member of the corporate authority may attend any open or closed meeting of the corporate authority via electronic means (such as by telephone, video or internet connection); provided that, such attendance is in compliance with these rules and any applicable laws.

(B) *Prerequisites.* A member of the corporate authority may attend a meeting electronically if the member meets the following conditions: a quorum is physically present throughout the meeting; and, a majority of the members present votes to approve the electronic attendance at the meeting.

(1) The member should notify the Village Clerk at least 24 hours before the meeting, unless impractical, so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements will result in denial of a request for electronic attendance.

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

(a) The member cannot attend because of personal illness or disability;

(b) The member cannot attend because of employment purposes or the business of the village; or

(c) The member cannot attend because of a family or other emergency.

(3) The Village Clerk, after receiving the electronic attendance request, shall inform the corporate authority of the request for electronic attendance.

(C) *Voting procedures.* After a roll call establishing that a quorum is physically present, the presiding officer shall call for a motion that a member may be permitted to attend the meeting electronically after specifying the reason entitling the absent member to attend electronically. The motion must be approved by a vote of a majority of the members present.

(D) *Adequate equipment required.* The member participating electronically and other members of the corporate authority must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing electronic attendance at any meeting, the corporate authority shall provide equipment adequate to accomplish this objective at the meeting site.

(E) *Minutes.* Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.

(F) *Rights of remote member.* A member permitted to attend electronically will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The member attending electronically shall be heard, considered and counted as to any vote taken. Accordingly, the name of any member attending electronically shall be called during any vote taken, and his or her vote counted and recorded by the Village Clerk and placed in the minutes for the corresponding meeting. A member attending electronically may leave a meeting and return as in the case of any member; provided, the member attending electronically shall announce his or her leaving and returning.

(G) *Committees, boards and commissions.* These rules shall apply to all committees, boards and commissions established by authority of the corporate authority.
(Ord. 264, passed 5-2-2006)

§ 30.04 VILLAGE CLERK AS VILLAGE COLLECTOR.

(A) The Village Clerk shall hold the Office of Village Collector.

(B) The Village Clerk shall receive compensation of \$200 per month for performing the duties of Village Collector. This compensation shall be in addition to the compensation the Village Clerk receives for the duties of Village Clerk.
(Ord. 246, passed 6-7-2006)

§ 30.05 SUCCESSION; ORDER.

(A) *Purpose.* To provide for an order of succession in case of an emergency and the President of the village is unable to perform his or her duties.

(B) *Order of succession.* In accordance with and pursuant to the Emergency Interim Executive Succession Act, 5 ILCS 275, the following officers are hereby designated as the emergency interim successors to the Office of the Village President in the following order:

- (1) The Village Trustee with the highest number of years in office;
- (2) The Village Trustee with the second highest number of years in office;
- (3) The Village Trustee with the third highest number of years in office;
- (4) The Village Trustee with the fourth highest number of years in office;
- (5) The Village Trustee with the fifth highest number of years in office; and

(6) The Village Trustee with the sixth highest number of years in office.

(C) *Duties.* The emergency interim successor shall exercise the power and discharge the duties of the Office of the Village President until such time as a vacancy which may exist shall be filled in accordance with the law, or until the Village President or the preceding emergency interim successor, again becomes available to exercise the powers and discharge the duties his or her office.

(Ord. 65, passed - -1984)

CHAPTER 31: EMPLOYEES AND PERSONNEL POLICIES

Section

- 31.01 Employee manual adopted by reference
- 31.02 Ethics; accepting gifts

§ 31.01 EMPLOYEE MANUAL ADOPTED BY REFERENCE.

The village's employee manual is reference adopted by reference and incorporated herein as if set out in full.

(Ord. 406, passed 5-21-2014)

§ 31.02 ETHICS; ACCEPTING GIFTS.

(A) The regulations of 5 ILCS 430/5-15 and Art. 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the "Act" in this section) are hereby adopted by reference and made applicable to the officers and employees of the village to the extent required by 5 ILCS 430/70-5.

(B) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the village, is hereby prohibited.

(C) The offering or making of gifts prohibited to be offered or made to an officer or employee of the village under the Act, is hereby prohibited.

(D) The participation in political activities prohibited under the Act, by any officer or employee of the village, is hereby prohibited.

(E) For purposes of this section, the terms *OFFICER* and *EMPLOYEE* shall be defined as set forth in 5 ILCS 430/70-5(c).

(F) The Board of Trustees shall by separate resolution establish procedures and rules governing the performance of the duties and powers of the Ethics Commission of the village regarding, but not limited to, in its discretion, the appointment of a hearing officer to investigate and conduct hearings on any written complaints forwarded to the commission with respect to violation of the Officials and Employees Ethics Act (5 ILCS 430/1-1 et seq.), as they may relate to any officer or employee of the village.

(G) This section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this section, however, the provisions of this section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

(H) Any amendment to the Act that becomes effective after the effective date of this section shall be incorporated into this section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this section by reference without formal action by the corporate authorities of the village.

(I) If the state's Supreme Court declares the Act unconstitutional in its entirety, then this section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This section shall be deemed repealed without further action by the corporate authorities of the village if the Act is found unconstitutional by the state's Supreme Court.

(J) If the state's Supreme Court declares part of the Act unconstitutional, but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the village.

(Ord. 192, passed 5-5-2004)

CHAPTER 32: ORGANIZATIONS

Section

- 32.01 Police Commission
- 32.02 Planning and Zoning Commission
- 32.03 Department of Finance
- 32.04 Department of General Affairs
- 32.05 Department of Public Works

§ 32.01 POLICE COMMISSION.

(A) *Creation, composition.* The Village President, with the approval of the Board of Trustees, shall appoint the Police Commission which shall consist of three members chosen at large from residents within the corporate limits of the village. The Village Police Commission shall be an advisory body of the village and shall make recommendations to the President and Board of Trustees with regard to the village's Police Department. All final decisions regarding hiring, promotions, discipline and removal of the Police Chief and police officers shall be made by the President and Board of Trustees.

(B) *Appointment.* Once appointed by the Village President and approved by the Board of Trustees, each member of the Police Commission shall serve in his or her position for three years, unless terminated by the Village President, voluntarily resigned or cannot act in their capacity due to illness or death.

(C) *Election.* The Village President shall appoint a Chairperson to hold that position for one year, or until a successor is duly appointed and qualified.

(D) *Officers.*

(1) The Chairperson shall be the Presiding Officer at all meetings and shall attend to the duties pertaining to such office.

(2) The Village President shall appoint a liaison to the Police Commission as a non-voting member.

(E) *Power and duties.*

(1) The Police Commission has the responsibility to deal with issues relating to police department applicant testing, hiring and vacancies. Promotion and disciplinary action for part-time police officers shall be handled by the Chief of Police, President and Board of Trustees and shall be governed by the village's employee manual.

(2) The Police Commission may also perform such duties as directed by the Village President and Board of Trustees.

(F) *Meetings.* The Police Commission will meet once a month to conduct Police Commission business.

(G) *Examination and interview.* It is the intent of the village to create an eligibility list for hiring new part-time police officers. Applicants for part-time police officers shall be interviewed by the Chief of Police and Police Commission.

(H) *Qualification.*

(1) No applicant for a part-time police officer position shall be interviewed unless that applicant:

- (a) Is a citizen of the United States;
- (b) Possesses the qualifications prescribed by the state;
- (c) Is not disqualified by the statutes of the state;
- (d) Possesses a high school diploma or G.E.D.; and
- (e) Has obtained State Department of Law Enforcement training certification.

(2) Applications for employment will be furnished by the Police Commission or its agent, and the applicants must comply with the requirements of said application in every respect. A false statement knowingly made by a person in an application for examination or interview, on connivance of any false statement made in any certificate which may accompany such application, shall be regarded as good cause for exclusion from the examination or interview, or from the service, under this section, until an opportunity has been given that person to be heard by the Police Commission.

(3) Every applicant must be of good moral character, of sound health and must be physically able to perform the duties of the position applied for. The burden of establishing these facts rests upon the applicant.

(I) *Examination/interview criteria.*

(1) No person will be appointed to the Village Police Department if he or she is a habitual drunkard, gambler or person who has been convicted of a felony or a crime of moral turpitude. However, no person shall be disqualified from appointment to the Police Department because of such person's record of misdemeanor conviction, except for those misdemeanors and Criminal Code violations which shall disqualify a person under the provisions of the laws of the state.

(2) The Police Commission may determine, by medical and physical agility examinations, whether applicants for any position possess the prescribed standards of health and physique. The results of such examination may be considered only in determining the fitness of applicants to be examined further.

(3) Every applicant for original examination for a position in the Police Department, in addition to the requirements specified in this division (I), must at the time of the beginning of such examination/interview be no less than 21 years of age.

(4) In addition thereto, applicants for the Police Department shall be physically qualified to sustain the labors and exposures of a police officer as determined by Police Commission for the purpose of taking an exam.

(5) Any person who shall at any examination/interview, or in any document signed or furnished in connection with any examination, or in cooperation with one or more persons, make any false representations regarding himself or herself or any applicants, or by impersonation, or uses or aids someone else in using information surreptitiously obtained, or who uses or aids somebody else in using any memoranda, printed or written, whereby an advantage is obtained over other competitors at such examination, shall not be eligible for a position in the Police Department.

(6) In determining the qualifications of each applicant as to physical test, written examination and oral examination, the Commission shall fix relative weights to each part.

(7) The name of no person shall be entered on a register of eligibles whose standing in the written examination shall be less than a true 70%.

(8) The applicants, who have passed the examinations by the required percentage and have also satisfactorily passed the medical examination and shall have given evidence satisfactory to the Police Commission of good moral character, shall be deemed eligible for probationary appointment and shall be placed on a register of eligibles in order of their relative excellence as determined from the examinations and expressed in grade points.

(9) The Police Commission shall prepare and keep a register of persons who are eligible.

(10) All eligible lists for original entrance employment shall be in effect for a period of one year from its effective date.

(11) All grading of applicants and findings as to eligibility shall be recorded in the minutes of the proceedings of the Police Commission.

(12) Each applicant will be notified in due course of the results obtained on the examination/review process. If an applicant failed to obtain the qualification for appointment by the Village Board, the notice shall read to that effect. If qualified for appointment by the Village Board, the applicant shall receive notice that his or her name has been placed upon the register of eligibles in order of relative excellence as determined by the examinations.

(J) *Vacancy.*

(1) Whenever a vacancy is to be filled by promotion, reinstatement or original appointment in the Police Department, the Chief of Police shall make a written requisition for appointment to the Police Commission. The Police Commission will in turn recommend appointments (by name or names) to the Village President and the Board of Trustees.

(2) The Police Commission shall make original appointments from the three persons currently having the highest rating in such examinations.

(3) Any candidate eligible for appointment under these rules may decline an appointment tendered, upon giving reasons in writing satisfactory to the Police Commission, without losing his or her position in the register of eligibles, except to give way to the next eligible. If the reasons assigned are not satisfactory to the Police Commission, or if no reason be given, and the eligible does not accept appointment within five work days after it is tendered to the candidate, then the candidate's name shall be removed from the register of eligibles.

(K) *Appointment of new employees.*

(1) The appointee shall be on probation for a period of one year. At the end of this period, if the conduct and capacity of the appointee has been satisfactory to the Chief of Police, the appointment shall be made permanent.

(2) Police officers shall abide by the rules, regulations, policies and procedures of the Village Police Department. It is understood that these rules, regulations, policies and procedures may be amended from time to time as the need arises. Upon hiring, each police officer will be given a copy of such Police Department rules, regulations, policies and procedures by the Chief of Police.

(3) Each police officer, upon taking an oath of office, shall sign a receipt for a copy of these rules, regulations and procedures of the Village Police Commission. The receipt shall be kept on file in the office of the Police Clerk.

(4) It shall be incumbent upon the police officer to notify the Chief of Police of any change of address or employment.

(L) *Promotion.*

(1) (a) Promotions shall be made after the completion of:

1. Written examination;
2. Current department evaluation;
3. Interview by the Police Commission; and

4. Recommendation of the Chief of Police. Promotion and appointment shall be open to all qualified officers of the Department. The names of the officer or officers chosen for promotion will be submitted by the Police Commission to the Village President and Board of Trustees for appointment.

(2) A police officer shall not be examined/interviewed for promotion until he or she has served one year following completion of the probationary period in the rank from which promotion is sought.

(3) If any police officer promoted and on probation be found incompetent or disqualified for the performance of the duties of the position to which promoted, the Chief of Police shall revert such probationer to the pervious classification upon setting forth in writing reasons therefor.

(M) *Withdrawals and resignations.*

(1) Any police officer or employee of the Village Police Department tendering a resignation shall do so in writing and set forth the reasons therefor.

(2) The resignation shall be transmitted to the Chief of Police who shall send a copy thereof to the Chairperson of the Village Police Commission, the Village President and each member of the Board of Trustees of the village.

(3) The Police Commission shall further notify the officer or employee of the receipt of the resignation and the entry on the records of the Police Commission.

(4) Withdrawal of such resignation must be within 30 days of the date thereof; provided, the Chief of Police recommends the same and the Police Commission consents thereto, with appropriate adjustment in seniority for the period of absence.

(N) *Removals.* Removal and discharge of part-time police officers shall be governed by the village's employee manual.

(O) *Reinstatement.* Whenever a vacancy occurs in the Police Department, the Commission shall, before any new appointment is made from the register of eligibles, reinstate in the same class, division and grade in which formerly employed, any person appointed after examination who has been temporarily separated from his or her position through no fault on the part of the officer.

(P) *General provisions.*

(1) The Police Commission may, upon the recommendation of the Chief of Police, in its discretion, grant to any member of the Police Department a furlough or leave of absence from duty without pay for a period not to exceed one year. Any leave of absence granted for medical reasons shall require the police officer to provide the Chief of Police with a medical authorization to return to full duty as a police officer from the village's occupational health doctor.

(2) These rules may be amended from time to time as the Police Commission may deem necessary and expedient.

(3) As used in these rules, the words **COMMISSION** or **BOARD** means the Police Commission of the village.

(4) Use of the masculine gender herein includes, where applicable, the female gender.

(5) Each section by the Police Commission and each section thereof is an independent section. The holding of any section to be void, invalid or ineffective, for any reason, does not affect the validity of any other section.

(6) All appointments for employment of full-time and part-time police officers will be recommended by the Police Commission. All appointments for employment for full-time and part-time police officers will be approved by the President and Board of Trustees.

(7) All employees of the Police Department will adhere to the village's personnel manual and the rules and regulations of the Police Commission, and rules, regulations, policies and procedures of the Police Department; except that, promotion and disciplinary procedures for full-time police officers will be governed by these Police Commission rules.

(Q) *Chief of Police.*

(1) The Police Commission shall recommend candidates for the position of Chief of Police to the Village President and the Board of Trustees of the village. The Chief of Police shall be appointed by the Village President and approved by the Board of Trustees. The appointment of Chief of Police will be made by the Village President on an annual basis.

(2) If the Chief of Police is appointed in such a manner proved by ordinance, he or she may be removed or discharged by the appointing authority. In such a case, the appointing authority shall file the reasons for such removal or discharge, which removal or discharge will not become effective unless confirmed by a majority vote of the Board of Trustees.

(3) The Chief of Police shall file a report, at least quarterly, with the Police Clerk who shall then submit copies of such report to the Police Commission, Village President and Board of Trustees of any serious incidents, major complaints against an officer, investigations, suspensions or any other disciplinary action.

(Ord. 400, passed 12-4-2013)

§ 32.02 PLANNING AND ZONING COMMISSION.

(A) *Created.* There is hereby created a Planning and Zoning Commission for the village.

(B) *Membership.* The Planning and Zoning Commission shall consist of seven members who are residents of the village.

(C) *Appointment of members.* The members of the Planning and Zoning Commission shall be appointed by the Village President, subject to confirmation of the Village Board of Trustees.

(D) *Terms of members.* The members of the Planning and Zoning Commission shall be appointed for the following terms.

(1) *Officers.* The Village President shall name one member as Chairperson at the time of appointment. The Planning and Zoning Commission shall elect such other officers as may be required.

(2) *Secretary; records.* The Planning and Zoning Commission shall have power and authority to appoint annually a Secretary who shall keep a true and complete record of all meetings and actions of the Planning and Zoning Commission. The Secretary shall also perform such other duties as may be required by the Planning and Zoning Commission. Official records of such commission shall be kept in the office of the Village Clerk and shall be available for public inspection.

(E) *Powers.* The Planning and Zoning Commission shall have the following powers and responsibilities:

(1) To prepare and recommend to the Village Board of Trustees a Comprehensive Plan of public improvements looking to the present and future improvements of the village;

(2) To designate land suitable for annexation to the village and the recommended zoning classification for such land upon annexation;

(3) To recommend to the Village Board of Trustees, from time to time, such changes in the Comprehensive Plan, or any part thereof, as may be deemed necessary;

(4) To prepare and recommend to the Village Board of Trustees, from time to time, plans and/or recommendations for specific improvements in pursuance of the official Comprehensive Plan;

(5) To give aid to the officials of the village charged with the direction of projects for improvements embraced within the official plan, or parts thereof, to further the making of such improvements and generally to promote the realization of the official Comprehensive Plan;

(6) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding;

(7) To cooperate with regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area;

(8) To suggest reasonable requirements in reference to streets, alleys and public grounds in unsubdivided lands within the corporate limits and in contiguous territory outside and distant not more than one and one-half miles from the corporate limits of the village, insofar as the same are not included in any city, village or incorporated town;

(9) To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator pertaining to conformance with the requirements of the Zoning Ordinance, but not including the Building Code;

(10) To hear and make recommendations to the Village Board of Trustees on the following matters:

(a) Applications for variations from the terms provided in the Zoning Ordinance in the manner and subject to the standards set forth therein;

(b) Applications for amendments to the Zoning Ordinance; and

(c) Applications for special uses.

(11) To hear and make recommendations to the Village Board of Trustees on all matters referred to it, and to perform such functions as may be requested of it.

(F) *Rules governing procedures.* The Planning and Zoning Commission shall adopt rules regulating the procedure of all meetings. Such rules shall be filed in the Office of the Village Clerk and may be amended at any meeting, such rules to be effective upon filing in the Office of the Village Clerk.

(G) *Meetings required; notice.* The Planning and Zoning Commission shall hold monthly regular meetings and may hold special meetings as needed. Two-days' notice of the time and place of regular and special meetings shall be given in writing by the Secretary at the direction of the Chairperson or upon the written request of not less than three members.

(H) *Hearings.* All hearings required by this section to be conducted by the Planning and Zoning Commission shall be open to the public. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney. All testimony shall be given under oath. The Chairperson, or

in his or her absence, the Acting Chairperson, shall administer oaths. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Every rule or regulation, every amendment or repeal thereof, and every decision of the Commission shall be filed immediately in the office of the Village Clerk and shall be a public record.

(I) *Finality of decisions.* All decisions of the Planning and Zoning Commission on appeal from a decision made by the Zoning Administrator after a hearing shall be final administrative determinations and shall be subject to review by a court in the manner provided by the applicable state statutes. (Ord. 176, passed 6-4-2003)

§ 32.03 DEPARTMENT OF FINANCE.

(A) *Department created.* There is hereby created a Department of Finance (a department of the Office of the Clerk).

(1) *Offices generally.* The Department of Finance shall consist of three offices:

- (a) Office of the Director;
- (b) Office of the Collector; and
- (c) Office of the Treasurer.

(2) *Office of the Director of Finance.* The Office of the Director of Finance shall be held by the Village Clerk, and who shall be the overseer of the receipts, collections and disbursement of the municipal revenue for the administration of the accountability of the budget.

(3) *Office of the Collector.* The Office of the Collector shall be appointed for a two-year term by the President with the consent of the Board of Trustees.

(a) *Duties and responsibilities.*

1. The duties and responsibilities of the Collector shall be to collect, receive and deposit all special assessments and special taxes that are not paid directly to the Treasurer and to keep such records pertaining to such collections as may be required by statute or ordinance.

2. The Collector shall make such reports regarding delinquent special assessments as are required by statute, and shall make such reports to the Village Board of Trustees, as required by the Board, showing what money has been received and the source thereof.

3. The Collector shall also make an annual report, during the last month of the fiscal year, showing all the activities of his or her office.

(b) *Ex-officio collector.* The Village Clerk shall act as and perform all the duties of the Collector unless and until a separate Collector is appointed.

(4) *Office of the Treasurer.*

(a) The Office of the Treasurer shall be appointed for a term of two years, by the President with the consent of the Board of Trustees.

(b) The Treasurer's duties and responsibilities shall consist of those stated in § 30.01 of this code of ordinances.

(B) *Duties and responsibilities of the Department of Finance.*

(1) *Annual reports for annual appropriation.* It shall be the duty of the Director of Finance to see to the preparation of an annual estimate of all expenses of the village same to be submitted on or before May 15 for the use in the annual appropriation ordinance.

(2) *Publication of annual Treasurer's report.*

(a) During the first quarter of the subsequent fiscal year, it shall be the responsibility of the Director of Finance to publish the Treasurer's annual report in a local newspaper if the population of the village is 500 or more or by posting if less than 500.

(b) An affidavit by the Director shall be attached to the annual report stating that it is correct and true and that the report was published as required herein.

(3) *Supervision.* The Director of Finance may examine the warrants, books, vouchers and all papers pertaining to the Offices of the Collector and Treasurer.

(4) *Audit.* The Director of Finance shall cause an audit to be made at each fiscal year ending of the financial books of the Department of Finance by an outside audit or approved by the President and Village Board of Trustees.

(5) *Office personnel.* The Director of Finance has the right and power to hire or appoint office personnel; provided that, the Board of Trustees has previously created other job positions and has appropriated funds to pay the salaries for such personnel.

(6) *Revenue.* All revenue collected by any department or office of the village from taxes, assessments and grants, fees, permits, fines or any other source must be delivered to and recorded by the Department of Finance.

(Ord. 040, passed 2-24-1977)

§ 32.04 DEPARTMENT OF GENERAL AFFAIRS.

(A) *Department created.* There is hereby created the Department of General Affairs, an executive department of the village, consisting of five divisions and the Office of Director, of which shall be as follows:

(1) Division of Liaison, which shall provide the necessary administrative functions:

(a) Between the village and the associations (which are private organizations of property owners) within the village;

(b) Between the village and the Wonder Lake Master Property Owners Association; and

(c) Between the village and any/or all of the property owners associations of any/or all the subdivisions of the Wonder Lake area outside of the village.

(2) Division of Recreation, which shall provide the necessary administrative function, supervision and maintenance for:

(a) Landmarks, monuments;

(b) Parks, fairs; and

(c) Recreation equipment and activities.

(3) Division of Service, which shall provide the necessary management and maintenance of municipal buildings, service for research, census poll taking, news release, public relations and other service that is not under the express jurisdiction of any other department of the village.

(4) Division of Regulation, which shall be the regulatory agency of the village over subjects that require governmental control as shall be declared by the Board of Trustees from time to time such as:

(a) Cemetery;

(b) Airport;

(c) Transportation;

(d) Conservation; and

(e) Pollution.

(5) Division of Education, which shall administrate any subject that is connected with the field of education and training that may be declared by the Board of Trustees from time to time such as;

- (a) Library;
- (b) Art;
- (c) Band;
- (d) Museums; and
- (e) Schools.

(6) The Village President shall appoint a Director for the Office of Director of the Department of General Affairs, with the approval of the Board of Trustees.

(a) *Term of office.* The Director of the Department of General Affairs shall serve for a term of two years.

(b) *Duties and responsibilities.* The Director shall be the administrator of the department and shall advise the President and shall carry out the duties of the five divisions of the Department of General Affairs until he or she so deems it necessary to recommend for appointment or employment of the necessary personnel (with the approval of the Village President and the Board of Trustees).

(B) *Purpose.* The purpose of the Department of General Affairs is to organize, regulate, maintain and administer services in any area that which is not so managed by any other executive departments of the village as shall be declared by the Board of Trustees from time to time.
(Ord. 038, passed 4-27-1978)

§ 32.05 DEPARTMENT OF PUBLIC WORKS.

There is hereby created the Department of Public Works, an executive department of the village.

(A) *Structure.* The Department of Public Works shall consist of the Office of Superintendent as so stated in § 30.01 of this code of ordinances and four divisions which shall be as follows:

- (1) Division of Streets and Bridges, as so stated in § 30.01 of this code of ordinances;
- (2) Division of Sewers, which shall regulate and correlate the installation of all sanitary sewers and storm drain sewers in all easements of the village;
- (3) Division of Storage, as so stated in § 30.01 of this code of ordinances; and

(4) Division of Utilities, which shall regulate the location of the installations and the issuance of necessary permits for all utilities, gas, water, piping, electric and communication lines, that are installed beneath the ground and above the ground and also control street lighting.

(B) *Office of the Superintendent.* The Village President shall appoint the Superintendent of Public Works, with the approval of the Board of Trustees.

(1) *Term of office.* The Superintendent shall serve for a term of two years.

(2) *Duties and responsibilities.*

(a) The Superintendent shall coordinate and supervise the Divisions of the Department of Public Works.

(b) The Superintendent may carry out all the duties and functions of the Department of Public Works until such time when it shall become necessary to hire or appoint sufficient personnel to properly execute the duties of the Department of Public Works, and such hiring or appointing shall be done with the approval of the Village President and the Board of Trustees.

(C) *Maps and records.* The Department of Public Works must keep maps and records of all easements and underground installations. The Department of Public Works must also keep drawings and records of all project undertaken by the Department.

(D) *Office of Village Engineer.* The Superintendent of Public Works shall correlate all engineering projects with the Village Engineer when such person is appointed Village Engineer by the Village President with the approval of the Board of Trustees.

(E) *Load limits.*

(1) The Superintendent of Public Works shall control the issuance of special permits for wide and high loads.

(2) The Superintendent of Public Works shall control the closing of the roads when necessary, as so stated.

(3) The Superintendent of Public Works shall extend the period of the spring season load limits when he or she deems it necessary as provided.

(F) *Power of arrest.* The Superintendent of Public Works shall have no power to arrest anyone who may violate the provisions of this section.

(G) *Storm water drainage systems.* The Superintendent of the Department of Public Works shall control the size, design and required maintenance of all culverts, storm drains, manholes, retention and detention areas, storm ditches, weirs, flow retards, screens or as otherwise regulated by ordinances. (Ord. 037, passed 8-17-1976; Ord. 037/A1, passed 7-26-1980)

CHAPTER 33: POLICE DEPARTMENT

Section

- 33.01 Police Department
- 33.02 Part-time police officers
- 33.03 Special rules and regulations for sworn personnel

Cross-reference:

Police Commission, see § 32.01

§ 33.01 POLICE DEPARTMENT.

(A) The Village Police Department shall consist of a Police Committee and as many police officers as required by the President and the Board of Trustees.

(B) There is hereby created the Police Committee who shall be appointed by the Village President.

(C) The Police Committee, once appointed, shall serve in their positions until terminated by the Village President, or voluntary resignation, death or illness.

(D) There is hereby created the office, station or rank as follows:

- (1) Police Officer or Matron;
- (2) Corporal of Police;
- (3) Sergeant of Police;
- (4) Lieutenant of Police; and
- (5) Chief of Police.

(E) Appointments of police officers, matrons, corporals, sergeants, lieutenants or the Chief of Police shall be recommended by the Police Committee, appointed by the Village President and approved by the Board of Trustees. Each applicant may be required to pass a physical and psychological test and have approved training consistent with the County Sheriff's Department. Each appointee shall serve a probationary period of 120 calendar days, to run continuously from the hour and date of such appointment.

(F) During the serving of the mandatory probationary period as outlined in division (E) above, no right of appeal from discharge from the position of any appointment, or demotion to the permanent rank held previously shall accrue.

(G) Police officers shall abide by the rules, regulations and procedures for the Village Department. It is understood that these rules, regulations and procedures may be amended from time to time as the need arises.

(H) All rules, regulations and procedures adopted prior to this section are hereby repealed.

(I) Each officer, upon taking an oath of office, shall sign a receipt for a copy of the rules, regulations and procedures of the Village Police Department. The receipt shall be kept on file in the office of the Village Clerk and be made part of the official village records.

(J) The scale of wages for all village police personnel in the employ of the village shall be determined by the Board of Trustees prior to appointment, with each position paid a monetary differential according to rank.

(K) The hours of duty and patrol time shall be based upon a yearly budget approved by the Board of Trustees. The majority of duty hours per shift shall be spent patrolling within the village other than traffic control.

(L) The Village President, in his or her capacity as Chief Executive Officer, shall appoint a Police Committee composed of three members whose qualifications shall be as follows:

(1) The Chairperson of the Police Committee shall be appointed by the Village President and must be a duly elected or appointed Village Trustee, actively serving in such capacity during his or her tenure as such Chairperson.

(2) The two remaining members of the Police Committee shall also be duly elected and/or appointed members of the Board of Trustees and appointed by the Village President.

(M) The Police Committee, Village President and the Board of Trustees, upon a two-thirds majority of a quorum present at a regularly scheduled, or duly posted Village Board meeting, shall have the authority to enter into contractual agreements with neighboring subdivisions for patrolling hours within those subdivisions.

(Ord. 063, passed 6-25-1983)

§ 33.02 PART-TIME POLICE OFFICERS.

(A) *Employment.* The village may employ part-time police officers from time to time as it deems necessary.

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

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

- (1) Be of good moral character, of temperate habits, of sound health and physically and mentally able to perform assigned duties.
- (2) Be at least 21 years of age;
- (3) Pass a medical examination;
- (4) Possess a high school diploma or G.E.D. certificate;
- (5) Possess a valid State of Illinois driver's license;
- (6) Possess no prior felony convictions; and
- (7) Any individual who has served in the U.S. military must have been honorably discharged.

(D) *Discipline.* Part-time officers shall be under the disciplinary jurisdiction of the Chief of Police. Part-time police officers serve at the discretion of the village authorities, shall not have any property rights in said employment and may be removed by the village authorities at any time. Part-time police officers shall comply with all applicable rules and general orders issued by the Police Department. (Ord. 372, passed 7-18-2012)

§ 33.03 SPECIAL RULES AND REGULATIONS FOR SWORN PERSONNEL.

The special rules and regulations for sworn personnel of the village's Police Department are hereby adopted by reference and incorporated herein in full. (Ord. 074, passed 5-5-1993)

CHAPTER 34: EMERGENCY SERVICES AND DISASTER AGENCIES

Section

- 34.01 Organization created
- 34.02 Coordinator
- 34.03 Functions
- 34.04 Service as mobile support team
- 34.05 Agreements with other political subdivisions
- 34.06 Emergency action
- 34.07 Compensation
- 34.08 Reimbursement by state
- 34.09 Purchases and expenditures
- 34.10 Oath
- 34.11 Office space
- 34.12 Appropriation; levy of taxes
- 34.13 Declaration of emergency

§ 34.01 ORGANIZATION CREATED.

(A) There is hereby created the municipal Emergency Services and Disaster Agency organization to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, human-made or from natural disaster, in accordance with the state's Emergency Services and Disaster Agencies Act of 1975, being 20 ILCS 3305.

(B) This Emergency Services and Disaster Agencies Organization shall consist of the Coordinator and additional members to be selected by the said Coordinator.
(Ord. 017/A-1, passed 4-20-1976)

§ 34.02 COORDINATOR.

(A) *Appointment.* The Coordinator of the village's Emergency Services and Disaster Agencies Organization shall be appointed by the Village President with the consent of the Village Board of Trustees and shall serve until removed by the same.

(B) *Responsibilities.* The Coordinator shall have direct responsibility for the organization, administration, training and operation of the Emergency Services and Disaster Agencies Organization, subject to the direction and control of the Village President, as provided by statute.

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

(Ord. 017/A-1, passed 4-20-1976)

§ 34.03 FUNCTIONS.

The village's Emergency Services and Disaster Agencies Organization shall perform such Emergency Services and Disaster Agencies functions within the municipality as shall be prescribed in and by the state's Emergency Services and Disaster Agencies plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality or quasi-municipality entered into as provided by the state's Emergency Services and Disaster Agencies Act of 1975, being 20 ILCS 3305.

(Ord. 017/A-1, passed 4-20-1976)

§ 34.04 SERVICE AS MOBILE SUPPORT TEAM.

(A) *Members.* All or any members of the municipal Emergency Services and Disaster Agencies Organization may be designated as members of a mobile support team created by the state's Director of State Emergency Services and Disaster Agencies as provided by law.

(B) *Leader.* The leader of such Mobile Support Team shall be designated by the Coordinator of the village's Emergency Services and Disaster Agencies Organization.

(C) *Compensation of mobile support team.* Any member of a mobile support team is a municipal employee or officer while serving on call to duty by the Governor, or the state's Director of State Emergency Services and Disaster Agencies 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.

(Ord. 017/A-1, passed 4-20-1976)

§ 34.05 AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS.

The Coordinator of the Emergency Services and Disaster Agencies 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 Village President and the Board of Trustees and by the state's Director of Emergency Services and Disaster Agencies.
(Ord. 017/A-1, passed 4-20-1976)

§ 34.06 EMERGENCY ACTION.

If the Governor declares that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the state of major disaster resulting from enemy sabotage or other hostile action or from human-made or natural disaster, it shall be the duty of the municipal Emergency Services and Disaster Agencies Organization to cooperate fully with the state office of Emergency Services and Disaster Agencies and with the Governor in the exercise of emergency powers as provided by law.
(Ord. 017/A-1, passed 4-20-1976)

§ 34.07 COMPENSATION.

Members of the Emergency Services and Disaster Agencies Organization who are paid employees or officers of the municipality, if called for training by the state's Director of Emergency Services and Disaster Agencies, 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 such compensation as may be established by the Village President and the Board of Trustees.
(Ord. 017/A-1, passed 4-20-1976)

§ 34.08 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 Emergency Services and Disaster Agencies, compensation for services and expenses of members of a mobile support team while serving outside the municipality in response to a call by the Governor or state's Director of Emergency Services and Disaster Agencies, as provided by law, and any other reimbursement made by the state incident to Emergency Services and Disaster Agencies activities, as provided by law.
(Ord. 017/A-1, passed 4-20-1976)

§ 34.09 PURCHASES AND EXPENDITURES.

(A) *Normal.* The Village President and the Board of Trustees may, on recommendation of the village's Coordinator of Emergency Services and Disaster Agencies, 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 disaster, or from natural disaster.

(B) *Emergency.* In the event of enemy caused, human-made or natural disaster, the village's Coordinator of Emergency Services and Disaster Agencies is authorized, on behalf of the municipality, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency, without regard to the statutory procedures or formalities normally prescribed by law pertaining to municipal contracts or obligations, as authorized by the state's Emergency Services and Disaster Agencies Act of 1975, being 20 ILCS 3305; provided that, if the Village President and the Board of Trustees meets at such times, he or she shall act subject to the directions and restrictions imposed by that body.

(Ord. 017/A-1, passed 4-20-1976)

§ 34.10 OATH.

Every person appointed to serve in any capacity in the village's Emergency Services and Disaster Agencies Organization shall, before entering upon his or her duties, subscribe to the following oath, which shall be filed with the Coordinator.

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

(Ord. 017/A-1, passed 4-20-1976)

§ 34.11 OFFICE SPACE.

The Village President is authorized to designate space in the Village Hall or elsewhere, as may be provided for by the Village President and the Board of Trustees for the village's Emergency Services and Disaster Agencies Organization as its office.

(Ord. 017/A-1, passed 4-20-1976)

§ 34.12 APPROPRIATION; LEVY OF TAXES.

The Village Board of Trustees may have an appropriation for Emergency Services and Disaster Agencies purposes in the manner provided by law and may levy, in addition for Emergency Services and Disaster Agencies purposes only, a tax not to exceed \$0.05 per \$100 of the assessed value of all taxable property in addition to all other taxes, as provided by the state's Emergency Services and Disaster Agencies Act of 1975, being 20 ILCS 3305; provided, however, that, the amount collectable under such law shall in no event exceed \$0.25 per capita.

(Ord. 017/A-1, passed 4-20-1976)

§ 34.13 DECLARATION OF EMERGENCY.

(A) A local disaster emergency may be declared only by the Village President. It shall not be continued or renewed for a period in excess of seven days, except by or with the consent of the Village Board. Any order or proclamation shall be given prompt and general publicity and shall be filed promptly with the Village Clerk and the Board of Trustees.

(B) The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local or interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance thereunder.

(Ord. 017/A-1, passed 4-20-1976)

CHAPTER 35: FINANCE AND REVENUE; TAXES

Section

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GENERAL PROVISIONS**§ 35.01 IMPACT FEES FOR BENEFIT OF SCHOOLS ADOPTED BY REFERENCE.**

The village's provisions concerning impact fees for the benefit of schools are hereby adopted by reference and incorporated herein as if set out in full.

(Ord. 200, passed 7-7-2004)

§ 35.02 BIDDING PROCEDURES.

(A) *Competitive bidding required.* Any work or other public improvement that is not to be paid for in whole or in part by special assessment or special taxation, and all purchases of and contracts for supplies, materials and services shall, except as specifically provided herein, be based whenever possible on competitive bids.

(B) *Formal contract procedure.* All work or other public improvement that is not to be paid for in whole or in part by special assessment or special taxation, when the estimated cost thereof shall exceed \$20,000 shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of two-thirds of the Trustees then holding office.

(C) *Advertisements for bids.* A notice inviting bids shall be published at least once in a newspaper with general circulation within the village. The village shall also advertise all pending work by posting a notice on the public bulletin board in the Village Hall.

(D) *Scope of notice.* The newspaper notice required herein shall include a general description of the work to be performed shall state where specifications may be secured and shall specify the time and place for opening bids.

(E) *Bid deposits.*

(1) When deemed necessary by the Board of Trustees, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of their bid deposits upon the award of the contract by the Board of Trustees. A successful bidder shall forfeit any bid deposit required by the Board of Trustees upon failure on his or her part to enter into a contract within ten days after the award.

(2) Such bid deposit may be in the form of a certified check, bond or letter of credit in an amount as specified in the advertisement for bids to ensure finalization of the contract and to indemnify the village against all loss, damages and claims that may accrue against the village as a consequence of the granting of the contract.

(F) *Bid opening procedure.*

(1) *Sealed.* Bids shall be submitted sealed to the village and shall be identified as bids on the envelope.

(2) *Opening.* Bids shall be opened in public at the time and place stated in the public notice.

(3) *Tabulation.* A tabulation of all bids received shall be made by the Board of Trustees or by a village employee or representative, in which event a tabulation of the bids shall be furnished to the Board of Trustees at its next regular meeting or at a special meeting.

(G) *Rejection of bids.* The village, through its corporate authorities, shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby.

(H) *Bidders in default to village.* The village shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other money due the village.

(I) *Award of contract.*

(1) *Authority in village.* The Board of Trustees shall have the authority to award contracts within the purview of this section.

(2) *Lowest responsible bidder.* Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interests of the village to accept. In awarding the contract, in addition to price, the Board of Trustees shall consider:

(a) The ability, capacity and skill of the bidder to perform the contract to provide the service required;

(b) Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference;

(c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(d) The quality of the performance of previous contracts or services;

(e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

(f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

(g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;

(h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and

(i) The number and scope of conditions attached to the bid.

(3) *Performance bonds.* The Board of Trustees shall have the authority to require a performance bond before entering into a contract in such amounts as it shall find reasonably necessary to protect the best interests of the village and to conform to the statutory requirements for such bonds.

(J) *Open market procedure.* All work less than the estimated value of \$20,000 and all purchases of supplies, materials and services of less than the estimated value of \$20,000 shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by the section for the award of formal contracts in such a manner so as to ensure the best interests of the public after solicitation of bids on proposals by mail, telephone, facsimile transmission or otherwise.

(K) *Professional services exempt from bidding requirements.*

(1) All contracts for professional services including, but not limited to, attorneys, engineers, real estate appraisers and architects and any other profession whose ethical code involved prohibits or discourages involvement in normal bidding procedures, may be entered into by the village without observing the bidding procedures prescribed by this section for the award of formal contracts.

(2) Regular employment contracts in the municipal service shall likewise be exempt from the provisions of this section.

(L) *Emergency purchases.*

(1) In case of an apparent emergency that requires immediate work or purchase of supplies, materials or services, the Board of Trustees shall be empowered to secure by open market procedure as herein set forth, at the lowest obtainable price, any work, supplies, materials or services regardless of the amount of the expenditure.

(2) A finding of such an emergency shall be made in an affirmative vote of at least two-thirds of the Board of Trustees at the time of such emergency contract or no later than the first regular Village Board meeting thereafter.

(M) *Cooperative purchasing.* The village shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the village would be served thereby.

(Ord. 099, passed 11-6-1996)

LOCALLY IMPOSED AND ADMINISTERED TAXES**§ 35.15 TITLE.**

This subchapter shall be known as, and may be cited as, the “Locally Imposed and Administered Tax Rights and Responsibility Ordinance”.
(Ord. 115, passed 1-3-2001)

§ 35.16 SCOPE.

The provisions of this subchapter shall apply to the village’s procedures in connection with all of the village’s locally imposed and administered taxes.
(Ord. 115, passed 1-3-2001)

§ 35.17 DEFINITIONS.

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

ACT. The Local Government Taxpayers’ Bill of Rights Act, being 50 ILCS 451.

CORPORATE AUTHORITIES. The Village’s President and Board of Trustees.

LOCALLY IMPOSED AND ADMINISTERED TAX or TAX. Each tax imposed by the village that is collected or administered by the village not an agency or department of the state. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the village other than infrastructure maintenance fees.

LOCAL TAX ADMINISTRATOR. The village’s President is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the Local Tax Administrator to act in the Local Tax Administrator’s stead. The **LOCAL TAX ADMINISTRATOR** shall have the authority to implement the terms of this subchapter to give full effect to this subchapter. The exercise of such authority by the Local Tax Administrator shall not be inconsistent with this subchapter and the Act.

NOTICE. Each audit notice, collection notice or other similar notice or communication in connection with each of the village’s locally imposed and administered taxes.

TAX ORDINANCE. Each ordinance adopted by the village that imposes any locally imposed and administered tax.

TAXPAYER. Any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the village.

VILLAGE. The Village of Wonder Lake, McHenry County, Illinois.
(Ord. 115, passed 1-3-2001)

§ 35.18 NOTICES.

(A) Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than seven calendar days prior to the day fixed for any applicable hearing, audit or other scheduled act of the Local Tax Administrator.

(B) The notice shall be sent by the Local Tax Administrator as follows:

(1) First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address; or

(2) Personal service or delivery.

(Ord. 115, passed 1-3-2001)

§ 35.19 LATE PAYMENT.

Any notice, payment, remittance or other filing required to be made to the village pursuant to any tax ordinance shall be considered late unless it is:

(A) Physically received by the village on or before the due date; or

(B) Received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the village, with adequate postage prepaid.

(Ord. 115, passed 1-3-2001)

§ 35.20 PAYMENT.

Any payment or remittance received for a tax period shall be applied in the following order:

(A) First, to the tax due for the applicable period;

(B) Second, to the interest due for the applicable period; and

(C) Third, to the penalty for the applicable period.
(Ord. 115, passed 1-3-2001)

§ 35.21 CERTAIN CREDITS AND REFUNDS.

(A) The village shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

(B) The statute of limitations on a claim for credit or refund shall be four years after the end of the calendar year in which payment in error was made. The village shall not grant a credit or refund of locally imposed and administered taxes, interest or penalties to a person who has not paid the amounts directly to the village.

(C) The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:

(1) The taxpayer shall submit to the Local Tax Administrator in writing a claim for credit or refund together with a statement specifying:

- (a) The name of the locally imposed and administered tax subject to the claim;
- (b) The tax period for the locally imposed and administered tax subject to the claim;
- (c) The date of the tax payment subject to the claim and the canceled check or receipt for the payment;
- (d) The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and
- (e) A request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that, there shall be no refund and only a credit given in the event the taxpayer owes any monies to the village.

(2) Within ten days of the receipt by the Local Tax Administrator of any claim for a refund or credit, the Local Tax Administrator shall either:

- (a) Grant the claim; or

(b) Deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

(3) In the event the Local Tax Administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of 5% per annum, based on a year of 365 days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

(Ord. 115, passed 1-3-2001)

§ 35.22 AUDIT PROCEDURE.

Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this subchapter.

(A) Each notice of audit shall contain the following information:

(1) The tax;

(2) The time period of the audit; and

(3) A brief description of the books and records to be made available for the auditor.

(B) Any audit shall be conducted during normal business hours and, if the date and time selected by the Local Tax Administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within 30 days after the originally designated audit and during normal business hours.

(C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven days, nor more than 30 days, from the date the notice is given, unless the taxpayer and the Local Tax Administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the 30 days, approved in writing, that is convenient to the taxpayer and the Local Tax Administrator.

(D) Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the village.

(E) It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the village. If the taxpayer fails to provide the documents necessary for audit within the time provided, the Local Tax Administrator may issue a tax determination and assessment based on the Tax Administrator's determination of the best estimate of the taxpayer's tax liability.

(F) If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within 30 days of the village's determination of the amount of overpayment.

(G) In the event a tax payment was submitted to the incorrect local governmental entity, the Local Tax Administrator shall notify the local governmental entity imposing such tax.
(Ord. 115, passed 1-3-2001)

§ 35.23 APPEAL.

(A) The Local Tax Administrator shall send written notice to a taxpayer upon the Local Tax Administrator's issuance of a protestable notice of tax due, a bill, a claim denial or a notice of claim reduction regarding any tax. The notice shall include the following information:

- (1) The reason for the assessment;
- (2) The amount of the tax liability proposed;
- (3) The procedure for appealing the assessment; and
- (4) The obligations of the village during the audit, appeal, refund and collection process.

(B) A taxpayer who receives written notice from the Local Tax Administrator of a determination of tax due or assessment may file with the Local Tax Administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the Local Tax Administrator within 45 days of receipt of the written notice of the tax determination and assessment.

(C) If a timely written notice and petition for hearing is filed, the Local Tax Administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within 14 days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

(D) If a written protest and petition for hearing is not filed within the 45-day period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.

(E) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the Local Tax Administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than 90 days after the expiration of the 45-day period.

(Ord. 115, passed 1-3-2001)

§ 35.24 HEARING.

(A) Whenever a taxpayer or a Tax Collector has filed a timely written protest and petition for hearing under § 35.22 of this chapter, the Local Tax Administrator shall conduct a hearing regarding any appeal.

(B) No continuances shall be granted, except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed 14 days.

(C) At the hearing, the hearing officer shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

(D) At the conclusion of the hearing, the hearing officer shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or Tax Collector shall be provided with a copy of the written decision.

(Ord. 115, passed 1-3-2001)

§ 35.25 INTEREST AND PENALTIES.

In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(A) *Interest.* The village hereby provides for the amount of interest to be assessed on a late payment, underpayment or non-payment of the tax, to be 5% per annum, based on a year of 365 days and the number of days elapsed.

(B) *Late filing and payment penalties.*

(1) If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of 5% of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of 5% of the tax due shall be imposed.

(2) If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the village issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to 25% of the total tax due for the applicable reporting period for which the return was required to be filed.

(3) A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

(Ord. 115, passed 1-3-2001)

§ 35.26 ABATEMENT.

The Local Tax Administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the Local Tax Administrator shall determine reasonable cause exists for delay or failure to make a filing.

(Ord. 115, passed 1-3-2001)

§ 35.27 INSTALLMENT CONTRACTS.

(A) The village may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance.

(B) The Local Tax Administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing.

(C) Upon written notice by the Local Tax Administrator that the payment is 30-days' delinquent, the taxpayer shall have 14 working days to cure any delinquency.

(D) If the taxpayer fails to cure the delinquency within the 14-day period or fails to demonstrate good faith in restructuring the installment contract with the Local Administrator, the installment contract shall be canceled without further notice to the taxpayer.

(Ord. 115, passed 1-3-2001)

§ 35.28 STATUTE OF LIMITATIONS.

(A) The village, through the Local Tax Administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have 45 days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(B) No determination of tax due and owing may be issued more than four years after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(C) If any tax return is not filed or if during any four-year period for which a notice of tax determination or assessment may be issued by the village, the tax paid was less than 75% of the tax due, the statute of limitations shall be six years' maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

(D) No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.

(Ord. 115, passed 1-3-2001)

§ 35.29 VOLUNTARY DISCLOSURE.

For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation or assessment from the Local Tax Administrator, a taxpayer is entitled to file an application with the Local Tax Administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of 1% per month, for all periods prior to the filing of the application, but not more than four years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than 90 days after the filing of the voluntary disclosure application or the date agreed to by the Local Tax Administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this section must be paid within 90 days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the Local Tax Administrator, whichever is longer. (Ord. 115, passed 1-3-2001)

§ 35.30 PUBLICATION OF TAX ORDINANCES.

Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the Village Clerk's office in the municipal complex. (Ord. 115, passed 1-3-2001)

§ 35.31 INTERNAL REVIEW PROCEDURE.

(A) The Local Tax Administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the Local Tax Administrator that the lien is valid, the lien shall remain in full force and effect.

(B) If the lien is determined to be improper, the Local Tax Administrator shall:

- (1) Timely remove the lien at the village's expense;
- (2) Correct the taxpayer's credit record; and
- (3) Correct any public disclosure of the improperly imposed lien.

(Ord. 115, passed 1-3-2001)

§ 35.32 APPLICATION.

This subchapter shall be liberally construed and administered to supplement all of the village's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this subchapter, this subchapter shall be controlling.
(Ord. 115, passed 1-3-2001)

TAXES AND FEES

§ 35.45 ANNEXATIONS, SUBDIVISIONS, ZONING AND PLANNING FEES.

The fees for services involved in annexations, subdividing land, zoning land and other planning are hereby adopted by reference and incorporated herein as if set out in full.
(Ord. 273, passed 10-3-2007)

§ 35.46 TELECOMMUNICATIONS INFRASTRUCTURE FEE.

The village's telecommunications infrastructure fee and similar provisions are hereby adopted by reference and incorporated herein as if set out in full.
(Ord. 101, passed 12-3-1997)

§ 35.47 MUNICIPAL TAXES.

Any taxes established and in force in the village are hereby adopted by reference and incorporated herein as if set out in full.
(Ord. 036, passed 8-11-1977; Ord. 055, passed 8-25-1981; Ord. 056, passed 8-25-1981)



CHAPTER 36: GENERAL POLICIES

Section

36.01 Smoking in public places

36.02 Use of village property

36.99 Penalty

§ 36.01 SMOKING IN PUBLIC PLACES.

(A) *Findings.*

(1) The General Assembly of the state found that tobacco smoke is a harmful and dangerous carcinogen to human beings and a hazard to public health. Secondhand tobacco smoke causes at least 65,000 deaths each year from heart disease and lung cancer according to the National Cancer Institute. Secondhand tobacco smoke causes heart disease, stroke, cancer, sudden infant death syndrome, low birth weight in infants, asthma and exacerbation of asthma, bronchitis and pneumonia in children and adults. Secondhand tobacco smoke is the third leading cause of preventable death in the United States. Illinois workers exposed to secondhand tobacco smoke are at increased risk of premature death. An estimated 2,900 Illinois citizens die each year from exposure to secondhand tobacco smoke.

(2) The General Assembly of the state also found that the United States Surgeon General's 2006 report has determined that there is no risk free level of exposure to secondhand smoke; the scientific evidence that secondhand smoke causes serious diseases, including lung cancer, heart disease and respiratory illnesses such as bronchitis and asthma, is massive and conclusive; separating smokers from non-smokers, cleaning the air and ventilating buildings cannot eliminate secondhand smoke exposure; smoke-free workplace policies are effective in reducing secondhand smoke exposure; and smoke-free workplace policies do not have an adverse economic impact on the hospitality industry.

(3) The General Assembly of the state also found that the Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are capable only of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. The American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smoke-free environments because it cannot determine a safe level of exposure to secondhand smoke, which contains

cancer causing chemicals, and ASHRAE acknowledges that technology does not exist that can remove chemicals that cause cancer from the air. A 6-30-2005 ASHRAE position document on secondhand smoke concludes that, at present, the only means of eliminating health risks associated with indoor exposure is to eliminate all smoking activity indoors.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BAR. An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10% of its gross revenue from the sale of food consumed on the premises. **BAR** includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities and cabarets.

DEPARTMENT. The Department of Public Health.

EMPLOYEE. A person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a non-profit entity.

EMPLOYER. A person, business, partnership, association or corporation, including a municipal corporation, trust or non-profit entity, that employs the services of one or more individual persons.

ENCLOSED AREA. All space between a floor and a ceiling that is enclosed or partially enclosed with:

(a) Solid walls or windows, exclusive of doorways; or

(b) Solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

ENCLOSED OR PARTIALLY ENCLOSED SPORTS ARENA. Any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational or other events.

GAMING EQUIPMENT OR SUPPLIES. Gaming equipment/supplies as defined in the state's Gaming Board rules of the Illinois Administrative Code.

GAMING FACILITY. An establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

HEALTHCARE FACILITY. An office or institution providing care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. **HEALTHCARE FACILITY** includes all waiting rooms, hallways, private rooms, semi-private rooms and wards within healthcare facilities.

PLACE OF EMPLOYMENT. Any area under the control of a public or private employer that employees are required to enter, leave or pass through during the course of employment, including, but not limited to, entrances and exits to places of employment, including a minimum distance, as set forth in division (C) below, of 15 feet from entrances, exits, windows that open and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care or other similar social service care on the premises, is not a **PLACE OF EMPLOYMENT**.

PRIVATE CLUB.

(a) A not for profit association that:

1. Has been in active and continuous existence for at least three years prior to the effective date of this amendatory Act of the 95th General Assembly, whether incorporated or not;
2. Is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes at all times;
3. Is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain; and
4. Only sells alcoholic beverages incidental to its operation.

(b) For purposes of this definition, **PRIVATE CLUB** means an organization that is managed by a board of directors, executive committee or similar body chosen by the members at an annual meeting, has established bylaws, a constitution or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. § 501.

PRIVATE RESIDENCE. The part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home or assisted living facility shall not be considered a **PRIVATE RESIDENCE**.

PUBLIC PLACE. The portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the state, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in division (C) below, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A ***PUBLIC PLACE*** does not include a private residence unless the private residence is used to provide licensed child care, foster care or other similar social service care on the premises. A ***PUBLIC PLACE*** includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased or operated by the state or state subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

RESTAURANT.

(a) An eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands and private and public school cafeterias, that gives or offers for sale food to the public, guests or employees; and

(b) A kitchen or catering facility in which food is prepared on the premises for serving elsewhere. ***RESTAURANT*** includes a bar area within the restaurant.

RETAIL TOBACCO STORE. A retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. ***RETAIL TOBACCO STORE*** does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food or restaurant license.

SMOKE or ***SMOKING.*** The carrying, smoking, burning, inhaling or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs or any other lighted smoking equipment.

(C) ***Smoking prohibitions.*** Smoking in public places, places of employment and governmental vehicles prohibited. No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance to a public place or place of employment. No person may smoke in any vehicle owned, leased or operated by the village or a political subdivision of the state. Smoking is prohibited in indoor public places and workplaces unless specifically exempted by division (G) below.

(D) *Posting of signs; removal of ashtrays.*

(1) "No Smoking" signs or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this section by the owner, operator, manager or other person in control of that place.

(2) Each public place and place of employment where smoking is prohibited by this section shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(3) All ashtrays shall be removed from any area where smoking is prohibited by this section by the owner, operator, manager or other person having control of the area.

(E) *Smoking prohibited in student dormitories.* Notwithstanding any other provision of this section, smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.

(F) *Designation of other non-smoking areas.* Notwithstanding any other provision of this section, any employer, owner, occupant, lessee, operator, manager or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is also prohibited; provided that, such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking in the manner described in division (D)(1) and (D)(2) above.

(G) *Exemptions.* Notwithstanding any other provision of this section, smoking is allowed in the following areas:

(1) Private residences or dwelling places, except when used as a child care, adult day care or healthcare facility or any other home based business open to the public;

(2) Retail tobacco stores, as defined in division (B) above, in operation prior to 1-1-2008. The retail tobacco store shall annually file with the Department by January 31 an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants or herbs and cigars, cigarettes, pipes or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after the effective date of this section may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited;

(3) Private and semi-private rooms in nursing homes and long term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home; and

(4) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms; provided that, all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into non-smoking rooms or other areas where smoking is prohibited. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or non-smoking may not be changed, except to permanently add additional non-smoking rooms.

(H) Enforcement; complaints.

(1) The members of the Police Department of the village or other employees of the village designated by the Village President shall enforce the provisions of this section and may assess fines pursuant to § 36.99(B) of this chapter.

(2) Any person may register a complaint with the Police Department of the village or other employees of the village designated by the Village President, a state-certified local public health department for a violation of this section. The Police Department of the village or other employees of the village designated by the Village President shall establish a telephone number that a person may call to register a complaint under this division (H)(2).

(I) Discrimination prohibited. No individual may be discriminated against in any manner because of the exercise of any rights afforded by this section.

(J) Entrances, exits, windows and ventilation intakes. Smoking is prohibited within a minimum distance of 15 feet from entrances, exits, windows that open and ventilation intakes that serve an enclosed area where smoking is prohibited under this section so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows or other means.

(K) Rules. The village shall adopt rules necessary for the administration of this section. (Ord. 289, passed 4-2-2008) Penalty, see § 36.99

§ 36.02 USE OF VILLAGE PROPERTY.

(A) Use of firearms and traps. No person shall fire or discharge any firearm of any description upon village property, except the police officers of the village in the performance of their duties.

(B) Lighting or setting off fireworks or balloons. No fireworks or balloons shall be lighted or set off upon village property, except under supervision and by special permit from the village.

(C) *Injury to property.* No person shall willfully, maliciously or negligently cut, break, climb on, carry away, conceal, transfer, tamper with, mark upon or in any way injure, damage or deface any trees, shrub, plant, turf, grass, statue, bust, lamppost, hydrant, regulating device, transformer, meter, wire, wiring, pole, curbstone, coping, flagstone, fence, wall, bridge, balustrade, railing, bench, building or other structure of any kind or property, or take down, alter, mar, move, injure or destroy any sign, trail marker, placard, notice, post, pile; or drive any motor car, vehicle, boat or craft in such a manner as to cause the same to collide with, run against, strike or cause to strike, injure or deface or damage any property of the village.

(D) *Business establishments.* Unless duly authorized in writing by the village, no person shall maintain or operate any garage, restaurant confectionery, refreshment parlor, dance hall, hotel, inn, place of amusement for hire, store or stand for the sale of merchandise upon park property.

(E) *Offering articles for sale.* No person shall offer or exchange for sale any article or thing, or do any hawking, peddling or soliciting, or buy or offer to buy an article or thing, or take up any collection or solicit or receive contributions of money or anything of value in the village, except when authorized to do so by permit from or contract with the Village Board.

(F) *Advertising.* The erection or maintenance of any sign, bill, poster, placard or card or the distributing of any advertising matter by handbills, or otherwise upon village property, except signs posted by the village is prohibited.

(G) *Flying devices.* No person shall make an ascent in any balloon, airplane, at any other flying device or any descent in any airplane, balloon or any other flying device or parachute upon village property, except in an emergency, or with the permission of the Village Board.

(H) *Recreation vehicles.* Cars, snowmobiles, mini-bikes or anything driven by power are prohibited from being upon village property, except in such areas designated by the Village Board, or unless special permission for such activity shall be allowed by the Board of Trustees of the village.

(I) *Prohibited grounds.* No person shall go upon any prohibited portion of village property where a sign or notice is posted.

(J) *Disorderly conduct.* No person shall do any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace.

(K) *No alcohol on village property.* No intoxicated person shall enter or remain in or upon village property, nor shall any person have in his or her possession or consume any alcoholic liquor in or upon village property.

(L) *Hindering or interfering with village employees.* No person shall interfere with or in any manner hinder any employee or agent of the village while engaged in any work or the improvement, care or supervision of work upon village property.

(M) *Public meeting.* No person or group of persons shall call or hold any public meeting (over 25 persons) or give any concert or public entertainment of any kind in the village, except when authorized to do so by permit from or contract with the Board of Trustees.

(N) *Park hours.* No camping, picnicking or other activities shall be permitted upon village property during the hours when the parks are closed, except when authorized to do so by permit issued by the Board of Trustees. All parks shall be closed between 10:00 p.m. or dusk, whichever is earlier, and sunrise of the following day.

(O) *Protection of wildlife.* No person shall trap, kill or wound, or attempt to trap, kill or wound any bird or animal, take any bird egg or molest or rob any nest of any bird or animal or cruelly treat any bird or animal upon village property.

(P) *Dogs and cats.* No vicious or dangerous dog shall be permitted on village property. Dogs and cats may be taken into areas of the village designated by the Village Board; provided, they are held on a suitable line or strap. Any dog or cat found running at large may be taken up by the village and delivered to County Animal Control, all without liability on the part of any officer performing such duty or of the village.

(Q) *Use of playground equipment by adults prohibited.* No adult person shall in any manner use any of the playground apparatus or devices meant exclusively for the use of children.

(R) *Littering.* No person shall cause or allow the open dumping of garbage, refuse or solid waste upon village property. No person shall put, throw, dump or leave refuse or solid waste upon village property, except in proper containers provided for sanitary storage of such material.

(S) *Fires.* No fire shall be lighted or used on park property, except at such places and in such receptacles designated by the village for such purposes. No charcoal shall be dumped or placed in any trash or sanitary refuse container of the village.

(T) *Indemnification of village from liability.*

(1) Groups or individuals permitted to use a village park, or a portion thereof, for picnics, games, camping or any other activity shall provide a bond or indemnification policy to hold said village harmless from any claim that may arise because of such activity.

(2) Said bond or indemnification policy shall be in a company or companies approved by said village and in such amounts and in such form as said village deems reasonable and proper.

(Ord. 112, passed 9-6-2000) Penalty, see § 36.99

§ 36.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) A person, corporation, partnership, association or other entity who violates § 36.01(C) of this chapter shall be fined pursuant to this division (B). Each day that a violation occurs is a separate violation.

(2) A person who smokes in an area where smoking is prohibited under § 36.01(C) of this chapter shall be fined in an amount that is not less than \$100 and not more than \$250. A person who owns, operates or otherwise controls a public place or place of employment that violates § 36.01(C) of this chapter shall be fined:

(a) Not less than \$250 for the first violation;

(b) Not less than \$500 for the second violation within one year after the first violation; and

(c) Not less than \$2,500 for each additional violation within one year after the first violation.

(3) A fine imposed under this section shall be allocated to the village.

(4) The village or a state certified local public health department or any individual personally affected by repeated violations may institute, in a circuit court, an action to enjoin violations of § 36.01 of this chapter.

(C) Any person, firm or corporation violating any provision of § 36.02 of this chapter shall be fined not less than \$50, nor more than \$200, for each offense.
(Ord. 112, passed 9-6-2000; Ord. 289, passed 4-2-2008)

TITLE V: PUBLIC WORKS

Chapter

- 50. SOLID WASTE**
- 51. GAS AND ELECTRICITY**
- 52. WATER**
- 53. SEWERS**

Wonder Lake - Public Works



CHAPTER 50: SOLID WASTE

Section

- 50.01 Purpose
- 50.02 Refuse disposal; littering prohibited
- 50.03 Refuse removal and schedule
- 50.04 Containers
- 50.05 Burning refuse
- 50.06 Explosive and nuclear refuse
- 50.07 Accumulation of refuse
- 50.08 Transport vehicle; unlawful transport
- 50.09 White goods

- 50.99 Penalty

§ 50.01 PURPOSE.

The purpose of this chapter is to maintain buildings, structures and premises in connection with any business, occupation, organization or residency in a sanitary, safe and non-dangerous condition.
(Ord. 034, passed 1-25-1979)

§ 50.02 REFUSE DISPOSAL; LITTERING PROHIBITED.

It shall be unlawful for any person, organization, firm or corporation to place any refuse of organic nature, commonly known as garbage, or any metal, glass, paper, plastic containers or any loose papers, ashes, waste, rubbish, cans, bottles, wire, cartons, boxes, parts of automobiles, wagons, furniture, oil or anything else of an unsightly or unsanitary nature or any other inorganic matter of any kind, by dumping or depositing the same, on any premises, streets, alleys or rights-of-way, parks or other public places or other public or private property whether owned by such person or not, or in the village or in any stream or other body of water.

(Ord. 034, passed 1-25-1979; Ord. 034-A/5, passed 2-6-2008) Penalty, see § 50.99

§ 50.03 REFUSE REMOVAL AND SCHEDULE.

It shall be the duty and responsibility of the occupant of every building, structure or premises used or maintained in connection with any business, occupation or residency to cause to be removed at the cost and expense of said occupant at least once a week all refuse produced therein, or the frequency of collection requirements shall be in accordance with the volume of garbage and refuse accumulated as shall be required by the village's Department of Health.

(Ord. 034, passed 1-25-1979)

§ 50.04 CONTAINERS.

(A) All refuse which is placed for collection service outside any building, structure or premises must be kept in standard refuse containers. Sturdy plastic bags may be used or set out for pick up, as an alternate standard container. A self-dumping container should be employed when refuse exceeds an unusual nature.

(B) The occupant of every building structure or premises used or maintained in connection with any business, occupation or residence 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.

(C) The standard refuse container required shall be a receptacle of not less than 70 liters or 18.5 gallons, nor more than 130 liters or 35-gallon capacity, of impervious material and sturdy construction with a tight-fitting cover and equipped with handles properly placed and shall be of such weight that they can be handled by one man. Sturdy plastic bags of similar capacity of the standard containers may be used as an alternate containers unless otherwise specified.

(D) Garbage containers may be placed near the road edge for pick up no sooner than 5:00 p.m. on the day before pick up. Containers must be placed so as not to obstruct traffic or mail delivery. All refuse containers must be kept within the property lines of said individually owned property so as not to create an eyesore or health problem and preferably out of sight of the nearest roadway or street.

(Ord. 034, passed 1-25-1979; Ord. 34/A1, passed - -) Penalty, see § 50.99

§ 50.05 BURNING REFUSE.

(A) No person shall cause, suffer, allow or permit leaf and yard waste burning, as defined herein, from the hours of 10:00 p.m. Saturdays until 8:00 a.m. Fridays. Leaf and yard waste burning shall be allowed only between 8:00 a.m. Friday through 10:00 p.m. Saturday during the 12 months of the year.

(B) For purposes of this section, *LEAF AND YARD WASTE BURNING* shall include, but not be limited to, the combustion of leaves and yard waste, in such a way that the products of the combustion

are emitted to the open air without originating in or passing through equipment for which a permit could be issued by the State Environmental Protection Agency.

(C) Specifically prohibited by this section are smoldering leaf and yard waste piles between 10:00 p.m. on Saturdays and 8:00 a.m. on Fridays, which by way of combustion emit the products of the combustion into the open air.

(Ord. 034, passed 1-25-1979; Ord. 34/A2, passed 6-26-1981; Ord. 34/A3, passed 5-5-1993; Ord. 34/A4, passed 3-18-1998) Penalty, see § 50.99

§ 50.06 EXPLOSIVE AND NUCLEAR REFUSE.

Highly combustible, explosive or nuclear materials shall not be placed in containers for regular collection, but shall be disposed of as safety shall require.

(Ord. 034, passed 1-25-1979) Penalty, see § 50.99

§ 50.07 ACCUMULATION OF REFUSE.

Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within three days after notice by the village's Department of Health shall be deemed a violation of this chapter.

(Ord. 034, passed 1-25-1979) Penalty, see § 50.99

§ 50.08 TRANSPORT VEHICLE; UNLAWFUL TRANSPORT.

(A) *Transport vehicle.* Any vehicle that shall be used for transporting refuse shall be covered or enclosed in such a way that the contents thereof will not blow from or drop off of said vehicle either within the village limits or on the way to the disposal ground or site. All such vehicles shall be subject to inspection by the Village Department of Health.

(B) *Unlawful garbage transport.* It shall be unlawful to carry or transport any garbage from a place of residency or place of business to any container at any park, beach, place of recreation or municipal grounds.

(C) *Unlawful refuse transport.*

(1) It shall be unlawful for any person to cast, place, sweep or deposit anywhere.

(2) In the village, any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place or into any other premises.

(Ord. 034, passed 1-25-1979) Penalty, see § 50.99

§ 50.09 WHITE GOODS.

(A) For the purpose of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

HAZARDOUS WHITE GOODS. Hazardous white goods shall be refrigerators, freezers, air conditioners, dehumidifiers and the like and appliances which are Freon-based including, but not limited to, those containing any chlorofluorocarbon refrigerant gas.

NON-HAZARDOUS WHITE GOODS. Appliances and/or goods which contain no hazardous gases or materials as defined by the U.S. and/or Illinois EPA and may include such items as water heaters, cooking range/ovens, washers, dryers and the like.

WHITE GOODS. Non-hazardous white goods.

(B) No person or owner of property within the village shall cause or allow any white goods, whether non-hazardous or hazardous, to be placed outside any structure, except for removal within 24 hours after the goods are placed outside the structure. All doors must be removed from any items placed outside a structure.

(C) No person shall place any hazardous white goods outside a structure for removal unless the person has made arrangements for such removal by a licensed/certified hauler of white goods and no person shall cause or allow the removal of any hazardous white goods from property within the village, except by a licensed/certified hauler of white goods.

(D) The Village Clerk shall maintain such information which is available to the village as to certified haulers.

(Ord. 034-A/5, passed 2-6-2008) Penalty, see § 50.99

§ 50.99 PENALTY.

Any person or owner of property within the village who causes or allows the violation of any provision or provisions of this chapter shall be fined not less than \$50, nor more than \$750, plus the village's cost of prosecution, including reasonable attorney fees, the permit fee and, if necessary, the cost of removing such refuse, garbage or any metal, glass, paper, plastic containers or any loose papers, ashes, waste, rubbish, cans, bottles, wire, cartons, boxes, parts of automobiles, wagons, furniture, oil or anything else of an unsightly or unsanitary nature or any other inorganic matter of any kind.

(Ord. 034, passed 1-25-1979; Ord. 34/A4, passed 3-18-1998; Ord. 034-A/5, passed 2-6-2008)

CHAPTER 51: GAS AND ELECTRICITY

Section

51.01 Taxation generally

51.99 Penalty

§ 51.01 TAXATION GENERALLY.

(A) *Definitions.* Terms, whether capitalized or not, used in this section are defined pursuant to 65 ILCS 5/8-11-2(d).

(B) *Imposition of taxes.* In addition to all taxes, fees and other revenue measures imposed by the village, state or any other political subdivision of the state, a tax is imposed on all persons engaged in the following occupations or privileges:

(1) Persons in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of the village, and not for resale, at the rate of 5% of the gross receipts therefrom; and

(2) The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the village at rates not to exceed the following maximum rates, calculated on a monthly basis for each purchaser:

(a) For the first 2,000 kilowatt hours used or consumed in a month: \$0.61 per kilowatt hour;

(b) For the next 48,000 kilowatt hours used or consumed in a month: \$0.40 per kilowatt hour;

(c) For the next 50,000 kilowatt hours used or consumed in a month: \$0.36 per kilowatt hour;

(d) For the next 400,000 kilowatt hours used or consumed in a month: \$0.35 per kilowatt hour;

- (e) For the next 500,000 kilowatt hours used or consumed in a month: \$0.34 per kilowatt hour;
- (f) For the next 2,000,000 kilowatt hours used or consumed in a month: \$0.32 per kilowatt hour;
- (g) For the next 2,000,000 kilowatt hours used or consumed in a month: \$0.315 per kilowatt hour;
- (h) For the next 5,000,000 kilowatt hours used or consumed in a month: \$0.31 per kilowatt hour;
- (i) For the next 10,000,000 kilowatt hours used or consumed in a month: \$0.305 per kilowatt hour; and
- (j) For all electricity used or consumed in excess of 20,000,000 kilowatt hours in a month: \$0.30 per kilowatt hour.

(C) *Exemptions.* No tax is imposed by this section with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the Constitution and statutes of the United States, be made subject to taxation by the state or any political subdivision thereof, nor shall any person engaged in the business of distributing, supplying, furnishing or selling gas or electricity become subject to taxation under the provisions of the Non-Home Rule Municipal Retailers Tax (65 ILCS 5/8-11-1.3).

(D) *Application.* Such tax shall be in addition to the payment of money or value of products or services furnished to the village by the taxpayer as compensation for the use of its streets, alleys or other public places or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayers' business.

(E) *Collection.* The tax imposed by division (B)(2) above shall be collected from the purchaser by the person maintaining a place of business in the state who delivers the electricity to the purchaser. The tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser. If the tax is unpaid, it is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this section and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity; provided that, the person delivering electricity shall be allowed credit for such tax related to deliveries of electricity, the charges for which are written off as uncollectible; and, provided further that, if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax to the village. 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 be authorized to add to such gross charge an amount equal to 3% of the tax assessed pursuant to this section to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing

and filing returns, remitting tax and supplying data to the village. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the village in the manner prescribed herein. Persons delivering electricity who file returns pursuant to this section shall, at the time of filing such return, pay the village the amount of the tax collected pursuant to this section.

(F) *Books and records.*

(1) Every person delivering electricity who is required to collect a tax pursuant to division (B)(2) above shall keep accurate books and records of all transactions which may affect the tax provided for herein including, but not limited to, records of the number of kilowatt hours (Kwh) used by each consumer within the village for each month, the charge imposed upon each consumer for the sale of the electricity and any related services, the amount of tax imposed by division (B)(2) above billed to each consumer of electricity and the amount of tax actually collected, the amount of the charge imposed and collected by the electric distributor as compensation for collecting the tax provided for in division (B)(2) above and the total gross receipts received by the electricity deliverer for each month not including the tax imposed by division (B)(2) above.

(2) Every person delivering electricity is required to collect a tax as set forth herein and shall provide to the village, within seven days of a written request, copies of all records, or any part thereof, which the village requests, which the electricity deliverer is required to keep pursuant to this section.

(G) *Tax remittance and return.*

(1) Every person collecting a tax pursuant to division (B)(1) above shall, on a monthly basis, file a return with the village in a form prescribed by the village along with the total revenues collected. The return and accompanying remittance shall be delivered to the village on or before the last day of the month following the month during which the tax is collected or is required to be collected under division (A) above.

(2) Each person who is required to pay a tax pursuant to division (B) above and who has not paid said tax to the electricity deliverer as provided for herein shall file a return with the village, as provided in this section, and pay directly to the village the tax on or before the last day of the month following the month during which the electricity and/or gas was used or consumed.

(H) *Reports to the village.*

(1) On or before the last day of each month, each taxpayer subject to division (B) above shall make a return to the Treasurer for the proceeding month stating:

- (a) Name;
- (b) Principal place of business;

(c) Gross receipts and/or kilowatt hours during those months upon the basis of which the tax is imposed;

(d) Amount of tax; and

(e) Such other reasonable and related information as the village may require.

(2) On or before the last day of every third month, each taxpayer shall make a like return to the Treasurer for a corresponding three-month period.

(3) The taxpayer making the return herein provided for shall, at the time of making such return, pay to the Treasurer the amount of tax herein imposed; provided that, in connection with any return the taxpayer may, if he or she so elects, report and pay an amount based upon his or her total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed), with prompt adjustments of later payments based upon any difference between such billings and the taxable gross receipts.

(I) *Errors.* If it appears that an amount of tax has been paid which was not due under the provisions of this section, 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 section from the taxpayer who made the erroneous payment; provided that, no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited.

(J) *Recovery deadline.* No action to recover any amount of tax due under the provisions of this section shall be commenced more than three years after the due date of such amount.
(Ord. 332, passed 5-19-2010) Penalty, see § 51.99

§ 51.99 PENALTY.

Any taxpayer who fails to make a return or who makes a fraudulent return or who willfully violates any other provisions of § 51.01 of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50, nor more than \$750, and, in addition, shall be liable in a civil action for the amount of tax due.

(Ord. 332, passed 5-19-2010)

CHAPTER 52: WATER

Section

General Provisions

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52.99 Penalty

Cross-reference:

Sewers, see Ch. 53

GENERAL PROVISIONS

§ 52.01 RESTRICTING WATER USE IN SUMMER MONTHS.

In order to conserve the water supply of the village, the following regulations shall be applicable to all water service customers of the village.

(A) For purposes of this section, the term *LANDSCAPE* shall include, but not be limited to, sodded grass lawns, seeded grass lawns, vegetable gardens, flower gardens, shrubbery and trees.

(B) The use of water from the village water system for landscape irrigation is hereby restricted during the months of June through September as follows.

(1) Occupants with even-numbered addresses may perform landscape irrigation on even-numbered calendar days from midnight to 9:00 a.m. and from 6:00 p.m. to midnight.

(2) Occupants with odd-numbered addresses may perform landscape irrigation on odd-numbered calendar days from midnight to 9:00 a.m. and from 6:00 p.m. to midnight.

(3) Newly sodded or seeded lawns may be watered on any day for a period not to exceed four hours per day for the first two-week period following installation of said sod or planting of such seed.

(4) Operations of a children's sprinkler, which indirectly provides landscape irrigation while children are playing in the water from said sprinkler, shall not exceed two hours per day.

(5) Nothing in this section shall prohibit washing of vehicles owned by the water system user nor the filling of children's recreational pools.

(Ord. 348, passed 9-7-2011) Penalty, see § 52.99

POTABLE WATER SYSTEM**§ 52.15 DEFINITIONS.**

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

CUSTOMER. Any person who uses and/or receives service from the municipal waterworks.

LIVING UNIT. The meaning set forth in Ch. 162 of this code of ordinances for the occupancy of one family.

LOT. Any parcel of land as set forth in Ch. 162 of this code of ordinances.

MAJOR WATER MAINS. Water mains of not less than eight inches in diameter and looped at intervals of approximately every one-half mile, conveying water from wells or storage reservoirs to the various sections of the water distribution system.

MUNICIPAL WATER SERVICE CHARGES. Amounts charged for making the municipal waterworks ready to serve particular lots, tracts or parcels of land and for establishing connection thereto.

MUNICIPAL WATER SYSTEM. A waterworks system which is owned, installed or operated by the village.

OPERATOR. The operations and management contractor of the village or his or her authorized deputy, agent or representative.

OWNER. Any person having legal title to a lot, tract or parcel of land for which usage or service from the municipal waterworks is provided and/or proposed.

PRIVATE WATERWORKS. A waterworks system, which is owned, installed or operated by any person other than the village.

SECONDARY WATER MAINS. A grid of water mains not less than six inches, but less than eight inches, in diameter connected to the major water mains to deliver the fire flow and domestic supply to the various properties and customers along their routes.

WATER DISTRIBUTION SYSTEM. The grid of water mains which convey water from the source of supply to the point of use.

WATER SERVICE CHARGES. Charges to an owner by the village for preparing the municipal waterworks to serve owner's particular lot, tract or parcel.

WATER STORAGE. A tank or tanks for storing water for common supply, fire protection and equalization of demands.

WATER USAGE RATES. Amounts charged for the use of municipal waterworks.

WATERWORKS. A water supply and distribution system in its entirety or any integral part thereof including, but not limited to, mains, hydrants, meters, valves, standpipes, storage tanks, pump tanks, intakes, wells, impounding reservoirs, pumps, machinery, purification plants, softening apparatus and all other elements useful in connection with such system intended to serve more than one dwelling, structure or building.

VILLAGE. The Village of Wonder Lake.
(Ord. 350, passed 11-2-2011)

§ 52.16 APPLICATION.

(A) An application for any services or usage of the municipal waterworks shall be made in writing to the village.

(B) Every application shall contain an agreement by the applicant to abide by all of the provisions of this subchapter and to pay when due to the village all applicable municipal water service charges and water usage rates.

(Ord. 350, passed 11-2-2011)

§ 52.17 REPAIR OR CONNECTION.

(A) Repair of or connection to the municipal waterworks shall only be performed by a person authorized by the operator.

(B) The service applicant shall notify the village in writing of any person proposing to perform work on any part of the municipal waterworks.

(C) The village requires any person performing work show proof of proper license and insurance or file a performance bond with the village.

(Ord. 350, passed 11-2-2011)

§ 52.18 RESALE.

No water supplied by the municipal waterworks shall be resold or redistributed, unless specifically approved by the Board of Trustees.

(Ord. 350, passed 11-2-2011) Penalty, see § 52.99

§ 52.19 SERVICE INTERRUPTIONS.

The village shall not be responsible for any customer damages resulting from any failure or interruptions of municipal waterworks water service.

(Ord. 350, passed 11-2-2011)

§ 52.20 DISCONNECTION.

(A) It is the policy of the village to discontinue utility service to customers by reason of nonpayment of bills or when a violation of this chapter occurs only after notice and a meaningful opportunity to be heard on disputed bills or other disputed violations of this chapter. The village's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill and that all violations of this chapter are to be rectified in a certain time period; and

(2) That if any bill is not paid by or before that date or a violation is not rectified, a second bill or notice of violation will be mailed containing a cutoff notice that if the bill is not paid or the violation is not rectified within ten days of the mailing of the second bill or notice, service will be discontinued for nonpayment or failure to rectify the violation; and

(3) That any customer disputing the correctness of his bill or a violation of this chapter shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the village official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days and the violation has not been rectified within 30 days.

(C) When it becomes necessary for the village to discontinue utility service to a customer for nonpayment of bills or failure to rectify a violation, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum of \$20.

§ 52.21 PROTECTION; DAMAGE TO SYSTEM.

(A) No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances or equipment which is a part of the municipal waterworks.

(B) It shall be unlawful to make direct connections to any part of the municipal waterworks with any lines, equipment or vessels containing raw or contaminating chemicals, or sewage or non-potable water. No connection shall be made between the municipal waterworks and a private waterworks or between the municipal waterworks and an individual well.

(Ord. 350, passed 11-2-2011) Penalty, see § 52.99

§ 52.22 INSPECTORS; POWERS AND AUTHORITY.

The operator and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter upon all properties, at all reasonable times, for the purpose of inspection, observation, measurement, sampling and testing the water supply or any part of the municipal waterworks.

(Ord. 350, passed 11-2-2011)

§ 52.23 WATER SUPPLY MANDATORY.

Every structure within the geographic area legally described as Village Potable Water Area No. 1, in which plumbing fixtures are installed and which are for human use, occupancy or habitation shall be connected to the municipal waterworks.

(Ord. 350, passed 11-2-2011) Penalty, see § 52.99

§ 52.24 CONTRACTOR PERFORMING WORK.

The property owner shall notify the village in writing of any person, corporation proposing to perform work on any part of the waterworks system. The contractor shall be a licensed plumber or working under the direction of a licensed plumber.

(Ord. 350, passed 11-2-2011)

§ 52.25 DEPOSIT FOR SERVICE.

The village may require a security deposit for municipal water service in an amount specified in § 52.37 of this chapter.
(Ord. 350, passed 11-2-2011)

§ 52.26 WATER DEMANDS AND FIRE FLOWS.

(A) Average daily water demand shall be computed on the basis of 100 gallons per capita per day for residential development or for non-residential water demands, in accordance with Table 1, Quantities of Sewage Flows, set forth in the Private Sewage Disposal Licensing Act, being 225 ILCS 225, as herein amended and the state's Environment Protection Act, Ill. Admin. Code Title 35.

(B) Maximum daily water demand shall be computed on the basis of two times the average daily water demand.

(C) Maximum hourly water demand shall be computed on the basis of three times the average daily water consumption.

(D) Fire demand shall be computed for a two-hour duration for fire flows up to 2,500 gpm. Any required duration greater than two hours or fire flow above 2,500 gpm is beyond the capability of the village water supply and, therefore, should be provided by the property owner. The aforescribed fire flows assume the following demands:

Apartment type construction	2,000 gpm
Business and commercial areas	2,500 gpm
Industrial and storage	2,500 gpm
Single-family detached residential	1,000 gpm
Town/row or cluster housing	2,000 gpm

(E) All water main and appurtenances shall extend to the furthest limits of the tract as directed by the Village Engineer in a manner consistent with sound engineering practices.
(Ord. 350, passed 11-2-2011)

§ 52.27 SIZE AND LOCATION OF DISTRIBUTION MAINS.

(A) Distribution main size shall be determined by the occupancy of the properties along the line and by the average daily water consumption of each property, plus fire demand. The main shall be of sufficient size to deliver the flow at a residual pressure of not less than 20 pounds per square inch. The main size shall in no case be less than as hereinafter specified.

(1) The grid of secondary distribution mains supplying residential districts shall have a minimum pipe size of eight inches in diameter. Minimum pipe size supplying commercial and industrial areas shall be eight inches, but may be required to be larger in specific cases upon recommendation of the Village Engineer.

(2) At least two points of connection to the existing water system shall be installed to allow continued water service with one main out of service.

(3) Water mains serving cul-de-sacs or permanent dead-end streets shall be a minimum of eight inches in diameter and shall be looped in the street right-of-way or through an easement or other right-of-way to another main in the grid.

(4) No "dead-end" water main shall be permitted, unless said requirement is waived by a majority vote of the corporate authorities.

(5) Water mains shall generally be located in the parkway between street and sidewalk and shall have a minimum cover of five and one-half feet.

(6) Minimum separation of water main and storm sewer, sanitary sewer or drain pipeline shall be in accordance with IEPA regulations.

(B) Gate valves shall be located so that service can be maintained with the least disruption to the system in the case of a break or other emergency and shall be of the same nominal size as the water main pipe. In no case shall valves be located more than 600 feet apart on secondary distribution mains or 1,500 feet apart on primary feeder mains. Valves eight inches in diameter or greater shall be located in a valve vault with a minimum of four feet inside diameter. Gate valves shall be of a make common to the village. Valves shall have a standard operating nut and shall open in a counterclockwise direction. Gate valves shall be in accordance with AWWA C500 or AWWA C509, or the latest edition thereto. Lettering on cast iron lid shall indicate "WATER".

(C) Fire hydrants shall be installed throughout the entire waterworks system and shall normally be located at street intersections. All hydrants shall be located a minimum of five feet from the curb line. In no case shall the interval between hydrants exceed 400 feet in single-family residential districts and 300 feet in multiple-housing, commercial or industrial developments. Fire hydrants shall be manufactured by Waterous or by such manufacturer as may be specified by the Village Board from time to time after receiving recommendations from the Village Engineer. Hydrants shall have a minimum

barrel diameter of five inches, with one four and one-half inch pumper connection, and two two and one-half inch hose connections. Pumper connection shall face the street and shall be positioned between 18 inches and 24 inches above finished grade.

(Ord. 350, passed 11-2-2011) Penalty, see § 52.99

§ 52.28 MATERIALS.

(A) Water mains shall be constructed of ductile cast iron conforming to the following specifications, or the latest editions thereto:

(1) Ductile cast iron pipe manufactured in accordance with AWWA C151, Class 52;

(2) Push on joints for joining lengths of pipe in accordance with AWWA C110 and C111; and

(3) Mechanical joints and fittings for joining lengths of pipe and appurtenant fittings in accordance with AWWA C110 or C153 and with AWWA C111.

(B) All ductile iron water main pipe and fittings shall be interior lined with cement mortar lining in accordance with AWWA C104.

(C) All ductile iron water main pipe and fittings shall be installed with polyethylene encasement in accordance with AWWA C105. If the developer or developer's underground contractor conducts soil survey tests in accordance with Appendix "A" of AWWA C105 by the Ductile Iron Pipe Research Association or qualified soil testing firm, the village will evaluate the testing report and identify portions of the water main that may be excluded from polyethylene encasement.

(D) The water main shall be constructed of polyvinyl chloride (PVC) pressure pipe and fittings conforming to the following specifications or the latest editions thereto:

(1) Polyvinyl Chloride (PVC) pipe manufactured in accordance with ANSI/AWWA C900-97 and C905-97; and

(2) Polyvinyl Chloride (PVC) push-on fittings manufactured in accordance with ANSI/AWWA C900-97 and C905-97. (Tracer wire shall be installed with PVC water main for future locating.)

(E) Gate valve materials shall be in accordance with AWWA C500 or AWWA C509 for resilient seated gate valve, or the latest edition thereto.

(F) Fire hydrant materials shall be in accordance with § 4 of AWWA C502, or the latest edition thereto.

(G) Copper tubing shall be Type "K", soft temper for underground service, conforming to standards of the American Society for Testing and Materials (ASTM) B-88 and B251, or the latest edition thereto. (Ord. 350, passed 11-2-2011) Penalty, see § 52.99

§ 52.29 IEPA CONSTRUCTION PERMIT; APPLICATIONS.

At least five sets of the completed Illinois Environmental Protection Agency (IEPA) application for water main extensions shall be submitted to the village at the same time as submittal of the final engineering plans and specifications of the subdivision improvements. (Ord. 350, passed 11-2-2011)

§ 52.30 RESIDENTIAL SERVICES.

(A) Residential water and sewer services shall be constructed to connect with the utility service mains constructed within any street or thoroughfare, to serve each adjoining lot, tract or building site; such residential services shall extend from the main to a point at least two feet beyond the property line of the property to be served. Water services shall be a minimum one-inch diameter type "K" copper tubing and shall include Mueller H-15000 corporation stop, Mueller H-15150 curb stop-coupling and Mueller H-10300 service box.

(B) All such residential services connected with utility mains constructed within any street or thoroughfare, shall be located at the approximate centerline of each lot. All services boxes shall be adjusted to finished grade prior to acceptance by the village.

(C) Upon completion of the in-place construction of all such residential service connections with utility mains, ten copies of an accurate map or maps showing the exact locations of all such mains, together with manholes, water valves, B-boxes and other similar facilities being a part thereof, by distances in feet from street lines, and of all such house connections in distances in feet from the side lot lines, approved by the Engineer for the village, shall be filed in the office of the Village Clerk.

(1) All water mains and appurtenances thereto shall be disinfected before they are put into service. The installer shall be responsible for disinfecting the mains and shall, under the supervision of the operations manager or his or her representative, take samples which are to be submitted to an IEPA certified laboratory for bacteriological analysis. Acceptable bacteriological tests shall be required before the water mains will be permitted to be put into service. Water mains shall be disinfected in general accordance with AWWA C651-92 Standard, latest edition thereto.

(2) Connections for extending existing water mains shall be made with a tapping tee and valve unless otherwise permitted by the village. Work shall be so scheduled and timed as to cause the least possible interference with the operation of the existing water distribution system. Water shall not be allowed to flow from the new mains into the existing mains until the new mains have been thoroughly flushed and sterilized. Care should be taken so as not to cause turbulence in the existing mains.

(3) As an optional procedure, the new water main shall be kept isolated from the active distribution system by physical separation until satisfactory bacteriological testing has been completed and the disinfectant water flushed out. Water required to fill the new main for hydrostatic pressure testing, disinfection and flushing shall be supplied through a temporary connection between the distribution system and the new main. The temporary connection shall include an appropriate cross-connection control device consistent with the degree of hazard, and shall be disconnected (physically separated) from the new main during the hydrostatic pressure test. It will be necessary to reestablish the temporary connection after completion of the hydrostatic pressure test to flush out the disinfectant water prior to final connection of the new main to the distribution system.

(Ord. 350, passed 11-2-2011) Penalty, see § 52.99

§ 52.31 WATER METERS.

(A) Water meters shall be installed on all water services as required for the particular services for connection to village. The size of water meter shall be established upon the probable demand load. The demand load shall be based upon the number and kind of fixtures or connections installed and on the probable simultaneous use of these fixtures or connections as provided in the following table.

<i>Probable Demand Load (G.P.M.)</i>	<i>Fixture Units Installed (Total)</i>	<i>Size of Meter (Minimum)</i>
20	0 to 20	1 inch
30	15 to 30	1 inch
50	20 to 60	1-1/2 inches
75	60 to 180	2 inches
150	180 to 500	3 inches
200	500 to 900	4 inches
300	900 to 1,500	5 inches
500	By approval of the village only	6 inches

(B) All meters shall be furnished by the village and maintained by the user. All meters furnished by the village will include a remote reading head. The meter will be furnished at the time of application and inspected by village staff prior to occupancy.

(C) Water meter and remote reading head shall be installed by a qualified contractor employed by the user. The water meter shall be located in the basement or utility room or an accessible location where meter can be removed without the removal of any part of the building structure. The meter shall be installed horizontally. The meter shall not be installed in the following locations; crawl spaces, under kitchen cabinets or sinks, living rooms, under enclosed stairways, locations where meters are subject to flooding or freezing; coal bins, ventilation shafts and electrical panels or cabinets. The location of the

meter shall be not more than 25 feet from the exterior remote reading head. The remote reading head shall be installed on the outside of the building in a location so that said meter can be read without obstruction or entering the building or enclosure.

(D) The metering facilities shall be installed in such a manner as to be plumb and to insure permanent attachment to a rigid, vibration free wall or structure.

(E) Where metering equipment is installed in multiple-occupancy building, the meters and reading heads shall be labeled, tagged or stenciled showing the location of customer served.
(Ord. 350, passed 11-2-2011) Penalty, see § 52.99

§ 52.32 BUILDING SERVICE PIPES.

(A) A separate and independent water service shall be provided for each building or structure, except where one building is at the rear of another or an interior lot.

(B) All costs and expenses of installation and maintenance of the building service pipe from the water main to the building shall be borne by the owner.

(C) Whenever a leak or break occurs in the building service line between the buffalo box and the building, water service will be disconnected until repairs are made by the owner at the discretion of the village.

(D) In the event of water interruption at a residence in which the village sends a plumber to investigate and perform repairs, if necessary, if it is determined that upon inspection that the interruption is caused by a leak or break in the service line, the owner shall be responsible for all costs associated with the repair of the service line. If the owner does not pay the plumber for such repairs, the village shall have the right to place a lien on the property and disconnect service. The owner will be responsible for all disconnection costs.

(E) In the event Village Water Department staff is dispatched to a residence after hours (normal business hours 7:00 a.m. to 3:00 p.m.) and it is determined that the water problem is not a village water system problem, the owner shall pay for time and materials of village staff, a minimum of two hours time.

(Ord. 350, passed 11-2-2011) Penalty, see § 52.99

§ 52.33 FIRE SERVICE CONNECTION.

(A) Fire service connection for fire hose connections, sprinkler system or fire hydrants to each building up to 10,000 square feet in area shall be provided with a separate connection to the water distribution system. Minimum size fire service line shall include a valve and vault so that said service

can be shut-off for maintenance and repair. The location of the valve and vault shall be within 60 feet of the water main.

(B) No cross-connection shall be allowed between a water service for fire protection system and a water service for domestic or process water system within any structure.

(C) No meter will be required on separate fire connection service unless said service is planned to provide domestic or process water service. When common domestic and fire service is installed to any building or area, compound meter shall be installed in a meter vault or the size and capacity as determined by the village.

(Ord. 350, passed 11-2-2011) Penalty, see § 52.99

§ 52.34 REPAIRS.

No trespass shall occur to the village waterworks or any other municipal property for the repairs or installation of any water supply system without first obtaining written approval and permission of the operator.

(Ord. 350, passed 11-2-2011) Penalty, see § 52.99

§ 52.35 WATER SUPPLY CONNECTIONS AND SERVICE AREAS.

(A) *Water supply.* At such time when the water distribution system is adjacent to any lot containing an existing residential or commercial, office or industrial building, the owner thereof shall be required to connect to such water supply within 90 days and thereafter abandon use of any private water well; except that, a private water well may be maintained for non-potable outdoor use only. Connection shall only apply to areas in the village's FPA service areas or defined in the facility plan.

(B) *Connection.* All such connections are subject to the specifications of the village and approval of the Village Engineer.

(C) *Removing items.* In the event any work is required by the village water company in the utility easement, the property owner may be requested to remove trees, shrubs, structures or any impedance in order to access the site and commence work. The removed item(s) shall not be replaced.

(D) *Subdivisions.*

(1) Where an approved public water supply is within 1,500 feet of any portion of any tract sought to be subdivided, the developer shall cause connection to be made thereto for such development.

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(2) The subdivider of land required to be connected to the municipal water supply shall, in addition to all other costs and fees, pay to the village a connection fee as specified in § 52.37 of this chapter per lot prior to plat approval by the village to defray costs of existing facilities, maintenance and improvement thereof.

(3) Where connection to an approved public water supply is so required, a subdivider shall connect with such water supply and make it available for each lot within the subdivided area. All such construction must conform to the specifications of the village and must be approved by the Village Engineer. Fire hydrants shall also be installed in the number and places as required by the village.

(4) The water distribution system shall be designed to be compatible with the overall distribution network of the village. Dead-end mains shall not be permitted, unless said requirement is waived by a majority vote of the corporate authorities.

(5) Where a water system is required by the Village Engineer with a capacity which is greater than that necessary to serve the proposed development, the village shall establish a recapture agreement for the development, based upon the calculations of the Village Engineer.

(6) The minimum size of required water distribution mains to be installed by the developer shall be eight inches within single-family developments and eight inches within multi-family, manufacturing, commercial and industrial developments. This shall be confirmed by the Village Engineer prior to approval.

(7) Water taps shall be made by bringing the water service to the property line of each lot or each potential building location to serve all properties within the development, all prior to the completion of street surfacing.

(8) One-inch water taps shall be provided for all single-family detached dwelling and two-family dwelling developments.

(9) The size of water taps within multi-family, manufacturing, industrial and commercial developments shall be determined by the Village Engineer.

(E) *Extended service.* Service may be extended to other properties on the following conditions:

- (1) Design regard for future extensions of service;
- (2) Ability of waterworks to supply proposed increase use; and
- (3) Conditions as may be reasonably imposed by the Board of Trustees or the Village Engineer.

(F) *Private systems.* No private waterworks system intended to serve more than one dwelling, building or structure shall be employed within 1,500 yards of any parcel or tract served by the village waterworks system, unless approved by the Village Board of Trustees.
(Ord. 350, passed 11-2-2011) Penalty, see § 52.99

§ 52.36 WATER USAGE RATES.

(A) There shall be and there are hereby established charges for the use of the municipal waterworks based on the amount of water consumed, as measured by water meters at the rate as specified in § 52.37 of this chapter per 1,000 gallons.

(B) Whenever, for any cause, a meter fails to operate or no measurement of the flow is available, or a meter was not or could not be read during normal route of reader, an estimate may be made by the operator or his or her designee of the amount of water supplied since the immediately previous reading and the user shall pay usage charges based on the estimated amount of water supplied.

(C) A minimum monthly charge as specified in § 52.37 of this chapter shall be charged on each meter but this minimum charge shall not be in addition to the user charges otherwise assessed.

(D) Charges for use of the municipal waterworks set forth in division (A) above shall be adjusted January 1 of every year on the basis of a cost of living adjustment (COLA) by such percentage as the cost of living may have increased during the previous year. Such cost of living adjustment shall commence 1-1-2013.
(Ord. 350, passed 11-2-2011)

§ 52.37 TOWN WATER SERVICE CHARGES.

(A) *General.* The water service charges are for the villages provision of water services and for furnishing an adequate capacity of water supply, storage, major distribution and materials for extending, connecting, expanding or replacing of the municipal waterworks in order to serve the applicant's lot, parcel or tract of land.

(B) *Turn-on and shut-off service charge.* For the service of turning on and shutting off any water service, which is delinquent, change, enlargement, decreasing or discontinuation of service, a charge shall be paid as specified in division (G) below.

(C) *Meter charges.* All meters and remote reading heads installed in municipal or private systems shall be furnished by the village, upon application to the Village Clerk and upon the payment of the greater of 125% of the cost of such item.

(D) *Installation charges.* All cost of installing piping, valves, boxes, meters and remote reading heads and the like shall be at the sole expense of the customer.

(E) *Waterworks connection charge (tap)*. For the privilege of connecting to the municipal waterworks, a fee shall be paid to the village prior to the connection of each building service pipe, as specified in division (G) below.

(F) *Inspection*. All installations and connections shall be inspected by the village and an inspection fee per connection shall be paid before water service is provided or permitted as specified in division (G) below.

(G) *Rates*.

(1) Water usage rate: \$5.72 per 1,000 gallons;

(2) Minimum bill amount: 7,000 gallons or \$40 per month, plus cost of living increase yearly January 1 of each year;

(3) Connection fee:

(a) One-inch residential service: \$3,500; and

(b) Greater than one-inch service: to be calculated by Water Department.

(4) Late fee (past 20 days): 10% of billing amount;

(5) Permit fee: \$100;

(6) Inspection fee: \$50;

(7) Deposit for service: \$35; and

(8) Turn on and shut off service charge: \$50.

(Ord. 350, passed 11-2-2011)

§ 52.38 BILLING AND ACCOUNTING GENERALLY.

(A) *Billing*. Bills will be rendered on a monthly basis.

(B) *Responsible party*. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the water service furnished to the premises.

(C) *Due date*. All water bills are due and payable 20 days after the billing date.

(D) *Late charge.* A late charge of 10% shall be added to all bills paid 20 days or more after the billing date for each month said bill, or any part thereof, is not fully paid, as specified in § 52.37 of this chapter.

(E) *Delinquent bills.*

(1) If the charges for such water services are not paid within 60 days from the billing date, such services may be discontinued without further notice and shall not be reinstated until all claims are settled.

(2) The Department of Health shall be notified to tag the property as unfit for habitation.

(F) *Lien notice of delinquency.*

(1) Whenever a bill for water service remains unpaid for 60 days after its due date, the Village Treasurer may file with the County Recorder of Deeds a statement of lien claim.

(2) This statement shall contain the legal description of the premises served, the amount of the unpaid bill and a notice that the village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

(G) *Foreclosure of lien.* Property subject to a lien for unpaid charges shall be sold for non-payment of the same in accordance with state law. Proceeds of the sale shall be applied to pay the charges, after deducting costs, and attorney fees incurred by the village.

(H) *Revenues.* All revenues and moneys derived from or incident to the operation of the municipal waterworks shall be paid and held by the Village Treasurer separate and apart from all other funds of the village.

(I) *Accounts.* The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the municipal waterworks and, each fiscal year, the Water Fund shall be audited by an independent certified public accountant.

(Ord. 350, passed 11-2-2011)

§ 52.39 OPERATION AND MAINTENANCE OPERATOR.

(A) *Appointment.* The operation and maintenance operator shall be appointed by the Village President with the consent of the Village Board and may be removed by the Village President.

(B) *Qualifications.* The operator shall possess the following minimum qualifications: Class "B" IEPA water operations certificate.

(C) *Insurance.* The operator shall maintain with an approved company licensed in the state the following insurance:

(1) Worker's compensation insurance as required by the state;

(2) Comprehensive general liability in an amount not less than \$1,000,000 each occurrence and \$1,000,000 aggregate; and

(3) Professional liability insurance: not less than \$1,000,000.

(D) *Contract.* The operator shall be employed as an independent contractor bound by a written contract executed by the village and the operator, as prepared by the Village Attorney.

(E) *Duties.* The duties of the operator shall be specified by the contract.
(Ord. 350, passed 11-2-2011)

§ 52.40 PRIVATE WATERWORKS SYSTEMS; COMPLIANCE.

(A) *Compliance.* Private waterworks systems shall comply with and be subject to the terms of this subchapter as it relates to design standards, requirements, improvements, repairs, penalties, inspections and service area and all amendments pertaining thereto.

(B) *Permit.* All private waterworks systems shall, prior to installation, obtain a construction permit, the fee for which shall be as specified in § 52.37(G) of this chapter, plus additional fees as specified in § 52.37(G) of this chapter for each user connection, in addition to the inspection fee provided for in § 52.37(G) of this chapter.

(C) *Final inspection.* No private waterworks system shall be employed until same has been inspected by the village for its conformity with this subchapter.

(D) *Potable water.* Each private waterworks system shall conform to the standards of health and clean water as may from time to time be determined by the village, the County Health Department, the State Department of Public Health and the IEPA.
(Ord. 350, passed 11-2-2011) Penalty, see § 52.99

§ 52.41 SPRINKLER AND WATER USE.

(A) Water conservation and rationing of water supply from the village water systems will be in effect whenever the village declares that the water supply or capacity of the village water system to deliver potable water is limited or in jeopardy of being unable to meet ordinary and usual supply demands.

(B) During periods of conservation and rationing, the terms and conditions of which may be set by the Board of Trustees by resolution from time to time, no person shall use water to sprinkle a lawn, nor use water through a hose to water any grass, garden, tree or shrub, nor shall any water be used from a hose to wash automobiles or fill swimming pools. See § 52.01 of this chapter.

(C) No unauthorized person may tamper with, open or operate any fire hydrant within the village limits.

(D) Notice of the practice of water conservation and rationing shall be posted at the roadway entrances to areas of the village served by the waterworks system.
(Ord. 350, passed 11-2-2011) Penalty, see § 52.99

§ 52.42 BACKFLOW DEVICE REQUIREMENTS; CROSS-CONNECTION PROHIBITED.

(A) To provide an effective means for protecting the public water supply system from contamination due to backflow of contamination through the customer water connection into the public water system.

(B) All plumbing installed within the village shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If in accordance with the Illinois Plumbing Code or in the judgment of the operator, an approved backflow prevention device is necessary for the safety of the public water supply system, the operator will give notice to the water customer to install such an approved device immediately. The water customer shall, at his or her own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, State Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, State Environmental Protection Agency and local regulations.

(C) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the village, may enter the supply or distribution system of the village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the operator and the Illinois Environmental Protection Agency.

(D) It shall be the duty of the operator to cause surveys and investigations to be made of industrial and other properties served by the municipal water system to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of

public record and shall be repeated at least every two years, or as often as the operator shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.

(E) The approved cross-connection control device inspector designated by the operator and the village shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the municipal water system for the purpose of verifying the presence or absence of cross-connections, and that the operator or his or her authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the municipal water system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessees or occupants of any property so served shall furnish to the operator any information which he or she may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the operator, be deemed evidence of the presence of improper connections as provided in this subchapter.

(F) The operator of the municipal water system is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this subchapter is known to exist, and to take such other precautionary measures as he or she may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this subchapter, and until a reconnection fee of \$1,000 is paid to the village. Immediate disconnection with verbal notice can be effected when the operations manager is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party, can be effected to prevent actual or anticipated contamination or pollution of the public water supply; provided that, in the reasonable opinion of the operator or the State Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the municipal water system, the operator, or its agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this subchapter, whether or not said termination was with or without notice.

(G) The consumer responsible for backsiphoned or back pressured material or contamination through backflow, if contamination of the potable municipal water system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable municipal water system.

(H) The village may adopt rules and regulations in connection with this section from time to time. (Ord. 350, passed 11-2-2011) Penalty, see § 52.99

§ 52.43 OTHER SYSTEMS; STANDARDS AND SPECIFICATIONS.

(A) *General.* The Highland Shores, Wonder Lake and Northern Illinois Utilities water systems were private water companies acquired by the village. These systems do not meet the standards and specifications contained in this subchapter. These systems will continue to be operated in their present conditions, subject to necessary repairs and maintenance, until such time as the systems are replaced. At such time as these systems are to be replaced and improvements made, the improvements to the systems will be done in accordance with these standards and specifications set forth in this subchapter.

(B) *Village Potable Water Area No. 1.*

- (1) Woods Creek System;
- (2) Highland Shores System;
- (3) Wonder Lake System;
- (4) Northern Illinois Utilities System; and

(5) Meadows of West Bay System.

(Ord. 350, passed 11-2-2011)

§ 52.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating any of the provisions of § 52.01 of this chapter shall be fined not less than \$100, nor more than \$500, for each offense. A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues.

(C) Any person, firm or corporation violating any provision of §§ 52.15 through 52.43 of this chapter shall be fined not less than \$25, nor more than \$500, for each offense. Any person, firm or corporation who violates any provision of §§ 52.15 through 52.43 of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. (Ord. 348, passed 9-7-2011; Ord. 350, passed 11-2-2011)

CHAPTER 53: SEWERS

Section

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ILLICIT DISCHARGES, CONNECTION TO STORM DRAINAGE SYSTEM

§ 53.01 PURPOSE AND OBJECTIVES.

(A) The purpose of this subchapter is to provide for the health, safety and general welfare of the residents of the village through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.

(B) This subchapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this subchapter are:

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any user;

(2) To prohibit illicit connections and discharges to the municipal separate storm sewer system;
and

(3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this subchapter.

(Ord. 391, passed 8-7-2013)

§ 53.02 DEFINITIONS.

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

BEST MANAGEMENT PRACTICES (BMPS). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters or storm water conveyance systems. *BMPS* also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT. The Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY. Activities subject to NPDES construction permits. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

HAZARDOUS MATERIALS. Any material, including any substance, waste or combination thereof, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

ILLEGAL DISCHARGE. Any direct or indirect non-storm water discharge to the storm drainage system, except as exempted in § 53.05 of this chapter.

ILLICIT CONNECTIONS. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drainage system including, but not limited to, any conveyances which allow any non-storm water discharge including sewage, process wastewater and wash water to enter the storm drainage system and any connections to the storm drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by the village; or any drain or conveyance connected from a commercial or industrial land use to the storm drainage system which has not been documented in plans, maps or equivalent records and approved by the village.

INDUSTRIAL ACTIVITY. Activities subject to NPDES industrial permits, as defined in 40 C.F.R. § 122.26(b)(14).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT. A permit issued by EPA (or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

NON-STORM WATER DISCHARGE. Any discharge to the storm drainage system that is not composed entirely of storm water.

PERSON. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT. Any thing which causes or contributes to pollution. **POLLUTANTS** may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects, ordinances and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PREMISES. Any building, lot, parcel of land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

STORM DRAINAGE SYSTEM. Publicly-owned facilities by which storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures.

STORM WATER. Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORM WATER POLLUTION PREVENTION PLAN. A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems and/or receiving waters to the maximum extent practicable.

WASTEWATER. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.
(Ord. 391, passed 8-7-2013)

§ 53.03 APPLICABILITY.

This subchapter shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by the village.
(Ord. 391, passed 8-7-2013)

§ 53.04 RESPONSIBILITY FOR ADMINISTRATION; ULTIMATE RESPONSIBILITY.

(A) The village shall administer, implement and enforce the provisions of this subchapter. Any powers granted or duties imposed upon the village may be delegated in writing by the Village Director of Public Works to persons or entities acting in the beneficial interest of or in the employ of the village.

(B) The standards set forth herein and promulgated pursuant to this subchapter are minimum standards; therefore, this subchapter does not intend, nor imply, that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. 391, passed 8-7-2013)

§ 53.05 DISCHARGE PROHIBITIONS.

(A) *Prohibition of illicit discharges.*

(1) No person shall discharge or cause to be discharged into the municipal storm drainage system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

(2) The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited.

(B) *Exempt discharges.* The following discharges are exempt from discharge prohibitions established by this subchapter:

(1) Water line flushing or other potable water sources; landscape irrigation or lawn watering; diverted stream flows; rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems, such as dewatering excavations for foundations or pipelines), crawl space pumps; air conditioning condensation; and springs; non-commercial washing of vehicles, natural riparian habitat or wetland flows, water from swimming pools with less than one part per million (PPM) of chlorine, firefighting activities; and any other water source not containing pollutants;

(2) Discharges specified in writing by the village as being necessary to protect public health and safety dye testing is an allowable discharge, but requires a written notification to the village prior to the time of the test; and

(3) This prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency; provided that, the discharger is in full

compliance with all requirements of the permit, waiver or order and other applicable laws and regulations; and, provided that, written approval has been granted for any discharge to the storm drainage system.

(C) *Prohibition of illicit connections.*

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this subchapter if the person connects a line conveying non-storm water discharge to the MS4, or allows such a connection to continue.
(Ord. 391, passed 8-7-2013) Penalty, see § 53.99

§ 53.06 SUSPENSION OF MS4 ACCESS.

(A) *Suspension due to illicit discharges in emergency situations.* The village may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the village may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(B) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this subchapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The village will notify a violator of the proposed termination of its MS4 access. The violator may petition the village for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the village.
(Ord. 391, passed 8-7-2013)

§ 53.07 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the village prior to the allowing of discharges to the MS4.
(Ord. 391, passed 8-7-2013) Penalty, see § 53.99

§ 53.08 MONITORING OF DISCHARGES.

(A) *Applicability.* This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

(B) *Access to facilities.* The village shall be permitted to enter and inspect facilities subject to regulation under this subchapter as often as may be necessary to determine compliance with this subchapter.

(1) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the village.

(2) Facility operators shall allow the village ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(3) The village shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the village to conduct monitoring and/or sampling of the facility's storm water discharge.

(4) The village has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the village and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the village access to a permitted facility is a violation of a storm water discharge permit and of this subchapter. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the village reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this subchapter.

(C) *Probable cause.* If the village has been refused access to any part of the premises from which storm water is discharged and the village is able to demonstrate probable cause to believe that there may be violation of this subchapter or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this subchapter or any order issued hereunder or to protect the overall public health, safety and welfare of the community, then the village may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. 391, passed 8-7-2013) Penalty, see § 53.99

§ 53.09 BEST MANAGEMENT PRACTICES; PREVENTION, CONTROL AND REDUCTION OF POLLUTANTS.

The village will adopt requirements identifying best management practices (BMPs) for any activity, operation or facility which may cause or contribute to pollution or contamination of storm water, the storm drainage system or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at his, her or their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

(Ord. 391, passed 8-7-2013)

§ 53.10 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately-owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

(Ord. 391, passed 8-7-2013) Penalty, see § 53.99

§ 53.11 NOTIFICATION OF SPILLS.

(A) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drainage system or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release.

(B) In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the village in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the village within three business days of the phone notice. If the discharge of

prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence.

(C) Such records shall be retained for at least three years.
(Ord. 391, passed 8-7-2013) Penalty, see § 53.99

§ 53.12 ENFORCEMENT; APPEALS; ENFORCEMENT MEASURES AFTER APPEAL.

(A) *General.*

(1) *Notice of violation.* Whenever the village finds that a person has violated a prohibition or failed to meet a requirement of this subchapter, the village may order compliance by written notice of violation to the responsible person.

(2) *Requirements.* Such notice may require without limitation:

- (a) The performance of monitoring, analyses and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

(3) *Deadline.* If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(B) *Appeal of notice of violation.*

(1) Any person receiving a notice of violation may make a written appeal to the Village Director of Public Works office within five days after the date of the notice of violation and shall contain a specific request for or waiver of a hearing before the Village Director of Public Works.

(2) When a hearing is waived, the appealing party shall submit what documentation it desires to have the Village Director of Public Works consider with the written appeal. The Village Director of Public Works shall render a decision within ten days of the filing of the written appeal.

(3) If a hearing is requested, the Village Director of Public Works shall schedule a hearing to be held within 30 days of receipt of the written appeal. The appealing party shall have the right to file additional documents, amend the written appeal and to appear at such hearing in person, or by attorney, or otherwise, to examine and cross examine witnesses. The decision of the municipal authority shall be final.

(C) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within ten days of the decision of the municipal authority upholding the decision of the village, then representatives of the village shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(Ord. 391, passed 8-7-2013) Penalty, see § 53.99

§ 53.13 COST OF ABATEMENT OF VIOLATION.

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within a timely manner as determined by the Village Director of Public Works, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this subchapter shall become liable to the village by reason of such violation.

(Ord. 391, passed 8-7-2013)

§ 53.14 VIOLATIONS; INJUNCTIVE RELIEF; PUBLIC NUISANCE; REMEDIES.

(A) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this subchapter. If a person has violated or continues to violate the provisions of this subchapter, the village may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(B) In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this subchapter is a threat to public health, safety and welfare and is declared and deemed a nuisance and may be summarily abated or restored at the violator's expense and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken.

(C) The remedies listed in this subchapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the village to seek cumulative remedies.

(Ord. 391, passed 8-7-2013) Penalty, see § 53.99

SEPTIC WASTE DISPOSAL

§ 53.25 PERMITS.

(A) No person, firm or corporation shall discharge septic wastes into the facilities of the village without first obtaining a written permit from the village.

(B) Application for permits shall be filed with the village on forms so provided.

(C) Each permit shall designate the location and manner of disposing of septic wastes.

(D) A separate permit shall be obtained for each truck and shall be in the possession of the driver of the truck at all times. All drivers must have a valid driver's license.

(E) No permit shall be valid for a period of more than one year and each permit shall expire on January 31 of each year.

(F) No permit shall be transferable. A permit becomes void under any of the following conditions:

(1) Change in ownership of the permittee;

(2) Change in vehicle for which the permit is issued; and/or

(3) Change in the name and address of the permittee.

(Ord. 363, passed 3-7-2012) Penalty, see § 53.99

§ 53.26 ADMINISTRATION AND FEES.

(A) (1) The Village Superintendent of Public Works or such other party as designated by the Board of Trustees, from time to time, shall review said applications and fees and issue said permits if in compliance with this subchapter.

(2) All fees for said permits shall be deposited in the Corporate Fund.

(B) Fees for the initial permit and individual vehicle permits are contained in an ordinance establishing the fees of the village.

(C) Fees for the treatment of the septic wastes discharged shall be recovered through the village's user charge system according to an ordinance establishing a user charge system.
(Ord. 363, passed 3-7-2012)

§ 53.27 RULES AND REGULATIONS.

(A) No person, firm or corporation shall dispose of any septic wastes upon any property of the village other than that property designated by the village from time to time.

(B) Disposal shall be limited to wastes from a septic toilet, or chemical closet, or any other water-tight enclosure used for storage of human excrement and/or domestic wastes.

(C) Disposal shall be permitted at the wastewater plant or other designated location on day and times posted by the village.

(D) All trucks, which are licensed by the village, shall be identified as follows:

- (1) Owner's name, address and telephone number;
- (2) Liquid capacity; and
- (3) The village permit number and year covered.

(E) For each load disposed at the village plant, the truck driver shall deliver to the operational office in the building designated on the permit, a signed, numbered ticket showing the identification number, liquid capacity of the load, time of arrival and departure, origin of the load, along with the telephone number of the originating source.

(F) Village operating personnel may require the load be dumped over a period of one-half hour or more depending upon the flow and characteristics of the incoming sewage of the plant.

(G) A sample may be taken by the village personnel of each truckload of waste delivered to the village wastewater facilities and shall be analyzed by the village for compliance with this subchapter.

(H) Persons disposing of waste at the wastewater facilities shall be responsible for cleaning up all the spills.

(I) The permittee shall furnish a list of authorized drivers to the village under this permit and keep this list current.

(J) The village reserves the right to reject any wastes delivered to the facilities of the village which the village believes may have an adverse effect on the treatment works and/or processes.
(Ord. 363, passed 3-7-2012) Penalty, see § 53.99

§ 53.28 INSURANCE REQUIREMENTS.

(A) Each permittee shall carry such insurance as is deemed necessary from time to time by the village to protect it against claims, cause of actions or any act of the permittee.

(B) (1) A certificate of insurance shall be filed with the Village Clerk. After approval of the certificate, the septic waste hauler shall be permitted to discharge at the designated location.

(2) No one shall be allowed on the site without a valid certificate of insurance.

	<i>Each Occurrence</i>	<i>Aggregate</i>
Automobile liability		
Bodily injury and property damage combined	\$500,000	
General liability		
Bodily	\$500,000	\$1,000,000
Property damage	\$250,000	\$250,000
Worker's compensation	\$500,000	

(Ord. 363, passed 3-7-2012)

§ 53.29 PERMIT REVOCATION.

Any violation of the conditions stated above shall be justification for the village to immediately revoke any or all permits issued. The village reserves the right to revoke any and all permits at any time if it determines the revocation of said permits is in the best interests of the village.

(Ord. 363, passed 3-7-2012)

§ 53.30 BILLING AND PAYMENT.

(A) (1) Billing shall be on a monthly basis and shall be based on manifests received from the hauler.

(2) As the village currently does not operate a metering device for measuring waste received, billing will be based on vehicle capacity.

(B) For this reason, haulers are encouraged to deliver full loads to the facility. Fees are based on the following:

(1) Holding tank waste: 0.05 per gallon; and

(2) Portable toilet waste: 0.05 per gallon.

(Ord. 363, passed 3-7-2012)

§ 53.31 REVOCATION OF SERVICE.

Should any discharger refuse to comply with any provision of this subchapter or of any permit for connection either directly or indirectly with the sewerage works of the village given pursuant to this subchapter, the village shall, after written notice, revoke said permit and deny to the violator the use of any or all sewerage works of the village or at the option of the village shall construct such repairs or alterations to be made or shall construct or cause such facilities to be constructed as may be necessary to comply with the provisions of this subchapter all at the expense of the violator.

(Ord. 363, passed 3-7-2012)

§ 53.32 NOTICE OF VIOLATION.

The village having found that any discharger has refused to comply with any provision of this subchapter or of any permit for connection either directly or indirectly with the sewerage works of the village shall notify said violator in writing by certified or registered mail, return receipt requested, stating the nature of the violation. The discharger shall respond personally or in writing to the village advising of its position by the date stated in the notice.

(Ord. 363, passed 3-7-2012)

§ 53.33 SHOW CAUSE HEARING.

Where violation of § 53.32 of this chapter is not corrected by timely compliance by means of administrative adjustment, the village may order any discharger which causes or allows conduct prohibited by § 53.32 of this chapter to show cause before the village or its duly authorized representative of why the proposed termination action should be taken, a written notice shall be served on the discharger by personal service, certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the village or its designee regarding the violation, the reasons why enforcement action is to be taken, the proposed enforcement action and which directs the discharger to show cause before the village or its designee why the proposed enforcement action should not be taken. The proceedings at the hearing shall be considered by the village which shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeal of such orders may be taken by the discharger in accordance with § 53.34 of this chapter.

(Ord. 363, passed 3-7-2012)

§ 53.34 JUDICIAL PROCEEDINGS.

In the case of dispute as to the fairness of orders issued in § 53.32 of this chapter, then the same shall be determined by an arbitration board of three engineers, one appointed by the village, one appointed by the violator and the third to be appointed by the two engineers selected as above described. In the event the two engineers so selected fail to agree upon a third engineer, then upon the petition of either of the parties the circuit court shall appoint such third engineer. A decision of a majority of the arbitration board shall be shared equally by both parties. In no case shall a matter be arbitrated that presents or threatens an imminent or substantial danger to health, safety and welfare of the public and/or employees and to the environment.

(Ord. 363, passed 3-7-2012)

§ 53.35 ANNUAL PUBLICATION.

(A) A list of all non-residential discharges which were found to be significantly violating applicable national categorical pretreatment standards or other national categorical pretreatment requirements during the 12 previous months shall be annually published by the village in the largest daily newspaper published within the village's boundaries.

(B) For the purpose of this provision, a significant violation is a violation which remains uncorrected for a period of 45 days after official notification of violation pursuant to § 53.32 of this chapter, which is part of a pattern of non-compliance or which resulted in the village exercising its emergency authority under § 53.31 of this chapter.

(Ord. 363, passed 3-7-2012)

PUBLIC AND PRIVATE SEWER USE**§ 53.50 DEFINITIONS.**

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

(A) *Federal Government.*

ADMINISTRATOR. The Administrator of the U.S. Environmental Protection Agency.

FEDERAL ACT. The Federal Clean Water Act (33 U.S.C. §§ 466 et seq.) as amended (Pub. Law No. 95-217).

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FEDERAL GRANT. The U.S. government participation in the financing of the construction of treatment works as provided for by Title II, Grants for Construction of Treatment Works, of the Act and implementing regulations.

(B) *State government.*

DIRECTOR. The Director of the Environmental Protection Agency.

STATE ACT. The Illinois Anti-Pollution Bond Act of 1970, being 30 ILCS 405.

STATE GRANT. The State of Illinois participation in the financing of the construction of treatment works as provided for by the State Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

(C) *Local government.*

APPROVING AUTHORITY. The operations manager.

ORDINANCE. This subchapter.

VILLAGE. The Village of Wonder Lake.

(D) *Miscellaneous.*

MAY. The act referred to is permissible.

NPDES PERMIT. Any permit or equivalent document or requirements issued by the Administrator or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to § 402 of the Federal Act, being 33 U.S.C. § 1342.

PERSON. Any and all persons, natural or artificial including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

SHALL. The act referred to is mandatory.

(E) *Wastewater and its characteristics.*

BOD (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

EFFLUENT CRITERIA. Defined in any applicable NPDES permit.

FLOATABLE OIL. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

INDUSTRIAL WASTE. Any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

MAJOR CONTRIBUTING INDUSTRY. An industrial user of the publicly-owned treatment works that:

- (a) Has a flow of 50,000 gallons or more per average work day;
- (b) Has a flow greater than 10% of the flow carried by the municipal system receiving the waste;
- (c) Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under § 307(a) of the Federal Act, being 33 ILCS § 1317a; or
- (d) Is found by the permit issuing authority, in connection with the issuance of the NPDES permit to the publicly-owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

MILLIGRAMS PER LITER. A unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

pH. The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories' *Manual of Laboratory Methods*.

POPULATION EQUIVALENT. A term used to evaluate the impact of industrial or other waste on a treatment works or stream. One **POPULATION EQUIVALENT** is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

ppm. Parts per million by weight.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

SEWAGE. Used interchangeably with **WASTEWATER**.

SLUG. Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of low exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

SUSPENDED SOLIDS (SS). Solids that either float on the surface of, or are in suspension in water, sewage or industrial waste, and which are removable by a laboratory filtration device, quantitative determination of suspended solids shall be made in accordance with procedures set forth in the IEPA Division of Laboratories' *Manual of Laboratory Methods*.

UNPOLLUTED WATER. Water quality equal to or better than the effluent criteria if effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER. The spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be present.

WATER QUALITY STANDARDS. Defined in the Water Pollution Regulations.

(F) *Sewer types and appurtenances.*

BUILDING DRAIN. The part of the lowest piping of a drainage system which received the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER. A sewer which is designed and intended to receive wastewater, storm, surface and ground water drainage.

EASEMENT. An acquired legal right for the specific use of land owned by others.

PUBLIC SEWER. A sewer provided by or subject to the jurisdiction of the village. It shall also include sewers within or outside the village boundaries that serve one or more persons and ultimately discharge into the village sanitary (or combined sewer system), even though those sewers may not have been constructed with village funds.

SANITARY SEWER. A sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and ground waters or polluted industrial wastes are not intentionally admitted.

SEWERAGE. The system of sewers and appurtenances for the collection, transportation and pumping of sewage.

SEWER. A pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and ground water drainage.

STORM SEWER. A sewer that carries storm, surface and ground water drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

STORM WATER RUNOFF. The portion of the precipitation that is drained into the sewers.

(G) *Treatment.*

PRETREATMENT. The treatment of wastewaters from sources before introduction into the wastewater treatment works.

WASTEWATER FACILITIES. The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and transport effluent to a watercourse.

WASTEWATER TREATMENT WORKS. An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with **WASTE TREATMENT PLANT** or **WASTEWATER TREATMENT PLANT** or **POLLUTION CONTROL PLANT**.

(H) *Watercourse and connections.*

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

(I) *User types.*

COMMERCIAL USER. Transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.

CONTROL MANHOLE. A structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a **CONTROL MANHOLE** is to provide access for the village representative to sample and/or measure discharges.

INDUSTRIAL USERS. Establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

INSTITUTIONAL/GOVERNMENTAL USER. Schools, churches, penal institutions and users associated with federal, state and local governments.

RESIDENTIAL USER. All dwelling units such as houses, mobile homes, apartments, permanent multi-family dwellings.

USER CLASS. The type of user "residential", "institutional/governmental", "commercial" or "industrial", as defined herein.

(J) *Types of charges.*

BASIC USER CHARGE. The basic assessment levied on all users of the public sewer system.

CAPITAL IMPROVEMENT CHARGE. A charge levied on users to improve, extend or reconstruct the sewage treatment works.

DEBT SERVICE CHARGE. The amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond and the like) outstanding.

LOCAL CAPITAL COST CHARGE. Charges for costs other than the operation, maintenance and replacement costs (i.e., debt service and capital improvement costs).

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes **REPLACEMENT**.

SEWERAGE FUND. The principal accounting designation for all revenues received in the operation of the sewerage system.

SURCHARGE. The assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in § 53.53 of this chapter.

USEFUL LIFE. The estimated period during which the collection system and/or treatment works will be operated.

USER CHARGE. A charge levied on users of treatment works for the cost of operation, maintenance and replacement.

WASTEWATER SERVICE CHARGE. The charge per quarter or month levied on all users of the wastewater facilities. The service charge shall be computed as outlined in § 53.57 of this chapter and shall consist of the total or the basic user charge, the local capital cost and a surcharge, if applicable. (Ord. 216, passed 9-7-2005)

§ 53.51 USE OF PUBLIC SEWERS REQUIRED.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the village or in any area under the jurisdiction of said village any human or animal excrement, garbage or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the village or in any area under the jurisdiction of said village any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(D) The owner of all the houses, building or properties used for human occupancy, employment, recreation or other purposes situated within the village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the village, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this subchapter, within 90 days after the date of official notice to do so; provided that, said public sewer is within 500 feet of the property line, and that the area to be served lies within the village's FPA service area.

(Ord. 216, passed 9-7-2005) Penalty, see § 53.99

§ 53.52 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary (or combined) sewer is not available under the provisions of § 53.51(D) of this chapter, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the operations manager. The application for such permit shall be made on a form furnished by the village, (reference § 53.60 of this chapter), which the applicant shall

supplement by any plans, specifications and other information as deemed necessary by the operations manager. A permit and inspection fee of \$125 shall be paid to the village at the time the application is filed.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the operations manager. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Public Works Superintendent. When the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of written notice by the operations manager.

(D) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State Private Sewage Disposal Licensing Act and Code, being 225 ILCS 225 and with the State Environmental Protection Agency. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 53.51(D) of this chapter, a direct connection shall be made to the public sewer in compliance with this subchapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(F) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the village.

(G) No statement contained in this section shall be construed to interfere with any additional requirement that may be imposed by the County Health Department.

(H) When a public sewer becomes available, the building sewer shall be connected to said sewer within 90 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(Ord. 216, passed 9-7-2005) Penalty, see § 53.99

§ 53.53 BUILDING SEWERS AND CONNECTIONS.

(A) No unauthorized person shall uncover, make any connections with, or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the operations manager.

(B) All disposal by any person into the sewer system is unlawful, except those discharges in compliance with federal standards promulgated, pursuant to the Federal Act and more stringent state and local standards.

(C) (1) There shall be two classes of building sewer permits:

- (a) For residential, wastewater service; and
- (b) To commercial, institutional/governmental or industrial wastewater service.

(2) In either case, the owner or his or her agent shall make application on a special form furnished by the village. (Reference § 53.60 of this chapter.)

(3) The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the operations manager. A permit and inspection fee of \$125 for a residential or commercial building sewer permit shall be paid to the village at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

(D) A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

(E) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(F) A separate and independent building sewer shall be provided for every building; except that, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(G) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the operations manager, to meet all requirements of this subchapter.

(H) (1) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, place of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the village.

(2) In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, *Water Pollution Control Federation Manual of Practice No. 9*, and *Standard Specifications for Water and Sewer Main Construction in Illinois* shall apply.

(I) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with division (B) above, and discharged to the building sewer.

(J) No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(K) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code, or other applicable rules and regulations of the village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, *Water Pollution Control Federation Manual of Practice No. 9*, and *Standard Specifications for Water and Sewer Main Construction in Illinois*. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the operations manager before installation.

(L) The applicant for the building sewer permit shall notify the operations manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the operations manager or his or her representative.

(M) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the village.
(Ord. 216, passed 9-7-2005) Penalty, see § 53.99

§ 53.54 USE OF PUBLIC SEWERS.

(A) No person shall discharge, or cause to be discharged, any storm water, surface water, ground water roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village Engineer. Industrial cooling water or unpolluted process waters may be discharged on approval of the operations manager approval to a storm sewer or natural outlet.

(C) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant;

(3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works; and

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.

(D) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the operations manager that such wastes can harm either the sewers sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Village Engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and maximum limits established by regulatory agencies. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150°F (65°C);

(2) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150°F (0 and 65°C);

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Village Engineer;

(4) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solution whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the village for such materials;

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the village, as necessary after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the village in compliance with applicable state and federal regulations;

(8) Any wastes or waters having a pH in excess of 9.5;

(9) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the village in compliance with applicable state and federal regulations;

(10) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the village in compliance with applicable state and federal regulations;

(11) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and/or

(d) Unusual volume of flow or concentrations of wastes constituting "slugs", as defined herein.

(12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(E) (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (D) above and/or which are in violation of the standards for pretreatment provided in 40 C.F.R. part 403 and any amendments thereto, and which, in the judgment of the operations manager, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the operations manager may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of division (K) below.

(2) If the operations manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the operations manager, and subject to the requirements of all applicable codes, ordinances and laws.

(F) Grease, oil and sand interceptors shall be provided when, in the opinion of the operations manager they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that, such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the operations manager and shall be located as to be readily and easily accessible for cleaning and inspection.

(G) Where preliminary treatment of flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(H) Each industry shall be required to install a control manhole and, when required by the operations manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the operations manager. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him so as to be safe and accessible at all times.

(I) (1) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests and analyses of waters and wastes to illustrate compliance with this subchapter and any special conditions for discharge established by the village or regulatory agencies having jurisdiction over the discharge.

(2) The number, type and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the village, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the village at such times and in such a manner as prescribed by the village. The owner shall bear the expense of all measurements, analyses and reporting required by the village.

(3) At such times as deemed necessary, the village has the right to take measurements and samples for analysis by an outside laboratory service.

(J) (1) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the latest edition of Division of Laboratories *Manual of Laboratory Methods* and shall be determined at the control manhole, shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(2) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

(K) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the village for treatment, subject to payment therefor, in accordance with § 53.57 of this chapter, by the industrial concern; provided, such payments are in accordance with federal and state guidelines for user charge system.

(Ord. 216, passed 9-7-2005) Penalty, see § 53.99

§ 53.55 PROTECTION OF SEWAGE WORKS FROM DAMAGE.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. 216, passed 9-7-2005) Penalty, see § 53.99

§ 53.56 INSPECTORS; POWERS AND AUTHORITY.

(A) (1) The Public Works Superintendent and other duly authorized employees of the village, the operations manager and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this subchapter.

(2) The operations manager or his or her representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) above, the Public Works Superintendent or duly authorized employees of the village, the Operations Manager and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises

established by the company, and the company shall be held harmless for injury or death to the village employees; and the village shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operating, except as such may be caused by negligence or failure of the company to maintain conditions as required in § 53.54(H) of this chapter.

(C) The operations manager and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter all private properties through which the village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(Ord. 216, passed 9-7-2005)

§ 53.57 WASTEWATER SERVICE CHARGES.

(A) The wastewater service charge for the use of and for service supplied by the wastewater facilities of the village shall consist of a basic user charge, a debt service charge, a capital improvement charge and applicable surcharges.

(B) (1) The basic user charge is levied on all users to recover the operation, maintenance, plus replacement (O,M&R) costs, and shall be based on a monthly flat rate charge for wastewater having the following normal domestic concentrations:

- (a) A five-day, 20°C biochemical oxygen demand (BOD) of 200 mg/l; and
- (b) A suspended solids (SUS) content of 200 mg/l.

(2) The basic user charge shall be computed as follows:

- (a) Estimate the annual wastewater volume, pounds of BOD and pounds of SUS to be treated;
- (b) Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund for the year, for all works categories;
- (c) Proportion the estimated O,M&R costs to each user class by volume, BOD and SUS;
- (d) Proportion the estimated O,M&R costs to wastewater facility categories by BOD and SUS; and
- (e) Compute surcharge costs per pound for BOD and SUS concentrations in excess of normal domestic strengths.

(C) The debt service charge is computed by apportioning the annual debt service based on a special service area created by the village.

(D) The capital improvement charge is levied on users to provide for capital improvements, extensions or reconstruction of the sewage treatment works. The capital improvement charge is computed as approved by the Board of Trustees.

(E) (1) A surcharge will be levied to all users whose waters exceed the normal domestic concentrations of BOD (200 mg/l) and SUS (200 mg/l). The surcharge will be based on sewage meters for all wastes which exceed the 200 mg/l concentrations for BOD and SUS respectively, and will be based on pounds contributed to the system.

(2) The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the operations manager and shall be binding as a basis for surcharges.

(F) The adequacy of the wastewater service charge shall be reviewed, not less often than annually, by certified public accountants for the village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in local capital costs or O,M&R costs.

(G) The users of the wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater operation, maintenance and replacement.

(H) (1) Devices for measuring the volume of waste discharged may be required by the operations manager.

(2) Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the operations manager.

(I) There shall be and there is hereby established a basic user charge of \$35 per month to be applied to all users to recover O,M&R costs.

(J) There shall be and there is hereby established a debt service charge to be approved by the Board of Trustees.

(K) There shall be and there is hereby established a capital improvement charge to be approved by the Board of Trustees.

(L) A minimum charge of \$35 per month shall be applied to all users. This minimum charge consists of \$35 for O,M&R costs.

(M) The rates of surcharges for BOD and SUS shall be subject to Board approval.
(Ord. 216, passed 9-7-2005)

§ 53.58 ADMINISTRATION; BILLING, LIENS, RECORDS AND THE LIKE.

(A) *Bills.*

(1) Said rates or charges for service shall be payable monthly or quarterly depending on the classification of service for which bills are rendered. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the village. Bills for sewer service shall be sent out by the Village Treasurer or his or her designee on the first day of the month or quarter succeeding the period for which the service is billed.

(2) All sewer bills are due and payable 15 days after being sent out. A penalty of 10% shall be added to all bills not paid by the thirtieth day after they have been rendered.

(B) *Delinquent bills.* If the charges for such services are not paid within 60 days, or 60 days herein above mentioned after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.

(C) *Lien notice of delinquency.*

(1) Whenever a bill for sewer service remains unpaid for 60 days for monthly service after it has been rendered, the Village Treasurer shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill and a notice that claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

(2) If the user whose bill is unpaid is not the owner of the premises and the Village Treasurer has notice of this, notice shall be mailed to the owner of the premises if his or her address be known to the Treasurer, whenever such bill remains unpaid for the period 45 days for a monthly bill or 105 days for a quarterly bill after it has been rendered.

(3) The failure of the Village Treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in division (C)(2) above.

(D) *Foreclosure of lien.* Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the village. The Village Attorney is hereby authorized and directed to institute such proceedings in

the name of the village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid 45 days in the case of a monthly bill or 105 days in the case of a quarterly bill after it has been rendered.

(E) Revenues.

(1) All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the Sewerage Fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from his or her private funds and separate and apart from all other funds of the village and all of said sum, without any deductions whatever, shall be delivered to the Village Treasurer not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees. The Village Treasurer shall receive all such revenues from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him or her and deposit the same in the account of the fund designated as the "Sewerage Fund of the Village".

(2) Said Treasurer shall administer such fund in every respect in the manner provided by statute of the Revised Cities and Villages Act, 65 ILCS 20.

(F) Accounts.

(1) The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system and, at regular annual intervals, he or she shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

(2) In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

(a) Flow data showing total gallons received at the wastewater plant for the current fiscal year;

(b) Billing data to show total number of gallons billed per fiscal year;

(c) Debt service for the next succeeding fiscal year;

(d) Number of users connected to the system;

(e) Number of non-metered users; and

(f) A list of users discharging non-domestic and industrial wastes and volume of waste discharged.

(G) *Access to records.* The USEPA or its authorized representative shall have access to any books, documents, papers and records of the village which are applicable to the village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of the (special and general conditions to any state grant) (federal regulations and conditions of the federal grant) (loan agreement and rules of any state loan).
(Ord. 216, passed 9-7-2005)

§ 53.59 APPEALS.

The method for computation of rates and service charges established for user charges in § 53.57 of this chapter shall be made available to a user within 15 days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by a meeting of the Public Works Committee of the Village Board, within 30 days after notification of a formal written appeal outlining the discrepancies.
(Ord. 216, passed 9-7-2005)

§ 53.60 PERMIT APPLICATIONS.

(A) *Residential building sewer application.*

RESIDENTIAL BUILDING SEWER APPLICATION

To the Village of Wonder Lake

A. THE UNDERSIGNED, being the _____ of the property located
(Owner, Owner's Agent)

at _____ DOES HEREBY REQUEST a
Number Street

permit to install and connect a building to serve the _____
at said location. (Residence)

1. The following indicated fixtures will be connected to the proposed building sewer:

Number	Fixtures	Number	Fixtures
_____	Kitchen Sinks	_____	Water Closets
_____	Lavatories	_____	Bath Tubs
_____	Laundry Tubs	_____	Showers
_____	Urinals	_____	Garbage Grinders

Specify other fixtures _____.

2. The maximum number of persons who will use the above fixtures is _____.

3. The name and address of the person or firm who will perform the proposed work is _____.

4. Plans and specifications for the proposed building sewer are attached hereunto as Exhibit "A".

B. In consideration of the granting of this permit, THE UNDERSIGNED AGREES:

1. To accept and abide by all provisions of the Village Code of the Village of Wonder Lake and of all other pertinent ordinances or regulations that may be adopted in the future.

2. To maintain the building sewer at no expense to the Village.

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- 3. To notify the _____ (Approving Authority) at least 24 hours in advance of when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

DATE: _____ SIGNED: _____
(Applicant)

(Address of Applicant)

(Certification by Village Treasurer)

\$ _____ connection fee paid.

\$ _____ inspection fee paid.

Application approved and permit issued:

DATE: _____ SIGNED: _____
(Approving Authority)

(B) Private sewage disposal application.

PRIVATE SEWAGE DISPOSAL APPLICATION

To the Village of Wonder Lake

A. THE UNDERSIGNED, being the _____ of the property located
(Owner, Owner's Agent)

at _____ DOES HEREBY REQUEST a
Number Street

permit to install sanitary sewage disposal facility to serve the _____ at said location.
(Residence, Commercial Building, etc.)

- The proposed facilities include: _____
to be constructed in complete accordance with the plans and specifications attached hereunto as Exhibit "A".
 - The area of the property is _____ square feet (or _____ square meters).
 - The name and address of the person to be served by the proposed facilities is: _____
 - The maximum number of persons to be served by the proposed facilities is: _____
 - The locations and nature of all sources of private or public water supply within the one hundred (100) feet (30.5 meters) of any boundary of said property are shown on the plat attached hereunto as Exhibit "B".
- B. In consideration of the granting of this permit, THE UNDERSIGNED AGREES:
- To furnish any additional information relating to the proposed work that shall be requested by the _____ (Approving Authority).
 - To accept and abide by all provisions of the Village Code of the Village of Wonder Lake and of all other pertinent ordinances or regulations that may be adopted in the future.
 - To operate and maintain the wastewater disposal facilities covered by this application in a sanitary manner at all times, in compliance with all requirements of the Village and at no expense to the Village.

4. To notify the _____ (Approving Authority) at least twenty-four (24) hours prior to commencement of the work proposed, and again at least twenty-four (24) hours prior to the covering of any underground portions of the installation.

DATE: _____ SIGNED: _____
(Applicant)

(Address of Applicant)

\$ _____ inspection fee paid.

(Certification by Village Treasurer)

Application approved and permit issued:

DATE: _____ SIGNED: _____
(Approving Authority)

(C) Commercial, institutional/governmental and industrial sewer connection application.

COMMERCIAL, INSTITUTIONAL/GOVERNMENTAL,
AND INDUSTRIAL SEWER CONNECTION APPLICATION

To the Village of Wonder Lake

A THE UNDERSIGNED, being the _____ of the property
(Owner, Lessee, Tenant, etc.)

located at _____ DOES HEREBY REQUEST a
Number Street

permit to _____ an industrial sewer connection serving the
(install, use)

_____ which is engaged in _____
(Name of Company)

at said location.

1. A plat of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A".
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as Exhibit "B".
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses, is attached hereunto as Exhibit "C".
4. The name and address of the person or firm who will perform the work covered by this permit is _____

B. In consideration of the granting of this permit, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be adopted in the future.
2. To operate and maintain a control manhole and any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved in an efficient manner at all times, and at no expense to the Village.

Wonder Lake - Public Works

- 3. To cooperate at all times with the _____ (approving authority), and his representative in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
- 4. To notify the _____ (approving authority) immediately in event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by this permit.

DATE: _____ SIGNED: _____
 (Applicant)

 (Address of Applicant)

 (Certification by Village Treasurer)

\$ _____ connection fee paid.
 \$ _____ inspection fee paid

Application approved and permit issued:

DATE: _____ SIGNED: _____
 (Approving Authority)

(Ord. 216, passed 9-7-2005)

§ 53.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) In addition to other penalties as may be provided herein, any person who violates §§ 53.01 through 53.14 of this chapter shall be subject to a fine of not more than \$1,000 per occurrence. Each act of violation and every day upon which a violation occurs or continues constitutes a separate violation.

(C) (1) *Failure to report.* Any entity who fails to file any report so required by §§ 53.25 through 53.35 of this chapter within the time allotted shall be subject to a late filing fee of \$50.

(2) *Falsifying information.* Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to §§ 53.25 through 53.35 of this chapter, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under §§ 53.25 through 53.35 of this chapter, shall, upon conviction, be punished by the imposition of a civil penalty of not more than \$1,000, by imprisonment for not more than six months, by revocation of any permit issued by the village or by any combination of these.

(3) *Recovery of costs incurred.* Any entity violating any of the provisions of §§ 53.25 through 53.35 of this chapter, or who discharges or causes damage to or impairs the village's wastewater disposal system, shall be liable to the village for any expense, loss or damage caused by such violation or discharge. The village shall bill the entity for the costs incurred by the village for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of §§ 53.25 through 53.35 of this chapter enforceable under the provisions of §§ 53.31 through 53.35 of this chapter.

(4) *Civil penalties.* Any entity who is found to have violated an order of the village or who has failed to comply with the provisions of such order or §§ 53.25 through 53.35 of this chapter and the regulations or rules of the village or orders of any court of competent jurisdiction may be subjected to the imposition of a civil penalty of not less than \$50 and not more than \$10,000 for the first violation of §§ 53.25 through 53.35 of this chapter and \$1,000 for each day upon which a violation of §§ 53.25 through 53.35 of this chapter occurs or continues. The penalties herein provided shall be collectible only by an action in the name of the village in the circuit court of the appropriate judicial circuit as provided by law. Such penalties shall not be determined to be exclusive and are in addition to all other rights and remedies which the village may have according to law.

(D) (1) Any person found to be violating any provision of §§ 53.50 through 53.60 of this chapter, except § 53.57 of this chapter, shall be served by the village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The village may revoke any permit for sewage disposal as a result of any violation of any provision of §§ 53.50 through 53.60 of this chapter.

(2) Any person who shall continue any violation beyond the time limit provided for in division (D)(1) above shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not exceeding \$500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of §§ 53.50 through 53.60 of this chapter shall become liable to the village by reasons of such violation.
(Ord. 216, passed 9-7-2005; Ord. 363, passed 3-7-2012; Ord. 391, passed 8-7-2013)

TITLE VII: TRAFFIC CODE

Chapter

- 70. GENERAL PROVISIONS**
- 71. TRAFFIC REGULATIONS**
- 72. PARKING RULES**
- 73. RECREATIONAL VEHICLES**

Wonder Lake - Traffic Code

CHAPTER 70: GENERAL PROVISIONS

Section

General Provisions

- 70.01 Definitions
- 70.02 Obedience to police
- 70.03 Scene of fire
- 70.04 Signs and signals
- 70.05 Flashing signals
- 70.06 Unauthorized signs
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Vehicle Condition; Equipment

- 70.25 Clear vision
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- 70.50 Right-of-way
- 70.51 Pedestrians crossing roadway

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- 70.53 Blind pedestrians

- 70.99 Penalty

GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

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

AUTHORIZED EMERGENCY VEHICLE. Emergency vehicles of municipal departments or public service corporations as are designated or authorized by proper local authorities; police vehicles; vehicles of the fire department; vehicles of a HazMat or technical rescue team authorized by a county board under Section 5-1127 of the Counties Code; ambulances; vehicles of the Illinois Department of Corrections; vehicles of the Illinois Department of Juvenile Justice; vehicles of the Illinois Emergency Management Agency; vehicles of the Office of the Illinois State Fire Marshal; mine rescue and explosives emergency response vehicles of the Department of Natural Resources; vehicles of the Illinois Department of Public Health; vehicles of the Illinois State Toll Highway Authority identified as Highway Emergency Lane Patrol; vehicles of the Illinois Department of Transportation identified as Emergency Traffic Patrol; and vehicles of a municipal or county emergency services and disaster agency, as defined by the Illinois Emergency Management Agency Act.

BICYCLES. Every device propelled by human power upon which any person may ride, having two tandem wheels except scooters and similar devices

CROSSWALK. The portion of the roadway included within the prolongation of the sidewalk lines at street intersections.

DRIVER. Every person who drives or is in actual physical control of a vehicle.

EMERGENCY VEHICLE. Police vehicles, vehicles of the Fire Department, ambulances, vehicles carrying a state, county or municipal officer or employee in response to an emergency call and emergency vehicles of public service corporations on an emergency call.

EXPLOSIVE. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by

concussion by percussion or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

FARM TRACTOR. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

FLAMMABLE LIQUIDS. Any liquid which has a flash point of 70°F or less, as determined by tagliabue or equivalent closed cup test device.

IMPROVED HIGHWAY. A roadway of concrete, brick, asphalt, macadam or gravel.

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

LANED ROADWAY. A street, the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

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

MERGING TRAFFIC. A maneuver executed by the drivers of vehicles on converging roadways to permit simultaneous or alternate entry into the junction thereof, wherein the driver of each vehicle involved is required to adjust his or her vehicular speed and lateral position so as to avoid a collision with any other vehicle.

METAL TIRES. Every tire the surface of which in contact with the roadway is wholly or partially of metal or other hard, non-resilient material.

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

MOTOR VEHICLE. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power, motorized wheelchairs, low-speed electric bicycles, and low-speed gas bicycles. For this Act, motor vehicles are divided into two divisions:

(1) *First division.* Those motor vehicles which are designed for the carrying of not more than ten persons.

(2) *Second division.* Those motor vehicles which are designed for carrying more than ten persons, those motor vehicles designed or used for living quarters, those motor vehicles which are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles

of the first division in division (1) above remodeled for use and used as motor vehicles of the second division, herein.

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

PEDESTRIAN. Any person afoot or wearing in-line speed skates, including a person with a physical, hearing, or visual disability.

PNEUMATIC TIRES. Every tire in which compressed air is designed to support the load.

PROPERTY LINE. The line marking the boundary between any street and the lots or property abutting thereon.

PUBLIC BUILDING. A building used by the municipality, the county, any park district, school district, the state or the United States government.

RIGHT-OF-WAY. The privilege of the immediate use of the roadway.

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

SAFETY ZONES. The portion of a roadway reserved for the exclusive use of pedestrians, suitably marked or elevated.

SCHOOL BUS.

(1) Every motor vehicle, except as provided in this division, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

- (a) Any public or private primary or secondary school;
- (b) Any primary or secondary school operated by a religious institution; or
- (c) Any public, private or religious nursery school.

(2) This definition shall not include the following:

(a) A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

1. On a regularly scheduled route for the transportation of other fare paying passengers;
2. Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or
3. Being used for shuttle service between attendance centers or other educational facilities.

(3) A motor vehicle of the first division.

(4) A multifunction school-activity bus.

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

SIDEWALK. The portion of a street between the curb line or roadway and the adjacent property line designed for pedestrian use.

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

STREET or HIGHWAY. The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles and other conveyances whether singly or together while using any highway for the purpose of travel.

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

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

URBAN DISTRICT. The territory contiguous and to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter mile or more.

VEHICLE.

(1) Every device, in, upon or by which any person or property is or may be transported or drawn upon a highway or requiring a certificate of title under 625 ILCS 5/3-101(d) of this, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles as defined in the Snowmobile Registration and Safety Act.

(2) For the purposes of this chapter, unless otherwise prescribed, a device shall be considered to be a vehicle until such time it either comes within the definition of a junk vehicle, as defined under 625 ILCS 5, or a junking certificate is issued for it.

(3) For 625 ILCS 5, **VEHICLES** are divided into two divisions:

(a) *First division.* Those motor vehicles which are designed for the carrying of not more than two persons.

(b) *Second division.* Those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the first division, in division (3)(a) above remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the first division used and registered as school buses.

YIELD RIGHT-OF-WAY. When required by an official sign, means the act of granting the privilege of the immediate use of the intersecting roadway to traffic within the intersection and to vehicles approaching from the right or left; provided that, when the roadway is clear the vehicle may proceed into the intersection.

(Ord. 005, passed 4-1-1975)

§ 70.02 OBEDIENCE TO POLICE.

(A) Members of the Police Department and special police assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this traffic code, or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a police officer.

(B) Except in case of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic.

(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.03 SCENE OF FIRE.

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

(Ord. 005, passed 4-1-1975)

§ 70.04 SIGNS AND SIGNALS.

(A) It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the Village President and with the advice and consent of the Board of Trustees or in accordance with the laws of the state, excepting on directions of a police officer.

(B) All signs and signals established by direction of the governing body shall conform to the *Illinois State Manual of Uniform Traffic-Control Devices for Streets and Highways*.

(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.05 FLASHING SIGNALS.

Whenever flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows.

(A) *Flashing red (stop signal)*. When a red light is illuminated by rapid intermittent flashes, drivers or vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or, if none, then before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(B) *Flashing yellow (caution signal)*. When a yellow light is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.06 UNAUTHORIZED SIGNS.

(A) No person shall place, maintain or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device, or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any street, any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device, and no person shall place or maintain, nor shall any public authority permit upon any street any traffic or signal bearing thereon any commercial advertising.

(B) Any such unauthorized device is hereby declared to be a nuisance, and may be removed by any police officer.

(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.07 INTERFERENCE WITH SIGNS OR SIGNALS.

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

(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.08 ADVERTISING SIGNS.

It shall be unlawful to maintain, anywhere in the village, any sign, signal, marking device, other than a traffic sign or signal authorized by the Board of Trustees or the State Department of Public Works and Buildings, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, in view of any street, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate in view of any street any flashing or rotating beacon of light.

(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.09 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 traffic code applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal.

(Ord. 005, passed 4-1-1975)

§ 70.10 EXEMPTIONS.

(A) The provisions of this traffic code regulating the movement or parking of vehicles shall not apply to the driver of any authorized emergency vehicle when responding to an emergency call, but such driver when approaching shall slow down as necessary for safety, but may proceed cautiously past a red or stop sign or signal. At other times, drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.

(B) No driver of any authorized emergency vehicle shall assume any special privileges under this traffic code, except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.

(C) The provisions of this traffic code regulating the movement and parking of vehicles shall not apply to equipment or vehicles while actively engaged in installing, repairing or otherwise improving streets or street pavements.

(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.11 STATE VEHICLE CODE ADOPTED.

The village hereby adopts and incorporates by reference, all provisions contained or referred to in 625 ILCS 5/Chs. 1, 3, 5, 6, 7, 11, 12, 13, 15, 16 and 20 of the Illinois Vehicle Code and subsequent amendments, and all penalty provisions of the Unified Code of Corrections (codified at 730 ILCS 5/1-1-1 et seq.) and subsequent amendments incorporated into the Illinois Vehicle Code directly or implicitly by reference, expressly including 720 ILCS 5/Ch. 5 of the Unified Code of Corrections. Reference to a sections of these provisions shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

(Ord. 109, passed 6-7-2000)

§ 70.12 SNOW ACCUMULATION.

It shall be unlawful for any person to place or deposit accumulations of snow from private property onto any street, road or public property within the village.

(Ord. passed 1-17-2001) Penalty, see § 70.99

VEHICLE CONDITION; EQUIPMENT

§ 70.25 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 with the view of the roadway to the rear so obstructed shall be equipped with a mirror so attached as to give him or her a view of the roadway behind him or her.

(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.26 SIGNAL LAMPS.

(A) Any motor vehicle in use on a street shall be equipped with, and required signals shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24

inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

(B) Any motor vehicle owned or fully operated by a firefighter may be equipped with not to exceed two lamps which shall emit a blue light without glare. One such lamp may be mounted on the rear of any such vehicle. A flashing blue light may be used only when such firefighter is responding to a fire call. (Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.27 UNNECESSARY NOISE.

It shall be unlawful to operate a vehicle which makes unusually loud or unnecessary noise. (Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.28 HORN.

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

(B) No motor vehicle other than an emergency vehicle shall be equipped with a siren or gong signaling device. (Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.29 GAS AND SMOKE.

It shall be unlawful to operate any vehicle which emits dense smoke or such an amount of smoke or fumes as to be dangerous to the health of persons or as to endanger the drivers of other vehicles. (Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.30 PROJECTING, SPILLING LOADS.

(A) The maximum width, length and height of any vehicle and its load shall not exceed the limits expressed in the state's traffic laws. No passenger-type vehicle shall be operated on the streets with a load extending beyond the line of the fenders on the left side of the vehicle, nor extending more than six inches beyond the line of the fenders on the right side thereof. No combination of vehicles coupled together shall consist of more than two units, but such limitation shall not apply to vehicles operated in daytime when transporting pipes, poles, machinery and other objects which cannot be readily

dismembered, nor to such vehicles operated at nighttime by a public utility when engaged in emergency repair work; but such loads carried at night shall be clearly marked with sufficient lights to show the full dimensions of the load. No part of the load of a vehicle shall extend more than three feet in front of the extreme front portion of the vehicle.

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

(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.31 BRAKES.

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

(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.32 MUFFLERS.

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

(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.33 LIGHTS.

It shall be unlawful to operate or park on any street any vehicle not equipped with adequate lights conforming to the requirements of the state law; provided that, vehicles may be parked at nighttime without lights on any street or portion thereof, designated by ordinance as a place where vehicles may so park at nighttime.

(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.34 NON-SKID DEVICES.

It shall be unlawful to operate upon any street any motor vehicle equipped with any non-skid device so constructed that any rigid or non-flexible portion thereof comes into contact with the pavement or roadway.

(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.35 TIRES.

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

(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.36 WEIGHT.

It shall be unlawful to drive on any street any motor vehicle with a weight, including load, in excess of that permitted by the state traffic law for driving on improved highways, or with weight distributed in a manner not conforming to such law, or in violation of special weight limits provided for by ordinance and sign posted.

(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.37 DRIVING UNSAFE VEHICLES.

It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with some lamps and other equipment in proper condition and adjustment, as required in this section, or which is equipped in any manner in violation to this section.

(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

PEDESTRIANS**§ 70.50 RIGHT-OF-WAY.**

(A) Where traffic-control signals or pedestrian-control signals provided for in §§ 70.01 through 70.10 of this chapter, are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to a pedestrian crossing the roadway or street within any marked crosswalk or within any unmarked crosswalk.

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

(C) The driver of a vehicle shall stop before entering any crosswalk when any vehicle proceeding in the same direction is stopped at such crosswalk for the purpose of permitting a pedestrian to cross. (Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.51 PEDESTRIANS CROSSING ROADWAY.

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

(B) No person shall stand or loiter in any roadway if such act interferes with the lawful movement of traffic. (Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.52 PEDESTRIANS WALKING ALONG ROADWAY; SIGNALS.

(A) At intersections where traffic is directed by a police officer, it shall be unlawful for any pedestrian to cross the roadway other than with released traffic, if such crossing interferes with the lawful movement of traffic.

(B) (1) Where sidewalks are provided, it shall be unlawful for pedestrian to walk along and upon an adjacent roadway.

(2) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic and upon mashing a vehicle step off to the left.

(3) No person shall stand in a roadway for the purpose of soliciting a ride from the drive of any vehicle. (Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 70.53 BLIND PEDESTRIANS.

Any blind person who is carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, or who is being guided by a dog, shall have the right-of-way in crossing any street, whether or not traffic on such street is controlled by traffic signals, anything in this act to the contrary notwithstanding. The driver of every vehicle approaching the place where a blind person so carrying such a cane or walking stick or being guided is crossing a street shall bring his or her vehicle to a full stop and before proceeding shall take such precautions as may be necessary to avoid injury to the blind person. The provisions of the section shall not apply to a blind person who is not

carrying such a cane or walking stick or is not guided by a dog, but the other provisions of this traffic code relating to pedestrians shall be applicable to such person. However, the failure of a blind person to so use or so carry such a cane or walking stick or to be guided by a guide dog when walking on streets, highways or sidewalks shall not be considered evidence of contributory negligence. (Ord. 005, passed 4-1-1975)

§ 70.99 PENALTY.

(A) (1) *General.* Any person, firm or corporation violating any provisions of this traffic code shall be fined not less than \$5 or more than \$500 for each offense.

(2) *Arrests.* Any person arrested for a violation of any provisions of this traffic code shall be released upon proper bail being furnished as required by statute. The police officer in command at the station may, in the absence of a police magistrate or justice, prescribe the amount of bail or bond in each instance; provided that, any arrested person may, at his or her own request, have the amount of the bond set by a magistrate or justice of the peace as provided by statute.

(3) *Tickets.* Police officers, after making note of the license number of the vehicle (and name of the offender where possible), may issue a traffic violation ticket notifying the offender to appear in court at the time designated for hearing such cases. The officer may sign a complaint for the issuance of a warrant if the offender does not appear at the time and place so specified.

(4) *Prima facie proof.* The fact that an automobile which is illegally parked is registered in the name of a person shall be considered prima facie proof that the person was in control of the automobile at the time of the parking.

(5) *Parking violations.*

(a) Any person accused of a violation of a provision prohibiting parking a vehicle in a designated area or restricting the length of time a vehicle may there be parked (except the prohibited parking designated in this penalty section) may settle and compromise the claim against him or her for illegal parking by paying to the town the sum of \$25 within ten days of the time the offense was committed. If the fine is not paid within the first ten days, a compromise may be attained by paying the sum of \$50 within the second ten days after the offense was committed. If the fine is not paid within 20 days of the date the offense was committed, legal action shall be commenced and a fine set by the court.

(b) The Police Department of the city shall refrain from instituting a prosecution for each alleged violation or violations pursuant to this division (A), if the compromise and settlement is tendered, and payment received within 30 days after the violation occur.

(c) The Police Commissioner shall direct and order the Police Department of the city to note, mark and identify each vehicle, in violation of the provisions of this traffic code, to properly identify second and third violations, as set forth above, and to properly prepare the complaint for each violation.

(d) Payment shall be made at the office of the Village Clerk, and a receipt shall be issued for all money so received, and the money shall be promptly turned over to the Treasurer to be used in the manner provided for the disposition of fines for traffic violations.

(B) Any person violating § 70.12 of this chapter shall be guilty of a petty offense and, upon conviction thereof, shall be fined not less than \$25, nor more than \$500, for each offense. (Ord. 005, passed 4-1-1975; Ord. 005/A1, passed 2-22-1979; Ord. 5/A2, passed 6-24-1986; Ord. 5/A3, passed 7-26-1988; Ord. passed 1-17-2001; Ord. 125, passed 9-5-2001; Ord. 5/A4, passed 4-7-2010)

Wonder Lake - Traffic Code

CHAPTER 71: TRAFFIC REGULATIONS

Section

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§ 71.01 THROUGH STREETS, ONE-WAY STREETS AND STOP/YIELD STREETS.

(A) *Through streets.* The streets and parts of streets of the village designated by ordinance as through streets are hereby declared to be through streets. The driver of a vehicle shall stop at the

entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard, unless directed otherwise by the traffic officer or a traffic-control signal.

(B) *One-way streets.*

(1) It shall be unlawful to operate any vehicle on any streets designated as one-way streets by ordinance, in any direction other than that so designated.

(2) Upon a roadway designated and sign-posted for one-way traffic, a vehicle shall be driven only in the direction designated.

(C) *Stop streets.* The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance, at one or more entrances thereto, and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event the directions of the police officer shall be complied with.

(D) *Posting signs.* The Police Commissioner shall post or cause to be posted suitable signs for all through streets, one-way streets or alleys and stop intersections. (Ord. 005, passed 4-1-1975; Ord. 015, passed 5-6-1975; Ord. 015/A-1, passed 4-20-1976; Ord. 015/A2, passed 7-27-1978; Ord. 021, passed 7-27-1978; Ord. 046, passed 12-28-1978; Ord. 015/A3, passed 1-4-1979; Ord. 005/A1, passed 2-22-1979; Ord. 015/A4, passed 9-22-1981; Ord. 015/A5, passed 10-27-1981; Ord. 046-A1, passed 10-27-1981; Ord. 015/A6, passed 4-27-1982; Ord. 015/A7, passed 5-25-1982; Ord. 015/A-8, passed 8-24-1982; Ord. 015/A9, passed 7-26-1983; Ord. 015/A10, passed 10-25-1983; Ord. 015/A11, passed 1-24-1984; Ord. 015/A12, passed 1-27-1987; Ord. 015/A14, passed 8-22-1990; Ord. 015/A15, passed 8-28-1991; Ord. 015/A16, passed 7-7-1993; Ord. 015/A17, passed 11-3-1993; Ord. 015/A18, passed 5-1-2002; Ord. 015/A19, passed 11-11-2002; Ord. 015/A20, passed 12-17-2003; Ord. 207, passed 12-1-2004; Ord. 015/A21, passed 11-18-2009) Penalty, see § 71.99

§ 71.02 REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTION.

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

(A) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway, or as indicated by traffic markers or signs.

(B) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection

to the right of the centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection, or as indicated by traffic markers or signs.

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

(D) The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.
(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.03 TURNING MOVEMENTS.

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

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

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

(D) *“U” turn.* It shall be unlawful for the operator of any vehicle to make a “U” turn at any place where such turns are prohibited by ordinance. Such prohibition shall be indicated by appropriate signs.

(E) *No left turn.*

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

(2) Such prohibition shall be indicated by appropriate signs.
(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.04 STARTING A PARKED VEHICLE.

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

(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.05 DRIVER'S SIGNAL.

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

(A) No person shall turn a vehicle from a direct course upon a street unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

(B) (1) A signal or intention to turn right or left shall be given during not less than the last 100 feet traveled by the vehicle before turning.

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

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

(1) Left turn: hand and arm extended horizontally.

(2) Right turn: hand and arm extended upward.

(3) Stop or decrease of speed: hand and arm extended downward.

(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.06 DRIVING FROM DRIVEWAYS OR GARAGES.

The driver of a vehicle emerging from a driveway or garage shall stop such vehicle immediately prior to driving onto a street.

(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.07 DRIVING ON SIDEWALKS OR SAFETY ZONES.

No driver of a vehicle shall drive at any time into or upon any portion of a roadway marked as a safety zone.

(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.08 RIGHT-OF-WAY.

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

(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.09 FIRE DEPARTMENT VEHICLES.

(A) Upon the approach of a Fire Department vehicle, drivers of vehicles shall comply with the provision of this traffic code relating to the approach of authorized emergency vehicles.

(B) It shall be unlawful for the driver of any vehicle, other than one on official business, to follow any fire apparatus in response to a fire alarm, closer than one block, or to park any vehicle within 500 feet where fire apparatus has stopped to answer a fire alarm.

(C) It shall be further unlawful for the driver of any vehicle to drive over any unprotected hose of the Fire Department without the consent of the Fire Marshal or the assistant in command.

(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.10 DRIVING ON RIGHT SIDE OF ROADWAY.

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

(1) If/when overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(2) When the right half of a roadway is closed to traffic while under construction or repair;

(3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

(4) Upon a roadway designated and sign posted for one-way traffic.

(B) Whenever there is a single track street and two vehicles meet thereon, the driver on whose right is the wider shoulder shall give the right-of-way on such pavement to the other vehicle.
(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.11 PASSING VEHICLES.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.
(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.12 OVERTAKING VEHICLES.

(A) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to these limitations, exceptions and special rules hereinafter stated.

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(B) The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

(C) (1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of on-coming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

(2) No vehicle shall in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:

(a) When approaching the crest of a grade or upon a curve in the street where the driver's view is obstructed within sufficient distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within 100 feet of or traversing any intersection; and

(c) Where official signs are in place directing that traffic keep to the right, or a distinctive line also so directs traffic as declared in the sign manual adopted by the State Department of Public Works and Buildings.

(3) The limitations in divisions (C)(2)(a) and (C)(2)(b) above shall not apply upon a one-way street or upon a street with unobstructed pavement of sufficient width for two or more lanes of moving traffic in each direction when such movement can be made with safety.

(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.13 DRIVING ON ROADWAYS LANED FOR TRAFFIC.

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

(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.14 RECKLESS, NEGLIGENT OR CARELESS DRIVING.

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

(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.15 SPEED RESTRICTIONS.

(A) It shall be unlawful to drive any motor vehicle on any street not under jurisdiction of the State Department of Public Works and Buildings or the county, within the village at a speed in excess of 30 mph.

(1) If the President and Board of Trustees, and by ordinance, set other limits as provided by statute after an engineering or traffic survey, then such limits shall govern the rate of speed on the streets indicated in such ordinances. The Police Commissioner shall post appropriate signs showing such speed limits.

(2) The speed of all vehicles of the Second Division, as defined by statute, having two or more solid tires shall not exceed ten mph.

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

(4) It shall be unlawful to drive any vehicle on any street or highway within the village under the jurisdiction of the State Department of Public Works and Buildings, or of the county at a speed exceeding that lawfully set for such street.

(B) (1) No person shall drive a motor vehicle at a speed in excess of 20 mph while passing a school bus loading zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present.

(2) Appropriate signs shall be posted to indicate this restriction.
(Ord. 005, passed 4-1-1975; Ord. 022, passed 8-29-1975; Ord. 022/A1, passed 7-27-1978; Ord. 022/A2, passed 11-16-1978; Ord. 005/A1, passed 2-22-1979; Ord. 022/A3, passed 5-24-1983; Ord. 022/A-4, passed 7-2-2003; Ord. 207, passed 12-1-2004) Penalty, see § 71.99

§ 71.16 OBSTRUCTING TRAFFIC.

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

(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.17 UNATTENDED VEHICLES OR ANIMALS.

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

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

(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.18 RIDING ON RUNNING BOARDS.

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

(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.19 FUNERALS OR OTHER PROCESSIONS.

(A) No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while, they are in motion and when such vehicles are conspicuously designated as required in this traffic code.

(B) Each driver in a funeral or other procession shall drive as near to the right-hand side of the roadway as practical and shall follow the vehicle ahead as close as practical and safe.

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

(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.20 BACKING.

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

(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.21 RESTRICTED ACCESS.

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

(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.22 LIMITED LOAD STREETS.

It shall be unlawful to operate any vehicle on any street in the village when the gross weight on the surface of the road through any axle of such vehicle exceeds 12,000 pounds. Where lower limits are imposed by ordinance and signs indicating such limitations are posted, it shall be unlawful to operate a vehicle in excess of such weight on such street, except for the purpose of making delivery or picking up a load, in which cases such vehicle may be driven on such street for not more than a minimum distance necessary for the purpose.

(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.23 SCHOOL BUSES.

The driver of a vehicle on any street or highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school

children shall stop the vehicle before reaching such school bus when there is in operation on the bus a visual signal, as required by statute, for operation while the bus is transporting pupils.
(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.24 DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR, NARCOTIC DRUGS.

(A) No person who is under the influence of intoxicating liquor may drive or be in actual physical control of any vehicle within the corporate limits of the village.

(B) No person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him or her incapable of safely driving a vehicle may drive or be in actual physical control of any vehicle within the corporate limits of the village. The fact that a person charged with a violation of this division (B) is or has been entitled to use such drug under the law of the state does not constitute a defense against any charge of violation of this division (B).

(C) (1) Upon the trial of any action or proceeding arising out of the acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor, evidence of the amount of alcohol in the person's blood at the time of the act alleged as shown by a chemical analysis of his or her breath, blood, urine, saliva or other bodily substance is admissible, as provided hereinafter in this division (C) and the result of any such analysis shall give rise to the following presumptions.

(a) If there was, at the time of such analysis, 0.05% or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of intoxicating liquor.

(b) If there was, at the time of such analysis, in excess of 0.05%, but less than 0.10% by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether such person was under the influence of intoxicating liquor.

(c) If there was, at the time of such analysis, 0.10% or more by weight of alcohol in the persons blood, it shall be presumed that the person was under the influence of intoxicating liquor.

(2) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood. Evidence based upon a chemical analysis of blood, urine, breath or other bodily substance shall not be admitted unless such substance was procured and such, analysis made with the consent of the person as provided by this section, whose bodily substance was analyzed.

(3) Divisions (C)(1) and (C)(2) above shall not be construed as limiting the introduction of any other competent evidence bearing upon the questions whether or not the defendant was under the influence of intoxicating liquor.

(D) Chemical analysis of the person's blood or breath, to be considered valid under this section, must be performed according to uniform standards adopted by the State Department of Public Health, in cooperation with the Superintendent of State Police, and by an individual possessing a valid permit issued by that Department for this purpose.

(E) When an unconscious person or person otherwise incapable of refusal is given a blood test at the request of a law enforcement officer under the provisions of this section, only a physician-authorized to practice medicine in all its branches, a registered nurse or other qualified person may withdraw blood, in a manner prescribed by the Department of Public Health for the purpose of determining the alcoholic content therein.

(F) The person tested may have a physician authorized to practice medicine in all its branches, a qualified technician, chemist, registered nurse or other qualified person of his or her own choosing to administer a chemical test or tests, at his or her own expense, in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(G) Upon the request of the person who submitted to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests must be made available to him or her or his or her attorney.

(H) Evidence of a refusal to submit to a chemical test is inadmissible in any civil action or proceeding or action under this section or for violation of state law prohibiting driving a motor vehicle while under the influence of intoxicating liquor. However, nothing in this division (H) shall prevent the admission of evidence of such refusal in a hearing on the suspension of a person's privilege to operate a motor vehicle under Illinois Vehicle Code 625 ILCS 5/11-501.1 (Implied Consent) and 625 ILCS 5/2-113 (Hearings), approved 9-29-1969, as amended.
(Ord. 005, passed 4-1-1975) Penalty, see § 71.99

§ 71.25 WEIGHT LIMITS.

(A) *Purpose.* To promote the safety of the general public and to preserve the roads and streets under the jurisdiction of the village for the use of the general public, it is hereby declared that the following rules and regulations as to maximum weight and load shall apply to all vehicles using the public roads and streets under the jurisdiction of the said village.

(B) *Load limits.*

(1) *Gross weight limits.* It shall be unlawful to operate any vehicle on streets within the said village, except on Thompson Road and Wondermere Road, when the gross weight of such vehicle, including the tractor, trailer and load, exceeds five tons, except as otherwise hereinafter provided for in this section.

(2) *Thompson and Wondermere Roads.* It shall be unlawful to operate any vehicle on Thompson Road and Wondermere Road within the village when the weight per axle exceeds 12,000 pounds (six tons), except as otherwise hereinafter provided for in this section.

(3) *Authorization to close or reduce weight limits.* If a section of road, or a road, is so weakened by unusual conditions that the said Village Superintendent of Public Works deems it necessary to close or reduce the weight limit, of said road, the Superintendent is authorized to close or reduce the weight limit of said road or roads or section of road.

(4) *Posting of roads.* It shall be the right and the responsibility of the Superintendent of Public Works of said village to post the village roads. There shall be a minimum of one sign at each entrance road to the village.

(C) *Exceptions.* The following vehicles and use are hereby exempt from the provisions of division (B) above.

(1) *Emergency vehicles.* Police, fire, ambulance, rescue and equipment for snow and ice removal or any vehicles being operated for immediate public emergency purposes.

(2) *Delivery and pick-up vehicles.* Delivery and pick-up vehicles with destination points within the corporate limits of said village.

(3) *Public utilities.* Public utilities, as defined in Ill. Rev. Stat. Ch. 95, § 15-100 (1980) vehicles which are engaged in the repair, maintenance, construction or installation of utility service to persons, or properties, within the said village.

(4) *Garbage, refuse and septic vehicles.* Garbage, refuse and septic vehicles operated to service properties within the said village.

(5) *Village owned vehicles.* Vehicles owned or operated by the village or operated by other persons under contract with the village.

(6) *School buses.* School buses being operated to pick up from, or return children to, residences within the said village.

(7) *Special permits.* Vehicles operating under special permit as issued pursuant to division (D) below.

(8) *All other vehicles.* Notwithstanding any of the hereinabove described exceptions, no vehicles shall be operated on any of the said village roads which are not allowed to be operated on state roads and any vehicle prohibited from operation on state roads, for any reason, including, but not limited to, weight and size, shall be prohibited from operation on said village roads without an appropriate permit.

(D) *Special permits.*

(1) *Authorization.* The village, with respect to highways, roads and streets under its jurisdiction, shall, upon written application, authorize the applicator to operate, or move a vehicle, or combination of vehicles, of weight exceeding the maximum specified in division (B) above, upon a showing that there is no other route available on public roads, except for a route including village roads.

(2) *Application.* The form of application for a special permit shall be made available through the said Village Superintendent of Public Works Office and shall require the following information:

- (a) Name, address and telephone number of applicant;
- (b) A specific description of the vehicle, or vehicles, and load, or loads;
- (c) A statement that there is no other route available on public roads, except for a route including village roads;
- (d) The date, or dates, or period of time, for which the special permit is requested; and
- (e) A diagram of the proposed route of operation through the village.

(3) *Verification.* The application shall be verified under oath. The said Village Superintendent of Public Works shall act to allow or deny the requested special permit in one business day following the day of receipt of a fully completed application of special permit and a certified check or cash for the application fee.

(4) *Fee.* An application fee sufficient to cover the cost of processing, issuing and analyzing an application for special permit shall be required by, and paid to, the said Village Superintendent of Public Works at the time of the delivery of the completed application. The amount of the application fee shall be per resolution titled "Various Permit and Registration Fees".

(5) *Period in effect.* The special permit shall continue in full force and effect from the date of issuance, not to exceed one year from the date of issuance unless there is a change of circumstances by which routes become available on public roads outside of the corporate limits of the said village. Upon showing that such other route is available, the applicant shall be notified by the said Village Superintendent of Public Works, in writing, of the termination of the special permit and said special permit shall terminate ten days from the date of certified mailing said notice to the applicant's last known address or upon receipt of the notice by the applicant, whichever comes first.

(6) *Specified route.* The said Village Superintendent of Public Works shall designate in the special permit the route to be used on roads within the corporate limits of the village. (Ord. 023, passed 7-18-1975; Ord. 064, passed 3-27-1984) Penalty, see § 71.99

§ 71.26 VEHICLE LAMPS; WHEN REQUIRED TO BE ILLUMINATED.

(A) *Driving lamps.* When upon any street or highway within the village limits every motorcycle or snowmobile shall at all times exhibit at least one lighted lamp, showing a white light commonly known as a driving lamp visible at least 150 meters or (492 feet) in the direction the said vehicle is traveling when in forward gear. All other motor vehicles shall, during the period from sunset to sunrise, or at any other time when the limit of visibility is such that the use of running or driving lights shall be required for safety, exhibit two such illuminated driving lamps showing white light or light of a yellow or amber tint visible for at least 150 meters or (492 feet) in the direction the motor vehicle is traveling when in the forward gear.

(B) *Running lights (parking lights).* Running lights may be used between the period of sunrise and sunset in addition to the "driving lights", but not in lieu of any "driving lights". Running lights includes the illumination of the required "tail lamps".

(C) *Tail lamps.* Every motor vehicle, trailer or semi-trailer shall be equipped with at least two lamps, commonly known as tail lamps, which shall be mounted on the left rear of the vehicle so as to throw a red light visible for at least 150 meters or (492 feet) in the direction in which the vehicle is traveling when in the reverse gear; except that, a motorcycle or a truck-tractor or a road-tractor manufactured before 1-1-1968 need be equipped with only one such lamp. Said lamps shall be so wired as to be illuminated whenever the driving lamps, running lamps or auxiliary lamps are illuminated.

(D) *Rear registration plate illumination.* Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light a rear registration plate, and said lamp shall also be so wired as to be illuminated whenever the driving lamps, auxiliary lamps or tail lamps are illuminated. Illumination of said registration license plate shall be required between sunset and sunrise and shall be clearly visible and legible from a distance of 15 meters or (49 feet) to the rear of the vehicle. (Ord. 005/A1, passed 2-22-1979) Penalty, see § 71.99

§ 71.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 70.99 of this code of ordinances.

(B) Every person who is convicted of a violation of § 71.24 of this chapter shall be fined not less than \$50 and not more than \$750. The Secretary of State of the state is authorized to revoke the driver's license of any person convicted under § 71.24 of this chapter.

(C) (1) Whenever any vehicle is operated in violation of § 71.25 of this chapter, the owner or driver of such vehicle shall be deemed guilty of such violation and either the owner or the driver of such vehicle may be prosecuted for such violation.

(2) Any person, firm or corporation convicted of any violation of § 71.25 of this chapter shall be fined in an amount equal to:

<i>Fine</i>	<i>Overload</i>
\$0.02/pound	2,000 pounds or less
\$0.06/pound	Exceeds 2,000 pounds and is 3,000 pounds or less
\$0.08/pounds	Exceeds 3,000 pounds and is 4,000 pounds or less
\$0.10/pound	Exceeds 4,000 pounds and is 5,000 pounds or less
\$0.12/pound	Exceeds 5,000 pounds

(3) Notwithstanding the provisions of division (C)(2) above, the minimum fine for any violation of § 71.25(B)(1) or (B)(2) of this chapter shall be \$250.
 (Ord. 005, passed 4-1-1975; Ord. 023, passed 7-18-1975; Ord. 005/A1, passed 2-22-1979; Ord. 064, passed 3-27-1984)

Wonder Lake - Traffic Code

CHAPTER 72: PARKING RULES

Section

- 72.01 No parking places
- 72.02 Snow removal
- 72.03 Towing cars away
- 72.04 Presumption of liability
- 72.05 Parking at curb
- 72.06 Vehicles for sale
- 72.07 All-night parking
- 72.08 Parking on private property
- 72.09 Signs
- 72.10 Parking Second Division vehicles in residential districts

§ 72.01 NO PARKING PLACES.

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

- (A) In any intersection;
- (B) In a crosswalk;
- (C) Within 30 feet of a traffic signal, beacon or sign on the approaching crosswalk;
- (D) Within 20 feet of any intersection or crosswalk;
- (E) At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than 18 feet;
- (F) Within 15 feet of a fire hydrant;
- (G) At any place where the vehicle would block the use of a driveway;

(H) Within 20 feet of the driveway entrance to any Fire Department station and on the side of the street opposite the entrance to any such station withing 75 feet of such entrance when properly signposted;

(I) On any sidewalk or parkway; and/or

(J) At any place where official signs prohibit parking.
(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 72.02 SNOW REMOVAL.

It shall be unlawful to park any vehicle on any public street in the village at any time until snow plowing has been completed after a snowfall of three inches or more has occurred.
(Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 72.03 TOWING CARS AWAY.

(A) The Police Department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away or have removed and towed away by commercial towing service, any car or other vehicle illegally parked in any place where such car or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any vehicle which has been parked in any public street or other public place for a period of 24 consecutive hours.

(B) Cars so towed away shall be stored on any city property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the village in removing and storing such vehicles.
(Ord. 005, passed 4-1-1975)

§ 72.04 PRESUMPTION OF LIABILITY.

The fact that an automobile which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such parking.
(Ord. 005, passed 4-1-1975)

§ 72.05 PARKING AT CURB.

No vehicle shall be parked with the left side of vehicle next to the curb, except on one-way streets, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curb. (Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 72.06 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 street from which vehicle merchandise is peddled. (Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 72.07 ALL-NIGHT PARKING.

No person shall park any vehicle between the hours of 2:00 a.m. and 6:00 a.m. of any day, except physicians on emergency calls, on any street in the municipality. (Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 72.08 PARKING ON PRIVATE PROPERTY.

It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property. (Ord. 005, passed 4-1-1975) Penalty, see § 70.99

§ 72.09 SIGNS.

The Police Commissioner, or any other person authorized by the President and the Board of Trustees, shall cause signs to be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions. (Ord. 005, passed 4-1-1975; Ord. 005/A1, passed 2-22-1979)

§ 72.10 PARKING SECOND DIVISION VEHICLES IN RESIDENTIAL DISTRICTS.

No motor vehicle of the Second Division (excluding recreational vehicles and camper trailers, as defined in Illinois Vehicle Code 625 ILCS 5/1-169 or 625 ILCS 5/1-210.01), or equipment and/or machinery designed for the movement of earth, road work or for use on a farm (including, but not limited to, bulldozers, road graders, tractors, cranes or rollers) shall be parked or stored on any street,

highway, alley or premises located in any district classified as a residential district upon the zoning district maps of said village, unless said equipment, vehicle or machinery is engaged in work on the such premises.

(Ord. 005/A1, passed 2-22-1979) Penalty, see § 70.99

CHAPTER 73: RECREATIONAL VEHICLES

Section

General Provisions

- 73.01 Motorized scooters
- 73.02 Bicycles and motorcycles
- 73.03 Toy vehicles; clinging to vehicles
- 73.04 Bicycles

Snowmobiles

- 73.15 Definitions
- 73.16 Purpose
- 73.17 General responsibilities
- 73.18 Routes and regulations
- 73.19 Minimum age of driver

- 73.99 Penalty

GENERAL PROVISIONS

§ 73.01 MOTORIZED SCOOTERS.

(A) As used in this section, **MOTORIZED SCOOTER** means a device upon which a person may ride consisting of a footboard between two end wheels, controlled by an upright steering handle attached to the front wheel, powered by a motor having a maximum piston displacement of less than 25 cubic centimeters or an electric driven motor and capable of a maximum speed of no more than 25 mph on a flat surface.

(B) It is unlawful for any person to drive or operate any motorized scooter upon any street, highway, roadway or sidewalk in the village.

(C) A person who operates or is in actual physical control of a motorized scooter on a roadway while under the influence of alcohol, drugs, intoxicating compounds or a combination of them is subject to Illinois Vehicle Code 625 ILCS 5/11-500 through 11-502.1.

(Ord. 2011, passed 3-2-2005; Ord. 211/A-1, passed 4-6-2005) Penalty, see § 73.99

§ 73.02 BICYCLES AND MOTORCYCLES.

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

(Ord. 005, passed 4-1-1975) Penalty, see § 73.99

§ 73.03 TOY VEHICLES; CLINGING TO VEHICLES.

It shall be unlawful for any person on any street riding a bicycle, motorcycle or any toy vehicle to cling to or to attach himself or herself or his or her vehicle to any moving motor vehicle or wagon. It shall be unlawful for any person upon skates, a coaster, sled or other toy vehicle to go upon any roadway other than at a crosswalk.

(Ord. 005, passed 4-1-1975) Penalty, see § 73.99

§ 73.04 BICYCLES.

(A) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance from 50 to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector. Every bicycle shall be equipped with a good and adequate brake.

(B) No person shall operate a bicycle that is not equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet; except that, a bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren or whistle.

(Ord. 005, passed 4-1-1975) Penalty, see § 73.99

SNOWMOBILES**§ 73.15 DEFINITIONS.**

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

DANGEROUS DRUG. A depressant or stimulant substance in the State Controlled Substances Act and cannabis, as defined in the Cannabis Control Act, being 720 ILCS 550.

DRIVER. Every person who operates or is in actual physical control of a snowmobile.

INTOXICATING BEVERAGE. Any beverage enumerated in the Liquor Control Act, being 235 ILCS 5.

OPERATE. To ride in or on, other than as a passenger, use or control the operation of a snowmobile in any manner, whether or not the snowmobile is under way.

OWNER. A person, other than a lien holder, having title to a snowmobile. The term includes a person entitled to the use or possession of a snowmobile subject by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

PERSON. An individual, partnership, firm, corporation, association or other entity.

ROADWAY. The portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term **ROADWAY**, as used in this subchapter, refers to any such roadway separately, but not to all such roadways collectively.

SNOWMOBILE. A self-propelled device designed for travel on snow or ice or natural terrain steered by skis or runners, and supported in part by skis, belts or cleats.

VILLAGE. The Village of Wonder Lake.
(Ord. 049, passed 4-5-1980)

§ 73.16 PURPOSE.

The village area is generally looked upon as an area of outdoor recreation as well as a place for residential dwelling. Therefore, the village also recognizes the recreational aspects of the area, and that snowmobiling is a popular sport; and, therewith, the village also realizes the added danger to health and

safety due to a powered moving vehicle capable in exceeding the speed limits and, therefore, enacts this subchapter.

(Ord. 049, passed 4-5-1980)

§ 73.17 GENERAL RESPONSIBILITIES.

(A) *Driver.* All snowmobile drivers must understand and be able to handle their snowmobile vehicles.

(B) *Responsibility.* It shall be the responsibility of all drivers of snowmobiles to know and understand all traffic regulations and rules of snowmobiling.

(C) *Vehicle identification.* A state recreational vehicle registration number with contrasting background color may be a decalcomania ("decal") or painted, reading from left to right, shall be displayed on each side at the forward sections of the vehicle.

(D) *Recreational area.* The public roads shall not be considered at any time as a recreational area but rather as a means to reach such areas and for return from such areas.

(E) *Parking.* When parking a snowmobile, said vehicle shall be parked off the road at all times.

(F) *Storage.* Snowmobiles may be stored or parked in the front required yard from November 1 to April 1 of the same winter season.

(G) *Mufflers required.* Mufflers are required and properly attached which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cutout, by-pass or similar device on said vehicle.

(H) *Equipment.* Adequate brakes and at least one headlight and one tail light, all in good working condition.

(I) *Dead man throttle.* A safety or so-called "dead man" throttle in operating condition; a safety or "dead man" throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track.

(J) *Unattended vehicles.* It shall be unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended while the motor is running or with the keys for starting the vehicle left in the ignition.

(K) *Firearm, intoxicating beverage, narcotic or dangerous drug.* It shall be unlawful for a driver or riders to have in their possession any firearms, intoxicating beverages, narcotics or dangerous drugs while driving or riding upon any snowmobile in said village.

(L) *Garments.* Dangling scarfs, or loose garments shall not be worn on a moving snowmobile that can be enmeshed in the moving mechanism of a snowmobile.

(M) *Time of operation.*

(1) Monday through Thursday: 8:00 a.m. through 10:00 p.m.;

(2) Friday: 8:00 a.m. until 2:30 a.m. Saturday;

(3) Saturday: 8:00 a.m. until 2:30 a.m. Sunday; and

(4) Sunday: 8:00 a.m. through 10:00 p.m.

(Ord. 049, passed 4-5-1980) Penalty, see § 73.99

§ 73.18 ROUTES AND REGULATIONS.

No operation of snowmobiles upon any public street or right-of-way will be allowed within the village limits, except as provided for in the following divisions.

(A) *Snowmobile routes.* Snowmobiles may be operated on public streets in the village which are specifically listed as a snowmobile route or as provided for under state regulations. The west side of Thompson Road is the only designated snowmobile route in the village. All village residents must use the shortest route to the designated route.

(B) *Road easements.* Add drivers of snowmobile vehicles shall travel on the extreme right edge of the road with traffic flow.

(C) *Private property.* All drivers of snowmobile vehicles shall not drive over or on any private property without written permission from owners of said property.

(D) *Depth of snow.* When drivers of snowmobile vehicles travel over areas other than roads, parking lots, pavements or areas of concrete, asphalt or gravel, said areas of travel shall be covered with a minimum of one inch of snow, packed snow or ice over 90% of the area of the route.

(Ord. 049, passed 4-5-1980; Ord. 049/A1, passed - -; Ord. 049/A2, passed - -; Ord. 049/A3, passed 1-23-1991) Penalty, see § 73.99

§ 73.19 MINIMUM AGE OF DRIVER.

No unlicensed person who is under 16 years of age shall be allowed to drive any snowmobile vehicle on any public area or public right-of-way. Violation of this section, done with the prior knowledge or

consent of a parent or guardian, shall be deemed a violation of this subchapter by such parent or guardian.

(Ord. 049, passed 4-5-1980) Penalty, see § 73.99

§ 73.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 70.99 of this code of ordinances.

(B) Any person, firm or corporation violating any provision of § 73.01 of this chapter shall be fined not less than \$5, nor more than \$500, for each offense.

(C) Any person or organization violating any of the provisions of §§ 73.15 through 73.19 of this chapter shall be subject to a fine of not less than \$100, nor more than \$500, for each offense. After three violations, the snowmobile vehicle registration shall be revoked for a period of 12 months.

(Ord. 049, passed 4-5-1980; Ord. 049/A3, passed 1-23-1991; Ord. 2011, passed 3-2-2005; Ord. 211/A-1, passed 4-6-2005)

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS**
- 91. HEALTH AND SANITATION; NUISANCES**
- 92. ASSEMBLAGES**
- 93. FIRE PROTECTION; FIREWORKS**
- 94. PARKS AND RECREATION**
- 95. ABANDONED, UNCLAIMED VEHICLES;
IMPOUNDMENT**

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CHAPTER 90: ANIMALS

Section

General Provisions

- 90.01 Definitions
- 90.02 Injury to property
- 90.03 Manner of keeping
- 90.04 Dogs and cats in public places
- 90.05 Barking dogs and crying cats
- 90.06 Cruelty to animals
- 90.07 Wild or vicious animals
- 90.08 Limitation on number of cats and dogs

Farming; Other Animals

- 90.20 Age of animals
- 90.21 Leashes
- 90.22 At-large animals; impoundment
- 90.23 Proper care and control of animals
- 90.24 Defecation
- 90.25 Proper food, water, shelter and the like
- 90.26 Rabies
- 90.27 Inspection

- 90.99 Penalty

GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

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

CAT. Any feline, regardless of age or sex.

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DOG. Any canine, regardless of age or sex.

SHADE. Protection from the direct rays of the sun during the months of June through September.

SHELTER. As it applies to dogs, a moisture-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least two inches from the ground and with the entrance covered by a flexible, wind-proof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

VICIOUS ANIMAL. Any animal which has previously attacked or bitten any person or which has behaved in such a manner that a person who harbors said animal knows or should reasonable know that the animal is possessed of tendencies to attack or bite persons.

WILD ANIMAL. Any live monkey or ape, raccoon, skunk, fox, snake or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in a wild state.

§ 90.02 INJURY TO PROPERTY.

(A) *Unlawful.* It is unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant shrub, tree or garden in any manner whatsoever, or to defecate thereon.

(B) *Waste products accumulations.* It is unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person, unless such person has in his or her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. This section shall not apply to a person who is visually or physically handicapped.
Penalty, see § 90.99

§ 90.03 MANNER OF KEEPING.

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

(B) *Fences.* Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.
Penalty, see § 90.99

§ 90.04 DOGS AND CATS IN PUBLIC PLACES.

No dog or cat shall be permitted in any cemetery or shall be allowed in any park during functions. Penalty, see § 90.99

§ 90.05 BARKING DOGS AND CRYING CATS.

(A) *Harboring.* It is unlawful for any person to knowingly keep of harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb any persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

(B) *Petitions of complaint.* Whenever any person shall complain to the Police Department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the city, the Police Department shall notify the owner or keeper of said dog or cat that a complaint has been received and that such owner or keeper should take whatever steps are necessary to alleviate the howling, yelping or crying. Penalty, see § 90.99

§ 90.06 CRUELTY TO ANIMALS.

(A) *Cruelty to animals prohibited.* It is unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or to cruelly beat, strike or abuse any animal or, by any act, omission or neglect, cause or inflict any unnecessary unjustifiable pain, sufferable, injury or death to any animal, whether such animal belongs to such person or to another; except that, reasonable force may be employed to drive away vicious or trespassing animals.

(B) *Food and shelter.* It is unlawful for any person in charge of any animal to fail, refuse or neglect to provide such animal to fail, refuse or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal to hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner. Penalty, see § 90.99

§ 90.07 WILD OR VICIOUS ANIMALS.

(A) It is unlawful for any person to keep or permit to be kept on his or her premises any wild or vicious animal as described in this chapter for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.

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(B) It is unlawful for any person to keep or permit to be kept any wild animal as a pet, unless a permit is granted by the Department of Natural Resources of the state.

(C) It is unlawful for any person to harbor or keep a vicious animal within the city. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and, upon establishment to the satisfaction of any court of competent jurisdiction of the vicious character of said animal, it may be killed by a police officer or humane officer; provided, however, that, this section shall not apply to animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property; provided that, such animals are restrained by a leash or chain, cage, fence or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(D) The licensing authority may issue a temporary permit for the keeping, care and protection of any infant animal native to this area which has been deemed to be homeless.
Penalty, see § 90.99

§ 90.08 LIMITATION ON NUMBER OF CATS AND DOGS.

(A) *Nuisance.* The keeping of an unlimited number of dogs and cats in the city for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of an unlimited number of dogs and cats is, therefore, declared to be a public nuisance. The terms "dog" and "cat" shall be construed as provided in § 90.01 of this chapter.

(B) *Limitation; exception.*

(1) It is unlawful for any person or persons to keep more than three dogs and/or three cats within the city, with the exception that a litter of pups, a litter of kittens or a portion of a litter may be kept for a period of time not exceeding five months from birth.

(2) The provisions of this section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding.

(C) *Kennels.* In the areas where kennels are permitted, no kennel shall be located closer than 200 feet to the boundary of the nearest adjacent residential lot.
Penalty, see § 90.99

FARMING; OTHER ANIMALS**§ 90.20 AGE OF ANIMALS.**

No person shall, own, keep, harbor or have custody of any animal over three months of age within the village, except upon properties zoned "farming" or approved for such use by proper zoning amendment, special use or other approval pursuant to the ordinances of the village; except that, this section shall not apply to the keeping of dogs, cats, small cage-birds or aquatic and amphibian animals, non-poisonous reptiles and rodents, which includes rabbits, guinea pigs and hamsters, solely as pets. No more than a total combination of three dogs or cats over three months of age shall be permitted at any resident's home.

(Ord. 235, passed 2-1-2006) Penalty, see § 90.99

§ 90.21 LEASHES.

All dogs shall be kept on a leash at all times, except when they are being trained, played with or exercised at a park or open area where dogs are permitted.

(Ord. 235, passed 2-1-2006) Penalty, see § 90.99

§ 90.22 AT-LARGE ANIMALS; IMPOUNDMENT.

(A) Dogs not under control may be taken by Police or the County Animal Control Officer and impounded in an animal shelter, and there confined in a humane manner. Impounded dogs shall be kept for not less than five business days unless reclaimed by their owners. If, by a permit tag or by other means, the owner can be identified, the Chief of Police or his or her designee shall immediately upon impoundment notify the owner by telephone or in person of the impoundment of the animal. Dogs not claimed by their owners within five business days shall be humanely disposed of by the Chief of Police or his or her designee or by an agency delegated by him or her to exercise that authority.

(B) An owner reclaiming an impounded animal shall pay a fee established by the county.

(C) Notwithstanding the provisions of this section, if an animal is found at large and its owner can be identified and located, such animal need not be impounded, but may, instead, be taken to the owner; but, provided, however, that, after the third such occurrence, the animal must be impounded.

(Ord. 235, passed 2-1-2006)

§ 90.23 PROPER CARE AND CONTROL OF ANIMALS.

(A) No owner shall fail to exercise proper care and control of his or her animals to prevent them from becoming a public nuisance.

(B) Excessive, continuous or untimely barking, molesting passers-by, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds or trespassing upon private property in such manner as to damage property, shall be deemed a nuisance. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(Ord. 235, passed 2-1-2006) Penalty, see § 90.99

§ 90.24 DEFECATION.

An owner or person having custody of any dog or any other animal shall not permit said dog or any other animal to defecate on any school ground, public street, alley, sidewalk, tree bank, park or any other public grounds or any private property within the village, other than the premises of the owner or person having custody of said dog or other animal, unless said defecation is removed immediately by the owner or person having custody of the dog or other animal to a proper receptacle located on the property of the owner or the person having custody of the dog or other animal.
(Ord. 235, passed 2-1-2006) Penalty, see § 90.99

§ 90.25 PROPER FOOD, WATER, SHELTER AND THE LIKE.

No owner shall fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse any animal, or cause or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans. No owner of an animal shall abandon such animal. No person shall crop a dog's ears, except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health or comfort and in no event shall any person, except a licensed veterinarian, perform such an operation.
(Ord. 235, passed 2-1-2006) Penalty, see § 90.99

§ 90.26 RABIES.

(A) No police officer shall kill, or cause to be killed, any animal unless the police officer is acting to protect the health and safety of a person, except after the animal has been placed in quarantine and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian diagnoses rabies in an animal in quarantine, then the animal shall be humanely killed and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis.

(B) All dogs and outside cats must be vaccinated for rabies and registered with the county's animal control.
(Ord. 235, passed 2-1-2006)

§ 90.27 INSPECTION.

The village reserves the right to inspect and enforce local and state regulations pertaining to the rehabilitation of animal wildlife conducted within its boundaries.

(Ord. 235, passed 2-1-2006)

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person, firm or corporation violating any provision of §§ 90.01 through 90.08 of this chapter shall be fined not less than \$10, nor more than \$500, for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(C) Any person violating any provision of §§ 90.20 through 90.27 of this chapter shall be fined not less than \$100, nor more than \$500.

(Ord. 235, passed 2-1-2006)

CHAPTER 91: HEALTH AND SANITATION; NUISANCES

Section

- 91.01 Brush and other visual obstructions
- 91.02 Grass and weeds
- 91.03 Duty of maintenance of private property; abatement

- 91.99 Penalty

§ 91.01 BRUSH AND OTHER VISUAL OBSTRUCTIONS.

(A) *Trimming of brush and tree limbs.* Every owner or tenant of lands lying within the village adjoining a roadway, whether the lands are within the road right-of-way or not, shall:

(1) Keep all brush, hedges and other plant life growing within ten feet of any roadway, and within 25 feet of the intersection of two roadways, cut to a height of not more than two and one-half feet above the crown of the roadway where it shall be necessary and expedient for the preservation of the public safety; and

(2) Keep all tree limbs within ten feet of any roadway, and within 25 feet of the intersection of two roadways, cut and trimmed to a height of not lower than ten feet from the crown of the roadway so as not to obstruct the safe movement of vehicles or vision of the drivers on and around the roadways and intersections where it shall be necessary and expedient for the preservation of the public safety.

(B) *Other obstructions.*

(1) Every owner or tenant of lands lying within the village adjoining a roadway, whether the lands are within the road right-of-way or not, is prohibited from having any obstruction, such as a fence, wall, sign or pile of soil, higher than two and one-half feet above the crown of the roadway, or any obstruction to vision, such as a motor vehicle, other than a post or tree not exceeding one square foot in cross-sectional area, within ten feet of any roadway or within 25 feet of the intersection of two roadways where it shall be necessary and expedient for the preservation of the public safety.

(2) This section shall not apply to signs, such as traffic signs, installed by the state, county or village.

(Ord. 324, passed 10-7-2009) Penalty, see § 91.99

§ 91.02 GRASS AND WEEDS.*(A) Health hazards.*

(1) Excessive growth of grasses and/or weeds creates a fire hazard during a dry season and at the end of summer, therefore, is a hazard.

(2) Flowering of most weeds, especially weeds like ragweed and goldenrod, which flowering appears from midsummer through late autumn producing wind-borne pollen that is distressing to hay fever sufferers, is a health hazard.

(3) Weeds such as jimson, poison ivy, poison oak, stinging nettle, poison hemlock, sumac and of like kind, due to their poisonous nature, are therefore a health hazard.

(4) Weeds such as thistle, burdock, cocklebur or other weeds of like kind, due to their pricking can cause a skin irritation, are therefore a health hazard.

(B) Limitation of growth. It shall be unlawful for any owner or occupant of any premise to permit the grasses and/or weeds thereon to exceed a maximum height of 12 inches at any time.

(C) Abatement. An annual letter shall be sent to each owner of all village lots outlining the provisions of this section. In addition, it shall be the duty of the office of the Village Department of Health to serve or cause to be served a notice to each owner or occupant of any lot on which said weeds or grass are in violation of this section allowing ten days for abatement of such hazard.

(D) Optional abatement.

(1) *General.* It shall be at the discretion of the Village Department of Health to exercise the following option on grass and weed abatement: if the person so served does not abate the hazard within ten days of notice, the Village Department of Health may proceed to abate such hazard, keeping account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

(2) Lien.

(a) Charges for such grass or weed cutting shall be a lien upon the premises.

(b) Whenever a bill for such charges remains unpaid for 30 days after it has been rendered, the Village Clerk may file with the Records of Deeds of the county a statement of lien claim.

(c) This statement shall contain a description of the premises, the expenses and costs incurred and the date the grasses and/or weeds were cut, and a notice that the village claims a lien for these costs.

(d) Notice of such lien claim shall be mailed to the owner of the premises.

(3) *Foreclosure of lien.*

(a) Property subject to a lien for unpaid grass and/or weed cutting charges may be sold for non-payment of the lien. The proceeds of such sale as is the case in the charges after deducting costs, as is the case in the foreclosure of statutory liens shall be in equity in the name of the village; provided, however, that, failure of the Clerk to record such lien claim or to mail such notice, or the failure of owner to receive such notice, shall not affect the right to foreclose the lien for such charges as herein stated.

(b) The Village Attorney is hereby authorized and directed to institute such proceedings, in the name of the village, in any court having jurisdiction over such matters against any property for which such bill has remained unpaid 60 days after it has been rendered.

(Ord. 035, passed 7-21-1976; Ord. 035/A1, passed 7-26-1988) Penalty, see § 91.99

§ 91.03 DUTY OF MAINTENANCE OF PRIVATE PROPERTY; ABATEMENT.

(A) *Duty of maintenance of private property.* No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon or on any other premises, nor shall any such person keep or maintain such premises in the manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

(B) *Nuisance.* For the purpose of this section, each of the following conditions is hereby declared to constitute a nuisance:

(1) To deposit anywhere in the village any uncovered piles of refuse, garbage, offal or carcasses of dead animals;

(2) To permit any building, structure or place to remain in such a condition as to be dangerous to the public health or safety in any way;

(3) To commit or do any act which endangers the public health or safety or which results in annoyance or discomfort to the public;

(4) To permit the burning of garbage, rubber tires, rubber products, asphalt shingles, asphalt products or other refuse that emits dense smoke or gives off noxious odors;

(5) To maintain or operate any loudspeaker or amplifier connected with any radio, phonograph, microphone, musical instrument or other device by which sounds are magnified and made heard over any public street or public place;

(6) To abandon any refrigerator, freezer or icebox, or other device having an automatic lock or compartment large enough to enclose a human being in any place accessible to children without first removing the doors of such refrigeration, freezer icebox or other device;

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(7) To permit or store any combustible refuse in such a way as to create a fire hazard or to store or throw away any refuse of any kind in an alley, street or public way;

(8) To deposit or leave any refuse or material in such a place or condition that it can be blown by the wind so as to be scattered or cause clouds of dust or particles; and

(9) To allow any branches, limbs, twigs or woody extensions growing from the trunks, stems or boughs of bushes, shrubs, hedges or plants that are near any adjacent lots of different property ownership to overhang said adjacent lots of different ownership at any season of the year: spring, summer, autumn or winter.

(C) *Abatement of nuisance.* The Village Health Inspector, President or Trustee (after identification) may enter at reasonable times upon private property for the purpose of inspecting and investigating an apparent violation of this section. If the apparent violation is found to be true, necessary steps are to be taken to abate the violation.

(Ord. 010, passed 4-1-1975; Ord. 010/A-1, passed 4-20-1976; Ord. 010/A-2, passed 2-24-1977)
Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person or owner of property within the village who causes or allows the violation of any provision of § 91.01 of this chapter shall be fined not less than \$50, nor more than \$750, plus the village's cost of prosecution, including reasonable attorney fees. Each day any provision of § 91.01 of this chapter is violated shall constitute a distinct and separate offense.

(C) If action is not taken within ten days of notice, per § 91.02 of this chapter, the owner of such property will be subject to penalty as prescribed hereby. Any person violating any provision of § 91.02 of this chapter shall be subject to a fine in an amount not less than \$50 and not exceeding \$750 for each day such violation is allowed to continue.

(D) Any person or firm violating § 91.03 of this chapter shall be fined not less than \$50, nor more than \$750, for each offense. A separate offense shall be deemed committed on each day during which a nuisance, as defined above, is permitted to exist.

(Ord. 010, passed 4-1-1975; Ord. 035, passed 7-21-1976; Ord. 035/A1, passed 7-26-1988; Ord. 324, passed 10-7-2009)

CHAPTER 92: ASSEMBLAGES

Section

Open Air Events and Block Parties

- 92.01 Definitions
- 92.02 Permit required
- 92.03 Rules, regulations and guidelines
- 92.04 Failure to obtain a permit
- 92.05 Termination of event
- 92.06 Application form

Public Nuisance Assemblages

- 92.20 Definitions
- 92.21 Acts declared to endanger peace and safety
- 92.22 Violation
- 92.23 Notice to terminate

- 92.99 Penalty

OPEN AIR EVENTS AND BLOCK PARTIES

§ 92.01 DEFINITIONS.

An ***OPEN AIR EVENT*** or ***BLOCK PARTY*** shall be a gathering of 25 or more people, which may or may not utilize the public right-of-way during the gathering; provided, however, an ***OPEN AIR EVENT*** or ***BLOCK PARTY*** shall not include a family gathering which could include, but not be limited to, events such as birthdays, anniversaries, holidays, graduations and the like and which such family gatherings do not utilize the roads or road rights-of-way and are held entirely on an owner's property. (Ord. 343, passed 2-16-2011)

§ 92.02 PERMIT REQUIRED.

Any group hosting an open air event or block party must obtain a permit for such event from the village. Applications for open air events or block parties may be obtained from the Village Clerk. An application form is set out in § 92.06 of this chapter; which application form may be changed from time to time by the village. All open air event and block party applications must be submitted at least five working days before the event.

(Ord. 343, passed 2-16-2011) Penalty, see § 92.99

§ 92.03 RULES, REGULATIONS AND GUIDELINES.

(A) The group hosting the event must ensure that it receives prior permission to host its event from the person(s) and/or organization of authority of the location (private owner, subdivision association or Village Police Department).

(B) If a loudspeaker is required, an amplification permit is required: \$5 for a daily permit (residential areas only); and \$25 for a monthly permit (business/commercial areas only). All fees may be waived by the village.

(C) The times allowed for loudspeaker/amplification use for both residential and business/commercial areas shall be Sunday through Saturday: 10:00 a.m. to 10:00 p.m.

(D) All block parties are to be designed to ensure that access can be available for any emergency vehicle and resident wishing to use the public right-of-way.

(E) No open air event or block party shall extend beyond 11:00 p.m. upon any portion of the public right-of-way.

(F) No alcohol shall be sold at any open air gathering or block party.

(G) No person(s) attending any open air or block party event shall make any loud noise or disturbance which shall create a nuisance for persons not attending the open air/block party event.

(H) No tents, poles, inflatable balloons or other types of fixtures/structures shall be placed into the pavement or situated across the right-of-way.

(I) The person(s)/group(s) sponsoring the event shall be responsible for the removal of all litter, refuse or property deposited in the public right-of-way resulting from the event.

(J) The portion of the public right-of-way to be used by the event shall be designated by an appropriate number of barricades, to be provided by the village.

(Ord. 343, passed 2-16-2011) Penalty, see § 92.99

§ 92.04 FAILURE TO OBTAIN A PERMIT.

Failure to obtain a permit for an open air event or block party will result in immediate termination of the event by the Village Police Department. Failure to disburse by any participant at such event, after notice by the Police Department to disburse, may result in a fine for violations of this subchapter. (Ord. 343, passed 2-16-2011)

§ 92.05 TERMINATION OF EVENT.

In addition to termination of the open air event or block party for failure to obtain a permit, the Village Police Department shall have the right to terminate the event due to complaints for excessive noise, disturbance, nuisance, violating of village ordinances or state statutes or due to any other public safety concerns. (Ord. 343, passed 2-16-2011)

§ 92.06 APPLICATION FORM.

Open Air Gathering/Block Party Application

Name: (Event Contact Person): _____
 Address: _____
 Daytime Phone #: _____ Night Phone #: _____
 Date of Event: _____ Time of Event START: _____ End: _____
 Area requested to be used/closed off:
 Address: _____
 Lot Location: _____
 Park or Beach: _____
 Street: _____ between Street: _____
 (List any and all streets and intersections to be involved in detail)
 Is amplified music/speaker requested: _____ Yes _____ No
 Are barricades required to block off streets? : _____ Yes _____ No

SIGN-OFF/PERMISSION to host event must be completed from person(s) or organization of authority over the land **(MUST BE COMPLETED SEVEN DAYS PRIOR TO THE EVENT).**

Private Property

Owner's Name (printed): _____
 Owner's Signature: _____
 Address: _____
 Contact Phone #: _____

Subdivision Association

Association's Name (printed): _____
 Association President (Authorized designee): _____
 Address: _____
 Contact Phone #: _____

Village of Wonder Lake Right of Way Lake (streets, roads, access lanes, easements)

Police Chief (Authorized Designee): _____
 Contact Phone #: _____

NOTE: THE VILLAGE OF WONDER LAKE POLICE DEPARTMENT AND/OR WONDER LAKE FIRE PROTECTION DISTRICT RESERVE THE AUTHORITY TO TERMINATE THE EVENT IF COMPLAINTS ARE RECEIVED, VILLAGE ORDINANCES VIOLATED OR IF PUBLIC SAFETY OR PEACE IS COMPROMISED.

PUBLIC NUISANCE ASSEMBLAGES**§ 92.20 DEFINITIONS.**

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

MINOR. A person who is above the age of 11 years, but not yet 21 years of age.

OWNER. A person either holding title to, leasing, residing in or in any way having a possessory interest in real property within the village.

(Ord. 94-080, passed 12-7-1994)

§ 92.21 ACTS DECLARED TO ENDANGER PEACE AND SAFETY.

Acts which are hereby declared to endanger the peace and safety of the residents of the village shall include, but are not limited to, the following:

(A) Possession and consumption of alcoholic beverages by minors, intoxicated persons and others prohibited by village ordinance and/or state statute from possession or consumption of alcoholic beverages;

(B) Use or clear evidence of use of cannabis or other controlled substances prohibited by village ordinance and/or state statute;

(C) Illegal use of fireworks;

(D) Excessive noise including, but not limited to, loud music, loud raucous yelling, shouting and obscene or abusive language; and

(E) Such circumstances and conditions which, taken as a whole, constitute a condition of encouraging and contributing to the delinquency of minors.

(Ord. 94-080, passed 12-7-1994)

§ 92.22 VIOLATION.

The owner of real property on which any of the aforementioned prohibited activities take place shall be presumed, in the absence of evidence to the contrary, to have violated this subchapter by failing to exercise proper responsibility for those committing any of those acts set forth in § 92.21 of this chapter

and said minors or other persons shall be deemed to have committed the said acts with the knowledge and permission of the owner in violation of this subchapter.
(Ord. 94-080, passed 12-7-1994) Penalty, see § 92.99

§ 92.23 NOTICE TO TERMINATE.

Upon being given notice by any member of the Police Department of the existence of any of the activities set forth in § 92.21 of this chapter, such owner shall immediately act to terminate the assemblage. Failure to do so shall constitute a further violation of this subchapter.
(Ord. 94-080, passed 12-7-1994) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person, corporation, firm, franchise or other entity found to violate §§ 92.01 through 92.06 of this chapter shall be fined \$50 for the first violation and a minimum of \$100 and a maximum of \$500 for the second or any subsequent violations.

(C) Whoever violates any provision of §§ 92.20 through 92.23 of this chapter shall be fined not less than \$5, nor more than \$500. Each day that any person, firm or corporation is in violation of the provisions of §§ 92.20 through 92.23 of this chapter shall be deemed a separate and distinct offense.
(Ord. 94-080, passed 12-7-1994; Ord. 343, passed 2-16-2011)



CHAPTER 93: FIRE PROTECTION; FIREWORKS

Section

False Alarms

- 93.01 Definitions
- 93.02 Installation, operation and maintenance standards
- 93.03 Liability of village limited
- 93.04 Fees for false alarms; charges

Fireworks

- 93.15 Permitted displays
- 93.16 Permit; compliance
- 93.17 Abrogation and greater restrictions; violation

- 93.99 Penalty

FALSE ALARMS

§ 93.01 DEFINITIONS.

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

ALARM SYSTEM. Any alarm device or system, or their combination, which is designed and installed for detecting, controlling or extinguishing a fire or otherwise alerting occupants, the village or both that an emergency has occurred.

ALARM USER. The person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is maintained.

FALSE ALARM. An alarm signal which indicates the existence of an emergency situation when, in fact, no such emergency exists.

(Ord. 267, passed 6-6-2007)

§ 93.02 INSTALLATION, OPERATION AND MAINTENANCE STANDARDS.

The installation, operation, maintenance and inspection of any alarm equipment shall be pursuant to state statute and/or local ordinance.

(Ord. 267, passed 6-6-2007)

§ 93.03 LIABILITY OF VILLAGE LIMITED.

The village assumes no liability for:

(A) Any defects in the operation of an alarm system;

(B) Failure or neglect to respond appropriately upon receipt of an alarm;

(C) Failure or neglect of any person in connection with the installation, operation or maintenance of any alarm system; and/or

(D) The transmission of alarm signals, prerecorded alarm messages or the relaying of such signals and messages.

(Ord. 267, passed 6-6-2007)

§ 93.04 FEES FOR FALSE ALARMS; CHARGES.

(A) The village shall charge all residents the following fees for false alarms in any 12-month period between January 1 and December 31:

1st false alarm	Verbal warning
2nd false alarm	Written warning
3rd false alarm	\$25
4th false alarm	\$50
5th false alarm	\$100
6th false alarm	Notice to appear in court and up to \$500

(B) All false alarm service charges shall be remitted to the village by the alarm user upon receipt of the statement for such service charge.
(Ord. 267, passed 6-6-2007)

FIREWORKS

§ 93.15 PERMITTED DISPLAYS.

Pyrotechnic displays and consumer firework displays shall be permitted in the village, subject to the provisions of this subchapter.
(Ord. 251, passed 6-21-2006)

§ 93.16 PERMIT; COMPLIANCE.

All pyrotechnic displays and consumer firework displays performed in the village shall be performed in compliance with the rules and regulations adopted by the Office of the State Fire Marshal and in accordance with the Pyrotechnic Distributor and Operator Licensing Act, being 225 ILCS 227, and the Pyrotechnic Use Act, being 425 ILCS 35 including, but not limited to, the acquisition of a permit as required under one or both of said statutes. In addition to any other penalty that may be applicable, any person, firm, copartnership or corporation who violates any permit issued to conduct a pyrotechnic display or consumer firework display shall not be entitled to apply for a permit to conduct a pyrotechnic display or consumer firework display during the remainder of the year in which the violation occurred and during the ensuing calendar year.
(Ord. 251, passed 6-21-2006) Penalty, see § 93.99

§ 93.17 ABROGATION AND GREATER RESTRICTIONS; VIOLATION.

To the extent that the Village Fire Protection District adopts rules and regulations regarding pyrotechnic displays or consumer firework displays that are more stringent than the rules and regulations set forth in the statutes referenced in § 93.16 of this chapter, the rules and regulations of the Village Fire Protection District, as incorporated by reference herein, shall prevail unless otherwise indicated by the village.
(Ord. 251, passed 6-21-2006)

§ 93.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this chapter.

(B) Any person who violates any of the provisions of §§ 93.01 through 93.04 of this chapter shall be subject to a fine of not less than \$50 and not more than \$750 for each such violation. Such a fine shall be in addition to any other fee or charge authorized pursuant to the terms of §§ 93.01 through 93.04 of this chapter.

(Ord. 267, passed 6-6-2007)

CHAPTER 94: PARKS AND RECREATION

Section

- 94.01 Protection of park property
- 94.02 Hours of operation
- 94.03 Group activities
- 94.04 Use of park areas
- 94.05 Advertising and signs
- 94.06 Enforcement
- 94.07 Swimming prohibited
- 94.08 Trees and vegetation

- 94.99 Penalty

§ 94.01 PROTECTION OF PARK PROPERTY.

(A) *Damaging.* No person in a park in the village shall willfully mark, deface, disfigure, injure, tamper with or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(B) *Restrooms and washrooms.* No person in a park shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five years shall use the restrooms and washrooms designated for the opposite sex.

(C) *Sanitation.* No person in a park shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(D) *Refuse.* No person shall bring in, have brought in to a park, or dump, deposit or leave in a park any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left

anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

(Ord. 062, passed 1-25-1983) Penalty, see § 94.99

§ 94.02 HOURS OF OPERATION.

(A) The village park shall be open daily to the public during the hours of 6:00 a.m. to 10:00 p.m. of any day; and it shall be unlawful for any person other than village personnel conducting village business therein to occupy or be present in the park during any hours in which the park is not open to the public, except as amended by the Committee for Parks and Beaches upon issuing an application as prescribed in division (B) below.

(B) Any section, or part of the park, may be declared closed to the public by the President of the Board of Trustees at any time and for any interval of time, either temporarily or at regular or stated intervals.

(Ord. 062, passed 1-25-1983) Penalty, see § 94.99

§ 94.03 GROUP ACTIVITIES.

(A) Whenever any group, association or organization desires to use the park facilities for a particular purpose, such as picnics, camp outs, parties or theatrical or entertainment performances, a representative of the group, association or organization shall first obtain a permit from the Village Clerk for such purpose. The Board of Trustees may adopt an application form to be used by the Village Clerk for such situation.

(B) The Village Clerk shall grant the application if it appears that the group, association or organization will not interfere with the general use of the park by the individual members of the public and if the group, association or organization meets all other conditions contained in the application. The application may contain a requirement for an indemnity bond to protect the village from any liability of any kind or character and to protect village property from damage.

(Ord. 062, passed 1-25-1983) Penalty, see § 94.99

§ 94.04 USE OF PARK AREAS.

(A) *Regulated.* No person in a park shall picnic, lunch or camp in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(B) *Non-exclusive use.* No person shall use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

(C) *Duties of picnickers.*

(1) No person shall build a fire in any place other than a fireplace or a grill as affixed to the property by the village or in a portable grill constructed of a suitable fire-proof substance, or other area designated by the village. No person shall leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided.

(2) If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(D) *Motorized vehicles.* No person shall drive or park any motorized vehicle in any park in the village unless special permission for such activity is granted in advance by the President and Board of Trustees.

(Ord. 062, passed 1-25-1983) Penalty, see § 94.99

§ 94.05 ADVERTISING AND SIGNS.

(A) *Advertising.* No person in a park shall announce, advertise or call the public attention in any way to any article or service for sale or hire.

(B) *Signs.* No person shall paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park, except as approved by the Board of Trustees.

(Ord. 062, passed 1-25-1983) Penalty, see § 94.99

§ 94.06 ENFORCEMENT.

The Village Police Department shall enforce the provisions of this chapter.

(Ord. 062, passed 1-25-1983)

§ 94.07 SWIMMING PROHIBITED.

No person shall swim or wade in any stream, creek, lake or pond located in the village park.

(Ord. 062, passed 1-25-1983) Penalty, see § 94.99

§ 94.08 TREES AND VEGETATION.

No person shall disturb the trees and vegetation located in the village park unless authorized to do so by the President and Board of Trustees of the village and then only under the supervision of the Committee for Parks and Beaches.

(Ord. 062, passed 1-25-1983) Penalty, see § 94.99

§ 94.99 PENALTY.

Any person who is found to have violated this chapter shall be fined not less than \$25, nor more than \$500, for each offense.

(Ord. 062, passed 1-25-1983)

CHAPTER 95: ABANDONED, UNCLAIMED VEHICLES; IMPOUNDMENT

Section

Impoundment of Vehicles

- 95.01 Recitals
- 95.02 Definitions
- 95.03 Seizure and impoundment
- 95.04 Posting a bond
- 95.05 Preliminary hearing
- 95.06 Plea hearing evidentiary hearing
- 95.07 Disposition of impounded motor vehicles
- 95.08 Applicability of other laws
- 95.09 Abrogation and greater restriction; applicability
- 95.10 Administrative review

Abandoned, Wrecked Motor Vehicles

- 95.25 Short title
- 95.26 Definitions
- 95.27 Storing, parking or leaving dismantled or other such motor vehicles; prohibition; nuisance; exceptions
- 95.28 Notice to remove
- 95.29 Responsibility for removal
- 95.30 Notice; procedure; content
- 95.31 Hearings; request; procedure
- 95.32 Removal of vehicle from property
- 95.33 Notice of removal
- 95.34 Disposition of vehicles
- 95.35 Public sale; notice contents; selling
- 95.36 Redemption of impounded vehicles
- 95.37 Liability of owner or occupant

- 95.99 Penalty

Cross-reference:

Health and Sanitation; Nuisances, see Ch. 91
Streets and Sidewalks, see Ch. 154
Traffic Code, see Title VII

IMPOUNDMENT OF VEHICLES**§ 95.01 RECITALS.**

The recitals contained in the ordinance codified herein are incorporated herein by reference as though fully set forth herein.
(Ord. 389, passed 7-3-2013)

§ 95.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number. The words “shall” and “will” are mandatory and may be permissive. Words not defined shall be given their common and ordinary meaning.

HEARING OFFICER. A licensed attorney who is not an officer or employee of the village, designated by the Village President, with the advice and consent of the Village Board of Trustees.

OWNER OF RECORD. The record titleholder to a motor vehicle as registered with the state’s Secretary of State or any other applicable governmental agency.

PUBLIC NUISANCE DECLARED. A motor vehicle operated with the permission, express or implied, of the owner of record shall be declared a ***PUBLIC NUISANCE*** and shall be subject to seizure and impoundment under this section where such motor vehicle is used in the commission of any of the violations set forth in this section or when the commission of any of the violations set forth in this section makes impoundment of the motor vehicle reasonably necessary as a community care-taking function so that the motor vehicle does not jeopardize public safety and the efficient movement of vehicular traffic. It shall not be necessary for criminal charges to be filed, prosecuted and/or proven in order to demonstrate that one or more of the following violations has/have been committed:

(1) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to § 36-1 of the Criminal Code of 1961, being 720 ILCS 5/36-1;

(2) Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds or any combination thereof in violation of 625 ILCS 5/11-501 of the Motor Vehicle Code;

(3) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act, being 720 ILCS 550;

(4) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the state's Controlled Substances Act, 720 ILCS 570;

(5) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of §§ 24-1 (Unlawful Use of Weapon), 24-1.5 (Reckless Discharge of a Firearm) or 24-3.1 (Unlawful Possession of a Weapon) of the Criminal Code of 1961, being 720 ILCS 5/24-1, 5/24-1.5, 5/24-3.1;

(6) Driving while a driver's license, permit or privilege to operate a motor vehicle is suspended or revoked pursuant to § 6-303 of the Motor Vehicle Code. being 625 ILCS 5/6-303; except that, vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing;

(7) Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance as defined by the Cannabis Control Act or the state's Controlled Substances Act;

(8) Operation or use of a motor vehicle with an expired driver's license in violation of § 6-101 of the Motor Vehicle Code, being 625 ILCS 5/6-101 if the period of expiration is greater than one year;

(9) Operation or use of a motor vehicle without ever having been issued a driver's license or permit in violation of § 6-101 of the Motor Vehicle Code or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age;

(10) Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated §§ 6-101 (No Valid DL), 6-303 (Suspended or Revoke DL) or 11-501 of the Motor Vehicle Code;

(11) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Art. 16 or 16A of the Criminal Code of 1961; and/or

(12) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code of 1961 when so provided by local ordinance.

(Ord. 389, passed 7-3-2013)

§ 95.03 SEIZURE AND IMPOUNDMENT.

(A) Whenever a police officer has probable cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall cause the motor vehicle to be removed or towed to a facility authorized by the village. When the motor vehicle is removed or towed, the police officer shall notify any person identifying himself or herself as the owner of record of the motor vehicle or any person who is found to be in control of the motor vehicle at the time of the alleged violation(s),

if there is such a person, of the fact of the seizure and of the motor vehicle owner of record's right to request a preliminary hearing as provided in this section. Said motor vehicle shall be impounded pending the completion of the hearings provided for in this subchapter, unless the owner of record of the motor vehicle posts with the village a cash bond as set forth in § 95.04 of this chapter.

(B) A police officer who has probable cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to this subchapter shall first ascertain whether the seizure and impoundment is necessary and reasonable under the circumstances. If, in the judgment of the police officer then present, a person authorized by the owner of record or the operator of the motor vehicle is present and capable to provide for the lawful immediate removal of the motor vehicle, and said motor vehicle is not required to be held as evidence in regard to the violation, the police officer shall allow that individual to promptly remove the motor vehicle without it being subject to seizure and impoundment if seizure and impoundment of the motor vehicle is discretionary pursuant hereto or seizure and impoundment of the motor vehicle is contemplated pursuant hereto.

(Ord. 389, passed 7-3-2013)

§ 95.04 POSTING A BOND.

If a bond in the amount of \$500 is posted with the village, the impounded motor vehicle shall be released to the owner of record upon the payment by the owner of record of the towing and storage costs to the applicable towing company. If an administrative fee is imposed pursuant to § 95.06 of this chapter, the bond shall be applied to said fee; provided, in the event that a violation of this subchapter is not proven, the bond shall be returned to the person posting the bond. All bond money posted pursuant to this subchapter shall be held by the village until a hearing officer issues a decision or, if there is judicial review pursuant to § 95.10 of this chapter, until a reviewing court issues a final decision.

(Ord. 389, passed 7-3-2013)

§ 95.05 PRELIMINARY HEARING.

(A) Where the owner of record of a motor vehicle seized under the provisions of this subchapter makes a request, in writing and filed with the Police Chief or designee, for a preliminary hearing within 24 hours after the seizure of the motor vehicle, the Police Chief or designee must conduct a preliminary hearing within 24 hours after the request for a preliminary hearing is received by the village; provided that, if the date for the preliminary hearing falls on a Saturday, Sunday or legal holiday, the preliminary hearing will be held on the next business day following the Saturday, Sunday or legal holiday.

(B) For purposes of this section, the following shall apply.

(1) All interested persons shall be given a reasonable opportunity to be heard at the preliminary hearing.

(2) The formal rules of evidence shall not apply at the preliminary hearing, and hearsay testimony shall be allowed if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(3) If, after the conclusion of the preliminary hearing, the Police Chief or designee determines that there is probable cause to believe that the motor vehicle was used as provided in § 95.02 of this chapter, the Police Chief or designee shall order the continued impoundment of the motor vehicle, unless the owner of record of the motor vehicle posts a cash bond with the village in the amount of \$500 and pays the towing and storage costs to the applicable tow company as set forth in § 95.04 of this chapter.

(4) If the Police Chief or designee determines that there is not probable cause to believe that the motor vehicle was used as provided in § 95.03 of this chapter, the motor vehicle shall be returned to the owner of record of the motor vehicle without any fees or other costs, but the owner of record shall be responsible to pay any towing or storage charges to the applicable tow company.

(Ord. 389, passed 7-3-2013)

§ 95.06 PLEA HEARING EVIDENTIARY HEARING.

(A) Within ten days after a motor vehicle is impounded pursuant to this section, the village shall notify the owner of record of the date, time and location of a plea hearing that shall be conducted pursuant to this section. Such notice shall be mailed by certified mail, return receipt requested, to the owner of record, as shown on the records of the state's Secretary of State. Notice by certified mail need not be given when the owner of record of the motor vehicle has been personally served with notice, in written form, of the time, date and location of the plea hearing. The plea hearing shall be conducted by a hearing officer designated by the Village President, with the advice and consent of the Village Board of Trustees. The owner of record shall appear at a plea hearing and enter a plea of guilty or not guilty. If a plea of guilty is entered, or if the owner of record fails to appear, the cause shall be disposed of at that time with an order/default order in favor of the village, which order/default order shall require the payment to the village of the \$500 administrative fee and towing and storage costs to the applicable tow company and the continued impoundment of the motor vehicle until the owner of record pays to the village the \$500 administrative fee and towing and storage costs to the applicable towing company. If the owner of record pleads not guilty, an evidentiary hearing shall be scheduled and held no later than 45 days after the motor vehicle was impounded, unless continued by the hearing officer. All interested persons shall be given a reasonable opportunity to be heard at the evidentiary hearing. At any time prior to the evidentiary hearing date, the hearing officer may, at the request of either the village or the owner of record, direct witnesses to appear and give testimony at the evidentiary hearing. The formal rules of evidence shall not apply at the evidentiary hearing, and hearsay evidence shall be admissible if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(B) If, after the evidentiary hearing, the hearing officer determines by a preponderance of the evidence that the motor vehicle was used in connection with a violation set forth in § 95.02 of this chapter, the hearing officer shall enter an order finding the owner of record of the motor vehicle civilly

liable to the village for an administrative fee in the amount of \$500 and require the motor vehicle to continue to be impounded until the owner of record pays the administrative fee to the village, plus applicable towing and storage costs to the applicable tow company. If a cash bond has been posted pursuant to § 95.04 of this chapter, the bond shall be applied to the administrative fee. If the owner of record fails to appear at the evidentiary hearing, the hearing officer shall enter a default order in favor of the village, which order shall require the payment to the village of the \$500 administrative fee and towing and storage costs to the applicable tow company, and the continued impoundment of the motor vehicle until the owner of record pays to the village the \$500 administrative fee and towing and storage costs to the applicable towing company. The \$500 administrative fee shall be a debt due to the village, and the village may seek to obtain a judgment on the debt and enforce such judgment as provided by law. If the hearing officer finds no such violation occurred, the hearing officer shall order the immediate return of the owner of record's motor vehicle without any fee or other costs; or, if a cash bond had previously been posted, the cash bond shall be returned.

(C) At the evidentiary hearing, the violation citation shall be prima facie evidence that the violation was committed as provided in the citation, and the burden of proof shall be upon the owner of record to prove that the violation was not committed.

(Ord. 389, passed 7-3-2013)

§ 95.07 DISPOSITION OF IMPOUNDED MOTOR VEHICLES.

(A) If the administrative fee and other applicable fees are not paid within 30 days after an administrative fee is imposed against an owner of record who defaults by failing to appear at the hearings provided in § 95.06 of this chapter, or who admits guilt at the plea hearing, the motor vehicle shall be deemed unclaimed and shall be disposed of in the manner provide by law for the disposition of unclaimed motor vehicles pursuant to 625 ILCS 5/1-100 et seq., as amended. In all other cases, if the administrative fee and applicable towing and storage costs to the applicable tow company are not paid within 30 days after the expiration of time by which administrative review of the hearing officer's determination may be sought pursuant to § 95.06 of this chapter, or within 30 days after an action seeking administrative review has been resolved in favor of the village, whichever is applicable, the motor vehicle shall be deemed unclaimed and shall be disposed of in the manner provide by law for the disposition of unclaimed motor vehicles pursuant to 625 ILCS 5/1-100 et seq., as amended.

(B) Except as otherwise specifically provided by law, no owner of record, lienholder or other person shall be legally entitled to take possession of a motor vehicle impounded under this subchapter until the administrative fee and towing and storage costs to the applicable tow company imposed pursuant to this subchapter have been paid. However, whenever a person with a lien of record against an impounded motor vehicle has commenced foreclosure proceedings, possession of the motor vehicle shall be given to that person if he or she agrees in writing to refund to the village the amount of the net proceeds of any foreclosure sale, less any amounts required to pay all lienholders of record, not to exceed the administrative fee, plus the applicable towing and storage costs.

(C) Costs for towing and storage of a motor vehicle pursuant to this subchapter shall be those approved by the Police Chief for all tow companies authorized to tow for the Police Department.
(Ord. 389, passed 7-3-2013)

§ 95.08 APPLICABILITY OF OTHER LAWS.

(A) This subchapter is in addition to and shall not replace or otherwise abrogate any existing state or federal laws or any ordinance that relates to the seizure or impoundment of motor vehicles, and any fee provided for in this subchapter shall be in addition to any and all penalties that may be assessed or imposed by a court for any criminal charges. This subchapter shall not apply:

(1) If the motor vehicle used in the violation was stolen at the time of the violation and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered;

(2) If the motor vehicle is operated as a common carrier as defined by applicable law and the violation occurs without the knowledge of the person in control of the motor vehicle; or

(3) If the motor vehicle is subject to successful forfeiture proceedings under 725 ILCS 150/1 et seq., as amended (Drug Asset Forfeiture Procedure Act), 720 ILCS 5/36-1 et seq., as amended (Seizure and Forfeiture of Vessels, Vehicles and Aircraft), or other state or federal forfeiture laws.

(B) All fees collected by the village pursuant to this subchapter shall only be deposited and used for village traffic safety and enforcement expenditures.
(Ord. 389, passed 7-3-2013)

§ 95.09 ABROGATION AND GREATER RESTRICTION; APPLICABILITY.

(A) This subchapter shall not replace or otherwise abrogate any existing state or federal laws or village ordinance pertaining to vehicle seizure and impoundment, and these penalties shall be in addition to any penalties that may be assessed by a court for any criminal charges. This subchapter shall not apply if the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered.

(B) Fees for towing and storage of a vehicle under this subchapter shall be those approved by the Police Chief for all tow companies authorized to tow for the Police Department.
(Ord. 389, passed 7-3-2013)

§ 95.10 ADMINISTRATIVE REVIEW.

(A) Any owner of record, lienholder or other person with a legal interest in the motor vehicle shall have the right to appeal the decision of the hearing officer to the Circuit Court for the 22nd Judicial

Circuit, McHenry County, Illinois, pursuant to the Administrative Review Act, 735 ILCS 5/3-101 et seq., as amended. Any respondent seeking review of a final decision shall be required to reimburse the village for the costs of preparing and certifying the record of proceedings. Failure of the respondent to reimburse the village shall be grounds for the dismissal of a complaint for administrative review pursuant to 735 ILCS 5/3-109. In the event the reviewing court reverses the findings, decision and order of the Administrative Law Judge, the village will reimburse the respondent for the costs for preparing and certifying the record of proceedings.

(B) A finding of “not guilty” following a trial in the 22nd Judicial Circuit Court for the underlying violation wherein the motor vehicle as impounded shall entitle the owner of record to a full and complete refund of any administrative fee imposed under this subchapter. However, the owner of record must request the refund in writing and shall include in the request a certified disposition of “not guilty” following a trial from the Circuit Clerk. An order of dismissal or a negotiated disposition on the underlying charge(s) shall not result in a refund of the administrative fee.
(Ord. 389, passed 7-3-2013)

ABANDONED, WRECKED MOTOR VEHICLES

§ 95.25 SHORT TITLE.

This chapter shall be known and may be cited as the “Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicle Ordinance”.

§ 95.26 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The word “shall” is always mandatory and not merely directory.

JUNKED MOTOR VEHICLE. Any motor vehicle, as defined hereby, which does not have lawfully affixed thereto both an unexpired license plate or plates and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

MOTOR VEHICLE. Any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, campers and trailers.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PROPERTY. Any real property within the city which is privately owned and which is not public property as defined in this section.

PUBLIC PROPERTY. Any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

VILLAGE. The Village of Wonder Lake.

§ 95.27 STORING, PARKING OR LEAVING DISMANTLED OR OTHER SUCH MOTOR VEHICLES; PROHIBITION; NUISANCE; EXCEPTIONS.

No person shall park, store, leave or permit the parking, storing or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition whether attended or not, upon any public or private property within the city for a period of time in excess of 72 hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this section. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes.

Penalty, see § 95.99

§ 95.28 NOTICE TO REMOVE.

Whenever it comes to the attention of the Chief of Police that any nuisance, as defined in § 95.27 of this chapter, exists in the city, a notice in writing shall be served upon the occupant of the land where the nuisance exists; or, in case there is no such occupant, then upon the owner of the property or his or her agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter.

§ 95.29 RESPONSIBILITY FOR REMOVAL.

Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the city, the owner or occupant of the private property where same is located shall be liable for the expenses incurred.

§ 95.30 NOTICE; PROCEDURE; CONTENT.

(A) The Chief of Police of the city shall give notice of removal to the owner or occupant of the private property where it is located, at least ten days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his or her last known address.

(B) The notice shall contain the request for removal within the time specified in this section, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

§ 95.31 HEARINGS; REQUEST; PROCEDURE.

(A) The persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the City Council within the ten-day period of compliance prescribed herein for the purpose of defending the charges by the city.

(B) The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least three days in advance thereof. At any such hearing, the city and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

§ 95.32 REMOVAL OF VEHICLE FROM PROPERTY.

If the violation described in the notice has not been remedied within the ten-day period of compliance or, in the event that a notice requesting a hearing is timely filed, a hearing is had and the existence of the violation is affirmed by the Council of the city or its designee, the Chief of Police or his or her designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

Penalty, see § 95.99

§ 95.33 NOTICE OF REMOVAL.

Within 48 hours of the removal of such vehicle, the Chief of Police shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles, has been impounded and stored for violation of

this chapter. The notice shall give location of where the vehicle or vehicles is or are stored, and the costs incurred by the city for removal.

§ 95.34 DISPOSITION OF VEHICLES.

Upon removing a vehicle under the provisions of § 95.32 of this chapter, the city shall, after ten days, cause it to be appraised. If the vehicle is appraised at \$75 or less, the Chief of Police shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any and stating the location and appraised value of the vehicle. The Chief of Police, after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over \$75, the Chief of Police shall give notice of public sale not less than 30 days before the date of the proposed sale.

§ 95.35 PUBLIC SALE; NOTICE CONTENTS; SELLING.

(A) The notice of sale shall state:

- (1) The sale is of abandoned property in the possession of the city;
- (2) A description of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle;
- (3) The terms of the sale; and
- (4) The date, time and place of the sale.

(B) The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the Chief of Police shall execute a certificate of sale in duplicate, the original of which to be given to the purchaser and the copy thereof to be filed with the Clerk of the city. Should the sale for any reason be invalid, the city's liability shall be limited to the return of the purchase price.

§ 95.36 REDEMPTION OF IMPOUNDED VEHICLES.

The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal, but prior to the sale or destruction thereof upon proof of ownership and payment to the City Clerk of such sum as the Chief of Police may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, not to exceed \$50, plus \$10 per day for storage for each vehicle redeemed.

§ 95.37 LIABILITY OF OWNER OR OCCUPANT.

Upon the failure of the owner or occupant of property on which abandoned vehicles have been removed by the city to pay the unrecovered expenses incurred by the city in such removal, a lien shall be placed upon the property for the amount of such expenses.

§ 95.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating any provision of this §§ 95.25 through 95.37 of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not less than \$50 and not exceeding \$750. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such.

(Ord. 006, passed 4-1-1975)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. BUSINESS LICENSING AND REGULATIONS

Wonder Lake - Business Regulations

CHAPTER 110: BUSINESS LICENSING AND REGULATIONS

Section

- 110.01 Tobacco
- 110.02 Scavengers
- 110.03 Building contractors
- 110.04 Alcoholic beverages
- 110.05 Garage, rummage and moving sales
- 110.06 Solicitors

- 110.99 Penalty

§ 110.01 TOBACCO.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BIDI CIGARETTE. A product that contains tobacco that is wrapped in temburni or tendu leaf or that is wrapped in any other material identified by rules of the State Department of Public Health that is similar in appearance or characteristics to the temburni or tendu leaf.

SMOKELESS TOBACCO. Any finely cut, ground, powdered or leaf tobacco that is intended to be placed in the oral cavity; any tobacco product that is suitable for dipping or chewing.

SMOKING HERBS. All substances of plant origin and their derivatives including, but not limited to, broom, calea, California poppy, damiana, hops, ginseng, lobelia, jimson weed and other members of the Datura genus, passion flower and wild lettuce, which are processed or sold primarily for use as smoking materials.

TOBACCO ACCESSORIES. Cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines and other items, designed primarily for the smoking or ingestion of tobacco products or of substances made illegal under any statute or of substances whose sale, gift, barter or exchange is unlawful.

TOBACCO PRODUCTS. Cigars, cigarettes, smokeless tobacco or tobacco.

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(B) *Possession and use of tobacco prohibited.* No person under 18 years of age shall possess, buy or use any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms to any person under 18 years of age. Tobacco products may be sold through a vending machine only in the following locations:

- (1) Factories, businesses, offices, private clubs and other places not open to the general public;
- (2) Places to which persons under 18 years of age are not permitted access;
- (3) Places where alcoholic beverages are sold and consumed on the premises;

(4) Places where the vending machine is under the direct supervision (which means that the owner or employee has an unimpeded line of sight to the vending machine) of the owner of the establishment or an employee over 18 years of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person; or

(5) Places where the vending machine can only be operated by the owner or an employee over age 18 either directly or through a remote control device if the device is inaccessible to all customers.

(C) *Smokeless tobacco.*

(1) *Sales to minors prohibited.* No person shall sell any smokeless tobacco to any person under the age of 18.

(2) *Distribution to minors prohibited.* No person shall distribute or cause to be distributed to any person under the age of 18, without charge or at a nominal cost, any smokeless tobacco product.

(D) *Tobacco accessories and smoking herbs.*

(1) *Sale to minors prohibited.* No person shall knowingly, sell, barter, exchange, deliver or give away or cause or permit or procure to be sold, bartered, exchanged, delivered or given away tobacco accessories or smoking herbs to any person under 18 years of age.

(2) *Sale of bidi cigarettes.* No person shall knowingly sell, barter, exchange, deliver or give away a bidi cigarette to another person, nor shall a person cause or permit or procure a bidi cigarette to be sold, bartered, exchanged, delivered or given away to another person.

(3) *Sale of cigarette paper.* No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit or procure cigarette paper to be sold, offered, bartered, exchanged, delivered or given away, except from premises or an establishment where other tobacco products are sold.

(4) *Sale of cigarette paper from vending machines.* No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit or produce cigarette paper to be sold, offered, bartered, exchanged, delivered or given away by use of a vending or coin-operated machine or device. For purposes of this section, "cigarette paper" shall not include any paper that is incorporated into a product to which a tax stamp must be affixed under the Cigarette Tax Act (35 ILCS 130/1 et seq.) or the Cigarette Use Tax Act (35 ILCS 135/1 et seq.). (Ord. 250, passed 6-21-2006) Penalty, see § 110.99

§ 110.02 SCAVENGERS.

(A) *Scavenger defined.* For purposes of this section, the word **SCAVENGER** means any person or firm engaged in the business of collecting, hauling and disposing of residential, commercial, industrial and miscellaneous garbage, ashes, refuse and waste materials of all kinds. This section shall not apply to persons or firms who are exclusively engaged in collecting, hauling and disposing of brush, tree clippings, tree limbs, building debris or junk.

(B) *Licenses.*

(1) *License required.* No person or firm shall engage in the business of scavenger in the village without first having obtained a scavenger license from the village.

(2) *Number of licenses.* Only one exclusive scavenger license shall be issued for one- and two-family residence scavenger service in the village. Scavenger licenses for all other scavenger services in the village shall be issued on a non-exclusive basis.

(3) *Exclusive scavenger license.* The exclusive license for one- and two-family residence scavenger service in the village shall be issued, from time to time, to the scavenger with whom the village has entered into an agreement for refuse, recyclable material and compostable yard waste disposal.

(4) *Filing and contents of application for non-exclusive license.* Application for a non-exclusive scavenger's license shall be filed with the Village Clerk. Such application shall be signed, under oath, by the applicant and shall disclose the name, residence address and telephone number of the applicant, the business address and telephone number of the applicant, the make, model, year and serial number of each motor vehicle used and to be used by the applicant in the scavenger operations.

(5) *Non-exclusive license applicant's bond.* Each application for a non-exclusive scavenger's license shall be accompanied by a bond in the penal sum of \$250,000 and shall be executed by the applicant as principal and also by two non-corporate sureties who shall be residents of the state. The applicant, however, shall have the option of substituting a corporate surety on such bond in lieu of the aforesaid non-corporate sureties. Such bond shall be approved by the Village Attorney and shall be

conditioned upon the applicant complying fully with all of the provisions of the ordinances of the village at all times and also complying fully with all the provisions of the statutes of the state and of the United States.

(6) *Application for non-exclusive license referred to President and Board.* The Village Clerk shall refer each application for a non-exclusive scavenger's license to the Village President and Village Board of Trustees and no such license shall be issued, except on their direction and order.

(7) *Fee.* No annual fee shall be charged for the exclusive license. The annual fee for non-exclusive scavenger licenses shall be \$50 for each vehicle that is to be used in the scavenger business in the village.

(8) *Term.* The term of an annual non-exclusive scavenger's license shall be the same as the fiscal year of the village (May 1 to the following April 30).

(9) *Revocation.* The village may revoke any scavenger's license issued under this section where the licensee has violated any of the regulations prescribed in this section. Notice of such revocation shall be given to the licensee by personal delivery to the licensee or by certified mail addressed to the licensee. The licensee shall be entitled to a hearing before the Village President and Board of Trustees in connection with such revocation; provided, the licensee makes written demand for such hearing within five days after having received notice of such revocation. A hearing demanded by the licensee under this section shall take place within 15 days after the demand for the hearing has been filed with the Village Clerk. Whenever such demand has been made by the licensee, the licensee shall be permitted to continue scavenger operations in the village during the time that such hearing on the revocation is pending.

(C) *Vehicles.*

(1) *Scavenger vehicles to be water-tight and equipped with cover.* All vehicles used by a scavenger in his or her business shall be equipped with water-tight compartments and air-tight covers for such portions as are used for the transportation of garbage, ashes, refuse of all kinds or miscellaneous waste materials.

(2) *Vehicles and containers to be kept closed during hauling.* All vehicles, boxes or containers used or leased by a scavenger shall be kept securely closed during hauling to prevent the contents from scattering.

(D) *Non-exclusive scavenger service contracts.* A non-exclusive scavenger licensed under this section may contract with each apartment dwelling, condominium, business, commercial and industrial establishment, individually for scavenger services at a collection fee to be agreed upon between them.

(E) *Litter.* Scavengers shall not litter material or truck fluids on any premises in the process of making collections, but the scavenger shall not be required to collect material that has not been placed in containers acceptable to him or her.

(F) *Collection equipment.* All scavenger vehicles shall be kept in good repair and appearance and maintained in a sanitary condition at all times. Each vehicle shall have the name, vehicle identification number, a toll-free and/or local phone number of the scavenger visible on each side. Scavenger vehicles shall not leak fluids, oil, hydraulic fluids and the like on the village streets. If such litter or fluids are not cleaned by the scavenger within six hours after notice from the village, the village may clean up the litter and/or fluid and assess the costs thereof to the scavenger.

(G) *Scavenger's personnel.* The scavenger shall assign a qualified person or persons to supervise its operation of the village and shall give such supervisor's name, address and telephone number to the village. Each employee driving a vehicle shall at all times carry a valid operator's license for the type of vehicle being driven. No person shall be denied employment by the scavenger for reason of race, creed, sex or national origin.

(H) *Insurance.* The scavenger shall maintain general liability and automobile liability insurance in the amount of not less than \$1,000,000 combining single limit per occurrence with an aggregate coverage of \$2,000,000. An excess umbrella liability shall also be provided with minimum limits of \$5,000,000 per occurrence. The scavenger shall cause the village to be named as an additional insured under the policies. By means of a certificate, insurance shall be filed with the village at least two weeks prior to the commencement of the services under the license. Such policy shall not permit termination or modification without at least 30 days' prior written notice to the village. A new certificate of insurance shall be filed with the Village Clerk at least 30 days prior to the expiration or termination of an existing policy of insurance. The scavenger shall defend, save and hold the village harmless from and indemnify the village against any and all losses, claims, suits or causes of action of any kind or nature whatsoever arising out of or in connection with the ownership, maintenance, use, operation or control of any scavenger vehicle owned, operated, maintained or controlled by the scavenger.

(Ord. 098, passed 11-6-1996) Penalty, see § 110.99

§ 110.03 BUILDING CONTRACTORS.

(A) Each building contractor shall deposit with the Village Clerk a bond annually in the penal sum of \$5,000, with surety to be approved by the corporate authorities, to indemnify, keep and save harmless the village against any loss, costs, damage, judgment of liability of any kind whatsoever which the village may suffer or to put to or which may accrue against it, be charged to or be recovered from the village or any of its officials by reason of any act or thing done or neglected to be done under or by virtue of the authority given to such contractor.

(B) For purposes of this section, the term **BUILDING CONTRACTOR** shall mean any person engaged in the business of constructing, altering or repairing buildings or other structures or sidewalk or street pavements, including, but not limited to, general contractors, plumbing contractors, electrical contractors, cement or paving contractors, roofing contractors, steam fitting contractors, masonry contractors, carpentry contractors, lathing contractors, heating contractors, air conditioning contractors, refrigeration contractors, house moving, house-razing or shoring contractors, sheet metal contractors,

glazing contractors, excavating contractors, sewer contractors, plastering contractors, dry-wall contractors, painting contractors, razing, shearing or moving contractors, landscaping contractors, tuck-pointing contractors and insulating contractors.

(Ord. 086, passed 10-4-1995) Penalty, see § 110.99

§ 110.04 ALCOHOLIC BEVERAGES.

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

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.

ALCOHOLIC LIQUOR. Includes alcohol, spirits and every liquid or solid, patented or not, containing alcohol, spirits, except wine or beer, and capable of being consumed as a beverage by a human being.

BEER. A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

SPIRITS. Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

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

(B) Any person under the age of 21 years shall not purchase or accept a gift of wine or beer or have wine or beer in his or her possession.

(C) The consumption of wine or beer by any person under the age of 21 is forbidden.

(D) Any person under the age of 21 years shall not purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession.

(E) The consumption of alcoholic liquor by any person under the age of 21 years is forbidden.

(F) The possession and dispensing or consumption by a minor of alcoholic liquor or wine or beer in the performance of a religious service or ceremony, or the consumption by a minor under the direct

supervision and approval of the parents or parent of such minor in the privacy of a home is not prohibited by this section.

(Ord. 076, passed 10-5-1994) Penalty, see § 110.99

§ 110.05 GARAGE, RUMMAGE AND MOVING SALES.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARAGE RUMMAGE SALE. The sale or offering for sale of used items of household furniture, furnishings, books, pictures, knick-knacks, clothing, tools, machinery and the like, from the garage, driveway, basement, back yard, side yard or other areas of a residential dwelling by the owner or tenant thereof in a residential zone.

MOVING RUMMAGE SALE. The sale or offerings for sale of used items of household furniture, furnishings, books, pictures, knick-knacks, clothing, tools, machinery and the like, from the garage, driveway, basement, back yard, side yard or other areas of a residential dwelling by the owner or tenant thereof held or conducted in conjunction with the sale of, and/or move by the owner or occupant from said residential dwelling. A sale shall be deemed a ***MOVING RUMMAGE SALE*** as distinguished from a "garage rummage sale" if held or conducted within 60 days prior to the vacation of the residential dwelling where the sale is held by the person, persons or family conducting the sale in a residential zone.

(B) *Regulations.*

(1) *Limitation of sale.* It shall be unlawful for any person or persons to hold or conduct more than two garage rummage sales of no more than four continuous days duration each, from a given location or address, within any 12-month consecutive period; provided, however, that, this limitation shall not apply to moving rummage sales, held or conducted within one year of the holding or conducting of a garage rummage sale.

(2) *Permit required.* It shall be unlawful for any person or persons to hold or conduct a garage rummage sale or moving rummage sale without having acquired the necessary permit thereof.

(3) *Permit application.* Applications for said permit shall be made at the office of the Village Clerk by the person desiring to hold or conduct a garage rummage or moving rummage sale and shall be made upon forms provided by said office.

(a) The Clerk shall issue a blue copy to the applicant, a yellow copy to the Department of Police and a white copy shall be placed in the permanent file of the Village Clerk.

(b) In addition, the Village Clerk shall keep an up to date register of said permits.

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(4) *Permit, display.* The said permit issued shall be displayed in such a manner and place so that the public and/or police patrol may readily see and read said permit. Also, said permit must be placed on the premises as so directed by the location address as listed on said permit.

(5) *Permit fee.* The fee for the issuance of said permits shall be determined by the Board of Trustees from time to time and so stated and listed in the "Resolution For Various Permit and Registration Fees" therein.

(C) *Permit form.* A multi-purpose permit form shall be designated as the official form used in the issuance of either the garage rummage sale or moving rummage sale permit.

VILLAGE OF SUNRISE RIDGE:

POST OFFICE BOX 238
WONDER LAKE, ILLINOIS 60097

PERMIT No _____

GARAGE
RUMMAGE SALE

MOVING
RUMMAGE SALE

OTHER

Permission is hereby granted to _____

(mailing address)
for the purpose of _____

_____ in said village and in no other place
(location)

from _____ 19____, through _____, 19____,
in accordance with and subject to the provisions of any and all ordinances which are or
may be in force in said village during said time.

FEE \$ _____ DATE PAID _____

Village Clerk

(Ord. 050, passed 4-5-1980) Penalty, see § 110.99

§ 110.06 SOLICITORS.

(A) *Definitions.* For the purpose of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

CHARITABLE ORGANIZATION. An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit upon the public.

EDUCATIONAL ORGANIZATION. An organization or institution organized and operated to provide systematic instruction in useful branches of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

FRATERNAL ORGANIZATION. An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those who otherwise would be cared for by the government.

RELIGIOUS ORGANIZATION. Any church, congregation, society or organization founded for the purpose of religious worship.

VETERANS ORGANIZATION. An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

(B) *Fee.* Each registrant shall pay to the Village Clerk a registration fee of \$50 for the period expiring one year after date of said registration.

(C) *Certificate.*

(1) Each applicant who shows evidence of good character and who pays the fee provided for herein shall be furnished a certificate indicating that he or she has registered and showing the dates covered by such registration.

(2) Each person shall at all times while soliciting or canvassing in the village carry upon his or her person the registration certificate and the same shall be exhibited by such registrant whenever he or she is requested to do so by any police officer or by any person solicited.

(D) *Exceptions.* The provisions of this section shall not apply to officers or employees of the village on official village business, and any bona fide charitable, educational, fraternal, religious or veterans organizations that operate without profit to their members and which have been in existence continuously for a period of five years or more immediately before making application for a permit and which have had, during that entire five-year period, a bona fide membership engaged in carrying out their objectives.

(E) *Revocation.* Any such registration may be revoked by the Village President or the Chief of Police because of any violation by the registrant or of any other ordinance of the village, or of any state or federal law, or whenever the registrant shall cease to possess the qualifications and character required in this section for the original registration.

(F) *Consent of occupant.* The practice of going in and upon private residences in the village by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise, not having been

requested or invited so to do by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, is declared to be a nuisance.

(G) *Voiding of sales and agreements.* Any and all sales or agreements that are hereafter solicited by any person, who was not, at the time of such sale or agreement, registered under the provisions of this section, are voidable at the option of the person solicited or canvassed.

(Ord. 014, passed 4-1-1975; Ord. 14/A1, passed 8-28-1984; Ord. 14/A2, passed 11-27-1984) Penalty, see § 110.99

§ 110.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Any person violating any provision of § 110.01(B) of this chapter is guilty of a petty offense and for the first offense shall be fined not less than \$100, \$300 for the second offense in a 12-month period and \$500 for the third or any subsequent offense in a 12-month period and be responsible for the village's cost of prosecution, including reasonable attorney fees.

(2) (a) Any person who violates § 110.01(C)(1) of this chapter shall be guilty of a petty offense punishable by a fine of not less than \$50 for each violation. In addition, the violator shall be responsible for the village's cost of prosecution, including reasonable attorney fees.

(b) Any person who violates § 110.01(C)(2) of this chapter shall be guilty of a petty offense punishable for a first offense by a fine of not less than \$50, for a second offense in a 12-month period by a fine of \$200 and for a third or any subsequent offense in a 12-month period by a fine of \$500. In addition, the violator shall be responsible for the village's cost of prosecution, including reasonable attorney fees.

(C) Any person, firm or corporation violating any provision of § 110.02 of this chapter shall be fined not less than \$100, nor more than \$500, for each offense committed on each day during or on which a violation occurs or continues.

(D) Whoever violates any provision of § 110.04 of this chapter shall be fined not less than \$5, nor more than \$500.

(E) Any person or persons violating any of the provisions of § 110.05 of this chapter shall be subject to a fine and, upon a conviction thereof, shall be fined not less than \$10, nor more than \$500, for each offense. Each day upon which an offense occurs or continues to occur shall be deemed a separate offense.

(F) Any person violating the provisions of § 110.06 of this chapter shall be punished by a fine of not less than \$50, nor more than \$500. Each solicitation of a different person shall constitute a separate violation under the terms of § 110.06 of this chapter.

(Ord. 014, passed 4-1-1975; Ord. 050, passed 4-5-1980; Ord. 14/A1, passed 8-28-1984; Ord. 14/A2, passed 11-27-1984; Ord. 076, passed 10-5-1994; Ord. 098, passed 11-6-1996; Ord. 250, passed 6-21-2006)

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

131. DRUGS

Wonder Lake - General Offenses

CHAPTER 130: GENERAL OFFENSES

Section

- 130.01 Disorderly conduct
- 130.02 Dangerous weapons
- 130.03 Curfew
- 130.04 Minors and vandalism; parental responsibility

- 130.99 Penalty

§ 130.01 DISORDERLY CONDUCT.

(A) The village hereby adopts and incorporates by reference, all provisions contained or referred to in Act 5, Art. 26, of the Illinois Criminal Code, being 720 ILCS 5/26-1 et seq., and subsequent amendments, and all penalty provisions of the Unified Code of Corrections (codified at 730 ILCS 5/1-1-1 et seq.) and subsequent amendments incorporated into the Illinois Criminal Code directly or implicitly by reference, expressly including Ch. 5 of the Unified Code of Corrections, being 730 ILCS 5/1-1-1 et seq.

(B) Reference to a section of the Illinois Criminal Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.
(Ord. 126, passed 9-5-2001)

§ 130.02 DANGEROUS WEAPONS.

(A) *Unlawful possession, carrying and discharge of firearms.* It shall be unlawful for any person to have in his or her possession, except within his or her own domicile, or carry or discharge a firearm of any description including, but not limited to, a revolver or pistol of any description, shotgun or rifle which may be used for the explosion of cartridges, or any air-gun, B-B gun, gas-operated gun or spring gun, or any instrument, toy or weapon commonly known as a "peashooter", "slingshot" or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or any other name.

(1) *Exception for specific premises.* The prohibition of this division (A) shall not apply to licensed shooting galleries or on private grounds or premises under circumstances when such instrument can be fired, discharged or operated in such a manner as not to endanger persons or property, and also

Wonder Lake - General Offenses

in such a manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery, grounds or premises; and, further provided that, nothing herein contained shall be construed to prevent the concealed carrying of any type of gun whatsoever when unloaded and properly cased, to or from any range or gallery or to or from an area where hunting is allowed by law.

(2) *Exception for authorized officials.* The prohibition of this division (A) shall not be construed to forbid United States marshals, sheriffs, constables and their deputies and any regular, special or ex officio police officer or any other law enforcement officer from carrying, wearing, while on duty, such weapons as shall be necessary in the proper discharge of their duties.

(B) *Unlawful use of fireworks.*

(1) *General.* It shall be unlawful for any person ignite fireworks, or any chemical or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

(2) *Exception through permit.* Fireworks may be discharged only through obtaining a permit from the Village Clerk.

(C) *Forfeiture of violating weapons.* Every person convicted of a violation of this section shall forfeit to the village such dangerous or deadly weapon so concealed or displayed.

(D) *Disposition of forfeited weapons.* Every police officer, upon making any arrest and taking a weapon used in violation of this section, shall deliver the same to the Chief of Police to be held by him or her until the final determination of the prosecution for said offense; and, upon the finding of guilt, it shall then be the duty of the Chief of Police to dispose of such weapon as ordered by the court. (Ord. 072, passed 10-7-1992) Penalty, see § 130.99

§ 130.03 CURFEW.

(A) *Curfew offenses.*

(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.

(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.

(B) *Curfew defenses.* It is a defense to prosecution under division (A) that the minor was:

- (1) Accompanied by the minor's parent or guardian or other person in custody or control of the minor;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (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;
- (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;
- (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; or
- (9) Married or had been married or is an emancipated minor under the Emancipation of Minors Act.

(C) *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 division (B) is present.

(D) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CURFEW HOURS.

- (a) Between 12:01 a.m. and 6:00 a.m. on Saturday;
- (b) Between 12:01 a.m. and 6:00 a.m. on Sunday; and

(c) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

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

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

GUARDIAN.

- (a) A person who, under court order, is the guardian of the person of a minor; or
- (b) A public or private agency with whom a minor has been placed by a court.

MINOR. Any person under 17 years of age.

PARENT. A person who is:

- (a) A natural parent, adoptive parent, or step-parent of another person; or
- (b) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

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

REMAIN. To:

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

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

Penalty, see § 130.99

§ 130.04 MINORS AND VANDALISM; PARENTAL RESPONSIBILITY.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LEGAL GUARDIAN. A person appointed guardian or given custody of a minor by a circuit court of the state but does not include a person appointed guardian or given custody of a minor under the Juvenile Court Act.

MINOR. A person who has attained the age of 11 years but is not yet 19 years of age.

ORDINARY PARENTAL RESPONSIBILITY AND CONTROL. That parental responsibility and control which would ordinarily be exercised by reasonable parents or guardians under similar circumstances.

PROPERTY. Includes any real estate including improvements thereon and any tangible property.

(B) *Parental responsibility.* The parent or legal guardian of unemancipated minors residing with such parent or legal guardian shall exercise ordinary and reasonable parental responsibility to prevent such minor from causing injury to any person or property through wilful or malicious acts. The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed to have violated this section upon the occurrence of events described in divisions (B)(1), (2) and (3) as follows:

(1) An unemancipated minor residing with the parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law or statute prohibiting wilful and malicious acts causing injury to a person or property or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or statute prohibiting wilful and malicious acts causing injury to a person or property.

(2) The parent or legal guardian has received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a certificate of personal service returned, from the Village Police Department following the adjudication or nonjudicial sanctions.

(3) If at any time within one year following receipt of the written notice set forth in division (B)(2), the minor is again either adjudicated to be in violation of any ordinance, law or statute as described in division (B)(1) or has incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or statute as described in division (B)(1) above.

(C) *Restitution.* Any municipal corporation, county, township, village or any other political subdivision or department of the state, or any person, partnership, corporation, association or any incorporated in unincorporated religious, educational or charitable organization is entitled to full

restitution for injuries caused to its person or property by an unemancipated minor from any person convicted of any violations of the provisions of this Section because of the actions of such unemancipated minor, but no recovery shall exceed \$20,000 actual damages for the first act or occurrence and \$30,000 if a pattern or practice of wilful or malicious acts by a minor exists for a separate act or occurrence. In addition, reasonable attorneys' fees may be awarded up to \$15,000. Nothing in this section shall be deemed to limit or alter the common law or statutory rights of any injured party.
(Ord. 301, passed 10-1-2008; Ord. 301/A1, passed 8-5-2009) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any individual violating § 130.02 of this chapter shall be fined no less than \$100, nor more than \$500, for the offense.

(C) Any person violating any provision of § 130.03 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 division, the court may order a parent, legal guardian, or other person convicted of a violation of § 130.03(A) 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 § 130.03(A) shall not conflict with the dates and times that the person is employed in his or her regular occupation.

(D) Any person convicted of violation of § 130.04 shall be fined not less than \$25 nor more than \$750 for each offense; and in addition to the fine, the court shall find and fix the amount of restitution to be paid (subject to the limitation of § 130.04(C) and direct the manner of payment, subject to the limitation imposed by § 130.04(C).

(Ord. 072, passed 10-7-1992; Ord. 301, passed 10-1-2008)

CHAPTER 131: DRUGS

Section

Drug Paraphernalia

- 131.01 Definitions
- 131.02 Prohibitions
- 131.03 Settlement of offense

Cannabis

- 131.15 Definition
- 131.16 Unlawful possession
- 131.17 Settlement of offense

- 131.99 Penalty

DRUG PARAPHERNALIA

§ 131.01 DEFINITIONS.

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

CANNABIS. As defined in 720 ILCS 550/3, as amended.

COCAINE SPOON. A spoon with a bowl so small that the primary use for which it is reasonably adopted or designed is to hold or administer cocaine and which is so small as to be unsuited for the typical, lawful uses of a spoon. A cocaine spoon may or may not be merchandised on a chain and may or may not be labeled as a "cocaine" spoon or "coke" spoon.

CONTROLLED SUBSTANCE. Any drug, substance or immediate precursor enumerated in 720 ILCS 570/203 and 570/204, 570/205 and 570/206, 570/207 and 570/208, 570/209 and 570/210, 570/211 and 570/212 (Scheds. 1-5) as amended (commonly known as the Controlled Substances Act).

DRUG PARAPHERNALIA.

(1) 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 as defined in 720 ILCS 570/203 and 570/204, 570/205 and 570/206, 570/207 and 570/208, 570/209 and 570/210, 570/211 and 570/212 (Scheds. 1-5) as amended or cannabis as defined in 720 ILCS 550/3, as amended.

(2) ***DRUG PARAPHERNALIA*** includes, but is not limited to:

(a) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or cannabis or from which a controlled substance or cannabis can be derived.

(b) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substance or cannabis.

(c) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance or cannabis.

(d) Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances or cannabis.

(e) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances or cannabis.

(f) Diluents and adulterants, such as quinine hydrochloride, manitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances or cannabis.

(g) 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.

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in packaging small quantities of controlled substances or cannabis.

(i) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances or cannabis.

(j) Containers and other objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
2. Water pipes.
3. Carburetion tubes and devices.
4. Smoking and carburetion masks.
5. Roach clips, which are objects used to hold burning material, such as a marijuana cigarette, that has become too small/short to be held in the hand.
6. Carburetion pipes.
7. Electric pipes.
8. Air-driven pipes.
9. Chillums.
10. Bonges.
11. Ice pipes or chillers.

(3) 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:

- (a) Statements by an owner or by anyone in control of the object concerning its use.
- (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance.
- (c) The proximity of the object, in time and space, to a direct violation of this subchapter.
- (d) The proximity of the object to controlled substances.
- (e) The existence of any residue of controlled substances on the object.

(f) Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom he knows intend to use the object to facilitate a violation of this subchapter. The innocence of an owner or of anyone in control of the object as to a direct violation of this subchapter shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.

(g) Instructions, oral and written, provided with the object concerning its use.

(h) Descriptive materials accompanying the object which explain or depict its use.

(i) National and local advertising concerning its use.

(j) The manner in which the object is displayed for sale.

(k) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.

(l) The existence and scope of legitimate uses for the object in the community.

(m) Expert testimony concerning its use.

MARIJUANA PIPE or HASHISH PIPE. A pipe characterized by a bowl which is so small that the primary use for which it is reasonably adopted or designed is the smoking of marijuana or hashish, rather than lawful smoking tobacco and which may or may not be equipped with a screen.

(Ord. 421, passed 6-3-2015)

§ 131.02 PROHIBITIONS.

(A) It shall be unlawful for any person to sell, offer for sale, display, possess, furnish, supply or give away any cocaine spoon, marijuana pipe, hashish pipe or any drug paraphernalia.

(B) The prohibition contained in this subchapter shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropodists, veterinarians, pharmacists or embalmers in the normal lawful course of their respective businesses or professions, nor to public officers or employees which engage in the performance of their official duties, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injection, nor as permitted pursuant to 410 ILCS 130/1.

(Ord. 421, passed 6-3-2015) Penalty, see § 131.99

§ 131.03 SETTLEMENT OF OFFENSE.

Any offense arising under this subchapter may be settled and compromised by the offender by payment to the village the sum of money stated.
(Ord. 421, passed 6-3-2015) Penalty, see § 131.99

CANNABIS

§ 131.15 DEFINITION.

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

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, 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 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.
(Ord. 422, passed 6-3-2015)

§ 131.16 UNLAWFUL POSSESSION.

A person commits unlawful possession of cannabis if he or she, while in the village, has in his or her possession any substance containing cannabis, except as may be permitted pursuant to 410 ILCS 130/1.
(Ord. 422, passed 6-3-2015) Penalty, see § 131.99

§ 131.17 SETTLEMENT OF OFFENSE.

Any offense arising under this subchapter may be settled and compromised by the offender by payment to the village the sum of money stated.
(Ord. 422, passed 6-3-2015) Penalty, see § 131.99

§ 131.99 PENALTY.

(A) A person who violates §§ 131.01 through 131.03 shall be fined \$125.

(B) A person who violates §§ 131.15 through 131.17 shall be fined \$125.
(Ord. 421, passed 6-3-2015; Ord. 422, passed 6-3-2015)

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING REGULATIONS; CONSTRUCTION**
- 151. PROPERTY MAINTENANCE**
- 152. TRAILERS**
- 153. SATELLITE DISHES**
- 154. STREETS AND SIDEWALKS**
- 155. VACANT LAND AND WATERWAY ACCESS**
- 156. EARTH EXTRACTION AND MINING OPERATIONS**
- 157. SOIL EROSION AND SEDIMENT CONTROL**
- 158. STORM WATER**
- 159. FLOOD DAMAGE PREVENTION**
- 160. COMPREHENSIVE PLAN**
- 161. SUBDIVISIONS**
- 162. ZONING**

Wonder Lake - Land Usage



CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

Section

Building Code and Regulations

- 150.01 Permit required
- 150.02 Agricultural exemption
- 150.03 Application
- 150.04 Approval of plans
- 150.05 Variations
- 150.06 Enforcement
- 150.07 Fees
- 150.08 Minimum specifications
- 150.09 Building Code
- 150.10 Certificate of occupancy
- 150.11 Interpretation

Monotony Code

- 150.25 Purpose
- 150.26 Residential construction; design variety
- 150.27 Excessive similarity; standards
- 150.28 Administration
- 150.29 Exceptions
- 150.30 Planning and Zoning Commission review for duplex and multiple-family dwellings

Fences

- 150.45 Permit required
- 150.46 Residential fences
- 150.47 Industrial, commercial and non-residential fences
- 150.48 Standards
- 150.49 Tennis courts
- 150.50 Dangerous or encroaching fences
- 150.51 Permit fees
- 150.52 Sketch for permit

- 150.99 Penalty

BUILDING CODE AND REGULATIONS**§ 150.01 PERMIT REQUIRED.**

It shall be unlawful to construct any building or structure in the village where the cost of such construction exceeds \$100 or to alter or remodel any building or structure so as to change any walls, beams, supports or the roof thereof, without having first secured a permit therefor, or in violation of the terms of such permit, or in violation of the terms of this subchapter.

(Ord. 002, passed 4-1-1975; Ord. 435/A1, passed 6-7-2017) Penalty, see § 150.99

§ 150.02 AGRICULTURAL EXEMPTION.

(A) Exempt from the provisions of this subchapter, as provided by the state statute, are farm residences and other buildings and structures used for agricultural purposes on farms.

(B) To be considered exempt, such residence, building or structure shall be located on a farm that is such in fact and not in name only and be accessory to the cultivation of crop acreage or animal husbandry operations of such extent and character as generally prevail on farms.

(Ord. 002, passed 4-1-1975)

§ 150.03 APPLICATION.

Application for such permits shall be made to the Building Department and shall be accompanied by plans and specifications in duplicate showing the work to be done; such plans shall be verified by the signature of either the owner of the premises or by the architect or contractor in charge of the operations.

(Ord. 002, passed 4-1-1975; Ord. 002/A4, passed 4-1-1978)

§ 150.04 APPROVAL OF PLANS.

(A) Such applications with plans shall be referred to the Building Department, who shall examine the same to determine whether the proposed construction or alteration will comply with the subchapter provisions relative thereto.

(B) Upon approval, one set of plans shall be returned to the applicant with a permit and the other shall be retained by the Building Department. No permit shall be issued until after approval of plans.

(Ord. 002, passed 4-1-1975; Ord. 002/A4, passed 4-1-1978)

§ 150.05 VARIATIONS.

(A) *Variations from approved submitted plans.* It shall be unlawful to vary from submitted plans and specifications unless such variations are submitted in an amended plan to the Department of Building and Zoning and approved by same.

(B) *Variations from the Building Code standards.* When there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of the Building Code, the regulations may be altered (to a limited extent), in order to make the regulations practical, however, the variation shall remain in harmony with the general purpose and intent of the Code. If the Department of Building and Zoning considers that a variation is in order, the same shall advise the petitioner to petition the Zoning Board of Appeals (ZBA) for a hearing.

(C) *Application to ZBA for a hearing on a variation.* To obtain a variation, the petitioner must submit an application in triplicate to the Department of Building and Zoning which said Department shall then forward a copy of same to the Board of Trustees and the ZBA requesting a ZBA hearing so that the request for said variation can be heard before the ZBA and a recommendation by the ZBA thereby be forwarded to the Board of Trustees for a final decision.

(1) The application shall contain the following minimum data and such additional information as the Department of Building and Zoning shall deem necessary.

(2) Application for variation; ZBA hearing:

- (a) Name;
- (b) Address;
- (c) Phone number;
- (d) Lot number and block number;
- (e) Structure, existing or new;
- (f) To what section of the code does request apply;
- (g) Reasons for variance; and
- (h) Miscellaneous data.

(Ord. 002, passed 4-1-1975; Ord. 002/A6, passed 5-26-1978; Ord. 002/A9, passed 3-25-1989)

§ 150.06 ENFORCEMENT.

The Building Inspector shall make or cause to be made such inspections as are necessary to see to the enforcement of the provisions of this section, and to make any tests or examinations of materials or methods to be used for the purpose of seeing that they comply with the provisions of this section. No percolation test shall be performed or the results thereof accepted unless 24-hours' prior notice has been given to the Department of Building and Zoning of the time and date thereof.

(Ord. 002, passed 4-1-1975; Ord. 002/A6, passed 5-26-1978)

§ 150.07 FEES.

The payment of the fee for the construction, alteration, removal or demolition, and for all work done in connection with or concurrently with the work contemplated by a building permit, shall be as set by the village.

(Ord. 002, passed 4-1-1975; Ord. 002/A2, passed 9-22-1977; Ord. 002/A5, passed 4-1-1978; Ord. 002/A7, passed 3-22-1979; Ord. 002/A8, passed 7-26-1979; Ord. 002/A9, passed 3-25-1989; Ord. 002/A12, passed 5-22-1991)

§ 150.08 MINIMUM SPECIFICATIONS.

(A) *Minimum floor areas.* No building permit shall be issued for a single-family residential dwelling unit unless it shall contain the following minimum principal floor areas, excluding garages and basements:

- (1) Single-level building (one story): 1,400 square feet;
- (2) Two-story building: 1,600 square feet; and
- (3) Tri-level building: 1,600 square feet.

(B) *Provisions for a garage.* No permit shall be issued for any new residential dwelling unit construction unless a minimum of a one-car garage is included constructed prior to occupancy. Siding and design consistent with residential dwelling.

(C) *Driveway.*

(1) No access from any road to any lot shall be permitted over and across any street right-of-way ditch until a metal culvert not less than 15 inches in diameter and not less than 26 feet long for a double driveway, but not longer than 29-1/2 feet for a single driveway, two feet on either side of driveway, but no less than a minimum of 14 feet, except where this does not apply to the standard normal.

(2) No further construction shall be permitted on the premises of any new residential building after the basement foundation footing and walls are made and back-filled unless and until a gravel driveway is installed from the street to the garage site. Said driveway shall be at least ten feet wide and shall consist of a base having a minimum of eight inches of gravel. Said driveway shall not be less than 20% of the width of the lot from a street side lot line, or 10% from the nearest interior side lot line, unless there is a utility easement, then setback shall not be less than 9.84 feet or whichever is the greater.

(3) Said driveway shall be paved blacktop or concrete within six months, weather permitting, after receiving a temporary occupancy permit.

(D) *Grade.*

(1) Every application for a building permit shall show and note the foundation finish grade for each elevation of the building or structure.

(2) All elevations shall be based on a bench mark of the established grade, which is the road centerline at a point opposite the middle of the principle building wall facing the front lot line.

(3) The grade alteration, if any, shall be such that the natural flow of surface water will not be diverted from its normal destination and will not be increased to the abutting property.

(4) The foundation finished grade shall not exceed (whichever is highest) the established grade or any other natural high point of the lot by 13 inches or 33 centimeters.

(5) Every application for a new construction building permit shall show foundation grade, finished grade, surface water run-on/run-off design plan as to negate/minimize additional impact of run-off onto adjacent lots, such plan to be approved by the Village Engineer prior to issuance of building permit with approval of the completed, final grade by the Village Engineer before an occupancy permit will be issued.

(E) *Electrical; minimum specifications for residence dwelling.*

(1) All electrical work, unless otherwise specifically stated herein, shall be installed in full compliance with the latest edition of the National Electrical Code, 2002 Edition ("NEC") and with the rules and regulations regarding the installation, alteration and use of electrical equipment adopted by the Commonwealth Edison Company.

(2) The regulations of the National Electrical Code, latest edition, published by the National Board Office Underwriters, are hereby adopted by reference except for the following exceptions and modifications.

(a) *Conduits.* All new electric wiring in new buildings and in basements of existing buildings shall be installed in rigid conduit, thin wall conduit or B.X.

(b) *Service.*

1. Services shall be in rigid thick wall metal conduit on the outside of the building and firmly fastened to the building. Entrance service cable may be used where practical or necessary.
2. A 100-ampere three-wire service with switch and protective device is required. Wires shall not be smaller than #2.

(c) *Circuits.*

1. In all dwellings, the minimum service shall be 100 amperes with a 20-circuit cabinet.
2. Wiring for kitchens, laundries or utility rooms and for high duty appliance outlets where 20 ampere or larger fuses or circuit breakers are to be used shall be on separate circuits using conductors no small than #12 wire, with a minimum of two circuits for each room.
3. All underground conductors shall be installed in metal or fiber conduit placed at least 12 inches below grade, or if approved by the Building and Zoning Department, in special cases, the type of cable specified in § 93391 of the National Electrical Code may be used.
4. In all applications, a single main disconnecting means shall be installed.
5. Any heating plant shall be on a separate circuit.
6. A separate disconnect switch shall be installed for all heating and air conditioning units located on the wall or at the unit.
7. Each motor load of three-fourths horsepower or more shall be on a separate circuit.
8. Twin, tandem, duplex or split circuit breakers shall not be approved on new installations.
9. Low voltage wiring for lighting circuits, control or signaling circuits or communicating systems may be run exposed in accessible areas only when not subject to mechanical injury.
10. In all dwellings, all rooms shall be wired. This is to include accessible attics, stair halls, walk-in closets, basement storerooms, utility rooms, family rooms, recreation rooms, pantries, garages and similar locations.
11. Built-in ovens and surface sections (ranges) shall each be supplied by a separate circuit unless they are directly a single unit.

150:08 Minimum Specifications

(E): Electrical; minimum specifications for residence dwelling.

(c) Circuits

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- (a) Low voltage wiring for lighting circuits, control or signaling circuits or communication systems may be run exposed in accessible areas only when not subject to mechanical injury. (this is current language)

- (b) Outside Reader Device: Conduit between the water meter and the outside reader device shall be required in all new construction. The outside reader device shall be placed towards the front of the outside side wall opposite the garage a minimum of 36 inches above the finished grade and a minimum of 60 inches from an existing NICOR gas service outside reader device. (b) is the proposed addition language)

12. In all family residences, there shall be at least one outlet on each wall except in bathrooms, closets, garages and basements.

13. There shall be no more than ten power consuming openings per circuit.

(d) *Receptacles.*

1. Only three-wire grounded receptacles shall be acceptable.

2. A duplex wall receptacle shall be installed in each bath or powder room with G.F.I. (Ground fault interceptor).

3. A duplex wall receptacle shall be installed in each hallway or foyer.

4. Two duplex weatherproof receptacles shall be installed on the outside of the building with G.F.I.

5. Any receptacle within three feet of a laundry tub shall be G.F.I.

(e) *Fixtures.*

1. A light shall be installed in every accessible storage area, including attic and crawl space.

2. Walk-in closet shall have a closet light controlled by a pull chain (minimum requirement).

3. Crawl spaces with heating plants shall have one light at the access to the crawl space and one light at the heating plant, both being controlled by a wall switch at the access with G.F.I. This also includes remote sump pumps.

4. A light shall be installed over every kitchen sink, bathroom lavatory and laundry tub, in addition to the general lights in the room with G.F.I.

5. An outside light controlled by a wall switch shall be installed at each entry and exit, including garages and balconies with G.F.I.

6. Stairways, halls, passageways and corridors accessible by more than one entry or exit shall have a ceiling light or lights controlled by three-way or four-way switches.

(f) *Lot area division.*

1. *Front yard.* The front yard setback line shall not be less than 10% of the depth of the lot (front lot line to rear lot line), except for corner lots where in no case shall the setback line be less than 19.68 feet.

2. *Side yard interior.* The side yard interior setback line shall not be less than 10% of the width of the lot or combined developed lot, unless there is a side easement, then said line shall not be less than 9.84 feet.

3. *Side yard abutting a street.* The street side yard setback line shall not be less than 20% of the width of the lot.

(g) *General regulations.*

1. *Repair of buildings.*

a. Any construction work on existing buildings that requires replacing the following: roofing, flashing, siding, window and door frames shall be classified as repair work and a permit fee shall be required.

b. The Building and Zoning Department must be notified of the intended repairs.

2. *Noise control.* No construction work requiring the use of power tools or power machinery of any kind shall be undertaken before 7:00 a.m. or after 8:00 p.m., Monday through Friday, and before 8:00 a.m. or after 8:00 p.m., Saturday and Sunday.

3. *Emergency escapeway.* All basements shall have at least one direct escape means to the outside through the basement wall. The escapeway shall have a minimum clear opening of 33 inches or 84 cm wide by 48 inches or 122 cm high and the sill of the opening shall be at least a maximum height from the floor of 37 inches or 94 cm, and the access wall shall be a minimum of 37 inches or 94 cm from the foundation wall.

(h) *Insulation specifications.*

1. All new construction shall be thermal insulated with a suitable insulating material that will not mold, rot, burn or support vermin.

2. Minimum amounts for residential principal buildings:

a. Exterior wall shall have a minimum of an "R" factor of ten for frame construction and an "R" factor of four for masonry construction;

b. Ceilings or roofs shall have a minimum of an “R” factor of 12; and

c. Where the roof serves also as the finished ceiling a vent space of two inches shall be required between insulation and roof with venting at eaves and ridge, and a minimum of an “R” factor of ten for insulation.

(i) *Plumbing regulations.* In full compliance with the provisions of the County Building Ordinance, as amended.

(j) *Exterior of residence regulations.*

1. Exterior of residence must be fully completed six months from the date of the temporary occupancy permit.

2. Lawn must be final-craved and seeded six months from the date of the temporary occupancy permit.

(Ord. 002, passed 4-1-1975; Ord. 002/A1, passed 10-21-1975; Ord. 002/A3, passed 9-22-1977; Ord. 002/A4, passed 4-1-1978; Ord. 002/A10, passed 7-22-1980; Ord. 022/A11, passed 10-24-1990; Ord. 002/A13, passed 12-3-1993; Ord. 02/14, passed 9-7-1994; Ord. 002/A15, passed 6-15-2005; Ord. 002/A16, passed 3-15-2006; Ord. 435/A1, passed 6-7-2017)

§ 150.09 BUILDING CODE.

(A) The village hereby adopts the following building codes to be known as the “Village of Wonder Lake Building Code”:

- (1) 2003 International Building Code (“IBC”), including appendices;
- (2) 2003 International Property Maintenance Code (“IPMC”);
- (3) 2003 International Mechanical Code (“IMC”);
- (4) 2003 International Fire Code (“IFC”);
- (5) 2003 International Residential Code (“IRC”) including: Appendices A, B, C, G, H, J, K and L;
- (6) National Electric Code, 2002 Edition (“NEC”); and
- (7) State of Illinois Plumbing Code, current edition.

(B) The additions, changes and deletions to these codes are hereby adopted by reference and incorporated herein as if set out in full.

(Ord. 002, passed 4-1-1975; Ord. 002/A9, passed 3-25-1989; Ord. 02/93A, passed 2-3-1993; Ord. 002A/17, passed 4-4-2007; Ord.002A/18, passed 9-3-2008)

§ 150.10 CERTIFICATE OF OCCUPANCY.

(A) No certificate of occupancy for any building or structure erected, altered or repaired after adoption of this subchapter shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this subchapter.

(B) (1) Prior to the issuance of a certificate of occupancy pursuant to the ordinances of the village, the Building Inspector shall file an unexecuted certificate of occupancy with the County Supervisor of Assessments; and that the owner of the property for which said occupancy permit is requested, shall obtain from the County Supervisor of Assessments, in the form prescribed by said official, a receipt showing that the unexecuted certificate of occupancy has been duly filed and that the property is subject to increased assessment from the date of issue of the certificate on a proportionate basis for the year in which improvement was completed.

(2) The owner of said property shall file said receipt with the Building Department of the village and the Building Inspector shall file a certified copy of the certificate of occupancy, when issued, with the County Supervisor of Assessments.

(Ord. 002, passed 4-1-1975; Ord. 003, passed 4-1-1975)

§ 150.11 INTERPRETATION.

Wherever in the building regulations it is provided that anything must be done to the approval of or subject to the direction of, the Building Inspector or any other officer of the village, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what regulations or standards shall be, or power to require conditions not prescribed by ordinance or to enforce ordinance provisions in an arbitrary or discriminatory manner.

(Ord. 002, passed 4-1-1975)

MONOTONY CODE**§ 150.25 PURPOSE.**

The purpose of this subchapter is to: preserve the aesthetically pleasing character of the village's residential districts by promoting a diversity of architectural design; protect and enhance property values; and promote the easy identification of houses by encouraging new dwelling unit construction of distinctive design and discouraging excessive similarity among adjacent dwellings.

(Ord. 236, passed 3-15-2006)

§ 150.26 RESIDENTIAL CONSTRUCTION; DESIGN VARIETY.

(A) No building permit shall be issued for any new single-family detached dwelling unit which is similar in appearance to any dwelling on the same street which is within three lots distance of it. However, those single-family dwellings with a signed sales contract or approved application for building permit bearing a date prior to the date of this subchapter shall be exempt from the provisions of this subchapter.

(B) A new single-family detached dwelling unit on a corner lot may be considered dissimilar to another if the two dwellings face different streets. On cul-de-sac turnarounds, no dwelling shall be similar in appearance to another dwelling on the turnaround.

(Ord. 236, passed 3-15-2006)

§ 150.27 EXCESSIVE SIMILARITY; STANDARDS.

(A) *General.* For the purpose of this subchapter, ***SIMILAR IN APPEARANCE*** shall mean a single-family detached dwelling which is identical, or nearly identical, to another in any three of the following characteristics:

- (1) Roof type (gable, hip, mansard, gambrel, flat, combination);
- (2) Roof height;
- (3) Approximate dimensions (height and length) of the front wall closest to the front lot line;
- (4) Shape of the front elevation silhouette;
- (5) Relative locations and sizes of windows in the front elevation;
- (6) Relative location and dimensions of garage door(s), if included on the front elevation;

(7) Type(s) of siding (e.g., brick veneer, lapped horizontal siding, half-timber, board and batten, shakes and the like) on the front elevation; and

(8) Exterior color.

(B) *Housing styles.* If adjacent lots contain different single-family detached housing styles as herein described, the previously delineated similarity standards to not apply. Housing style is in and of itself a significant enough characteristic to constitute dissimilarity. Housing styles shall consist of the following:

(1) Ranch;

(2) Bi-level;

(3) Tri-level;

(4) One and one-half story;

(5) Two-story; and

(6) Three story.

(Ord. 236, passed 3-15-2006)

§ 150.28 ADMINISTRATION.

(A) If the Building and Zoning Administrator, or person acting in that capacity, finds that the single-family detached dwelling for which a building permit is requested is similar in appearance to a dwelling for which a building permit has been issued within three lots distance and facing the same street, the Building and Zoning Administrator shall deny the permit request for non-compliance with this subchapter.

(B) An applicant for a building permit that has been denied based on the provisions of this subchapter may:

(1) Alter the dwelling plans so that the proposed dwelling is no longer similar to another adjacent dwelling, according to the criteria specified herein; or

(2) Appeal the decision of the Building and Zoning Administrator to the Village Board of Trustees.

(C) In appealing the interpretation of this subchapter to the Village Board of Trustees, an applicant for a building permit shall present evidence sufficient to demonstrate conformity with this subchapter, such as architectural drawings.

(Ord. 236, passed 3-15-2006)

§ 150.29 EXCEPTIONS.

(A) These regulations shall not apply to dwellings for which building permits have been approved before the effective date of this subchapter, including dwellings that are being remodeled, reconstructed or replaced after fire, windstorm or other catastrophe.

(B) These regulations may be waived in cases where the applicant for a building permit could not be expected to anticipate the design of a neighboring dwelling for which a building permit has already been issued, but is not yet built. In such instances, the builder shall request, and the Village Board of Trustees may grant, an exception from this subchapter.

(Ord. 236, passed 3-15-2006)

§ 150.30 PLANNING AND ZONING COMMISSION REVIEW FOR DUPLEX AND MULTIPLE-FAMILY DWELLINGS.

(A) Any applicant for a building permit for a duplex or multiple-family dwelling shall appear before the Planning and Zoning Commission for its review and approval of the architectural plans depicting the exterior elevations of the building or buildings for which the permit is sought.

(B) If the Planning and Zoning Commission denies approval of the architectural plans, the applicant may appeal the decision to the Village Board of Trustees.

(Ord. 236, passed 3-15-2006)

FENCES

§ 150.45 PERMIT REQUIRED.

No fence may be erected in the village unless a permit is obtained in advance and unless such fence is erected in compliance with the provisions of this subchapter.

(Ord. 031, passed 2-17-1976) Penalty, see § 150.99

§ 150.46 RESIDENTIAL FENCES.

The following standards shall be followed in connection with fences constructed on premises used for residential purposes.

(A) Fences and shrubs up to three feet in height from ground level may be erected or planted and grown in the front yard or the street side yard. Such fence must be constructed so as not to obstruct vision.

(B) Fences up to six feet in height from ground level may be erected in the interior side yards or the rear yard.

(C) (1) Fences of a privacy nature up to six feet in height from ground level may be erected between the property setback line and the lot line.

(2) Such fence must be constructed on a corner lot so as not to obstruct the clear view of motor vehicular traffic using the abutting streets.

(D) (1) Fences may be erected in the "buildable area" not exceeding six feet in height from ground level. The fence must not extend beyond the building wall lines (facing the street) and must not, at any time, encroach into the setback areas.

(2) The total area of enclosure is the area inside of the fence and shall not exceed 25% of the area of the lot.

(3) All areas outside of said fence must be maintained similarly to the area in said enclosure.

(E) A non-residential purpose fence up to 25 decimeters or 8.20 feet in height from ground level may be erected where residential premises abut onto premises used for business, industrial or non-residential purposes.

(F) The use of barbed wire in residential fencing is prohibited.
(Ord. 031, passed 2-17-1976; Ord. 031/A2, passed 8-24-1976; Ord. 031/A4, passed 8-4-1993; Ord. 435/A1, passed 6-7-2017) Penalty, see § 150.99

§ 150.47 INDUSTRIAL, COMMERCIAL AND NON-RESIDENTIAL FENCES.

The following standards shall be followed in connection with fences constructed upon premises used for industrial, commercial or non-residential purposes.

(A) No fence shall exceed eight feet in height from ground level.

(B) The use of barbed wire is permitted only at heights in excess of six feet above ground level; and, provided that, all barbed wire supporting arms shall slope inward toward the premises for which the fence permit is issued.

(Ord. 031, passed 2-17-1976; Ord. 031/A-1, passed 1-27-1977) Penalty, see § 150.99

§ 150.48 STANDARDS.

The following additional standards shall also be followed in connection with all fences.

(A) All fence posts and supporting fence members shall be erected so that, after the fence is constructed, they will face to the interior of the premises for which the fence permit is issued.

(B) All chain link fencing must be installed knuckle-side up; the use of spikes, broken glass or other sharp or pointed instruments or materials intended or likely to cause injury to any person coming into contact therewith is prohibited.

(C) Electrified fences, snow fences, chicken wire, Keg and farm type fences, used as primary property enclosure fence, are prohibited in non-buildable areas (as defined in the Zoning Ordinance).

(D) No stone, masonry or concrete fence shall be constructed unless it is supported by a foundation and footing which shall extend at least 42 inches below the finished grade of the ground on both sides of the fence.

(E) A fence requiring a foundation shall not be erected (directly and parallel) over a utility line such as water, gas, sewer and electricity.

(F) No private fence of any design or type shall be erected on any part, section or place of the public street right-of-way.

(G) No fence shall be centered, or directly located over a lot line, and no part shall extend or project over said lot line.

(Ord. 031, passed 2-17-1976; Ord. 031/A2, passed 8-24-1976; Ord. 031/A3, passed 7-26-1980) Penalty, see § 150.99

§ 150.49 TENNIS COURTS.

Nothing contained in this subchapter shall be construed to restrict or limit the height of chain link fencing for the enclosure of any tennis court.

(Ord. 031, passed 2-17-1976)

§ 150.50 DANGEROUS OR ENCROACHING FENCES.

It shall be unlawful for the owner, occupant or person in custody of any premises in the village having a fence thereon, to permit such fence to exist in a state or condition which is liable to cause injury to any person or to property, or which is liable to collapse, or which encroaches upon or leans upon the premises of another.

(Ord. 031, passed 2-17-1976) Penalty, see § 150.99

§ 150.51 PERMIT FEES.

Fees shall be charged for a fence permit as so stated in § 150.07 of this chapter.

(Ord. 031, passed 2-17-1976)

§ 150.52 SKETCH FOR PERMIT.

An accurate sketch showing the proposed location of the fence on the premises shall be furnished to the Building Department at the time application is made for the permit.

(Ord. 031, passed 2-17-1976)

§ 150.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person, firm or corporation violating any provision of §§ 150.01 through 150.11 of this chapter shall be fined not less than \$10, nor more than \$500. Violation of different provisions of §§ 150.01 through 150.11 of this chapter shall be deemed separate violations for the purpose of the assessment of the penalty hereunder.

(C) Any person violating any of the provisions of §§ 150.45 through 150.52 of this chapter shall be subject to a fine of not less than \$25, nor more than \$500.

(Ord. 002, passed 4-1-1975; Ord. 031, passed 2-17-1976; Ord. 031/A2, passed 8-24-1976; Ord. 031/A4, passed 8-4-1993)

CHAPTER 151: PROPERTY MAINTENANCE

Section

- 151.01 Findings of fact
- 151.02 Exterior property maintenance generally
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- 151.04 Exterior property areas
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- 151.07 Accessory structures
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- 151.10 Rubbish and garbage
- 151.11 Extermination
- 151.12 Abatement of nuisance

- 151.99 Penalty

§ 151.01 FINDINGS OF FACT.

The corporate authorities of the village hereby find as facts all of the matters in the recited clauses in the ordinance codified herein.
(Ord. 405, passed 3-5-2014)

§ 151.02 EXTERIOR PROPERTY MAINTENANCE GENERALLY.

(A) *Scope.* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

(B) *Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy premises which do not comply with the requirements of this chapter.

(C) *Vacant structures and land.* All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.
(Ord. 405, passed 3-5-2014)

§ 151.03 DEFINITIONS.

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

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

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

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

OCCUPANT. Any person living or sleeping in a building or having possession of a space within a building.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land including any structures thereon.

PUBLIC NUISANCE. Includes any of the following:

(1) The physical condition or occupancy of any premises regarded as a public nuisance at common law;

(2) Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;

(3) Any premises that has unsanitary sewerage or plumbing facilities;

(4) Any premises designated as unsafe for human habitation;

(5) Any premises that is manifestly capable of being a fire hazard or is manifestly unsafe or unsecured so as to endanger life, limb or property;

(6) Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds;

(7) Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises;

(8) To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place to the prejudice of others. Livestock waste disposed of on agriculturally zoned land in compliance with state and local laws, ordinances or regulations is exempt. Animal carcasses shall be properly disposed of within 24 hours of a death of an animal;

(9) To throw or deposit any offal or other offensive matter or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway;

(10) Accumulations of rubbish; garbage; refuse; human, animal, industrial, noxious or offense waste, provided that acceptable storage of livestock manure on a farm is permitted when this storage is in compliance with state and local laws, ordinances and regulations;

(11) Commercial dumpsters which are offensive and which are not fly-tight vermin and rodent proof or do not comply with requirements of this chapter;

(12) The pollution of any well, cistern, spring, underground water, stream, lake, canal or body of water by sewage or industrial wastes or other substances hazardous to the public health;

(13) The use of a private residence water supply when samples from that supply have been declared to be bacteriologically unsafe;

(14) Any "hazardous air pollutant" or air pollutant which in the judgment of the Health Authority may cause or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness from a moving or stationary source;

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(15) Any dense smoke, noxious fumes, gas, soot or cinders or other air pollutant which when emitted from equipment, building or other structure in quantities sufficient to be toxic, harmful or injurious to the health of an employee or occupant of any premises or to any person;

(16) The keeping of horses, livestock, sheep, goats, fowl or other farm animals which are not customarily kept as pets on property zoned other than agriculture;

(17) A dog or cat running at large to the prejudice of others and not under direct control of its owner or responsible person;

(18) All noxious weeds and weeds which due to pollination are a hazard to public health;

(19) Well pits which are no longer used for the purpose originally intended and which are not properly filled to prevent ground water pollution or other hazard to public health;

(20) Buildings, either occupied or unoccupied that are an exposed public hazard as a source of filth or in a condition prejudicial to the health and safety of the public;

(21) The rental or lease of property or properties which have been declared unfit for human habitation by the Health Authority;

(22) Vehicles which are abandoned and are potential rodent harborages and potential hazard to children;

(23) Refrigerators, freezers, stoves and similar equipment which has been abandoned to the potential peril of persons;

(24) To so negligently conduct any business or use any premise as to create such an offensive odor as to render it disagreeable to the neighborhood. Odors resulting from acceptable farm practices conducted on farms are exempt from this section;

(25) The storage or disposal of animal waste not in conformity with current state laws, rules and regulations or local ordinances;

(26) The maintenance or operation of an individual sewage disposal system which is not functioning properly; and

(27) Bushes, brush and heavy undergrowth causing directly or indirectly the impoundment of surface waters in residential areas creating a breeding place for mosquitoes or otherwise becoming detrimental to the public health.

RUBBISH. Combustible and non-combustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags,

cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust and other similar materials.

YARD. An open space on the same lot with a structure.
(Ord. 405, passed 3-5-2014)

§ 151.04 EXTERIOR PROPERTY AREAS.

(A) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(B) *Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon or within any structure located thereon. Exception: water retention areas and reservoirs approved by the Village Engineer.

(C) *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

(D) *Weeds.*

(1) *Growth of certain weeds prohibited.* No person shall permit or allow any Canadian thistle, burdock, yellow dock, jimson weeds, bull thistle, poison ivy, ragweed or any other noxious or dangerous weed to grow on any premises owned, controlled or occupied by him or her.

(2) *Height of weeds; grass or plants constituting nuisance; abatement procedure.*

(a) *Nuisance.* It is hereby declared a nuisance for any owner or occupant of any land or any tract of land in the village to permit any weed, grass or plant to grow thereon to a height exceeding eight inches or to the extent of maturing its seeds. Planted areas of beneficial plants under cultivation to enhance the environment, protect a shoreline or aid in protecting wetlands are exempt.

(b) *Removal notice.* The village may serve on either the owner or occupant of any lot on which such weed, grass or plant grows a "removal notice", by letter to the owner or occupant, that such weeds, grass or plant must be mowed to a height not exceeding eight inches or to the extent of maturing its seeds.

(c) *Abatement by village.* If the owner or occupant of any lot or tract of land in the village permits any weed, grass or plant herein declared to be a nuisance to grow thereon to a height exceeding eight inches, or to the extent of maturing its seeds, the village may proceed to mow the weeds, grass or plant or cause same to be destroyed, regardless of whether or not any notice shall have been served in accordance with this section. The serving of any such notice shall not be a condition precedent to the taking and enforcement of action under this section.

(d) *Charge for abatement.* When the village mows the weeds or causes same to be destroyed, all reasonable expenses incurred by the village, or the person performing the service by authority of the village, shall be a charge against the owner or occupant of such lot or tract of land, which may be recovered in an appropriate action to be instituted on behalf of the village or the person performing the service by the village as aforesaid.

(e) *Lien.* The village shall have a lien upon such lot or tract of land for such reasonable expense; provided, a notice of lien for same shall be recorded in the following manner: the village or the person performing the service as aforesaid shall file such notice of lien in the office of the Recorder of Deeds of the county. Such notice of lien shall consist of a sworn statement setting out:

1. A description of the real estate sufficient for identification thereof;
2. The amount of money representing the cost and expense incurred or payable for the service; and

3. The date or dates when such cost and expense was incurred by the village, and shall be filed within 60 days after the cost and expense is incurred. Any officer or employee of the village having knowledge of the facts, is hereby authorized to sign such notice of lien on behalf of the village and verify same, and record or cause same to be recorded as aforesaid. The procedure set forth in the Illinois Municipal Code 65 ILCS 5/11-20-7, as amended from time to time, shall be followed.

(f) *Release of lien.* Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

(g) *Recovery of expenses.* The reasonable expense incurred as aforesaid shall be recoverable in addition to any penalty or penalties imposed under this chapter.
(Ord. 405, passed 3-5-2014) Penalty, see § 151.99

§ 151.05 RAT HARBORAGE.

All structure and exterior property shall be kept free from rat infestation. Where rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(Ord. 405, passed 3-5-2014) Penalty, see § 151.99

§ 151.06 EXHAUST VENTS.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(Ord. 405, passed 3-5-2014) Penalty, see § 151.99

§ 151.07 ACCESSORY STRUCTURES.

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(Ord. 405, passed 3-5-2014) Penalty, see § 151.99

§ 151.08 STORING OR PARKING OF INOPERABLE VEHICLES PROHIBITED; PUBLIC NUISANCES; EXCEPTION.

(A) (1) No person shall park, store, leave or permit the parking, storing or leaving of any inoperable motor vehicle of any kind upon any public or private property within view of the general public in the village as set forth in 65 ILCS 5/11-40-3.

(2) As used in this section, *INOPERABLE MOTOR VEHICLE* means any motor vehicle from which for a period of at least seven days the engine, wheels or other parts have been removed or on which the engine, wheels or other parts have been altered, damaged or otherwise treated; that the vehicle is incapable of being driven under its own motor power or the vehicle does not have current license plates and registration for the vehicle.

(B) The presence of an inoperable motor vehicle, on private or public property, is hereby declared a public nuisance and is unlawful.

(C) This section shall not apply to:

(1) Any vehicle enclosed within a building on private property;

(2) Any vehicle held in connection with a lawful business within the village and properly operated in the appropriate business zone pursuant to the zoning laws of the village; and, provided, said vehicle is not in view of the general public; or

(3) Historic vehicles over 25 years of age.

(Ord. 405, passed 3-5-2014) Penalty, see § 151.99

§ 151.09 NUMBERING OF BUILDINGS AND STRUCTURES.

It shall be the duty of the owner and occupant of every building in the village to have placed thereon in a place visible from the street, figures showing the number address of the building. The Village Clerk shall keep a chart showing the property street number of every lot in the village, which chart shall be open to inspection by the public.

(Ord. 405, passed 3-5-2014) Penalty, see § 151.99

§ 151.10 RUBBISH AND GARBAGE.

(A) *Accumulation of rubbish or garbage.* All exterior property and premises and the interior of every structure shall be free from any accumulation of rubbish or garbage.

(B) *Disposal of rubbish.* Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

(C) *Rubbish storage facilities.* The owner of every occupied premises shall supply approved covered containers for rubbish and the owner of the premises shall be responsible for the removal of rubbish.

(D) *Disposal of garbage.* Every occupant of a structure shall dispose of garbage in an approved garbage disposal facility or approved garbage containers.

(E) *Containers.* The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof dumpsters provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(Ord. 405, passed 3-5-2014) Penalty, see § 151.99

§ 151.11 EXTERMINATION.

(A) All structures shall be kept free from insect and rat infestation by the owner and/or occupant of the premises.

(B) All structures in which insects or rats are found shall be promptly exterminated by the owner and/or the occupant by approved processes that will not be injurious to human health.

(C) After extermination, proper precautions shall be taken to prevent reinfestation.

(Ord. 405, passed 3-5-2014) Penalty, see § 151.99

§ 151.12 ABATEMENT OF NUISANCE.

(A) Abatement procedure.

(1) An abatement action under this section is a remedy cumulative to other remedies at law and equity. Injunctive relief may be sought to prevent or restrain violations of this section. An abatement action in no way preempts, supersedes or bars civil or criminal prosecution for violation of this section or any other applicable building, property maintenance, fire prevention, health or public safety regulation. The commencement of an abatement action is not a condition precedent to the initiation of civil or criminal prosecution or any other remedy. Failure to adhere to the procedure prescribed in this section shall not bar relief or remedy if such failure causes no prejudice and merely constitutes harmless error.

(2) The following shall be the procedure for the abatement of nuisances within the jurisdiction of the village.

(a) Notice shall be given to the owner of the nuisances or of the property on which the nuisance exists. For purposes of this section, the person to whom the last general tax bill on the property was sent shall be presumed to be the owner. Notice by regular mail and posting of notice on the front entrance to the structure or similar location shall be deemed sufficient, legal notice to the owner and all other responsible parties. If there is no structure on the property, a sign may be posted anywhere on the premises.

(b) The notice shall state location and nature of the nuisance. It shall apprise the owner that if the nuisance is not abated within a specified number of days, the village shall, at the expense of such owner, have such nuisance abated. Ten days shall be such specified number unless otherwise stated in this chapter or the public health and safety require a shorter abatement period. The obligations of the owner are continuing obligations which are effective for one year from the date of the notice, which date shall be the last date the notice was mailed or the date the notice was posted, whichever comes last.

(c) If, upon the giving of notice, the owner fails to abate said nuisance within the time and in the manner specified in the notice, the village may cause the nuisance to be abated as it deems appropriate. The cost of the abatement shall be assessed against the owner of the land upon which the nuisance is located. The amount of such costs shall be paid by such owner to the village.

(3) If the nuisance is of such threat to the welfare, safety and comfort of the community that it must be abated immediately, the Village Administrator is hereby authorized to take whatever steps are necessary to effect the abatement of same regardless of the requirements herein.

(B) *Abatement of liens for the costs of nuisance abatement.*

(1) The cost of such abatement shall constitute a lien upon the real estate affected superior to all subsequent liens and encumbrances, except tax liens, if, within 60 days after such cost or expense is incurred by the village or person performing the service by authority of the village, in his, her or the village's name, files notice of lien in the office of the Recorder of Deeds of the county.

(2) The notice shall consist of a sworn statement setting out:

(a) A description of the real estate sufficient for identification thereof;

(b) The amount of money representing the cost and expense incurred or payable for the service; and

(c) The date or dates when such cost and expense was incurred by the municipality.

(3) Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the village.
(Ord. 405, passed 3-5-2014)

§ 151.99 PENALTY.

Unless another penalty is specifically provided by this chapter, any person violating any provision of this chapter, or any rules or regulations adopted or issued pursuant thereof, or any provision of any code or ordinance adopted by reference, shall, upon conviction, be subject to a fine of not less than \$100, nor more than \$750, and the costs of prosecution. Each act of violation and each day upon which a violation occurs constitutes a separate offense.
(Ord. 405, passed 3-5-2014)

CHAPTER 152: TRAILERS

Section

- 152.01 Definition
- 152.02 Number of trailers of any type per residence
- 152.03 Designated parking area
- 152.04 Proper placement

- 152.99 Penalty

§ 152.01 DEFINITION.

(A) A **TRAILER** is any piece of equipment constituting one or more wheels and one or more axles without motorized power to be towed behind a motorized vehicle.

(B) Examples are boat trailers, snowmobile trailers, jet ski trailers, utility trailers and camper trailers, excluding grass carts and trash can carts.
(Ord. 068, passed 7-25-1990)

§ 152.02 NUMBER OF TRAILERS OF ANY TYPE PER RESIDENCE.

A maximum of two trailers of any type, as defined in § 152.01 of this chapter, per residence in the village.
(Ord. 068, passed 7-25-1990)

§ 152.03 DESIGNATED PARKING AREA.

Designated parking areas are visible asphalt driveways, concrete driveways and gravel/stone driveways.
(Ord. 068, passed 7-25-1990)

§ 152.04 PROPER PLACEMENT.

Proper placement of trailer(s) should be parallel to the dwelling and on a designated parking area as defined in § 152.03 of this chapter.
(Ord. 068, passed 7-25-1990)

§ 152.99 PENALTY.

(A) Any resident convicted of a violation of the provisions of this chapter shall be subject to a fine of not less than \$25, nor more than \$500.

(B) Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such.
(Ord. 068, passed 7-25-1990)

CHAPTER 153: SATELLITE DISHES

Section

- 153.01 Intent and purpose
- 153.02 Definition
- 153.03 Diameter
- 153.04 Height
- 153.05 Location
- 153.06 Screening
- 153.07 Mounting
- 153.08 Density
- 153.09 Color and appearance

- 153.99 Penalty

§ 153.01 INTENT AND PURPOSE.

It is the determination of the village that satellite dishes of all sizes, shapes and varieties and uses constitute physical additions to the village of such character and degree of unsightliness that their construction, placement, installation and use require regulation by the village. This chapter is intended to promote and protect the general health, safety and welfare of the people, and to protect and preserve the value of real estate in the village.

(Ord. 073, passed 3-3-1993)

§ 153.02 DEFINITION.

A *SATELLITE DISH* is a parabolic or dish type television antenna as used herein shall mean any circular or similar dish-shaped transmitting or receiving antenna for communications or transmission or reception of television signals from a satellite.

(Ord. 073, passed 3-3-1993)

§ 153.03 DIAMETER.

Satellite dish antennas shall not exceed 12 feet in diameter.

(Ord. 073, passed 3-3-1993) Penalty, see § 153.99

§ 153.04 HEIGHT.

The maximum height of installation of a satellite dish shall not exceed 15 feet from ground level as measured from the mean elevation of the rear yard.

(Ord. 073, passed 3-3-1993) Penalty, see § 153.99

§ 153.05 LOCATION.

(A) Any satellite dish as permitted by this chapter shall be located only to the rear of the principal building and a minimum of ten feet from any lot line.

(B) The satellite dish shall not be located in front of the principal building or on the side of the principal building or in any portion of the side yard setback.

(C) The installation or mounting of a satellite dish on any roof or tower is hereby prohibited.
(Ord. 073, passed 3-3-1993) Penalty, see § 153.99

§ 153.06 SCREENING.

The satellite dish must be effectively screened by a dense screening hedge to a minimum height of six feet.

(Ord. 073, passed 3-3-1993) Penalty, see § 153.99

§ 153.07 MOUNTING.

(A) The satellite dish shall be mounted directly on the ground and shall be supported by a concrete pad designed to manufacturer's specifications.

(B) All electric or transmission cable connecting the antenna to the principal building shall be underground or as per manufacturer's recommendations.

(Ord. 073, passed 3-3-1993) Penalty, see § 153.99

§ 153.08 DENSITY.

Not more than one satellite dish shall be permitted per lot.

(Ord. 073, passed 3-3-1993) Penalty, see § 153.99

§ 153.09 COLOR AND APPEARANCE.

Satellite dishes shall be neutral in color and compatible with the appearance and character of the neighborhood.

(Ord. 073, passed 3-3-1993) Penalty, see § 153.99

§ 153.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter shall be fined not less than \$50, nor more than \$750. Each day such violation is committed or is continued or permitted to continue shall be constituted as a separate offense and shall be punishable as such.

(Ord. 073, passed 3-3-1993)

CHAPTER 154: STREETS AND SIDEWALKS

Section

- 154.01 Culverts
- 154.02 Public right-of-way bonds
- 154.03 Address numbering

- 154.99 Penalty

§ 154.01 CULVERTS.

(A) *Culvert required.*

(1) No developed access (vehicular or pedestrian) from any public right-of-way to any lot, park, grounds or territory (which would interfere with the natural designed storm water flow) shall be permitted over any storm water drainage system until a culvert is first installed in the drainage area (ditch) as per location of the egress.

(a) If the elevation of the drainage ditch invert is such that the flow of storm water will not pass over the proposed culvert site, no culvert will be necessary or required.

(b) If the elevation of the drainage ditch invert is such that the flow of storm water will pass over the proposed site, a culvert shall be required.

(2) Prior to the installation of a driveway, field access or installation of a new culvert to replace an existing culvert, a permit for a culvert installation on the village's right-of-way shall be required. Culvert permits shall be obtained from the Village Building Department and will expire 60 days after issuance. A culvert permit will be issued upon receipt of the following:

(a) A plan showing the existing elevations of the street ditch at property lines and at both sides of the driveway;

(b) A plan showing the new culvert location, type, size and inverts with any regrading proposed within the ditch line;

(c) A \$2,500 performance bond guaranteeing the applicant's faithful and prompt restoration of the excavated area in accordance with the provisions of the ordinance of the village and the maintenance thereof for a period of two years; and

(d) A fee of \$100 payable to the village for plan review and record keeping by the Village Engineer.

(3) The performance bond will be released within two years of completion of the project and upon receipt of record drawings indicating that the culvert has been constructed as proposed.

(4) The Department of Public Works of the village shall inspect the placement of the culvert prior to driveway installation.

(5) Installed culverts shall be backfilled with gravel and compacted. Culverts that are damaged during installation shall be replaced at the property owner's expense.

(6) (a) If the inspection reveals that the culvert has been incorrectly installed, the property owner shall correct the culvert installation according to Village Engineer's inspection and recommendation.

(b) Upon completion of the corrected culvert installation, the property owner shall be required to pay an additional \$100 inspection fee to have the Village Department of Public Works reinspect the culvert installation.

(c) This procedure shall apply until the property owner has caused the culvert to be correctly installed.

(B) *Minimum requirements of culverts.*

(1) The diameter (or equivalent size) shall not be less than 12 inches in diameter for the purpose of preventing clogging by silt or ice.

(2) Minimum thickness of corrugated steel pipe 0.064 inch; size of corrugations two inches by three inches by one inch.

(3) Length of culvert:

(a) Maximum length: not to exceed 29-1/2 feet;

(b) Minimum length: not less than the width of the accessway (driveway or walkway) at the proposed culvert location, plus two times the diameter of the culvert.

(4) Covering over the high point of the culvert shall not be less than six inches of stable gravel for light vehicles and one inch for walkways.

(5) For arch culverts, the minimum coverage is the same as for round culverts.

<i>Round</i>	<i>Equivalent Arch</i>		
<i>Diameter</i>	<i>Span</i>	<i>Rise</i>	<i>Minimum Thickness</i>
15	17	13	0.064
18	21	15	0.064
21	24	18	0.064
24	28	20	0.079
27	35	24	0.079
30	35	24	0.079

(C) *Determining culvert size.*

(1) The tables below have been constructed from the following Meyer's equations for the commercial sizes of pipe (culverts) which are given in inches.

(2) To determine the necessary size of pipe (culvert) with "Q", the amount of water to be handled by the surface drainage system at any point, is the runoff from the drainage area above that point; therefore, the area (in acres) must be calculated from the Department of Public Works map of storm water drainage.

(3) By entering the calculated acres into the following table, the quantity of water in cubic feet per second would be "Q" which then shall be entered into the image below at the bottom with the "Percent of Grade" and the vertical line followed to its intersection with the horizontal line corresponding to "Q" as shown at the left.

(4) (a) This point lies between lines showing the size, in diameter in inches and the nearest commercial size should be taken.

(b) The velocity can be interpolated from the velocity lines.

<i>To Determine "Q" (cu. ft. water flow per second)</i>																			
Acres	0.7	0.8	1.7	2.5	3.4	4.2	5.1	5.9	6.8	8.5	12.7	17	25	34	42	51	59	68	85
"Q"	0.8	1	2	3	4	5	6	7	8	10	15	20	30	40	50	60	70	80	100

Wonder Lake - Land Usage

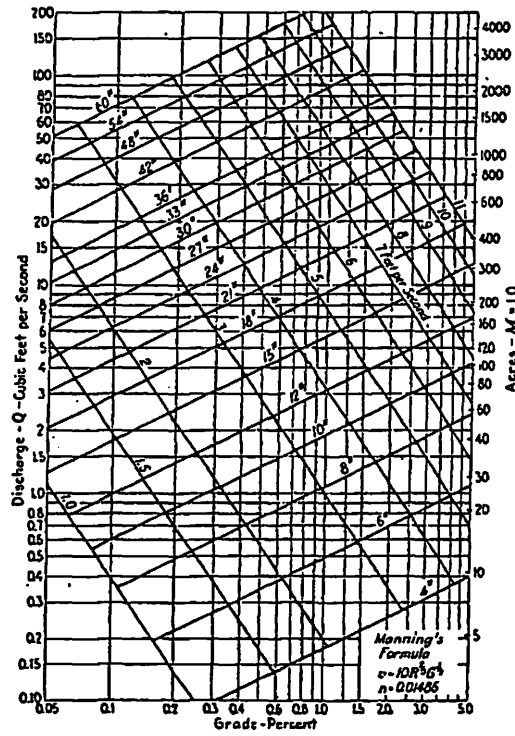


FIG. 5-1.—Capacity of tile drains.

Grades.—Grades for the tile lines should be such that adequate but not excessive velocities of flow are obtained. With velocities less than about 2 ft. per second there is danger of clogging the tile by the deposition of silt. Velocities greater than about 10 ft. per second are likely to cause damage to the tile or accessories by erosion.

(D) *Reference.* Said tables are based on the Meyer Formulas for surface drainage for the county area.

(t = 25 min.) r = 0.3 and Storm Frequency of 25 years

$$i = \frac{c}{t + d}$$

i = Intensity of Rainfall (Inches/Hour)

t = Duration of Rainfall in Minutes

c = (Terms depending on the Character and Frequency of Storms)

d = (Terms depending on the Character and Frequency of Storms)

$$Q = Air$$

$$Q = \frac{Arc}{td}$$

A = Area In Acres of Runoff of Area of Drainage
 r = Runoff Factor (0.3 to 0.5)
 Q = Quantity of Runoff Water in Cu. Ft. per Second

$$D = \frac{(Q)^{3/8}}{(\pi G^{1/2})}$$

D = Diameter of Culvert in Feet
 π = 3.1416
 G = % of Grade

(E) *Enforcement and responsibility.* The culvert, driveway, walkway, material and maintenance thereof shall be the responsibility of the owner of the lot, park, grounds or territory for said items located on, over or in the public street right-of-way serving as egress to said property. In the event the owner fails to properly maintain the culvert as required by this section after written notice from the village specifying the violations to be corrected and the date upon which to correct said defects, the village shall have the right to go onto the owner's property for the purpose of correcting any violations of the maintenance of the culvert area. Any costs incurred by the village to maintain a property owner's culvert area, as required by this section, shall be charged to the property owner; and the village shall have the right to place a lien on the property for such costs.

(Ord. 052, passed 7-26-1980; Ord. 94-52/A1, passed 9-7-1994; Ord. 052A/2, passed 3-7-2001; Ord. 052, passed 6-6-2001) Penalty, see § 154.99

§ 154.02 PUBLIC RIGHTS-OF-WAY BONDS.

(A) All contractors performing any work on public improvements, such as sanitary sewers, water mains, street, curb and gutter or other similar public improvement works, shall file a bond in the amount of \$10,000 in the form approved by the village and filed with the Village Clerk.

(B) In the event the improvements to be made by the contractor exceed \$10,000, the contractor shall furnish such additional bond as is necessary to insure the completion of the improvements. Said bond or bonds shall be conditional upon the installation of the required improvements within the time period established by the village. The contractor may include more than one project in the initial bond, but the total cost shall not exceed \$10,000. Upon completion of a project, the contractor may use that portion of the bond allocated to the completed project for another project or projects.

(Ord. 087, passed 10-4-1995)

§ 154.03 ADDRESS NUMBERING.

The village's addressing system, including any and all maps, is hereby adopted by reference and incorporated herein as if set out in full.

(Ord. 004, passed 4-1-1975)

§ 154.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person, renter, owner or agent thereof who places a blockage to the natural or designed flow of storm water runoff in the storm water drainage system, or who neglects to maintain the culvert area by allowing the drainage area to become blocked by debris or overgrown by trees, bushes, weeds or grass shall be subject to a fine of not less than \$25 or more than \$500. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 052, passed 7-26-1980; Ord. 052, passed 9-1-1999; Ord. 052A/2, passed 3-7-2001)

CHAPTER 155: VACANT LAND AND WATERWAY ACCESS

Section

155.01 Access prohibited

155.02 Exceptions

155.99 Penalty

§ 155.01 ACCESS PROHIBITED.

(A) Except as provided herein, no person shall access:

(1) Any vacant lands within the village from any waterway or body of water, liquid or solid, which borders or is within the corporate limits of the village; or

(2) Any waterway or body of water, liquid or solid, which borders or is within the corporate limits of the village from any vacant lands within the village.

(B) The word *ACCESS*, for the purposes of this section, includes, but is not limited to:

(1) Docking or launching of any type of watercraft or amphibious vehicle by any means at the shore, pier, ramp, wall or other shoreline structure or boundary;

(2) The traverse of the boundary of such waterway and land by any vehicle so capable by any means including human power;

(3) Seeking capture of plants or animals, by any means for any purpose, of the waters from such lands by any means;

(4) Seeking capture of plants or animals, by any means for any purpose, of the land from such waters by any means; and

(5) By any means depositing over the shoreline any litter, pollutant, waste, container(s), whether empty or with contents, or other like substance(s).

(Ord. 346, passed 5-4-2011) Penalty, see § 155.99

§ 155.02 EXCEPTIONS.

The provisions of this chapter does not apply to:

(A) Residents of the village and their guests or persons representing any governmental body so accessing for any official reason;

(B) Licensed refuse haulers actually engaged in the collection of refuse under contract of the land owner or the village;

(C) Public utility companies, their vehicles and employees while actually engaged in the maintenance or installation of such utilities;

(D) The rights of the property owners of such lands; and

(E) The lawful dredging, landscaping or construction of retaining wall(s) or any other lawfully permitted or licensed activity requiring access, as defined herein.
(Ord. 346, passed 5-4-2011)

§ 155.99 PENALTY.

(A) A violation of this chapter shall be punishable by a fine not exceeding \$750 upon conviction by any court of proper jurisdiction and venue.

(B) Enforcement citations alleging violations of this section may be pre-paid accordingly:

(1) First offense: \$75;

(2) Subsequent offense within 90 days: \$150; and

(3) Late payment (if not paid within ten days of receipt): double penalty.
(Ord. 346, passed 5-4-2011)

CHAPTER 156: EARTH EXTRACTION AND MINING OPERATIONS

Section

156.01 Adopted by reference

§ 156.01 ADOPTED BY REFERENCE.

The village's earth extraction and mining operations provisions are hereby adopted by reference and incorporated herein as if set out in full.
(Ord. 144, passed 3-20-2002)

Wonder Lake - Land Usage

CHAPTER 157: SOIL EROSION AND SEDIMENT CONTROL

Section

General Provisions

- 157.01 Findings and purpose
- 157.02 Definitions
- 157.03 General principles
- 157.04 Exceptions
- 157.05 Stop-work order; revocation of permit

Site Development Permit

- 157.20 Permit required
- 157.21 Exceptions
- 157.22 Application for permit
- 157.23 Submissions
- 157.24 Review and approval
- 157.25 Expiration of permit
- 157.26 Appeals
- 157.27 Retention of plans

Design and Operation Standards and Requirements

- 157.40 Applicability
- 157.41 Responsibility
- 157.42 Site design requirements
- 157.43 Handbooks adopted by reference
- 157.44 Maintenance and control measures
- 157.45 Inspection
- 157.46 Special precautions

- 157.99 Penalty

GENERAL PROVISIONS**§ 157.01 FINDINGS AND PURPOSE.**

(A) *Findings.* The Board of Trustees of the village hereby finds that:

(1) Excessive quantities of soil may erode from areas undergoing development for certain non-agricultural uses including, but not limited to, the construction of dwelling units, commercial buildings and industrial plants, the building of roads and highways, the modification of stream channels and drainageways and the creation of recreational facilities;

(2) The washing, blowing, and falling of eroded soil across and upon roadways endangers the health and safety of users thereof, by decreasing vision and reducing traction of road vehicles;

(3) Soil erosion necessitates the costly repairing of gullies, washed-out fills and embankments;

(4) Sediment from soil erosion tends to clog sewers and ditches and to pollute and silt rivers, streams, lakes, wetlands and reservoirs;

(5) Sediment limits the use of water and waterways for most beneficial purposes, promotes the growth of undesirable aquatic weeds, destroys fish and other desirable aquatic life and is costly and difficult to remove; and

(6) Sediment reduces the channel capacity of waterways and the storage capacity of floodplains and natural depressions, resulting in increased chances of flooding at risk to public health and safety.

(B) *Purpose.* The Village Board of Trustees, therefore, declares that the purpose of this ordinance is to safeguard persons, protect property, prevent damage to the environment and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth on land situated in the village. It is the intention of this ordinance that the delivery of sediment from sites affected by land disturbing activities be limited, as closely as practicable, to that which would have occurred if the land had been left in its natural undisturbed state.

(Ord. 181, passed 7-16-2003)

§ 157.02 DEFINITIONS.

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

BUILDING PERMIT. A permit issued by the village for the construction, erection or alteration of a structure or building.

CERTIFY or **CERTIFICATION**. Formally attesting that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this chapter.

CLEARING. Any activity that removes vegetative ground cover.

CUBIC YARDS. The amount of material in excavation and/or fill measured by the method of "average end areas".

EXCAVATION. Any act by which organic matter, earth, sand, gravel, rock or any other similar, material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

EXISTING GRADE. The vertical location of the existing ground surface prior to excavation or filling.

FILL. Any act by which, earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by humans to a new location and shall include the conditions resulting therefrom.

FINAL GRADE. The vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

GRADING. Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

NATURAL DRAINAGE. Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

PARCEL. All contiguous land owned by a single entity.

PERMITTEE. Any person to whom a site development permit is issued.

PERSON. Any individual, firm or corporation, public or private, the state and its agencies or political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.

REMOVAL. Cutting vegetation to the ground or stumps, complete extraction or killing by spraying.

SITE. A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE DEVELOPMENT. Altering terrain and/or vegetation and constructing improvements.

SITE DEVELOPMENT PERMIT. A permit issued by the (village) for the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.

STREAM. Any river, creek, brook, branch, flowage, ravine or natural or human-made drainageway which has a definite bed and banks or shoreline, in or into which surface or ground water flows, either perennially or intermittently.

STRIPPING. Any activity that removes the vegetative surface cover including tree removal, clearing and storage or removal of topsoil.

VACANT. Land on which there are no structures or only structures that are secondary to the use or maintenance of the land itself.

VILLAGE. The Village of Wonder Lake, McHenry County, Illinois.

WETLANDS. Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
(Ord. 181, passed 7-16-2003)

§ 157.03 GENERAL PRINCIPLES.

(A) It is the objective of this chapter to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating and filling of land, in the village. Measures taken to control soil erosion and off-site sediment runoff should be adequate to assure that sediment is not transported from the site by a storm event of ten-year frequency or less.

(B) The following principles shall apply to all development activities within the village and to the preparation of the submissions required under §§ 157.20 through 157.27 of this chapter.

(1) Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible and natural contours should be followed as closely as possible.

(2) Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural watercourses, lakes, ponds and wetlands should be left undisturbed wherever possible. Temporary crossings of watercourses, when permitted must include appropriate stabilization measures.

(3) Special precautions should be taken to prevent damages resultant from any necessary development activity within or adjacent to any stream, lake, pond or wetland. Preventative measures should reflect the sensitivity of these areas to erosion and sedimentation.

(4) The smallest practical area of land should be exposed for the shortest practical time during development.

(5) Sediment basins or traps, filter barriers, diversions and any other appropriate sediment or runoff control measures should be installed prior to site clearing and grading and maintained to remove sediment from run-off waters from land undergoing development.

(6) The selection of erosion and sedimentation control measures should be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs and benefits involved.

(7) In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance should be considered.

(8) Provision should be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Drainageways should be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion on-site or downstream.

(9) Permanent vegetation and structures should be installed and functional as soon as practical during development.

(10) Those areas being converted from agricultural purposes to other land uses should be vegetated with an appropriate protective cover prior to development.

(11) All waste generated as a result of site development activity should be properly disposed of and should be prevented from being carried off the site by either wind or water.

(12) All construction sites should provide measures to prevent sediment from being tracked onto public or private roadways.
(Ord. 181, passed 7-16-2003)

§ 157.04 EXCEPTIONS.

The Village Board may, in accordance with the following procedures, authorize exceptions to any of the requirements and regulations set forth in this chapter.

(A) Application for any variance shall be made by a verified petition of the applicant for a site development permit, stating fully the grounds of the petition and the facts relied upon by the applicant. Such petition shall be filed with the site development permit application. In order for the petition to be

granted, it shall be necessary that the Board of Trustees find all of the following facts with respect to the land referred to in the petition:

(1) The land is of such shape or size or is affected by such physical conditions or is subject to such title limitations of record, that it is impossible or impractical for the applicant to comply with all of the requirements of this chapter;

(2) The exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

(3) The granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.

(B) Each application for an exception shall be referred to the Village Plan Commission for review. The Village Plan Commission shall transmit its recommendations to the Board of Trustees, which shall review such recommendations prior to granting or denying the exception.

(Ord. 181, passed 7-16-2003)

§ 157.05 STOP-WORK ORDER; REVOCATION OF PERMIT.

(A) In the event any person holding a site development permit pursuant to this chapter violates the terms of the permit, or carries on site development in such a manner as to materially adversely affect the health, welfare or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Building Inspector or the Village Engineer may suspend or revoke the site development permit.

(B) Suspension of a permit shall be by a written stop-work order issued by the Building Inspector or the Village Engineer and delivered to the permittee or his or her agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect until the next regularly scheduled meeting of the Board of Trustees at which the conditions of division (C) below can be met.

(C) (1) No site development permit shall be permanently suspended or revoked until a hearing is held by the Board of Trustees. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:

(a) The grounds for complaint or reasons for suspension or revocation, in clear and concise language; and

(b) The time when and place where such hearing will be held.

(2) Such notice shall be served on the permittee at least five days prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his or her behalf. At the conclusion of the hearing, the Board of Trustees shall determine whether the permit shall be suspended or revoked.
(Ord. 181, passed 7-16-2003)

SITE DEVELOPMENT PERMIT

§ 157.20 PERMIT REQUIRED.

Except as otherwise provided in this chapter, no person shall commence or perform any clearing, grading, stripping, excavating or filling of land which meets the following provisions without having first obtained a site development permit from the Village Engineer:

(A) Any land disturbing activity (i.e., clearing, grading, stripping, excavation, fill or any combination thereof) that will affect an area in excess of 5,000 square feet;

(B) Any land disturbing activity that will affect an area in excess of 500 square feet if the activity is within 25 feet of a lake, pond, stream or wetland; or

(C) Excavation, fill or any combination thereof that will exceed 100 cubic yards.
(Ord. 181, passed 7-16-2003) Penalty, see § 157.99

§ 157.21 EXCEPTIONS.

A permit shall not be required for any of the following; provided that, the person responsible for any such development shall implement necessary soil erosion and sediment control measures to satisfy the principles set forth in § 157.03 of this chapter:

(A) Excavation below final grade for the basement and footings of a single-family residence and appurtenant structures on a site in excess of two acres for which a building permit has been issued by the village;

(B) Agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Soil and Water Conservation District, and including the construction of agricultural structures; and

(C) Installation, renovation or replacement of a septic system to serve an existing dwelling or structure.
(Ord. 181, passed 7-16-2003)

§ 157.22 APPLICATION FOR PERMIT.

Application for a site development permit shall be made by the owner of the property or his or her authorized agent to the Village Engineer on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee. The filing fee is \$500, unless the review will be conducted as part of a subdivision development, which will have a separate fund (bond or letter of credit) established for the purpose of municipal review. The filing fee covers a specific number of site visits (three). If site visits exceed that number, the developer or owner of the property will be charged on a time and material basis based on a labor fee of \$110 per hour and \$0.45 per mile. Each application shall include certification that any land clearing, construction or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

(Ord. 181, passed 7-16-2003)

§ 157.23 SUBMISSIONS.

(A) Each application for a site development permit shall be accompanied by the following information:

(1) A vicinity map in sufficient detail to enable easy location in the field of the site for which the permit is sought, and including the boundary line and approximate acreage of the site, existing zoning and a legend and scale;

(2) A development plan of the site showing:

(a) Existing topography of the site and adjacent land within approximately 100 feet of the boundaries, drawn at no greater than two-foot contour intervals and clearly portraying the conformation and drainage pattern of the area;

(b) The location of existing buildings, structures, utilities, streams, lakes, floodplains, wetlands and depressions, drainage facilities, vegetative cover, paved areas and other significant natural or human-made features on the site and adjacent land within 100 feet of the boundary;

(c) A general description of the predominant soil types on the site, their location and their limitations for the proposed use; and

(d) Proposed use of the site, including present development and planned utilization; areas of clearing, stripping, grading, excavation and filling; proposed contours, finished grades and street profiles; provisions for storm drainage, including storm sewers, swales, detention basins and any other measures to control the rate of runoff, with a drainage area map, indications of flow directions and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized or left undisturbed.

(3) An erosion and sediment control plan showing all measures necessary to meet the objectives of this chapter throughout all phases of construction and permanently after completion of development of the site, including:

(a) Location and description, including standard details, of all sediment control measures and design specifics of sediment basins and traps, including outlet details;

(b) Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures;

(c) Location and description of all runoff control measures, including diversions, waterways and outlets;

(d) Location and description of methods to prevent tracking of sediment off site, including construction entrance details, as appropriate;

(e) Description of dust and traffic-control measures;

(f) Locations of stockpiles and description of stabilization methods;

(g) Description of off-site fill or borrow volumes, locations and methods of stabilization;

(h) Provisions for maintenance of control measures, including type and frequency of maintenance, easements and estimates of the cost of maintenance; and

(i) Identification (name, address and telephone) of the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures during development and after development is completed.

(4) The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas and the sequence of installation of temporary sediment control measures (including perimeter controls), clearing and grading, installation of temporary soil stabilization measures, installation of storm drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover and the removal of temporary measures. It shall be the responsibility of the applicant to notify the Village Engineer of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved.

(B) The Village Engineer may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of this chapter.

(Ord. 181, passed 7-16-2003)

§ 157.24 REVIEW AND APPROVAL.

Each application for a site development permit shall be reviewed and acted upon according to the following procedures.

(A) The Village Engineer will review each application for a site development permit to determine its conformance with the provisions of this chapter. The Village Engineer may also refer any application to any other local government or public agency within whose jurisdiction the site is located for review and comment. Within 30 days after receiving an application, the Village Engineer shall in writing:

(1) Approve the permit application if it is found to be in conformance with the provisions of this chapter, and issue the permit;

(2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this chapter, and issue the permit subject to these conditions; or

(3) Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

(B) No site development permit shall be issued for an intended development site unless:

(1) The development, including, but not limited to, subdivisions and planned unit development, has been approved by the village where applicable;

(2) Such permit is accompanied by or combined with a valid building permit issued by the village;

(3) The proposed earth moving is coordinated with any overall development program previously approved by the village for the area in which the site is situated; and

(4) All relevant federal and state permits (i. e., for floodplains and wetlands) have been received for the portion of the site subject to soil disturbance.

(C) Failure of the Village Engineer to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the Building Inspector and the applicant. Pending preparation and

approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the Building Inspector.

(Ord. 181, passed 7-16-2003)

§ 157.25 EXPIRATION OF PERMIT.

(A) Every site development permit shall expire and become null and void if the work authorized by such permit has not been commenced within 180 days, or is not completed by a date which shall be specified in the permit; except that, the Village Engineer may, if the permittee presents satisfactory evidence that unusual difficulties have prevented work being commenced or completed within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit.

(B) The Building Inspector may require modification of the erosion control plan to prevent any increase in erosion or off-site sediment runoff resulting from any extension.

(Ord. 181, passed 7-16-2003)

§ 157.26 APPEALS.

(A) The applicant, or any person or agency which received notice of the filing of the application, may appeal the decision of the Building Inspector as provided in § 157.25 of this chapter, to the Village Plan Commission. The Village Plan Commission shall render a decision within 30 days after receiving notice.

(B) Factors to be considered on review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands, any comprehensive watershed management plans, or the use of any retention facilities; possible saturation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting of drainageways; nature and type of soil or rock which when disturbed by the proposed development activities may create earth movement and produce slopes that cannot be landscaped; and excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation.

(Ord. 181, passed 7-16-2003)

§ 157.27 RETENTION OF PLANS.

Plans, specifications and reports for all site developments shall be retained in original form or on microfilm by the Village Engineer during construction operations.

(Ord. 181, passed 7-16-2003)

DESIGN AND OPERATION STANDARDS AND REQUIREMENTS**§ 157.40 APPLICABILITY.**

All clearing, grading, stripping, excavating and filling which is subject to the permit requirements of this chapter shall be subject to the applicable standards and requirements set forth in this subchapter. (Ord. 181, passed 7-16-2003)

§ 157.41 RESPONSIBILITY.

The permittee shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the village or its officers or agents will not be made liable for such damage, by:

(A) The issuance of a permit under this chapter;

(B) Compliance with the provisions of that permit or with conditions attached to it by the (permitting authority);

(C) Failure of village officials to observe or recognize hazardous or unsightly conditions;

(D) Failure of village officials to recommend denial of or to deny a permit; or

(E) Exemptions from the permit requirements of this chapter.
(Ord. 181, passed 7-16-2003)

§ 157.42 SITE DESIGN REQUIREMENTS.

(A) On-site sediment control measures, as specified by the following criteria, shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.

(1) For disturbed areas draining less than one acre, filter barriers (including filter fences, straw bales or equivalent control measures) shall be constructed to control all off-site runoff as specified in referenced handbooks. Vegetated filter strips, with a minimum width of two rolls of filter fabric equaling 12 feet wide, may be used as an alternative only where runoff in sheet flow is expected.

(2) For disturbed areas draining more than one, but less than five acres, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area.

(3) For disturbed areas draining more than five acres, a sediment basin or equivalent control measure shall be constructed at the downslope point of the disturbed area.

(4) Sediment basins and sediment traps designs shall provide for both detention storage and sediment storage. The detention storage shall be composed of equal volumes of "wet" detention storage and "dry" detention storage and each shall be sized for the two-year, 24-hour runoff from the site under maximum runoff conditions during construction. The release rate of the basin shall be that rate required to achieve minimum detention times of at least ten hours. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.

(5) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume of sediment generated in one year. For construction periods exceeding one year, the one-year sediment load and a sediment removal schedule may be substituted.

(B) Storm water conveyance channels, including ditches, swales and diversions and the outlets of all channels and pipes shall be designed and constructed to withstand the expected flow velocity from the ten-year frequency storm without erosion. All constructed or modified channels shall be stabilized within 48 hours, consistent with the following standards:

(1) For grades up to 4%, seeding in combination with mulch, erosion blanket or an equivalent control measure shall be applied. Sod or erosion blanket or mat shall be applied to the bottom of the channel.

(2) For grades of 4% to 8%, sod or an equivalent control measure shall be applied in the channel.

(3) For grades greater than 8%, rock, riprap or an equivalent control measure shall be applied or the grade shall be effectively reduced using drop structures.

(C) Disturbed areas shall be stabilized with temporary or permanent measures within seven calendar days following the end of active disturbance or redisturbance, consistent with the following criteria.

(1) Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding and/or non-vegetative measures.

(2) Areas having slopes greater than 12% shall be stabilized with sod, mat or blanket in combination with seeding, or equivalent.

(D) Land disturbance activities in stream channels shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met.

(1) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.

(2) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be restabilized within 48 hours after channel disturbance is completed, interrupted or stopped.

(3) Whenever channel relocation is necessary, the new channel shall be constructed in the dry and fully stabilized before flow is diverted.

(E) Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.

(F) Soil storage piles containing more than ten cubic yards of material shall not be located with a downslope drainage length of less than 25 feet to a roadway or drainage channel. Filter barriers, including straw bales, filter fence or equivalent, shall be installed immediately on the downslope side of the piles.

(G) If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent.

(H) Each site shall have graveled (or equivalent) entrance roads, access drives and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.

(I) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.

(J) All temporary erosion and sediment control measures shall be disposed of within 30 days after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

(Ord. 181, passed 7-16-2003)

§ 157.43 HANDBOOKS ADOPTED BY REFERENCE.

The standards and specifications contained in *Standards and Specifications for Soil Erosion and Sediment Control* (the Yellow Book) and the *Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control* (the Green Book) cited in §§ 157.20 through 157.27 of this chapter are hereby incorporated into this subchapter and made a part hereof by reference for the purpose of delineating procedures and methods of operation under site development and erosion and sedimentation control plans approved under §§ 157.20 through 157.27 of this chapter. In the event of conflict between provisions of said manuals and of this chapter, the chapter shall govern.

(Ord. 181, passed 7-16-2003)

§ 157.44 MAINTENANCE OF CONTROL MEASURES.

All soil erosion and sediment control measures necessary to meet the requirements of this chapter shall be maintained periodically by the applicant or subsequent landowner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance. (Ord. 181, passed 7-16-2003)

§ 157.45 INSPECTION.

(A) The Village Engineer shall make inspections as hereinafter required and shall either recommend approval of that portion of the work completed or shall notify the permittee wherein the work fails to comply with the site development or erosion and sedimentation control plan as approved. Plans for grading, stripping, excavating and filling work bearing the stamp of approval of the Village Engineer shall be maintained at the site during progress of the work.

(B) In order to request construction inspection and to ensure compliance with the approved erosion and sediment control plan, the grading or building permit, and this chapter, the permittee shall notify the Village Engineer within two working days of the completion of the construction stages specified below:

- (1) Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading;
- (2) After stripping, clearing and rough grading;
- (3) After final grading; and
- (4) Final stabilization and landscaping, prior to removal of sediment controls.

(C) If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the permittee shall give notice and request construction inspections at the completion of each of the above work stages in each phase or area. If an observation is not made and notification of the results given within five working days after notice is received by the village from the permittee, the permittee may continue work at his or her own risk, without presuming acceptance by the village. Notification of the results of the inspection shall be given in writing.

(Ord. 181, passed 7-16-2003)

§ 157.46 SPECIAL PRECAUTIONS.

(A) If, at any stage of the grading of any development site, the Village Engineer or Building Inspector determines by inspection that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland or drainage structure,

the Village Engineer may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction or cribbing, installation of plant materials for erosion control and recommendations of a registered soils engineer and/or engineering geologist which may be made requirements for further work.

(B) Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. On large developments or where unusual site conditions prevail, the Village Engineer may specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal rains.

(C) Major amendments of the site development or erosion and sedimentation control plans shall be submitted to the Village Engineer and Building Inspector and shall be processed and approved or disapproved in the same manner as the original plans. Field modifications of a minor nature may be authorized by the Village Engineer by written authorization to the permittee.

(Ord. 181, passed 7-16-2003)

§ 157.99 PENALTY.

(A) No person shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any terms of this chapter. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this chapter is committed, continued or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership or corporation shall be punished by a fine of not less than \$100 and not more than \$1,000 for each offense. In addition to any other penalty authorized by this section, any person, partnership or corporation convicted of violating any of the provisions of this chapter shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration.

(B) The village may also file a complaint in the Nineteenth Judicial Circuit, McHenry County, Illinois, and seek among other things, a permanent injunction against the person deemed to be in violation of this chapter, forever barring said person from continuing with the development of the property in question, and requiring the person found to be in violation of this chapter to restore the property to its original condition at the violator's sole cost and expense.

(Ord. 181, passed 7-16-2003)

CHAPTER 158: STORM WATER

Section

158.01 Stormwater management regulations

§ 158.01 STORMWATER MANAGEMENT REGULATIONS.

The McHenry County Stormwater Management Ordinance, as most recently amended by the County of McHenry on April 5, 2016, is hereby adopted by reference and is in full force and effect within the village and is found in its own compilation.

(Ord. 206/A2, passed 8-5-2015; Ord. 206/A3, passed 9-7-2016)

[Text continues on page 157]

CHAPTER 159: FLOOD DAMAGE PREVENTION

Section

General Provisions

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GENERAL PROVISIONS

§ 159.01 PURPOSE.

(A) This chapter is enacted pursuant to the police powers granted to the village by 65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2. The purpose of this chapter is to maintain the village's eligibility in the National Flood Insurance Program; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources.

(B) This chapter is adopted in order to accomplish the following specific purposes:

- (1) To meet the requirements of 615 ILCS 5/18(g), Rivers, Lakes and Streams Act;
 - (2) To assure that new development does not increase the flood or drainage hazards to others, or creating unstable conditions susceptible to erosion;
 - (3) To protect new buildings and major improvements to buildings from flood damage;
 - (4) To protect human life and health from the hazards of flooding;
 - (5) To lessen the burden on the taxpayer for flood-control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
 - (6) To make federally subsidized flood insurance available for property in the village by fulfilling the requirements of the National Flood Insurance Program;
 - (7) To comply with the rules and regulations of the National Flood Insurance Program codified as 44 C.F.R. parts 59 through 79, as amended.
 - (8) To protect, conserve and promote the orderly development of land and water resources;
- and

(9) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

(Ord. 257, passed 11-15-2006)

§ 159.02 DEFINITIONS.

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

ACCESSORY STRUCTURE. A non-habitable structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

ACT. An act in relation to the regulation of the rivers, lakes and streams of the state, 615 ILCS 5/5 et seq.

APPLICANT. Any person, firm, corporation or agency which submits an application.

APPROPRIATE USE. Only uses of the designated floodway that are permissible and will be considered for permit issuance. The only uses that will be allowed are as specified in § 159.46(B) of this chapter.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year. The **BASE FLOOD** is also known as the 100-year frequency flood event. Application of the base flood elevation at any location is as defined in § 159.03 of this chapter.

BASE FLOOD ELEVATION (BFE). The elevation in relation to mean sea level of the crest of the base flood.

BASEMENT. That portion of the building having its floor subgrade (below ground level) on all sides.

BUILDING. A walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

CHANNEL. Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash or natural or human-made drainageway,

which has a definite bed and banks or shoreline, in or into which surface or ground water flows, either perennially or intermittently.

CHANNEL MODIFICATION. Alteration of a channel by changing the physical dimensions or materials of its bed or banks. **CHANNEL MODIFICATION** includes damming, rip-rapping (or other armoring), widening, deepening, straightening, relocating, lining and significant removal of native vegetation from the bottom or banks. **CHANNEL MODIFICATION** does not include the clearing of dead or dying vegetation, debris or trash from the channel. Channelization is a severe form of **CHANNEL MODIFICATION** involving a significant change in the channel cross-section and typically involving relocation of the existing channel (e.g., straightening).

COMPENSATORY STORAGE. An artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain. The uncompensated loss of natural floodplain storage can increase off-site flood water elevations and flows.

CONDITIONAL APPROVAL OF A DESIGNATED FLOODWAY MAP CHANGE. Preconstruction approval by IDNR/OWR and FEMA of a proposed change to the floodway map. This preconstruction approval, pursuant to this part, gives assurances to the property owner that once an appropriate use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans.

CONDITIONAL LETTER OF MAP REVISION (CLOMR). A letter which indicates that FEMA will revise base flood elevations, flood insurance rate zones, flood boundaries or floodway as shown on an effective Flood Hazard Boundary Map or Flood Insurance Rate Map, once the as-built plans are submitted and approved.

CONTROL STRUCTURE. A structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

CRITICAL FACILITY. Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these **CRITICAL FACILITIES** can impact the delivery of vital services, can cause greater damage to other sectors of the community or can put special populations at risk. Examples of **CRITICAL FACILITIES** where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances). Examples of **CRITICAL FACILITIES** where flood protection is recommended include: sewage treatment plants, water treatment plants and pumping stations.

DAM. All obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool.

DAMS may also include weirs, restrictive culverts or impoundment structures. Underground water storage tanks are not included.

DESIGNATED FLOODWAY. The channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse, generally depicted on the FEMA FIRM map, which is needed to store and convey the existing 100-year frequency flood discharge with no more than a one-tenth foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10% increase in velocities.

(1) The floodways are designated for on the county-wide Flood Insurance Rate Map of the county prepared by FEMA and dated 11-16-2006. When two floodway maps exist for a waterway, the more restrictive floodway limit shall prevail.

(2) The floodways for those parts of unincorporated McHenry County that are within the extraterritorial jurisdiction of the village that may be annexed into the village are designated for the Nippersink Creek (including Wonder Lake) on the county-wide Flood Insurance Rate Map prepared by FEMA and dated 11-16-2006.

(3) To locate the designated floodway boundary on any site, the **DESIGNATED FLOODWAY** boundary should be scaled off the designated floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the designated floodway boundary, IDNR/OWR should be contacted for the interpretation.

DEVELOPMENT.

(1) Any human-made change to real estate, including:

(a) Construction, reconstruction, repair or placement of a building or any addition to a building;

(b) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer or recreational vehicle on a site for more than 180 days. If the travel trailer or recreational vehicle is on site for more than 180 days, it must be fully licensed and ready for highway use;

(c) Drilling, mining, installing utilities, construction of roads, bridges or similar projects;

(d) Demolition of a structure or redevelopment of a site;

(e) Clearing of land as an adjunct of construction;

(f) Construction or erection of levees, walls, fences, dams or culverts; channel modification; filling, dredging, grading, excavating, paving or other non-agricultural alterations of the ground surface; storage of materials; deposit of solid or liquid waste;

(g) Any other activity of man that might change the direction, height or velocity of flood or surface water, including extensive vegetation removal; and

(h) Substantial improvement of an existing building.

(2) **DEVELOPMENT** does not include routine maintenance of existing buildings and facilities such as re-roofing or re-surfacing of roads when there is no increase in elevation, or gardening, plowing and similar agricultural practices that do not involve filling, grading or construction of levees.

ELEVATION CERTIFICATES. A form published by FEMA that is used to certify the elevation to which a building has been elevated.

EROSION. The general process whereby soils are moved by flowing water or wave action.

EXEMPT ORGANIZATIONS. Organizations which are exempt from this chapter per Illinois Compiled Statutes (ILCS) including state, federal or local units of government.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) has been completed before 4-1-1990.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

FEMA. Federal Emergency Management Agency and its regulations at 44 C.F.R. parts 59 through 79, as amended.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD FREQUENCY. A period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

FLOOD FRINGE. The portion of the floodplain outside of the designated floodway. See commentary on "designated floodway".

FLOOD INSURANCE RATE MAPS (FIRM). A map prepared by FEMA that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and floodplains and may or may not depict floodways.

FLOOD INSURANCE STUDY. An examination, evaluation and determination of flood hazards and if appropriate, corresponding water surface elevations.

FLOODPLAIN. That land typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. **FLOODPLAINS** may also include detached special flood hazard areas, ponding areas and the like. The **FLOODPLAIN** is also known as the **SPECIAL FLOOD HAZARD AREA (SFHA)**.

(1) The floodplains are those lands within the jurisdiction of the village that are subject to inundation by the base flood or 100-year frequency flood. The SFHAs of the village are generally identified as such on panel number(s) 70, 74, 86, 87, 89, 93, 200, 205 and 206 of the county-wide Flood Insurance Rate Map of the village prepared by the Federal Emergency Management Agency and dated 11-16-2006.

(2) The SFHAs of those parts of unincorporated McHenry County that are within the extraterritorial jurisdiction of the village or that may be annexed into the village are generally identified as such on panel numbers(s) 70, 74, 86, 87, 89, 93, 200, 205 and 206 of the county-wide Flood Insurance Rate Map prepared for the county by the Federal Emergency Management Agency and dated 11-16-2006.

FLOOD-PROOFING. Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOD-PROOFING CERTIFICATE. A form published by FEMA that is used to certify that a building has been designed and constructed to be structurally dry flood-proofed to the flood protection elevation.

FLOOD PROTECTION ELEVATION (FPE). The elevation of the base flood or 100-year frequency floods plus one foot of freeboard at any given location in the SFHA.

FLOODWAY. See **DESIGNATED FLOODWAY**.

HISTORIC STRUCTURE. Any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminary determined by the Secretary of the Interior as contributing to the historic district or a district preliminary determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on the State inventory of historic places by the Illinois Historic Preservation Agency; and

(4) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

HYDROLOGIC AND HYDRAULIC CALCULATIONS. Engineering analysis which determine expected flood flows and flood elevations based on land characteristics and rainfall events.

IDNR/OWR. Illinois Department of Natural Resources, Office of Water Resources.

LETTER OF MAP AMENDMENT (LOMA). Official determination by FEMA that a specific structure is not in a 100-year floodplain; amends the FIRM.

LETTER OF MAP REVISION (LOMR). Letter that revises base flood or 100-year frequency flood elevations, floodplains or floodways as shown on an effective FIRM.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's **LOWEST FLOOR**; provided that, such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED HOME** also includes park trailers, travel trailers and other similar vehicles placed on site for more than 180 consecutive days. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MITIGATION. Includes those measures necessary to minimize the negative effects which floodplain development activities might have on the public health, safety and welfare. Examples of **MITIGATION** include: excavation of compensatory storage, soil erosion and sedimentation control, and channel restoration. **MITIGATION** may also include those activities taken to reduce a structure's susceptibility to flooding.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. Manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured

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) has been completed on or after April 1, 1990.

NAVD88 NATIONAL AMERICAN VERTICAL DATUM OF 1988. NAVD 88 supersedes the National Geodetic Vertical Datum of 1929 (NGVD).

NATURAL. When used in reference to channels, means those channels formed by the existing surface topography of the earth prior to changes made by humans. A **NATURAL** stream tends to follow a meandering path; its floodplain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some **NATURAL** characteristics over time as the channel meanders and vegetation is reestablished. Similarly, a modified channel may be restored to more **NATURAL** conditions by humans through regarding and revegetation.

ORDINARY HIGH WATER MARK (OHWM). The point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

PUBLIC FLOOD-CONTROL PROJECT. A flood-control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures, including a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood-control project by persons or parties who are not public agencies.

PUBLIC BODIES OF WATERS. All open public streams and lakes capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, and all lakes, rivers and streams which in their natural condition were capable of being improved and made navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the state, together with all bayous, sloughs, backwaters and submerged lands that are open to the main channel or body of water directly accessible thereto.

RECREATIONAL VEHICLE OR TRAVEL TRAILER. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

REGIONAL PERMITS. Regional permits are offered for pre-approved projects which are considered minor projects that are permissible per IDNR/OWR part 3708, rules for Northeastern Illinois regulatory floodways. A complete listing of the terms and conditions for specific project types can be obtained from the IDNR/OWR website.

REGISTERED LAND SURVEYOR. A land surveyor registered in the state, under the state's Land Surveyors Act (225 ILCS 330/1 et seq.).

REGISTERED PROFESSIONAL ENGINEER. An engineer registered in the state, under the state's Professional Engineering Practice Act (225 ILCS 325/1 et seq.).

REPAIR, REMODELING OR MAINTENANCE. Development activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

REPETITIVE LOSS. Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damaged occurred.

RETENTION/DETENTION FACILITY. A **RETENTION FACILITY** stores storm water runoff without a gravity release. A **DETENTION FACILITY** provides for storage of storm water runoff and controlled release of this runoff during and after a flood or storm.

RIVERINE SFHA. Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, on-stream lake system or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow or other areas not subject to overbank flooding.

RUNOFF. The water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

SEDIMENTATION. The processes that deposit soils, debris and other materials either on other ground surfaces or in bodies of water or watercourses.

SPECIAL FLOOD HAZARD AREA (SFHA). See **FLOODPLAIN**.

START OF CONSTRUCTION. Includes substantial improvement, and means the date the building permit was issued; provided, the actual **START** of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within 180 days of the permit date. The actual **START** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or placement of a manufactured home on a foundation.

STATE-WIDE PERMITS. State-wide permits are offered for pre-approved projects that are considered minor projects which are permissible per the EDNR/OWR Part 3700 rules. A complete listing of the state-wide permits and permit requirements can be obtained from the IDNR/OWR website.

STRUCTURE. See **BUILDING.**

SUBSTANTIAL DAMAGE.

(1) Damage of any origin sustained by a structure whereby the cumulative percentage of damage during a ten-year period equals or exceeds 50% of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination.

(2) The term includes repetitive loss buildings. See **REPETITIVE LOSS.**

SUBSTANTIAL IMPROVEMENT.

(1) Any reconstruction, rehabilitation, addition or improvement of a structure taking place during a ten-year period in which the cumulative percentage of improvements equals or exceeds 50% of the market value of the structure before the improvement or repair is started. **SUBSTANTIAL IMPROVEMENT** is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual work done.

(2) The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a "historic structure" listed on the National Register of Historic Places or the state's Register of Historic Places; provided that, the alteration will not preclude the structure's continued designation as a historic structure.

TRANSITION SECTION. Reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section or vice versa.

VIOLATION.

(1) The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

(2) A structure or other development without the elevation certificate, other certifications or other evidence of compliance is presumed to be in **VIOLATION** until such time as that documentation is provided.

(Ord. 257, passed 11-15-2006)

§ 159.03 BASE FLOOD ELEVATION.

(A) This chapter's protection standard is based on the flood insurance study for the village.

(1) If a base flood elevation or 100-year frequency flood elevation is not available for a particular site, then the protection standard shall be according to the best existing data available from federal, state or other sources.

(2) When a party disagrees with the best available data, they shall submit a detailed engineering study needed to replace existing data with better data and submit it to IDNR/OWR and FEMA for review and consideration prior to any development of the site.

(B) The base flood or 100-year frequency flood elevation for the SFHAs of Nippersink Creek (including Wonder Lake) shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of the county prepared by FEMA dated 11-16-2006 and such amendments to such study and maps as may be prepared from time to time.

(C) The base flood or 100-year frequency flood elevation for the SFHAs of those parts of unincorporated McHenry County that are within the extraterritorial jurisdiction of the village or that may be annexed into the village shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of prepared by FEMA and dated 11-16-2006, and such amendments or revisions to such study and maps as may be prepared from time to time.

(D) The base flood or 100-year frequency flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the county-wide Flood Insurance Rate Map of the county.

(E) The base flood or 100-year frequency flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the county-wide Flood Insurance Rate Map of the county shall be according to the best existing data available from federal, state or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(1) When no base flood or 100-year frequency flood elevation exists, the base flood or 100-year frequency flood elevation for a riverine SFHA shall be determined from a backwater model, such as HEC-II, HEC-RAS or a dynamic model such as HTP.

(2) The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-HMS, HEC-1, TR-20 or HIP, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges.

(3) For a non-riverine SFHA, the base flood elevation shall be the historic flood of record plus three feet, unless calculated by a detailed engineering study.

(4) For an unmapped extended SFHA (with a drainage area less than one square mile) which has been identified by the enforcement officer pursuant to § 159.21 of this chapter, the base flood elevation shall be determined by the applicant utilizing a method as approved in division (D) above. (Ord. 257, passed 11-15-2006)

§ 159.04 VARIANCES.

(A) No variances shall be granted to any development located in a designated floodway, as defined in § 159.02 of this chapter.

(1) Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Village Planning and Zoning Commission and Village Board of Trustees for a variance.

(2) The Village Planning and Zoning Commission shall review the applicant's request for a variance and shall submit its recommendation to the Village Board of Trustees. The village may attach such conditions to granting of a variance as it deems necessary to further the flood protection intent of this chapter.

(B) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

(1) The development activity cannot be located outside the SFHA;

(2) An exceptional hardship would result if the variance were not granted;

(3) The relief requested is the minimum necessary;

(4) There will be no additional threat to public health, safety, beneficial stream uses and functions, especially aquatic habitat, or creation of a nuisance;

(5) There will be no additional public expense for flood protection, lost environmental stream uses and functions, rescue or relief operations, policing or repairs to streambeds and banks, roads, utilities or other public facilities;

(6) The provisions of §§ 159.45(B) and 159.47(B) of this chapter shall still be met;

(7) The activity is not in a designated floodway;

(8) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFTP;

(9) The granting of the variance will not alter the essential character of the area involved including existing stream uses; and

(10) All other required state and federal permits or waivers have been obtained.

(C) The enforcement officer shall notify an applicant in writing that a variance from the requirements of § 159.48 of this chapter that would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;

(2) Increase the risks to life and property; and

(3) Require that the applicant proceed with knowledge of these risks and that the applicant will acknowledge in writing the assumption of the risk and liability.

(D) Variances requested in connection with restoration of a historic site or historic structure, as defined in § 159.02 of this chapter, may be granted using criteria more permissive than the requirements of § 159.03(B) and (C) of this chapter, subject to the conditions that:

(1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and

(2) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(Ord. 257, passed 11-15-2006)

§ 159.05 DISCLAIMER OF LIABILITY.

(A) The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study.

(B) Larger floods may occur or flood heights may be increased by human-made or natural causes.

(C) This chapter does not imply that development, either inside or outside of the SFHA, will be free from flooding or damage.

(D) This chapter does not create liability on the part of the village or any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

(Ord. 257, passed 11-15-2006)

§ 159.06 ABROGATION AND GREATER RESTRICTIONS.

(A) This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

(B) Where this chapter and other ordinance, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(C) This chapter is intended to repeal the original ordinance or resolution which was adopted to meet the National Flood Insurance Program regulations, but is not intended to repeal the resolution which the village passed in order to establish initial eligibility for the program.
(Ord. 257, passed 11-15-2006)

ENFORCEMENT OFFICER

§ 159.20 GENERAL REQUIREMENTS.

(A) (1) The enforcement officer shall be responsible for fulfilling all of the duties listed in this subchapter.

(2) To fulfill those duties, the enforcement officer should first use the criteria listed in § 159.03 of this chapter to determine whether the development site is located within a floodplain.

(3) Once it has been determined that a site is located within a floodplain, the enforcement officer must determine whether the development site is within a flood fringe, a designated floodway or within a SFHA or floodplain for which no floodway has been identified.

(a) If the site is within a flood fringe, the enforcement officer shall require that the minimum requirements of § 159.45 of this chapter be met.

(b) If the site is within a floodway, the enforcement officer shall require that the minimum requirements of § 159.46 of this chapter be met.

(c) If the site is located within a SFHA or floodplain for which no detailed study has been completed and approved, the enforcement officer shall require that the minimum requirements of § 159.47 of this chapter be met.

(4) In addition, the general requirements of § 159.48 of this chapter shall be met for all developments meeting the requirements of §§ 159.45, 159.46 or 159.47 of this chapter.

(5) The enforcement officer shall assure that all subdivision proposals shall meet the requirements of § 159.49 of this chapter.

(6) (a) If a variance is to be granted for a proposal, the enforcement officer shall review the requirements of § 159.04 of this chapter to make sure they are met.

(b) In addition, the enforcement officer shall complete all notification requirements.

(7) In order to assure that property owners obtain permits as required in this chapter, the enforcement officer may take any and all actions as outlined in § 159.99 of this chapter.

(B) Unless otherwise noted, the duties of the enforcement officer shall be performed by the Superintendent of Public Works.

(Ord. 257, passed 11-15-2006)

§ 159.21 DETERMINING THE FLOODPLAIN DESIGNATION.

(A) Check all new development sites to determine whether they are in a special flood hazard area (SFHA);

(B) If they are in a SFHA, determine whether they are in a floodway, flood fringe or in a floodplain for which a detailed study has not been conducted and which drains more than one square mile; and

(C) Check whether the development is potentially within an extended SFHA (with a drainage area less than one square mile), indicating that the development would have adverse impacts regarding storage, conveyance or inundation which would be the basis for the applicant being required to delineate the floodplain and floodway and be subject to the remaining sections of this chapter.

(Ord. 257, passed 11-15-2006)

§ 159.22 PROFESSIONAL ENGINEER REVIEW.

(A) If the development site is within a floodway or in a floodplain for which a detailed study has not been conducted and which drains more than one square mile, the permit shall be referred to a registered professional engineer under the employ or contract of the village for review to ensure that the development meets §§ 159.46 and 159.47 of this chapter.

(B) In the case of an appropriate use, the PE shall state in writing that the development meets the requirements of § 159.46 of this chapter.

(Ord. 257, passed 11-15-2006)

§ 159.23 DAM SAFETY REQUIREMENTS.

(A) Dams are classified as to their size and their hazard/damage potential in the event of failure.

(B) The construction or major modification of all Class I (high hazard) and Class II (moderate hazard) dams require an IDNR/OWR dam safety permit.

(C) Some Class III (low hazard) dams require an IDNR/OWR dam safety permit, depending on the drainage area to the dam, the height of the dam and the impounding capacity behind the dam. Most off-channel detention basins that have an embankment are non-jurisdictional Class II dam. It is not required that IDNR/OWR "sign off" on all non-jurisdictional Class III dams.

(D) A consulting engineer with dam safety knowledge can estimate a hazard classification and determine if an IDNR/OWR dam safety permit is required.

(E) A permit application submittal must be made to IDNR/OWR for the construction or major modification of jurisdictional dams.

(F) Regulated dams may include weirs, restrictive culverts or impoundment structures.
(Ord. 257, passed 11-15-2006)

§ 159.24 OTHER PERMIT REQUIREMENTS.

Ensure any and all required federal, state and local permits are received prior to the issuance of a floodplain development permit.
(Ord. 257, passed 11-15-2006)

§ 159.25 PLAN REVIEW AND PERMIT ISSUANCE.

(A) Ensure that all development activities within the SFHAs of the jurisdiction of the village meet the requirements of this chapter; and

(B) Issue a floodplain development permit in accordance with the provisions of this chapter and other regulations of this community when the development meets the conditions of this chapter.
(Ord. 257, passed 11-15-2006)

§ 159.26 INSPECTION REVIEW.

(A) Inspect all development projects before, during and after construction to assure proper elevation of the structure and to ensure compliance with the provisions of this chapter; and

(B) Schedule on an annual basis an inspection of the floodplain and document the results of the inspection.

(Ord. 257, passed 11-15-2006)

§ 159.27 DAMAGE DETERMINATIONS.

Make damage determinations of all damaged buildings in the SFHA after a flood to determine substantially damaged structures which must comply with § 159.48(C) of this chapter.

(Ord. 257, passed 11-15-2006)

§ 159.28 ELEVATION AND FLOOD-PROOFING CERTIFICATES.

Maintain permit files including:

(A) An elevation certificate certifying the elevation of the lowest floor (including basement) of a residential or non-residential building subject to § 159.48 of this chapter; and/or

(B) The elevation to which a non-residential building has been flood-proofed, using a flood-proofing certificate, for all buildings subject to § 159.48 of this chapter.

(Ord. 257, passed 11-15-2006)

§ 159.29 RECORDS FOR PUBLIC INSPECTION.

Maintain for public inspection and furnish upon request base flood data, SFHA and designated floodway maps, copies of federal or state permit documents, variance documentation, Conditional Letter of Map Revision, Letter of Map Revision, Letter of Map Amendment and "as-built" elevation and flood-proofing and/or elevation certificates for all buildings constructed subject to this chapter.

(Ord. 257, passed 11-15-2006)

§ 159.30 STATE PERMITS.

(A) Ensure that construction authorization has been granted by IDNR/OWR, for all development projects subject to §§ 159.46 and 159.47 of this chapter, unless enforcement responsibility has been delegated to the village.

(B) However, the following review approvals are not delegated to the village and shall require review or permits from IDNR/OWR:

(1) Organizations which are exempt from this chapter, as per the Illinois Compiled Statutes;

(2) IDNR/OWR projects, dams or impoundment structures, as defined in § 159.02 of this chapter, and all other state, federal or local unit of government projects, including projects of the village and county, except for those projects meeting the requirements of § 159.46(B)(1) of this chapter;

(C) An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, per § 159.46(C)(5) of this chapter;

(D) An engineer's analysis of the flood profile due to § 159.46(C)(4) of this chapter;

(E) Alternative transition sections and hydraulically equivalent compensatory storage as indicated in § 159.46(C) of this chapter;

(F) Permit issuance of structures within, under or over publicly navigable rivers, lakes and streams; and

(G) Any changes in the mapped floodway or published flood profiles.
(Ord. 257, passed 11-15-2006)

§ 159.31 COOPERATION WITH OTHER AGENCIES.

(A) Cooperate with state and federal floodplain management agencies to improve base flood or 100-year frequency flood and floodway data and to improve the administration of this chapter;

(B) Submit data to IDNR/OWR and FEMA for proposed revisions of a regulatory map within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map;

(C) Submit reports as required for the National Flood Insurance Program; and

(D) Notify FEMA of any proposed amendments to this chapter.
(Ord. 257, passed 11-15-2006)

§ 159.32 PROMULGATING REGULATIONS.

Promulgate rules and regulations as necessary to administer and enforce the provisions of this chapter, subject however to the review and approval of IDNR/OWR and FEMA for any ordinance changes.

(Ord. 257, passed 11-15-2006)

FLOOD HAZARD PREVENTION**§ 159.45 FLOOD FRINGE AREAS; OCCUPATION AND USE.**

(A) *General.* Development in and/or filling of the flood fringe will be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation and compensatory storage and other applicable provisions of this chapter. No use will be permitted which adversely affects the capacity of drainage facilities or systems. Developments located within the flood fringe shall meet the requirements of this section, along with the requirements of § 159.48 of this chapter.

(B) *Development permit.*

(1) No person, firm, corporation or governmental body not exempted by law shall commence any development in the SFHA without first obtaining a development permit from the enforcement officer.

(2) Application for a development permit shall be made on a form provided by the enforcement officer.

(a) The application shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions and legal description for the property and sealed by a licensed engineer, architect or land surveyor; existing grade elevations, using the North American Vertical Datum of 1988, and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings.

(b) For all proposed buildings, the elevation of the lowest floor (including basement) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of § 159.48 of this chapter.

(3) Upon receipt of a development permit application, the enforcement officer shall compare the elevation of the site to the base flood or 100-year frequency flood elevation.

(a) Any development located on land that can be shown to be higher than the base flood elevation of the current Flood Insurance Rate Map and which has not been filled after the date of the site's first Flood Insurance Rate Map without a permit as required by this chapter is not in the SFHA and, therefore, not subject to the requirements of this chapter. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but shown on the current Flood Insurance Rate Map is subject to the provisions of this chapter.

(b) The enforcement officer 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) A soil erosion and sediment control plan for disturbed areas shall be submitted. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.

(5) The enforcement officer shall be responsible for obtaining from the applicant copies of all other federal, state and local permits, approvals or waivers that may be required for this type of activity. The enforcement officer shall not issue a permit unless all other federal, state and local permits have been obtained.

(C) *Preventing increased damages.* No development in the flood fringe shall create a threat to public health and safety.

(1) *General.* If fill is being used to elevate the site above the base flood or 100-year frequency flood elevation, the applicant shall submit sufficient data and obtain a letter of map revision (LOMR) from FEMA for the purpose of removing the site from the floodplain.

(2) *Compensatory storage.*

(a) Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation.

(b) The excavation volume shall be at least equal to seven and one-half times the volume of storage lost due to the fill or structure

(c) In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied.

(d) All floodplain storage lost below the existing ten-year flood elevation shall be replaced below the proposed ten-year flood elevation. All floodplain storage lost above the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation.

(e) All such excavations shall be constructed to drain freely and openly to the watercourse.

(D) *Construction of the lowest floor below the base flood elevation (BFE).* A person who has obtained a Letter of Map Revision Based on Fill that removes a site in the flood fringe from the floodplain due to the use of fill to elevate the site above the BFE, may apply for a permit from the village

to construct the lowest floor of a residential building below the BFE in the flood fringe. The enforcement officer shall not issue such a permit unless the applicant has complied with all the criteria set forth in the following.

- (1) Compensatory storage shall be provided per division (C)(2) above.
- (2) The elevation of the lowest opening in the basement wall (i.e., window wells, access ways) shall be at or above the flood protection elevation (FPE).
- (3) The lowest adjacent grade to the foundation shall be at or above the FPE, for a minimum distance of ten feet beyond the outside face of the structure. However, if site conditions are such that this requirement cannot be met, the enforcement officer may waive the ten-foot minimum setback if an Illinois Registered Professional Engineer certify that an alternative method to protect the building from damage due to hydrostatic pressures has been met. The certifications shall be in the form of a detailed soils and structural design analysis, which shall be submitted to the enforcement officer for review. The enforcement officer may require such additional documentation as necessary to prove that the proposed shorter setback distance will keep the structure reasonably safe. In no case shall the setback distance be less than four feet.
- (4) The grade around the perimeter of the structure, measured at a distance of 20 feet from the structure, shall be above the BFE. However, if site conditions are such that this requirement cannot be obtained, the enforcement officer may waive the 20-foot minimum setback distance if a state registered professional engineer certifies that an alternative method to protect the building from damages due to hydrostatic pressures have been met. A detailed soils analysis and structural design proving that a shorter setback distance will keep the structure reasonably safe from flooding, shall be submitted to the village for review. In no case shall the setback distance be less than four feet.
- (5) The ground around the building shall be compacted fill that meets all requirements of this division (D) and is at least five feet thick under the basement floor slab. Nothing in this division (D) shall be interpreted to require the removal or replacement of fill that was placed as part of a LOMR-F, if such fill consists of material, including soils of similar classification and degree permeability, such as those classified as CH, CL, SC or ML according to ASTM standard D-2487, Classification of Soils for Engineering Purposes.
- (6) The fill material must be homogeneous and isotropic; that is, the soil must be all of one material, and the engineering priorities must be in the same direction.
- (7) All fill material and compaction shall be designed, certified and inspected by a state registered professional engineer, as warranted by the site conditions.
- (8) The basement floor shall be at an elevation that is no more than five feet below the BFE.

(9) There shall be a granular drainage layer beneath the floor slab, and minimum of one-quarter horsepower sump pump with a backup power supply shall be provided to remove seepage flow. The pump shall be rated at four times the estimated seepage rate and shall discharge above the BFE and away from the building in order to prevent flooding of the basement or uplift of the floor under the effect of the seepage pressure.

(10) The drainage system shall be equipped with a positive means of preventing backflow.

(11) All foundation elements shall be designed to withstand hydrostatic pressure in accordance with accepted engineering practices.

(12) If the applicant is unable to meet all of the requirements set forth in the preceding divisions of this division (D), the enforcement officer may allow the construction of a basement below the BFE only if the applicant demonstrates that the proposed fill and structure meet the guidelines and requirements set forth in FEMA Technical Bulletin 10-01 and are reasonably safe from flooding. In order to demonstrate that the proposed structure is reasonably safe from flooding, the applicant shall submit a detailed engineering analysis of the proposed fill and foundation wall. The engineered basement study shall be completed in accordance with the latest edition of FEMA Technical Bulletin 10-01, with the analysis of the fill being prepared by a state registered professional engineer.

(13) In order to provide the required compensatory storage on site, in no case shall the depth of excavation in the front and side yards of the lot exceed 18 inches, as measured from the previously existing natural grade. The rear yard shall be permitted to have a greater depth of excavation, if necessary. All such excavation shall be constructed to drain freely and openly to the watercourse or storm sewer system. The use of mechanical means to drain the compensatory storage area will not be permitted.

(Ord. 257, passed 11-15-2006)

§ 159.46 DESIGNATED FLOODWAYS; OCCUPATION AND USE.

(A) *General.* This section applies to proposed development, redevelopment, site modification or building modification within a designated floodway. The designated floodway for Nippersink Creek (including Wonder Lake) shall be as delineated on the county-wide Flood Insurance Rate Map of the county and referenced in § 159.02 of this chapter. Only those uses and structures will be permitted which meet the criteria in this section. All floodway modifications shall be the minimum necessary to accomplish the purpose of the project. The development shall also meet the requirements of § 159.48 of this chapter.

(B) *Development permit.* No person, firm, corporation or governmental body not exempted by state law shall commence any development in a floodway without first obtaining a development permit from the enforcement officer and IDNR/OWR.

(1) Application for a development permit shall be made on a form provided by the enforcement officer. The application shall include the following information:

(a) Name and address of applicant;

(b) Site location (including legal description) of the property, drawn to scale, on the designated floodway map, indicating whether it is proposed to be in an incorporated or unincorporated area;

(c) Name of stream or body of water affected;

(d) Description of proposed activity;

(e) Statement of purpose or proposed activity;

(f) Anticipated dates of initiation and completion of activity;

(g) Name and mailing address of the owner of the subject property if different from the applicant;

(h) Signature of the applicant or the applicant's agent;

(i) If the applicant is a corporation, the president or other authorized officer shall sign the application form;

(j) If the applicant is a partnership, each partner shall sign the application form;

(k) If the applicant is a land trust, the trust officer shall sign the name of the trustee by him or her as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests therein;

(l) Plans of the proposed activity shall be provided which include as a minimum:

1. A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;

2. A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations, using the North American Vertical Datum of 1988, adjacent property lines and ownership, drainage and flood-control easements, location of any channels and any existing or future access roads, distance between proposed

activity and navigation channel (when the proposed construction is near a commercially navigable body of water), designated floodway limit, floodplain limit, specifications and dimensions of any proposed channel modifications, location and orientation of cross-sections, north arrow and a graphic or numerical scale;

3. Cross-section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, ten-year frequency flood elevation, 100-year frequency flood elevation and graphic or numerical scales (horizontal and vertical);

4. A soil erosion and sediment control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance; and

5. A copy of the designated floodway map, marked to reflect any proposed change in the designated floodway location.

(m) Any and all other federal, state and local permits or approval letters that may be required for this type of development;

(n) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of division (C) above;

(o) If the designated floodway delineation, base flood or 100-year frequency flood elevation will change due to the proposed project, the application will not be considered complete until IDNR/OWR has indicated conditional approval of the designated floodway map change. No structures may be built until a Letter of Map Revision has been approved by FEMA;

(p) The application for a structure shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and existing ground elevations and all changes in grade resulting from any proposed excavation or filling, and floodplain and floodway limits; sealed by a registered professional engineer, licensed architect or registered land surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 159.48 of this chapter; and

(q) If the proposed project involves a channel modification, the applicant shall submit the following information:

1. A discussion of the purpose of and need for the proposed work;

2. A discussion of the feasibility of using alternative locations or methods (see division (D)(9) above) to accomplish the purpose of the proposed work;

3. An analysis of the extent and permanence of the impacts each feasible alternative identified in division (D)(9) above would have on the physical and biological conditions of the body of water affected; and

4. An analysis of the impacts of the proposed project, considering cumulative effects on the physical and biological conditions of the body of water affected.

(2) The enforcement officer shall be responsible for obtaining from the applicant copies of all other federal, state and local permits and approvals that may be required for this type of activity.

(a) The enforcement officer shall not issue the development permit unless all required federal and state permits have been obtained.

(b) A registered professional engineer, under the employ or contract of the village shall review and approve applications reviewed under this section.

(C) Preventing increased damages and a list of appropriate uses.

(1) The only development in a floodway which will be allowed are appropriate uses, which will not cause a rise in the base flood elevation, and which will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this chapter. Only those appropriate uses listed in 17 Ill. Adm. Code part 3708 will be allowed. The approved appropriate uses are as follows:

(a) Flood-control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding, erosion or water quality or habitat for fish and wildlife;

(b) Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities, and facilities and improvements related to recreational boating, commercial shipping and other functionally water dependent uses;

(c) Storm and sanitary sewer relief outfalls;

(d) Underground and overhead utilities;

(e) Recreational facilities such as playing fields and trail systems, including any related fencing (at least 50% open when viewed from any one direction) built parallel to the direction of flood flows, and including open air pavilions and toilet facilities (four-stall maximum) that will not block flood flows, nor reduce floodway storage;

(f) Detached garages, storage sheds or other non-habitable accessory structures that will not block flood flows nor reduce floodway storage;

(g) Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification thereto;

(h) Parking lots built at or below existing grade where either:

1. The depth of flooding at the 100-year frequency flood event will not exceed one foot; or

2. The applicant of a short-term recreational use facility parking lot formally agrees to restrict access during overbank flooding events and accepts liability for all damage caused by vehicular access during all overbank flooding events.

(i) Designated floodway regarding, without fill, to create a positive non-erosive slope toward a watercourse;

(j) Flood-proofing activities to protect previously existing lawful structures including the construction of water tight window wells, elevating structures or construction of floodwalls around residential, commercial or industrial principal structures where the outside toe of the floodwall shall be no more than ten feet away from the exterior wall of the existing structure and which are not considered substantial improvements to the structure;

(k) The replacement, reconstruction or repair of a damaged building; provided that, the outside dimensions are not increased and, if the building was damaged to 50% or more of the market value before the damage occurred, the building will be protected from flooding to the flood protection elevation; and

(l) Modifications to an existing building that would not increase the enclosed floor area of the building below the 100-year frequency flood elevation, and which will not block flood flows including, but not limited to, fireplaces, bay windows, decks, patios and second story additions. If the building is improved to 50% or more of the market value before the modification occurred (i.e., a substantial improvement), the building will be protected from flooding to the flood protection elevation.

(2) Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, excavation or channel modifications done to accommodate otherwise non-appropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence) and storage of materials, except as specifically defined above as an appropriate use.

(3) Within the designated floodway, the construction of an appropriate use, will be considered permissible; provided that, the proposed project meets the following engineering and mitigation criteria and is so stated in writing with supporting plans, calculations and data by a registered professional engineer; and, provided that, any structure meets the protection requirements of § 159.48 of this chapter.

(a) *Preservation of flood conveyance, so as not to increase flood stages upstream.* For appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective

designated floodway conveyance lost due to the project will be replaced for all flood events up to and including the 100-year frequency flood. In calculating effective designated floodway conveyance, the following factors shall be taken into consideration:

1. Designated floodway conveyance:

$$"K" = \frac{(1.486)}{n} AR^{2/3}$$

where:

"n" is Manning's roughness factor

"A" is the effective flow area of the cross-section

"R" is the ratio of the area to the wetted perimeter.

(See Ven Te Chow, Open Channel Hydraulics, (McGraw-Hill, New York 1959)).

2. The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.

3. Transition sections shall be provided and used in calculations of effective designated floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency.

- a. When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length.

- b. When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length.

- c. When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.

- d. Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the designated floodway delineation on adjacent properties.

- e. All cross-sections used in the calculations shall be located perpendicular to flood flows.

(b) Preservation of floodway storage so as not to increase downstream flooding.

1. Compensatory storage shall be provided for any designated floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related flood-control projects.

2. Compensatory storage for fill or structures shall be equal to at least one and one-half times the volume of floodplain storage lost.

3. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced.

4. The compensatory designated floodway storage shall be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All designated floodway storage lost below the existing ten-year flood elevation shall be replaced below the proposed ten-year flood elevation. All designated floodway storage lost above the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

5. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent.

6. There shall be no reduction in floodway surface area as a result of a floodway modification, unless such modification is necessary to reduce flooding at existing structure.

(c) Preservation of floodway velocities so as not to increase stream erosion or flood heights.

1. For all appropriate uses, except bridges or culverts or on-stream structures, the proposed work will not result in an increase in the average channel or designated floodway velocities or stage for all flood events up to and including the 100-year frequency event.

2. In the case of bridges or culverts or on-stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.

(d) Construction of new bridges or culvert crossings and roadway approaches.

1. The proposed structure shall not result in an increase of upstream flood stages greater than one-tenth foot when compared to the existing conditions for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements.

2. If the proposed construction will increase upstream flood stages greater than one-tenth foot, the developer must contact IDNR/OWR to obtain a permit for a dam or waiver.

a. The engineering analysis of upstream flood stages must be calculated using the flood study flows, and corresponding flood elevations for tailwater conditions for the flood study specified in § 159.03 of this chapter. Bridges and culverts must be analyzed using any commonly accepted FEMA approved hydraulic models.

b. Lost floodway storage must be compensated for per division (D)(3) below.

c. Velocity increases must be mitigated per division (D)(3) below.

d. If the crossing is proposed over a public water that is used for recreational or commercial navigation, an IDNR/OWR permit must be received.

e. The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to IDNR/OWR for concurrence that a CLOMR is not required by division (C) above.

f. All excavations for the construction of the crossing shall be designed per division (D)(8) below.

(e) Reconstruction or modification of existing bridges, culverts and approach roads.

1. The bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than one-tenth foot increase in backwater over the existing flood profile for all flood frequencies up to and including the 100-year event, if the existing structure is not a source of flood damage.

2. If the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream floodplain, the applicant's engineer shall evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.

3. The determination as to whether or not the existing crossing is a source of flood damage and should be redesigned must be prepared in accordance with 17 Ill. Adm. Code part 3708 (Floodway Construction in Northeastern Illinois) and submitted to IDNR/OWR for review and concurrence before a permit is issued.

(f) On-stream structures built for the purpose of backing up water.

1. Any increase in upstream flood stages greater than zero foot when compared to the existing conditions, for all flood events up to and including the 100-year frequency event shall be

contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements.

2. A permit or letter indicating a permit is not required must be obtained from IDNR/OWR for any structure built for the purpose of backing up water in the stream during normal or flood flow.

3. All dams and impoundment structures, as defined in § 159.02 of this chapter, shall meet the permitting requirements of 17 Ill. Adm. Code part 3702 (Construction and Maintenance of Dams). If the proposed activity involves a modification of the channel or floodway to accommodate an impoundment, it shall be demonstrated that:

a. The impoundment is determined to be in the public interest by providing flood-control, public recreation or regional storm water detention;

b. The impoundment will not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;

c. The impoundment will not cause or contribute to degraded water quality or habitat conditions. Impoundment design should include gradual bank slopes, appropriate bank stabilization measures and a pre-sedimentation basin;

d. A non-point source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals and other pollutants. If there is more than one municipality in the upstream watershed, the municipality in which the impoundment is constructed should coordinate with upstream municipalities to ensure comprehensive watershed control;

e. The project otherwise complies with the requirements of this section.

(g) *Flood proofing of existing habitable, residential and commercial structures.*

1. If construction is required beyond the outside dimensions of the existing building, the outside perimeter of the flood-proofing construction shall be placed no further than ten feet from the outside of the building.

2. Compensation of lost storage and conveyance will not be required for flood-proofing activities.

(h) *Excavation in the floodway.*

1. When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance or other appropriate uses, transition sections shall be provided for the excavation.

2. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency.

a. When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length.

b. When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length.

c. When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.

d. Erosion/scour protection shall be provided inland upstream and downstream of the transition sections.

(i) *Channel modification.* If the proposed activity involves a channel modification, it shall be demonstrated that:

1. There are no practicable alternatives to the activity which would accomplish its purpose with less impact to the natural conditions of the body of water affected. Possible alternatives include levees, bank stabilization, flood proofing of existing structures, removal of structures from the floodplain, clearing the channel, high flow channel or the establishment of a stream side buffer strip or green belt. Channel modification is acceptable if the purpose is to restore natural conditions and improve water quality and fish and wildlife habitat;

2. Water quality, habitat and other natural functions would be significantly improved by the modification and no significant habitat area may be destroyed, or the impacts are offset by the replacement of an equivalent degree of natural resource values;

3. The activity has been planned and designed and will be constructed in a way which will minimize its adverse impacts on the natural conditions of the body of water affected, consistent with the following criteria.

a. The physical characteristics of the modified channel shall match as closely as possible those of the existing channel in length, cross-section, slope and sinuosity. If the existing channel has been previously modified, restoration of more natural physical conditions should be incorporated into channel modification design, where practical.

b. Hydraulically effective transitions shall be provided at both the upstream and downstream ends of the project, designed such that they will prevent erosion.

c. One-sided construction of a channel shall be used when feasible. Removal of streamside (riparian) vegetation should be limited to one side of the channel, where possible, to preserve the shading and stabilization effects of the vegetation.

d. Clearing of stabilizing vegetation shall be limited to that which is essential for construction of the channel.

e. Channel banks shall be constructed with a side slope no steeper than 3:1 horizontal to vertical, wherever practicable. Native vegetation and gradual side slopes are the preferred methods for bank stabilization. Where high velocities or sharp bends necessitate the use of alternative stabilization measures, soil bioengineering techniques, natural rock or rip-rap are preferred approaches. Artificial materials such as concrete, gabions or construction rubble should be avoided unless there are no practicable alternatives.

f. All disturbed areas associated with the modification shall be seeded or otherwise stabilized as soon as possible upon completion of construction. Erosion blanket or an equivalent material shall be required to stabilize disturbed channel banks prior to establishment of the vegetative cover.

g. If the existing channel contains considerable bottom diversity such as deep pools, riffles and other similar features, such features shall be provided in the new channel. Spawning and nesting areas and flow characteristics compatible with fish habitat shall also be established, where appropriate.

h. A sediment basin shall be installed at the downstream end of the modification to reduce sedimentation and degradation of downstream water quality.

i. New or relocated channels should be built in the dry and all items of construction, including vegetation, should be completed prior to diversion of water into the new channel.

j. There shall be no increases in stage or velocity as the channel enters or leaves the project site for any frequency flood unless necessitated by a public flood-control project or unless such an increase is justified as part of a habitat improvement or erosion control project.

k. Unless the modification is for a public flood-control project, there shall be no reduction in the volume of flood water storage outside the floodway as a result of the modification.

4. The project otherwise complies with the requirements of this section.

(j) *Seeding and stabilization plan.* For all activities located in a floodway, a seeding and stabilization plan shall be submitted by the applicant.

(k) *Soil erosion and sedimentation measures.* For all activities in the floodway, including grading, filling and excavation, in which there is potential for erosion of exposed soil, soil erosion and sedimentation control measures shall be employed consistent with the following criteria.

1. The construction area shall be minimized to preserve the maximum vegetation possible. Construction shall be scheduled to minimize the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed or disturbed more than 15 days prior to the initiation of improvements.

2. Temporary and/or permanent soil stabilization shall be applied to denuded areas as soon as possible. As a minimum, soil stabilization shall be provided within 15 days after final grade is reached on any portion of the site, and within 15 days to denuded areas which may not be at final grade but will remain undisturbed for longer than 60 days.

3. Sedimentation control measures shall be installed before any significant grading or filling is initiated on the site to prevent the movement of eroded sediments off site or into the channel. Potential sediment control devices include filter fences, straw bale fences, check dams, diversion ditches and sediment traps and basins.

4. A vegetated buffer strip of at least 25 feet in width shall be preserved and/or re-established, where possible, along existing channels. (See division (C)(3)(p) above.) Construction vehicle use of channels shall be minimized. Temporary stream crossings shall be constructed, where necessary, to minimize erosion. Necessary construction in or along channels shall be restabilized immediately.

5. Soil erosion and sedimentation control measures shall be designed and implemented consistent with *Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois* (1988), also known as the "Green Book", and *The Illinois Urban Manual* (NRCS, 1995).

(l) *Public flood-control projects.* For public flood-control projects, the permitting requirements of this section will be considered met if the applicant can demonstrate to IDNR/OWR through hydraulic and hydrologic calculations that the proposed project will not singularly or

cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the 100-year frequency event.

(m) *General criteria for analysis of flood elevations.*

1. The flood profiles, flows and floodway data in the designated floodway study, referenced in § 159.03 of this chapter, must be used for analysis of the base conditions. If the study data appears to be in error or conditions have changed, IDNR/OWR shall be contacted for approval and concurrence on the appropriate base conditions data to use.

2. If the 100-year designated floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet:

a. The requirements of this section for the 100-year frequency flood elevations of the designated floodway conditions; and

b. Conditions with the receiving stream at normal water elevations.

3. If the applicant learns from IDNR/OWR, local governments or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified or a regional flood-control project is scheduled to be built, removed, constructed or modified within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood-control project is built.

(n) *Conditional letter of map revision.*

1. If the appropriate use would result in a change in the designated floodway location or the 100-year frequency flood elevation, the applicant shall submit to IDNR/OWR and FEMA all information, calculations and documents necessary to be issued a conditional designated floodway map revision and receive from IDNR/OWR a conditional concurrence of the designated floodway change before a permit is issued.

2. The final designated floodway map will not be changed by FEMA until as-built plans or record drawings of initial filling, grading, dredging or excavating activities are submitted and accepted by FEMA and IDNR/OWR.

3. In the case of non-government projects, the municipality in incorporated areas and the county in unincorporated areas shall concur with the proposed conditional designated floodway map revision before IDNR/OWR approval can be given.

4. No filling, grading, dredging or excavating shall take place until a conditional approval is issued.

5. After initial filling, grading, dredging or excavating, no activities shall take place until a final Letter of Map Revision (LOMR) is issued by FEMA with concurrence from IDNR/OWR.

(o) *Professional engineer's supervision.* All engineering analyses shall be performed by or under the supervision of a registered professional engineer.

(p) *Criteria.* For all activities in the floodway involving construction within 25 feet of the channel, the following criteria shall be met.

1. A natural vegetation buffer strip shall be preserved within at least 25 feet of the ordinary high water mark of the channel.

2. Where it is impossible to protect this buffer strip during the construction of an appropriate use, a vegetated buffer strip shall be established upon completion of construction.

(q) *Proceeding with construction.* After receipt of conditional approval of the designated floodway change and issuance of a permit and a Conditional Letter of Map Revision, construction as necessary to change the floodway designation may proceed, but no buildings or structures or other construction that is not an appropriate use may be placed in that area until the designated floodway map is changed and a final Letter of Map Revision is received. The designated floodway map will be revised upon acceptance and concurrence by IDNR/OWR and FEMA of the "as-built" plans.

(D) *Development activities in delegated communities requiring state review.* For those projects listed below located in a designated floodway, the following criteria shall be submitted to IDNR/OWR for their review and concurrence and/or permit prior to the issuance of a permit by a community or county delegated state permitting authority in the floodway.

(1) An engineer's analysis of the flood profile due to a proposed bridge pursuant to division (C)(3)(d) above.

(2) An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, pursuant to division (C)(3)(e) above.

(3) Alternative transition sections and hydraulically equivalent storage pursuant to divisions (C)(3)(a), (C)(3)(b) and (C)(3)(h) above.

(4) The construction of any IDNR/OWR projects, dams (as defined in § 159.02 of this chapter) and all other federal, state or local units of government projects, including projects of the municipality or county.

(5) An engineer's determination that a proposed bridge affected by backwater from a downstream receiving stream may be built with a smaller opening.

(6) Projects which revise or establish the floodway and/or flood profiles.

(7) Projects in public bodies of water.

(E) *Other permits.*

(1) In addition to the other requirements of this chapter, a development permit for a site located in a floodway shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from IDNR/OWR, issued pursuant to 615 ILCS 5/5 et seq.

(2) No correspondence from IDNR/OWR shall be required if the project meets the requirements of Regional Permit 3.

(3) No permit from IDNR/OWR shall be required if IDNR/OWR has delegated this responsibility to the village.

(F) *Permits for dams.*

(1) Any work involving the construction, modification or removal of a dam, as defined in § 159.02 of this chapter, per 17 Ill. Adm. Code part 3702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction of a dam.

(2) If the enforcement officer finds a dam that does not have an IDNR/OWR permit, the enforcement officer shall immediately notify the IDNR/OWR Bartlett office.

(3) If enforcement officer the finds a dam which is believed to be in unsafe condition, the enforcement officer shall immediately notify the owner of the dam, the IDNR/OWR Bartlett office, and the Illinois Emergency Management Agency (IEMA).

(G) *Activities that do not require a registered professional engineer's review.* The following activities may be permitted without a registered professional engineer's review. Such activities shall still meet the other requirements of this chapter, including the mitigation requirements. Regional Permit 3 which authorizes, for example, underground and overhead utilities, storm and sanitary sewer outfalls, sidewalks, patios, athletic fields, playground equipment and streambank protection activities (Ord. 257, passed 11-15-2006)

§ 159.47 SFHA AREAS WHERE FLOODWAYS ARE NOT IDENTIFIED; OCCUPATION AND USE.

(A) *General.* In SFHA or floodplains, (including AE, AH, AO and unnumbered A Zones) where no floodways have been identified and no base flood or 100-year frequency flood elevations have been established by FEMA, and draining more than a square mile, no development shall be permitted unless the cumulative effect of the proposals, when combined with all other existing and anticipated uses and structures, shall not significantly impede or increase the flow and passage of the flood waters, nor significantly increase the base flood or 100-year frequency flood elevation.

(B) *Development permit.*

(1) No person, firm, corporation or governmental body, not exempted by state law, shall commence any development in a SFHA or floodplain without first obtaining a development permit from the enforcement officer.

(2) Application for a development permit shall be made on a form provided by the enforcement officer.

(a) The application shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; and existing grade elevations and all changes in grade resulting from excavation or filling, sealed by a licensed engineer, architect or surveyor; the location and dimensions of all buildings and additions to buildings; and the elevations of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 159.48 of this chapter.

(b) The application for a development permit shall also include the following information:

1. A detailed description of the proposed activity, its purpose and intended use;
2. Site location (including legal description) of the property, drawn to scale, on the designated floodway maps, indicating whether it is proposed to be in an incorporated or unincorporated area;
3. Anticipated dates of initiation and completion of activity;
4. Plans of the proposed activity shall be provided which include as a minimum:
 - a. A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale and north arrow;
 - b. A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations, using the North American Vertical Datum of 1988, adjacent property lines and ownership, drainage and flood-control easements, distance between proposed activity and navigation channel (when the proposed construction is in or near a commercially navigable body of water), floodplain limit, location and orientation of cross-sections, north arrow and a graphical or numerical scale;
 - c. Cross-section views of the project perpendicular to the flow of flood water and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, ten-year frequency flood elevation, 100-year frequency flood elevation and graphical or numerical scales (horizontal and vertical); and

d. A soil erosion and sedimentation control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.

(c) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the criteria of division (C) below.

(d) Any and all other federal, state and local permits or approvals that may be required for this type of development.

(3) Based on the best available existing data according to federal, state or other sources, the enforcement officer shall compare the elevation of the site to the base flood or 100-year frequency flood elevation.

(a) Should no elevation information exist for the site, the developer's engineer shall calculate the elevation according to § 159.03(D) of this chapter.

(b) Any development located on land that can be shown to have been higher than the base flood elevation of the current Flood Insurance Rate Map Identification is not in the SFHA and, therefore, not subject to the requirements of this chapter.

(c) The enforcement officer 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.

(d) The enforcement officer shall be responsible for obtaining from the applicant copies of all other federal, state and local permits, approvals or waivers that may be required for this type of activity. The enforcement officer shall not issue the development permit unless all required federal, state and local permits have been obtained.

(C) Preventing increased damages.

(1) No development in the SFHA where a floodway has not been determined shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health, safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this chapter.

(2) Within all riverine SFHAs where the floodway has not been determined, the following standards shall apply.

(a) The developer shall have a registered professional engineer state in writing and show through supporting plans, calculations and data that the project meets the engineering requirements of § 159.46(C)(3) and (C)(9) of this chapter for the entire floodplain as calculated under the provisions of § 159.03(D) of this chapter.

1. As an alternative, the developer should have an engineering study performed to determine a floodway and submit that engineering study to IDNR/OWR and FEMA for acceptance as a designated floodway.

2. Upon acceptance of the floodway by IDNR/OWR and FEMA, the developer shall then demonstrate that the project meets the requirements of § 159.46 of this chapter for the designated floodway. The floodway shall be defined according to the definition in § 159.02 of this chapter.

(b) A development permit shall not be issued unless the applicant first obtains a IDNR/OWR permit or a determination has been made that an IDNR/OWR permit is not required.

(c) Permits for dams:

1. Any work involving the construction, modification or removal of a dam, as defined in § 159.02 of this chapter, per 17 Ill. Adm. Code part 3702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction of a dam.

2. If the enforcement officer finds a dam that does not have an IDNR/OWR permit, the enforcement officer shall immediately notify the IDNR/OWR Bartlett office.

3. If the enforcement officer finds a dam which is believed to be in unsafe condition, the enforcement officer shall immediately notify the owner of the dam, the IDNR/OWR Bartlett office, and the Illinois Emergency Management Agency (IEMA).

(3) The following activities may be permitted without a registered professional engineer's review or calculation of base flood elevation and designated floodway. Such activities shall still meet the other requirements of this chapter.

(a) Bridge and culvert crossings of streams in rural areas meeting conditions of IDNR/OWR State-wide Permit No. 2;

(b) Barge fleeting facilities meeting conditions of IDNR/OWR State-wide Permit No. 3;

(c) Aerial utility crossings meeting conditions of IDNR/OWR State-wide Permit No. 4;

(d) Minor boat docks meeting conditions of IDNR/OWR State-wide Permit No. 5;

(e) Minor, non-obstructive activities meeting conditions of IDNR/OWR State-wide Permit No. 6; activities (not involving fill or positive change in grade) are covered by this permit:

(f) Outfall structures and drainage ditch outlets meeting conditions of IDNR/OWR State-wide Permit No. 7;

(g) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR State-wide Permit No. 8;

(h) Bank stabilization projects meeting the conditions of IDNR/OWR State-wide Permit No. 9;

(i) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR State-wide Permit No. 10;

(j) Minor maintenance dredging activities meeting conditions of DNR/OWR State-wide Permit No. 11;

(k) Bridge and culvert replacement structures and bridge widenings meeting conditions of IDNR/OWR State-wide Permit No. 12;

(l) Temporary construction activities meeting conditions of IDNR/OWR State-wide Permit No. 13;

(m) Special uses of public waters meeting conditions of IDNR/OWR State-wide Permit No. 14; and

(n) Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from state floodway permit requirements.

(4) The flood carrying capacity of any altered or relocated watercourse shall be maintained.

(5) Compensatory storage:

(a) Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation.

(b) The excavation volume shall be at least equal to one and one-half times the volume of storage lost due to the fill or structure.

(c) In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied.

(d) All floodplain storage lost below the existing ten-year flood elevation shall be replaced below the proposed ten-year flood elevation. All floodplain storage lost above the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.
(Ord. 257, passed 11-15-2006)

§ 159.48 ALL FLOODPLAIN AREAS; PERMITTING REQUIREMENTS.

In addition to the requirements found in §§ 159.45, 159.46 and 159.47 of this chapter for development in flood fringes, designated floodways and SFHA or floodplains where no floodways have been identified, the following requirements shall be met.
(Ord. 257, passed 11-15-2006)

§ 159.49 PUBLIC HEALTH STANDARDS.

(A) No developments in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants or other hazardous or toxic materials below the flood protection elevation (FPE) 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 § 159.51 of this chapter.

(B) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

(C) 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.

(D) New and replacement water supply systems, wells, sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPE are water-tight.

(E) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.
(Ord. 257, passed 11-15-2006)

§ 159.50 CARRYING CAPACITY AND NOTIFICATION.

(A) For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

(B) In addition, the village shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the watercourse.
(Ord. 257, passed 11-15-2006)

§ 159.51 PROTECTING BUILDINGS.

(A) All buildings located within a 100-year floodplain, also known as a SFHA, shall be protected from flood damage below the flood protection elevation. This building protection criteria applies to the following situations:

(1) Construction or placement of a new building or alteration or addition to an existing building valued at more than \$1,000 or 70 square feet;

(2) Substantial improvements or structural alterations made to an existing building that increase the floor area by more than 20% or equal or exceed the market value by 50%. Alteration shall be figured cumulatively during a ten-year period. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section;

(3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during a ten-year period. If substantially damaged the entire structure must meet the flood protection standards of this section;

(4) Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage);

(5) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year;
and

(6) Repetitive loss to an existing building as defined in § 159.02 of this chapter. This building protection requirement may be met by one of the following methods.

(B) A residential or non-residential building, when allowed, may be constructed on permanent land fill in accordance with the following:

(1) The lowest floor (including basement) shall be at or above the flood protection elevation;
and

(2) Fill requirements:

(a) The fill shall be placed in layers no greater than six inches deep before compaction and should extend at least ten feet beyond the foundation of the building before sloping below the flood protection elevation.

(b) The top of the fill shall be above the flood protection elevation. However, the ten-foot minimum may be waived if a structural engineer certifies an alternative method to protect the building from damages due to hydrostatic pressures.

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap or other structural measure.

(d) The fill shall be composed of rock or soil and not incorporate debris or refuse materials.

(e) The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties and, when necessary, storm water management techniques such as swales or basins shall be incorporated.

(C) A residential or non-residential building may be elevated in accordance with the following.

(1) The building or improvements shall be elevated on crawl space, stilts, piles, walls or other foundation that is permanently open to flood waters and not subject to damage by hydrostatic pressures of the base flood or 100-year frequency flood. Designs must either be certified by a registered professional engineer or architect or the permanent openings, one on each wall, shall be no more than one foot above existing grade, and consists of a minimum of two openings. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation.

(2) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris.

(3) All areas below the flood protection elevation shall be constructed of materials resistant to flood damage.

(a) The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.

(b) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other water-proofed service facilities may be located below the flood protection elevation provided they are water-proofed.

(4) The areas below the flood protection elevation may only be used for the parking of vehicles, building access or storage in an area other than a basement and not later modified or occupied as habitable space.

(5) In lieu of the above criteria, the design methods to comply with these requirements may be certified by registered professional engineer or architect.

(6) Manufactured homes, and travel trailers to be installed on a site for more than 180 days, shall be elevated to or above the flood protection elevation; and, shall be 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 Ill. Adm. Code part 870. In addition, all manufactured homes shall meet the following elevation requirements.

(a) In the case of manufactured homes placed or substantially improved outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage from a flood, the top of the lowest floor shall be elevated to or above the flood protection elevation.

(b) In the case of manufactured homes placed or substantially improved in an existing manufactured home park or subdivision, the manufactured home shall be elevated so that either the top of the lowest floor is above the base flood elevation or the chassis is at least 36 inches in height above grade and supported by reinforced piers or other foundations of equivalent strength, whichever is less.

(7) Recreational vehicles or travel trailers shall be required to meet the elevation and anchoring requirements of division (C)(6) above unless:

(a) They are on site for fewer than 180 consecutive days; and

(b) They are fully licensed, ready for highway use, and used only for recreation, camping, travel or seasonal use rather than as a permanent dwelling. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utility and service devices, and has no permanently attached additions.

(D) Only a non-residential building may be structurally dry flood-proofed (in lieu of elevation); provided that:

(1) A registered professional engineer or architect shall certify that the building has been structurally dry flood-proofed below the flood protection elevation, the structure and attendant utility facilities are water-tight and capable of resisting the effects of the base flood or 100-year frequency flood.

(2) The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy and impacts from debris or ice.

(3) Flood-proofing measures shall be operable without human intervention and without an outside source of electricity (levees, berms, floodwalls and similar works are not considered flood-proofing for the purpose of this division (D)).

(E) A building may be constructed with a crawlspace located below the flood protection elevation; provided that, the following conditions are met.

(1) 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.

(2) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of flood waters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade.

(3) The interior grade of the crawlspace below the flood protection elevation must not be more than two feet below the lowest adjacent exterior grade.

(4) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed four feet at any point.

(5) An adequate drainage system must be installed to remove flood waters from the interior area of the crawlspace within a reasonable period of time after a flood event.

(6) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage.

(7) Utility systems within the crawlspace must be elevated above the flood protection elevation.

(F) 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 flood waters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

(G) Tool sheds, detached garages and other minor accessory structures on an existing single-family platted lot may be constructed with the lowest floor below the flood protection elevation in accordance with the following:

(1) The building is not used for human habitation;

(2) All areas below the base flood or 100-year frequency flood elevation shall be constructed with waterproof material. Structures located in a designated floodway shall be constructed and placed on a building site so as not to block the flow of flood waters and shall also meet the appropriate use

criteria of § 159.46 of this chapter. In addition, all other requirements of §§ 159.45, 159.46 and 159.47 of this chapter must be met;

- (3) The structure shall be anchored to prevent flotation;
- (4) Service facilities such as electrical and heating equipment shall be elevated or flood-proofed to the flood protection elevation;
- (5) The building shall be valued at less than \$10,000 and be less than 500 square feet in floor size;
- (6) The building shall be used only for the storage of vehicles or tools and may not contain other rooms, workshops, greenhouses or similar uses and cannot be modified later into another use;
- (7) The building shall meet the permanent opening criteria of division (C)(1) above;
- (8) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers and the like) shall be stored above the flood protection elevation; and
- (9) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

(H) Existing buildings located within a designated floodway shall also meet the more restrictive appropriate use standards included in § 159.46 of this chapter. Non-conforming structures located in a designated floodway may remain in use and may only be enlarged, replaced or structurally altered in accordance with § 159.46(C) of this chapter. A non-conforming structure damaged by flood, fire, wind or other natural or human-made disaster may be restored unless the damage exceeds 50% of its market value before it was damaged, in which case it shall conform to this chapter.
(Ord. 257, passed 11-15-2006)

§ 159.52 OTHER DEVELOPMENT REQUIREMENTS.

The Village President and Board of Trustees shall take into account flood hazards, to the extent that they are known in all official actions related to land management, use and development.

(A) New subdivisions, manufactured home parks, annexation agreements and planned unit developments (PUDs) within the SFHA shall be reviewed to assure that the proposed developments are consistent with §§ 159.45, 159.46, 159.47 and 159.48 of this chapter and the need to minimize flood damage. Plats or plans for new subdivisions, mobile home parks and planned unit developments (PUDs) shall include a signed statement by a registered professional engineer that the plat or plans account for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

(B) Proposals for new subdivisions, manufactured home parks, travel trailer parks, planned unit developments (PUDs) and additions to manufactured home parks and additions to subdivisions shall include base flood or 100-year frequency flood elevation data and floodway delineations. Where this information is not available from an existing adopted study, the applicant's engineer shall be responsible for calculating the base flood or 100-year frequency flood elevation per § 159.03(D) of this chapter and the floodway delineation per the definition in § 159.02 of this chapter.

(C) 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.

(D) The Village Lake President and Board of Trustees shall not approve any planned unit development (PUD) or plat of subdivision located outside the corporate limits unless such agreement or plat is in accordance with the provisions of this chapter.

(E) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.
(Ord. 257, passed 11-15-2006)

§ 159.99 PENALTY.

(A) If such owner fails after ten-days' notice to correct the violation:

(1) The village may make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court;

(2) Any person who violates this chapter shall, upon conviction thereof, be fined not less than \$50 or more than \$1,000 for each offense;

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and

(4) The village shall record a notice of violation on the title to the property.

(B) The enforcement officer 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.

(1) The enforcement officer is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, shall 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.

(2) (a) No site development permit shall be permanently suspended or revoked until a hearing is held by the Village Board of Trustees. Written notice of such hearing shall be served on the permittee and shall state:

1. The grounds for compliance or reasons for suspension or revocation; and
2. The time and place of the hearing.

(b) At such hearing, the permittee shall be given an opportunity to present evidence on his or her behalf. At the conclusion of the hearing, the Village Board of Trustees shall determine whether the permit shall be suspended or revoked.

(C) Nothing herein shall prevent the village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible. (Ord. 257, passed 11-15-2006)

Wonder Lake - Land Usage

CHAPTER 160: COMPREHENSIVE PLAN

Section

160.01 Adopted by reference

§ 160.01 ADOPTED BY REFERENCE.

The village's Comprehensive and Development Plans are hereby adopted by reference and incorporated herein as if set out in full.

(Ord. 203, passed 10-6-2004; Ord. 334, passed 6-2-2010)

Wonder Lake - Land Usage



CHAPTER 161: SUBDIVISIONS

Section

161.01 Adopted by reference

§ 161.01 ADOPTED BY REFERENCE.

The village's subdivision regulations are hereby adopted by reference and incorporated herein as if set out in full.

(Ord. 041, passed 3-30-1977; Ord. 041/A1, passed 5-26-1977; Ord. 041/A2, passed 3-22-1979; Ord. 041/A3, passed 4-25-1990; Ord. 041/A4, passed 3-2-1994; Ord. 095, passed 5-15-1996)

CHAPTER 162: ZONING

Section

162.01 Adopted by reference

§ 162.01 ADOPTED BY REFERENCE.

The village's zoning provisions are hereby adopted by reference and incorporated herein as if set out in full.

(Ord. 047, passed - -; Ord. 047/A1, passed - -; Ord. 047/A2, passed - -; Ord. 047/A3, passed - -; Ord. 047/A4, passed - -; Ord. 256, passed 11-1-2006; Ord. 290, passed 4-16-2008)

TABLE OF SPECIAL ORDINANCES

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Wonder Lake - Table of Special Ordinances

TABLE I: ANNEXATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
044	10-5-1978	Approving the annexation agreement (Siebert and Brachman)
045	10-5-1978	Annexing certain described real estate to the existing corporate limits; amending zoning ordinance
058	6-22-1982	Authorizing the execution of an annexation agreement (Elizabeth N. Meyer)
059	6-22-1982	Annexing certain territory to the village
060	6-22-1982	Newly annexed land; amending zoning ordinance
067	5-23-1990	Second amendment to an annexation agreement for Sunrise Ridge Estate Unit No. 1
077	12-7-1994	Approving the annexation agreement (Lester and Marianne Anderson)
078	12-7-1994	Annexing certain described real estate to the village
089	5-15-1996	Approving the annexation agreement (the Chicago Title and Trust Company (4-13-1990))
090	5-15-1996	Annexing certain described real estate to the village
091	5-15-1996	Annexing 177 acres of land located west of the corporate limits; amending zoning ordinance
132	1-16-2002	Approving the annexation agreement (the Master Property Owners Association, Inc., Highland Shores Property Owners Association, Thomas P. and Lois Mathews)
133	1-16-2002	Annexing certain described real estate to the village

Wonder Lake - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
135	3-6-2002	Approving the annexation agreement (the Master Property Owners Association, Inc., Highland Shores Property Owners Association, Thomas P. and Lois Mathews)
136	3-6-2002	Annexing certain described real estate to the village
138	3-6-2002	Annexing certain described real estate to the village (S. Guy Fishman, Edwin A. McGuire, Josef J. and Sophie Ceisel, Eric McGuire)
139	3-6-2002	Annexing certain described real estate to the village (S. Guy Fishman, Edwin A. McGuire, Mildred E. McGuire, Josef J. and Sophie Ceisel, Eric McGuire)
140	3-6-2002	Annexing certain described real estate to the village (Ronald and Margaret Magnine)
141	3-6-2002	Annexing certain described real estate to the village (Ronald and Karry Wallin)
146	3-20-2002	Ratifying Ord. 138
147	3-20-2002	Ratifying Ord. 139
148	3-20-2002	Ratifying Ord. 140
149	3-20-2002	Ratifying Ord. 141
152	7-3-2002	Annexing certain described real estate to the village (Harold J. Young, Victor J. Moeller, Patricia Moeller, James A. Nadeau, Joan M. Nadeau, Emile J. Buteau, Rosemary Buteau, Nancy Fallaw)
153	7-3-2002	Annexing certain described real estate to the village (Amcor Investment Group)
154	7-3-2002	Annexing certain described real estate to the village (Betty M. Teimer and Kathleen Furrow)

Annexations

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
155	7-3-2002	Annexing certain described real estate to the village (Richard L. Bradley, Laurie M. Bradley, Gerardo Sarinana, Kerri Sarinana, Robert W. Salzman, James C. Warren, Mary Lou Warren)
156	7-3-2002	Annexing certain described real estate to the village (Roland S. Hunt, Raymond W. Low and Tim Widen)
157	7-3-2002	Annexing certain described real estate to the village (Donald L. Niedert)
158	7-3-2002	Annexing certain described real estate to the village (Kim S. and Francesca A. Sell)
159	7-3-2002	Annexing certain described real estate to the village (Karl E. Christopherson)
160	7-3-2002	Annexing certain described real estate to the village (J. Ines Padilla)
161	7-3-2002	Annexing certain described real estate to the village (Wooded Shores Property Owner's Association, Inc.
162	7-3-2002	Annexing certain described real estate to the village (Amcor Investment Group)
163	7-3-2002	Annexing certain described real estate to the village (Carnegie Credit Corporation)
164	8-21-2002	Annexing certain described real estate to the village (Brian G. Wilson)
166	9-4-2002	Correcting scrivener's error in Ord. 133
167	9-4-2002	Correcting scrivener's error in Ord. 136
168	10-2-2002	Annexing certain described real estate to the village (Steven R. and Kelly R. Kern Nelson)
169	10-16-2002	Annexing certain described real estate to the village

Wonder Lake - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
171	3-5-2003	Annexing certain described real estate to the village (Insignia Homes Woods Creek)
172	3-5-2003	Annexing certain described real estate to the village (Insignia Homes Woods Creek)
186	3-3-2004	Authorizing the execution of an annexation agreement (PA FLP, LTD)
187	3-3-2004	Annexing certain described real estate to the village (337 acres)
189	3-3-2004	Authorizing the execution of an annexation agreement (Slavko, Mary Brizca)
190	3-3-2004	Annexing certain described real estate to the village (125.857 acres)
193	5-5-2004	Additional regulations for annexation agreement
194	5-22-2004	Annexing certain described real estate to the village (Hickory Falls 1 and 2)
198	6-16-2004	Annexing certain described real estate to the village (5.89 acres)
199	6-16-2004	Annexing certain described real estate to the village (five acres)
201	9-21-2004	Annexing certain described real estate to the village (White Oaks Bay Subdivision)
202	9-21-2004	Annexing certain described real estate to the village (Wooded Shores Subdivision)
205	11-3-2004	Authorizing the execution of an annexation agreement (Woods Creek Plan Development)
210	2-16-2005	Requiring transition fees for the benefit of school districts as a condition of annexation
214	7-20-2005	Annexing certain described real estate to the village (Deep Springs Woods Unit No. 1)

Annexations

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
215	7-20-2005	Authorizing the execution of an annexation agreement (Deep Spring Woods Unit No. 1)
223	10-5-2005	Authorizing the execution of an annexation agreement (Florence Balundis)
224	10-5-2005	Annexing certain described real estate to the village (Balundis property)
228	12-7-2005	Approving the annexation agreement (Midwest Bank and Trust)
229	12-7-2005	Annexing certain described real estate to the village (Midwest Bank and Trust)
232	1-12-2006	Annexing certain described real estate to the village (Master Property Owners)
234	1-24-2006	Annexing certain described real estate to the village (William Walsh)
238	4-5-2006	Authorizing the first amendment to an annexation agreement (PA FLP, LTD)
239	4-5-2006	Annexing certain described real estate to the village (Randall Haubold)
247	6-7-2006	Annexing certain described real estate to the village
248	6-7-2006	Execution of an agreement regarding the annexation (Lookout Point Inc.)
252	7-5-2006	Annexing certain described real estate to the village (Norman Mathews)
254	8-2-2006	Annexing certain described real estate to the village (Dennis Palys Wonder View)
255	8-2-2006	Execution of an annexation agreement (Wonderview Unit No. 1 Subdivision)
254A/1	5-2-2007	Amending Ord. 254

Wonder Lake - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
268	7-18-2007	Annexing certain described real estate to the village (Shore Hills Subdivision)
269	7-18-2007	Execution of an annexation agreement (White Oaks Bay)
274	10-3-2007	Execution of an annexation agreement (Key Rental property)
275	10-3-2007	Annexing certain described real estate to the village (Key Rental property)
288	4-2-2008	Annexing certain described real estate to the village (Elizabeth Mueller)
291	4-16-2008	Execution of an annexation agreement (Wonder Marine, Inc.)
292	4-16-2008	Annexing certain described real estate to the village (Wonder Marine, Inc.)
295	5-21-2008	Annexing certain described real estate to the village (Thor Holding LLC)
311	2-4-2009	Annexing certain described real estate to the village (Thatcher Meadows); development agreement
312	2-4-2009	Annexing certain described real estate to the village (Thatcher Meadows)
314	3-4-2009	Annexing certain described real estate to the village
315	3-4-2009	Annexing certain described real estate to the village
366	4-4-2012	Executing an annexation agreement (Gallo)
367	4-4-2012	Annexing certain described real estate to the village (Gallo)
369	4-4-2012	Annexing certain described real estate to the village (Hogan)
384	2-6-2013	Authorizing an annexation agreement (Hogan)
385	2-6-2013	Annexing certain described real estate to the village (Hogan)

Annexations

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
401	1-2-2014	Executing an annexation agreement (Palys)
402	1-2-2014	Annexing certain territory (Palys)
425	12-2-2015	Authorizing the execution of an annexation agreement (E-I-E-I-O, LLC)
2016-439	12-21-2016	Authorizing a first amendment to an annexation and development agreement (NRB Properties, LLC; NRB Sewer and Water, LLC; and NRB Land Development Group, LLC)
449	6-21-2017	Authorizing the execution of an annexation agreement (Board of Education of Harrison School District No. 36)
450	6-21-2017	Annexing certain territory

TABLE II: REZONINGS, VARIANCES AND EASEMENTS

Editor's note:

Please see TSO Table I, Annexations, in coordination with this table. Certain annexation ordinances affected changes to the zoning map. To avoid duplication within the tables, if any annexation of land was performed, proposed or amended along with a zoning map change, the ordinance was placed in TSO Table I.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
075	7-6-1994	Vacating a drainage easement located in Sunrise Ridge Estates Unit No. 1
079	12-7-1994	Zoning classification with a use variation
081	1-4-1995	Terminating the drainage uses on certain easements located in Sunrise Ridge Estates Unit No. 1
082	1-4-1995	Vacating portions of Riley Road, located in Sunrise Ridge Estates Unit No. 1
088	10-4-1995	Terminating the drainage uses on certain easements located in Sunrise Ridge Estates Unit No. 1
104	4-15-1998	Granting a variance at 8508 Alden Road
117	4-23-2001	Granting a variance at 8313 Garrison Road
118	6-6-2001	Granting a variance at 3742 Lake Shore Drive
134	1-16-2002	Zoning certain property OS/R-PL
137	3-6-2002	Zoning certain property OS/R-PL
151	5-22-2002	Granting a variance at 4132 W. Lake Shore Drive
173	3-5-2003	Zoning certain property R-1; conditional use permit

Wonder Lake - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
175	5-20-2003	Granting a variance at 3912 W. Lake Shore Drive
188	3-3-2004	Granting zoning and concept plan approval for the Lakeside Pointe Property
191	3-3-2004	Granting zoning and concept plan approval for Maple Hill/ Brizca property
204	10-20-2004	Zoning certain property B-3 (Picard property)
231	1-4-2006	Zoning certain property F
263	4-4-2007	Granting a variance at 3821 E. Lake Shore Drive
276	10-3-2007	Zoning certain property F and OS/P-PL
293	4-16-2008	Zoning certain property B-2
313	2-4-2009	Rezoning property of Thatcher Meadows
316	3-18-2009	Granting a minor variance at 3613 E. Lake Shore Drive
329	3-3-2010	Partially accepting the water main public improvement (Meadows of West Bay, Phase I)
335	7-7-2010	Granting a minor variance at 8520 Alden Road
365	3-7-2012	Accepting certain public improvements (Meadows of West Bay Subdivision)
368	4-4-2012	Zoning certain property R-1
370	5-2-2012	Zoning certain property F
374	10-17-2012	Granting a temporary use permit; non-exclusive temporary easement and agreement (MPOA lake dredging)
386	2-6-2013	Zoning certain property (Hogan)
392	12-4-2013	Granting minor variances at 2819 E. Lake Shore Drive
403	1-2-2014	Zoning certain property B-2

Rezoning, Variances and Easements

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
408	9-17-2014	Granting minor variances at 4019 W. Lake Shore Drive
436	9-21-2016	Zoning certain property B-2
448	6-21-2017	Approving minor variances at 4815 E. Lake Shore Drive
451	6-21-2017	Zoning certain property P & I

TABLE III: REAL ESTATE TRANSACTIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
243	5-3-2006	Sale of a 1993 Crown Victoria police car
244	5-17-2006	Installment purchase agreement for purchasing, operating and improving a waterworks system
259	11-15-2006	Sale of 2002 International and 2 Giant Vacs leaf blowers
284	12-5-2007	Sale of 1993 Chevrolet 2500 truck
351	11-2-2011	Sale of a 1999 Ford Taurus police car
404	3-5-2014	Sale of personal property
423	6-3-2015	Sale of personal property
434	6-1-2016	Transferring property to the Master Property Owners Association
452	10-4-2017	Sale of personal property

TABLE IV: FRANCHISES AND AGREEMENTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
016	5-2-1975	Gas franchise to Northern Illinois Gas Company
028	9-16-1975	Telephone franchise to General Telephone Company of Illinois
029	10-21-1975	Cooperative animal control services agreement with the county
048	3-22-1979	Water utility franchise to Wonder Lake Water Company
020	6-19-1979	Electric franchise to Commonwealth Edison Company
019	11-1-1979	Non-exclusive franchise to Community Cablevision, Inc.
066	11-12-1985	Contract with Geske and Sons, Inc., for sealcoating roads; ratifying the resolution
083	4-5-1995	Authorizing Commonwealth Edison Company to use the public ways and other property for the construction, operation and maintenance of the electric system
219	9-7-2005	Approving and authorizing a cable television franchise agreement with Comcast of Illinois/Texas, Inc.
253	7-19-2006	Special maintenance services agreement for the Meadows of West Bay Subdivision
328	2-3-2010	Executing the Illinois Public Works Mutual Aid Network agreement
344	3-2-2011	Approving a wireless communication easement and assignment agreement with T6 Unison Site Management LLC
345	3-2-2011	Approving net profits agreement with T6 Unison Site Management LLC
410	12-3-2014	Authorizing the execution of a master lease-purchase agreement with John Deere

Wonder Lake - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
425	12-2-2015	Authorizing the execution of an agreement between the village and E-I-E-I-O, LLC regarding annexation
2016-439	12-21-2016	Authorizing and directing the execution of a first amendment to the annexation and development agreement between the village and NRB Properties, LLC; NRB Sewer and Water, LLC; and NRB Land Development Group, LLC
449	6-21-2017	Authorizing the execution of an annexation agreement between the village and the Board of Education of Harrison School District No. 36

TABLE V: SPECIAL SERVICE AREAS; TAXES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
195	6-2-2004	Establishing Special Service Area No. 1
213	6-15-2005	Proposing the establishment of Special Service Area No. 2
221	10-5-2005	Establishing Special Service Area No. 2
227	12-7-2005	Abating taxes for Special Service Area No. 1
240	4-5-2006	Proposing the establishment of Special Service Area No. 3
241	4-5-2006	Proposing the establishment of Special Service Area. No. 4
242	4-5-2006	Proposing the establishment of Special Service Area No. 5
260	12-6-2006	Abating taxes for Special Service Area No. 1
261	12-6-2006	Abating taxes for Special Service Area No. 2
270	7-18-2007	Establishing Special Service Area No. 4
277	11-1-2007	Establishing Special Service Area No. 3
282	12-5-2007	Abating taxes for Special Service Area No. 1
283	12-5-2007	Abating taxes for Special Service Area No. 2
286	2-20-2008	Abating taxes for Special Service Area No. 3
287	2-20-2008	Abating taxes for Special Service Area No. 4
297	6-4-2008	Proposing the establishment of Special Service Area No. 5
298	6-4-2008	Proposing the establishment of Special Service Area No. 7

Wonder Lake - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
299	6-4-2008	Proposing the establishment of Special Service Area No. 8
303	11-5-2008	Establishing Special Service Area No. 5
304	11-5-2008	Establishing Special Service Area No. 7
305	11-19-2008	Establishing Special Service Area No. 9
307	12-3-2008	Abating taxes for Special Service Area No. 1
308	12-3-2008	Abating taxes for Special Service Area No. 2
309	1-21-2009	Abating taxes for Special Service Area No. 3
303/A1	4-1-2009	Amending Ord. 303
304/A1	4-1-2009	Amending Ord. 304
323	10-7-2009	Establishing Special Service Area No. 9
326	12-2-2009	Abating taxes for Special Service Area No. 1
327	12-2-2009	Abating taxes for Special Service Area No. 2
303/A2	1-6-2010	Amending Ord. 303
304/A2	1-6-2010	Amending Ord. 304
337	12-15-2010	Abating taxes for Special Service Area No. 1
338	12-15-2010	Abating taxes for Special Service Area No. 2
339	12-15-2010	Abating taxes for Special Service Area No. 3
340	12-15-2010	Abating taxes for Special Service Area No. 4
342/A1	1-19-2011	Amending Ord. 342
356	12-21-2011	Abating taxes for Special Service Area No. 1
357	12-21-2011	Abating taxes for Special Service Area No. 2

Special Service Areas; Taxes

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
358	12-21-2011	Abating taxes for Special Service Area No. 3
359	12-21-2011	Abating taxes for Special Service Area No. 4
360	12-21-2011	Abating taxes for Special Service Area No. 5
361	12-21-2011	Abating taxes for Special Service Area No. 7
377	12-19-2012	Abating taxes for Special Service Area No. 1
378	12-19-2012	Abating taxes for Special Service Area No. 2
379	12-19-2012	Abating taxes for Special Service Area No. 3
381	12-19-2012	Abating taxes for Special Service Area No. 5
382	12-19-2012	Abating taxes for Special Service Area No. 7
394	12-4-2013	Abating taxes for Special Service Area No. 1
395	12-4-2013	Abating taxes for Special Service Area No. 2
396	12-4-2013	Abating taxes for Special Service Area No. 3
397	12-4-2013	Abating taxes for Special Service Area No. 4
398	12-4-2013	Abating taxes for Special Service Area No. 5
399	12-4-2013	Abating taxes for Special Service Area No. 7
411	12-17-2014	Abating taxes for Special Service Area No. 1
412	12-17-2014	Abating taxes for Special Service Area No. 2
413	12-17-2014	Abating taxes for Special Service Area No. 3
414	12-17-2014	Abating taxes for Special Service Area No. 4
415	12-17-2014	Abating taxes for Special Service Area No. 5
416	12-17-2014	Abating taxes for Special Service Area No. 7

Wonder Lake - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
426	12-2-2015	Abating taxes for Special Service Area No. 1
427	12-2-2015	Abating taxes for Special Service Area No. 2
428	12-2-2015	Abating taxes for Special Service Area No. 3
429	12-2-2015	Abating taxes for Special Service Area No. 4
430	12-2-2015	Abating taxes for Special Service Area No. 5
431	12-2-2015	Abating taxes for Special Service Area No. 7
440	12-21-2016	Abating taxes for Special Service Area No. 1
441	12-21-2016	Abating taxes for Special Service Area No. 2
442	12-21-2016	Abating taxes for Special Service Area No. 3
443	12-21-2016	Abating taxes for Special Service Area No. 4
444	12-21-2016	Abating taxes for Special Service Area No. 5
445	12-21-2016	Abating taxes for Special Service Area No. 7

PARALLEL REFERENCES

References to Illinois Compiled Statutes
References to Ordinances

Wonder Lake - Parallel References

REFERENCES TO ILLINOIS COMPILED STATUTES

<i>ILCS Cites</i>	<i>Code Section</i>
5 ILCS 70/1.01	10.04
5 ILCS 70/1.02	10.04
5 ILCS 70/1.03	10.04
5 ILCS 70/1.04	10.04
5 ILCS 70/1.05	10.02
5 ILCS 70/1.07	10.02
5 ILCS 70/1.08	10.02
5 ILCS 70/1.09	10.04
5 ILCS 70/1.10	10.02
5 ILCS 70/1.11	10.04
5 ILCS 70/1.12	10.02
5 ILCS 70/1.15	10.02
5 ILCS 70/1.16	10.02
5 ILCS 70/1.17	10.02
5 ILCS 70/1.20	10.02
5 ILCS 70/1.24	10.02
5 ILCS 70/1.28	10.02
5 ILCS 70/1.29	10.02
5 ILCS 70/2	10.04
5 ILCS 275	30.05
5 ILCS 430/1-1 et seq.	31.02
5 ILCS 430/5-15	31.02
5 ILCS 430/10-10—10-40	31.02
5 ILCS 430/70-5	31.02
5 ILCS 430/70-5(a)	31.02
5 ILCS 430/70-5(c)	31.02
20 ILCS 3305	34.01, 34.03, 34.09, 34.12
30 ILCS 405	53.50
35 ILCS 130/1 et seq.	110.01
35 ILCS 135/1 et seq.	110.01
50 ILCS 451	35.17
50 ILCS 705/1 et seq.	33.02

Wonder Lake - Parallel References

<i>ILCS Cites</i>	<i>Code Section</i>
65 ILCS Act 5	10.02
65 ILCS 5/1-1-2	10.02
65 ILCS 5/1-2-1	10.99, 159.01
65 ILCS 5/1-2-1.1	10.99
65 ILCS 5/8-11-1.3	51.01
65 ILCS 5/8-11-2(d)	51.01
65 ILCS 5/11-12-12	159.01
65 ILCS 5/11-20-7	151.04
65 ILCS 5/11-30-2	159.01
65 ILCS 5/11-30-8	159.01
65 ILCS 5/11-31-2	159.01
65 ILCS 5/11-40-3	151.08
65 ILCS 20	53.58
225 ILCS 225	52.26, 53.52
225 ILCS 227	93.16
225 ILCS 330/1 et seq.	159.02
225 ILCS 325/1 et seq.	159.02
235 ILCS 5	73.15
410 ILCS 130/1	131.02, 131.16
425 ILCS 35	93.16
615 ILCS 5/5 et seq.	159.02, 159.46
615 ILCS 5/18(g)	159.01
625 ILCS 5	70.01
625 ILCS 5/Ch. 1	70.11
625 ILCS 5/1-100 et seq.	95.07
625 ILCS 5/1-169	72.10
625 ILCS 5/1-188	10.02
625 ILCS 5/1-210	72.10
625 ILCS 5/2-113	71.24

<i>ILCS Cites</i>	<i>Code Section</i>
625 ILCS 5/Ch. 3	70.11
625 ILCS 5/3-101(d)	70.01
625 ILCS 5/Ch. 5	70.11
625 ILCS 5/Ch. 6	70.11
625 ILCS 5/6-101	95.02
625 ILCS 5/6-303	95.02
625 ILCS 5/Ch. 7	70.11
625 ILCS 5/Ch. 11	70.11
625 ILCS 5/11-500—11-502.1	73.01
625 ILCS 5/11-501	95.02
625 ILCS 5/11-501.1	71.24
625 ILCS 5/Ch. 12	70.11
625 ILCS 5/Ch. 13	70.11
625 ILCS 5/Ch. 15	70.11
625 ILCS 5/Ch. 16	70.11
625 ILCS 5/Ch. 20	70.11
720 ILCS 5/Ch. 5	70.11
720 ILCS 5/24-1	95.02
720 ILCS 5/24-1.5	95.02
720 ILCS 5/24-3.1	95.02
720 ILCS 5/26-1 et seq.	130.01
720 ILCS 5/36-1	95.02
720 ILCS 5/36-1 et seq.	95.08
720 ILCS 550	73.15, 95.02
720 ILCS 550/3	131.01
720 ILCS 570	95.02
720 ILCS 570/203	131.01
720 ILCS 570/204	131.01
720 ILCS 570/205	131.01
720 ILCS 570/206	131.01
720 ILCS 570/207	131.01
720 ILCS 570/208	131.01
720 ILCS 570/209	131.01
720 ILCS 570/210	131.01
720 ILCS 570/211	131.01
720 ILCS 570/212	131.01
725 ILCS 150/1 et seq.	95.08
730 ILCS 5/1-1-1 et seq.	70.11, 130.01
735 ILCS 5/3-101 et seq.	95.10
735 ILCS 5/3-109	95.10
765 ILCS 205/2	159.52

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
34/A1	--	50.04
047	--	162.01
047/A1	--	162.01
047/A2	--	162.01
047/A3	--	162.01
047/A4	--	162.01
049/A1	--	73.18
049/A2	--	73.18
001/A4	8-17-1976	30.01
65	--1984	30.05
A-A-001	4-1-1975	30.01
002	4-1-1975	150.01—150.11, 150.99
003	4-1-1975	150.10
004	4-1-1975	154.03
005	4-1-1975	70.01—70.10, 70.25—70.37, 70.50—70.53, 70.99, 71.01—71.24, 71.99, 72.01—72.09, 73.02—73.04
010	4-1-1975	91.03, 91.99
014	4-1-1975	110.06, 110.99
016	5-2-1975	TSO Table IV
015	5-6-1975	71.01
001/A1	5-20-1975	30.01
001/A2	7-18-1975	30.01
023	7-18-1975	71.25, 71.99
022	8-29-1975	71.15
028	9-16-1975	TSO Table IV
002/A1	10-21-1975	150.08
029	10-21-1975	TSO Table IV
031	2-17-1976	150.45—150.52, 150.99
001/A3	3-16-1976	30.01
032	3-16-1976	30.02
033	3-16-1976	30.02
010/A-1	4-20-1976	91.03
015/A-1	4-20-1976	71.01

Wonder Lake - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
017/A-1	4-20-1976	34.01—34.13
035	7-21-1976	91.02, 91.99
001/A8	7-26-1976	30.01
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