

# **VILLAGE OF RAPIDS CITY**

## **CODE OF ORDINANCES**

**June 2013**

**Prepared in Cooperation with the  
Village of Rapids City  
and  
Bi-State Regional Commission**

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## **TITLE I**

### **ADMINISTRATION**



# CHAPTER 1

## GENERAL PROVISIONS

### ARTICLE 1 - OFFICIAL CODE

**SECTION 1. TITLE.** Upon adoption by the Board of Trustees, this Village Code shall constitute the official Village Code of the Village of Rapids City. This Village Code of Ordinances shall be known and cited as the Rapids City Village Code, and is published by authority of the Board of Trustees and shall be kept up to date as provided in Section 3 under the direction of the Village Attorney, acting for the Board of Trustees. Any reference to the number of any section contained in this Code shall be understood to refer to that position of the same number, its appropriate article and title heading and to the general penalty clause relating, as well as to the section itself when references made to this Village Code by title in any legal document.

**SECTION 2. ACCEPTANCE.** This Village Code shall be received without further proof in all courts of this State as the ordinances of the Village of general and permanent effect, except the excluded ordinances enumerated in Section 1.

**SECTION 3. AMENDMENTS.** Any ordinance amending this Village Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Code. All such amendment or revision by ordinance shall be immediately forwarded to the codifiers and the ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each replacement page shall be properly identified and shall be inserted in each individual copy of the Village Code within thirty (30) days from the date of its passage.

**SECTION 4. INTERPRETATION.**

4.1 **Intent to Defraud.** Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.

4.2 **Liability of Employers and Agents.** When the provision of any section of the Village Code prohibits the commission of an act, not the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth.

**SECTION 5. ALTERNATION OF CODE BOOK.** No person shall alter, change, replace or deface in any way any section or any page of this Village Code in a manner that the meaning of any phrase or order made be changed or omitted. Replacement pages may be inserted according to the official when so authorized by the Board of Trustees. The Village Clerk shall see that the replacement pages are properly inserted and the official copies maintained in the Office of the Village Clerk.

Any person having in his custody an official copy of this Village Code shall make every effort to maintain it in an up-to-date and efficient manner. Each person shall see to the immediate insertion of new or replacement pages when they are delivered from the Office of the Village Clerk. Code books in the possession of officials and

other interested persons shall remain the property of the Village and shall be returned to the Office of the Village Clerk when directed by order of the Village Board.

**SECTION 6. RULES OF CONSTRUCTION.** In the construction of the Village Code the following rules shall be observed, unless such construction would be inconsistent with the intent of the Board of contradictory to the contest of the provisions.

6.1 **Tense.** Words used in the present tense include the future.

6.2 **May.** The word "may" is permissive.

6.3 **Must.** The word "must" states a requirement.

6.4 **Shall.** The word "shall" is mandatory.

6.5 **Gender.** The masculine gender shall include the feminine and neuter genders.

**SECTION 7. CATCHLINES AND NOTES.** The catchlines of the several sections of the Village Code, titles, headings (chapter, division, article, section and subsection), editor's notes, cross references and state law references, unless set out in the body of the section itself, contained in the Village Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

**SECTION 8. SEVERABILITY.** If any section, provision or part of the Village Code is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the Village Code as a whole or any section, provision or part not adjudged invalid or unconstitutional.

**SECTION 9. STANDARD PENALTY.** Unless another penalty is expressly provided by the Village Code for any particular provisions, section or chapter, any person failing to perform a duty, or obtain a license required by, or violating any provision of the Village Code, or any rules or regulation adopted by reference is Seven Hundred Fifty Dollars (\$750.00).

## **ARTICLE 2 - SAVINGS CLAUSE**

**SECTION 1. REPEAL OF GENERAL ORDINANCES.** All general ordinances of the Village passed prior to the adoption of this Code are repealed except such as are referred to as being still enforced or are by necessary implication reserved from repeal (subject to the saving clauses contained in the following section), from which are excluded the following ordinances which are not repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting 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.

**SECTION 2. PUBLIC UTILITY ORDINANCES.** No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Village Code or by virtue of the proceeding section, excepting as this Village Code may contain provisions for such matters, in which case the Village Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

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

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

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

**SECTION 4. SEVERABILITY CLAUSE.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Village Code or any part is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The Board of Trustees declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase

## **ARTICLE 2 - SAVINGS CLAUSE**

thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

### **ARTICLE 3 - DEFINITIONS**

<b>SECTION 1.</b>	<b>DEFINITIONS.</b> Whenever the following words or terms are used in this Code, they shall have such meaning as ascribed to them below, unless the context specifically indicates otherwise.
<b>Agent</b>	A person acting on behalf of another.
<b>Alley</b>	A public right-of-way, other than a street, affording secondary means of access to abutting property.
<b>Board</b>	The Board of Trustees of Rapids City, Illinois.
<b>Clerk</b>	The Village Clerk of Rapids City, Illinois.
<b>Code</b>	The specific chapter in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
<b>County</b>	Rock Island County, Illinois.
<b>Employees</b>	Whenever reference is made in the Village Code to a Village employee by title only, this shall be construed as though followed by the words "of the Village of Rapids City."
<b>Fee</b>	A sum of money charged by the Village for the carrying on of a business, profession or occupation.
<b>Fiscal Year</b>	The "fiscal year" of the Village shall end on April 30 of each calendar year.
<b>License</b>	The permission granted for the carrying on of a business, profession or occupation.
<b>Measure</b>	An ordinance, amendment, resolution or motion.
<b>Month</b>	A calendar month.
<b>Oath</b>	An affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn."
<b>Owner</b>	As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.
<b>Person</b>	Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.
<b>Personal Property</b>	Includes every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.
<b>President</b>	The President of the Village Board of Trustees.

### **ARTICLE 3 - DEFINITIONS**

<b>Property</b>	Includes real property, and tangible and intangible personal property unless clearly indicated otherwise.
<b>Property Owner</b>	A person owning private property in the Village, as shown by the County Auditor's plats of the Village.
<b>Public Property</b>	Any and all property owned by the Village or held in the name of the Village by and of the departments, commissions or agencies within the Village government.
<b>Public Place</b>	Includes in its meaning, but is not restricted to, any Village-owned open place, such as parks and squares.
<b>Public Way</b>	Includes any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.
<b>Retailer</b>	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.
<b>Right-of-Way</b>	The privilege of the immediate use of the roadway or other property.
<b>Sidewalk</b>	That portion of the street between the edge of the traveled way, surfacing or curb line and the adjacent property line.
<b>State</b>	The State of Illinois.
<b>Statutes, Laws</b>	The Illinois Revised Statutes.
<b>Street</b>	Includes alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.
<b>Tenant</b>	As applied to a building or land, shall include any person who occupies the whole or any part of such buildings or land, whether alone or with others.
<b>Village</b>	The Village of Rapids City, Illinois.
<b>Village Code</b>	The Code of Ordinances of the Village of Rapids City, Illinois, 1987.
<b>Wholesaler</b>	The terms "wholesaler" and "wholesale dealer" as used in the Village Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.
<b>Written, In Writing</b>	May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.
<b>Year</b>	A calendar year.

## **ARTICLE 4 - SEAL**

**SECTION 1. CORPORATE SEAL.** The seal used by the Corporation of Rapids City having impressed the following words made in a circular form: "Village of Rapids City, Rock Island County, Illinois, Corporate Seal."

**SECTION 2. CARE AND USE.** The seal shall be and remain in the care and custody of the Village Clerk, to be kept by him, and his successors in office, and be used by him in all cases and purposes required by law or the ordinances of this Village, and for the authentication of all copies of ordinances, certificates of publication of ordinances, contracts and bonds entered into by the Board of Trustees.

## **CHAPTER 2 PERSONNEL**

### **ARTICLE 1 - OFFICERS AND EMPLOYEES**

**SECTION 1. VILLAGE TREASURER.** The duties of this office shall include the custody of all municipal funds and shall further include all duties and responsibilities as listed in the Illinois Municipal Handbook and provided for by statute.

- 1.1 The Village Treasurer shall be appointed by the President with the advice and consent of the Board of Trustees.
- 1.2 The term of office shall be for a four-year period coincidental with the election of Office of Village President.
- 1.3 The Village Treasurer shall be compensated in an amount and in a manner to be determined and fixed by the Board of Trustees of the Village of Rapids City, Illinois.

**SECTION 2. VILLAGE COLLECTOR.** The duties of this office shall include the receipt and collection of all municipal revenues and the payment of same to the Village Treasurer and shall further include all duties as described by State Statutes. The Village Collector shall maintain office hours at the Village Hall daily except Saturday and Sunday for approximately thirty (30) hours a week.

- 2.1 The Village Collector shall be appointed by the President with the advice and consent of the Board of Trustees.
- 2.2 The term of office shall be for a four-year period coincidental with the election of Office of Village President.
- 2.3 The Village Collector shall be compensated in an amount and in a manner to be determined and fixed by the Board of Trustees of the Village of Rapids City, Illinois.
- 2.4 The Village Collector shall after one (1) year of service receive a paid vacation. Payment for said vacation shall equal the average number of hours worked in the last six (6) months prior to the period of vacation.  
  
Payment for said vacation shall be per day and the daily hours shall be equal to the average number of daily hours worked in the six (6) month period prior to the period of vacation.
- 2.5 The Village Collector shall be entitled to the following paid holidays: New Years Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Thanksgiving, the day after Thanksgiving, Christmas Day, the day after Christmas, Martin Luther King Day, Veterans Day, and New Years Eve Day.

**SECTION 3. BUILDING INSPECTOR.** The duties of this office shall include all the duties and responsibilities as provided by the ordinances of the Village and the statutes of the State of Illinois.

- 3.1 The Building Inspector shall be appointed by the President with the advice and consent of the Board of Trustees.



**ARTICLE 1 - OFFICERS AND EMPLOYEES**

- 3.2 The term of office shall be for a four-year period coincidental with the election of Office of Village President.
- 3.3 The Building Inspector shall be compensated in an amount and in a manner to be determined and fixed by the Board of Trustees of the Village of Rapids City, Illinois.

**SECTION 4. WATER SUPERINTENDENT.** The duties of this office shall include all the duties and responsibilities as prescribed by the State of Illinois Environmental Protection Agency guidelines.

- 4.1 The Water Superintendent shall be appointed by the President with the advice and consent of the Board of Trustees.
- 4.2 The term of office shall be for a two-year period commencing upon passage of this Ordinance unless sooner terminated pursuant to the provisions of the Illinois Revised Statutes.
- 4.3 The Water Superintendent shall be compensated in an amount and in a manner to be determined and fixed by the Board of Trustees of the Village of Rapids City, Illinois.

**SECTION 5. PLUMBING INSPECTOR.** The duties of this office shall include the inspection of plumbing materials and issuance of plumbing permits and further include all duties and responsibilities as provided by Village Ordinances and State Statutes.

- 5.1 The Plumbing Inspector shall be appointed by the President with the advice and consent of the Board of Trustees.
- 5.2 The term of office shall be for a four-year period coincidental with the election of Office of Village President.
- 5.3 The Plumbing Inspector shall be compensated in an amount and in a manner to be determined and fixed by the Board of Trustees of the Village of Rapids City, Illinois.
- 5.4 The Plumbing Inspector shall be a plumber licensed by the State of Illinois.

**SECTION 6. ELECTRICAL INSPECTOR.** The duties of this office shall include the inspection of electrical and wiring materials, the issuance of electrical permits and the enforcement of state and local electrical wiring codes and further includes all duties and responsibilities as provided by Village Ordinances and State Statutes.

- 6.1 The Electrical Inspector shall be appointed by the President of the Village Board with the advice and consent of the Board of Trustees.
- 6.2 The term of office of the Electrical Inspector shall be for a four-year period coincidental with the election of Office of Village President.
- 6.3 The Electrical Inspector shall be compensated in an amount and in a manner to be determined and fixed by the Board of Trustees of the Village of Rapids City, Illinois.
- 6.4 The Electrical Inspector shall be an electrician licensed by the State of Illinois.

## **ARTICLE 1 - OFFICERS AND EMPLOYEES**

### **SECTION 7. TRUSTEES.**

- 7.1 Trustees shall be elected and shall hold their term of office for four (4) years, and until their successors are elected and qualified.
- 7.2 The President and Board of Trustees shall be conservators of the peace, and as such shall exercise the powers conferred upon them by the Revised Statutes of Illinois.

### **SECTION 8. PRESIDENT.**

- 8.1 The President shall be elected for a term of four (4) years.
- 8.2 It shall be the duty of the President of the Board of Trustees to preside at all meetings of the Board, preserving order and decorum, call all special meetings by himself, or by order of any three Trustees, appoint all committees, sign all orders on the Treasurer, passed by the Board, and such other duties as are described by the laws of Illinois, or the ordinances of this Village. He shall not vote upon any subject or question before the Board for consideration; unless there be a tie, when he shall give the casting vote.

### **SECTION 9. CLERK.**

- 9.1 That effective May 1989, the position of Village Clerk shall no longer be an elected position in the Village of Rapids City, Illinois. The Village Clerk, shall be appointed by the Village President with the concurrence of the Village Board.
- 9.2 It shall be the duty of the Village Clerk, before entering upon his official duties, to take and subscribe before a Justice of Peace or any person authorized by law to administer oaths, the following oath:

I \_\_\_\_\_, do solemnly swear (or affirm), that I will support the Constitution of the United States, and the Constitution of the State of Illinois and that I will faithfully discharge the duties of Office of Clerk according to the best of my ability.
- 9.3 The Village Clerk shall have the care and custody of the corporation seal, all records, bonds, vouchers, files and papers of the corporation pertaining to the business of the Board.
- 9.4 It shall be the duty of the Village Clerk to provide a place of meeting for the Board of Trustees, subject to the Board's approval (such place to be known as the Village Board Room) and attend all meetings of the Board, whether regular, special or adjourned, and keep an accurate record of all their proceedings, showing the date of meeting, members present, etc., in a book for that purpose. He shall also file away in appropriate files all election returns, all official oaths and bonds, and all other papers coming into his possession by virtue of this office for four (4) years, and until his successor is duly appointed and qualified. He shall also record in a book for that purpose, all ordinances passed by the Board, giving date and passage and time of going into effect of such ordinances.
- 9.5 The Village Clerk shall cause all ordinances passed by the Board, and approved by the President, to be published either by having some printed in code form, by posting a copy of the ordinance in some public place within the

## **ARTICLE 1 - OFFICERS AND EMPLOYEES**

Village, or by having some printed in pamphlet form at least ten (10) days before the ordinance shall go into effect.

- 9.6 It shall be the duty of the Village Clerk within ten (10) days after the Board of Trustees have appointed any judges and clerks to attend any Village election, whether annual or special, to notify in writing, such persons of their appointment, and report the same at the next meeting of the Board.
- 9.7 The Village Clerk shall deliver at the expiration of his official term, or if removed by the Board of Trustees, at the time of such removal, all the books, records, vouchers, files, and papers in his possession as such Village Clerk, belonging to the Village, to his successor in office or to the Board of Trustees, and upon failure or neglect to do so, he shall be liable to a penalty in any sum not less than Twenty-Five Dollars (\$25.00) nor more than Seven Hundred Fifty Dollars (\$750.00).

**SECTION 10. DEPUTY VILLAGE CLERK.** The Office of Deputy Village Clerk shall have all the duties and responsibilities as provided by ordinances of the Village and by the statutes of the State of Illinois.

- 10.1 The term of office of the Deputy Village Clerk shall be four (4) years to coincide with the election of the office of Village Clerk.
- 10.2 In the event of an appointment to fill a vacancy, the term of office shall end at the termination of the original four-year term.
- 10.3 The Deputy Village Clerk shall be compensated in an amount and in a manner to be determined and fixed by the Board of Trustees of the Village of Rapids City, Illinois.

**SECTION 11. VILLAGE ATTORNEY.** The President and the Board of Trustees, voting jointly, may employ an attorney or attorneys, as an independent contractor or as independent contractors, to represent or advise the Village of Rapids City on such legal matters as the Board of Trustees shall determine.

**SECTION 12. BONDING.** The Village Board shall acquire and pay for a blanket official bond for the following officials in the following amounts:

- 11.1 President - \$3,000.00
- 11.2 City Clerk -
- 11.3 City Treasurer - As determined by statute
- 11.4 City Collector -

## **ARTICLE 2 - COMPENSATION**

**SECTION 1. BOARD OF TRUSTEES.** Commencing with the fiscal year in May, each Trustee shall receive Fifty Dollars (\$50.00) for each meeting attended by the Trustee.

- 1.1 All Trustees may be allowed two absences in each year for which compensation may be paid.
- 1.2 A Trustee may miss more than two meetings per year and may receive compensation if such Trustee can show due cause for such additional absence such as illness of the Trustee, serious illness of a member of the Trustee's immediate family or other like cause at the discretion of the Village Board of Trustees.

**SECTION 2. PRESIDENT.** Commencing with the fiscal year in May, the President shall receive Seventy Dollars (\$70.00) for each meeting attended by the President.

- 2.1 The President may be allowed two absences in each year for which compensation may be paid.
- 2.2 The President may miss more than two meetings per year and may receive compensation if such President can show due cause for such additional absence such as illness of the President, serious illness of a member of the President's immediate family or other like cause at the discretion of the Village Board of Trustees.

**SECTION 3. VILLAGE CLERK.** Commencing with the fiscal year in May, the Village Clerk shall receive Seventy Dollars (\$70.00) for each meeting attended by the Village Clerk.

- 3.1 The Village Clerk may be allowed two absences in each year for which compensation may be paid.
- 3.2 The Village Clerk may miss more than two meetings per year and may receive compensation if the Village Clerk can show due cause for such additional absence such as illness of the Village Clerk, serious illness of a member of the Village Clerk's immediate family or other like cause at the discretion of the Village Board of Trustees.

(Sections 1, 2 and 3 adopted 2/14/2012)

## **ARTICLE 3 - STATE GIFT BAN ACT**

### **SECTION 1. ADOPTION OF ACT.**

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

### **SECTION 2. ETHICS OFFICER.**

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

### **SECTION 3. LOCAL ETHICS COMMISSION; COMPLAINTS.**

- 3.1 To the extent authorized by law and to the extent required by the Act, the President shall appoint three (3) persons to a Local Ethics Commission with the advice and consent of the Board of Trustees.
- 3.2 The Local Ethics Commission shall have the power and duties set forth in Section 55 of the Act.
- 3.3 To the extent that any of its provisions may be applicable, Section 45 of the Act shall be applicable to the Local Ethics Commission.
- 3.4 The complaint procedure and the enforcement and penalty provisions of the Act and this Ordinance shall be as are provided in Section 60, 65, and 70 of the Act.

### **SECTION 4. FUTURE AMENDMENTS TO STATE GIFT BAN ACT.**

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

### **SECTION 5. FUTURE DECLARATION OF UNCONSTITUTIONALITY OF THE STATE GIFT BAN ACT.**

- 5.1 If the Illinois Supreme Court declares the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional in its entirety, then this Ordinance shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. The ordinance shall be deemed repealed without further action by the corporate authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

### **ARTICLE 3 - STATE GIFT BAN ACT**

- 5.2 If the Illinois Supreme Court declares part of the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this Ordinance shall remain in full force and in effect; however, that part of this Ordinance relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the Village.

## **ARTICLE 4 - STATE OFFICIALS AND EMPLOYEES ETHICS ACT**

### **SECTION 1.**

- 1.1 The regulations of Sections 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the "Act" in this Section) are hereby adopted by reference and made applicable to the officers and employees of the City/Village to the extent required by 5 ILCS 430/70-5.
- 1.2 The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the City/Village, is hereby prohibited.
- 1.3 The offering or making of gifts prohibited to be offered or made to an officer or employee of the City/Village under the Act, is hereby prohibited.
- 1.4 The participation in political activities prohibited under the Act, by any officer or employee of the City/Village, is hereby prohibited.
- 1.5 For purposes of this Section, the terms "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5(c).
- 1.6 The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.
- 1.7 This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of City/Village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).
- 1.8 Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the City/Village.
- 1.9 If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the City/Village if the Act is found unconstitutional by the Illinois Supreme Court.
- 1.10 If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the City/Village. (Section 1 passed 8/10/04).

## **CHAPTER 3 BOARD OF TRUSTEES**

### **ARTICLE 1 - RULES OF ORDER**

**SECTION 1. OATH OF OFFICE.** Newly elected Trustees shall, before entering upon their duties, take and subscribe before a Justice of the Peace, or some person authorized by law to administer oaths, the following oath:

I \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of office of Trustee, according to the best of my ability.

In the like manner, the newly elected President shall, before entering upon the duties of his office, take and subscribe to the following oath:

I \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the Office of President of the Board of Trustees of the Village of Rapids City, according to the best of my abilities.

This oath shall be filed with the Village Clerk and he shall also file a bond with good and sufficient securities in the sum required by statute for the faithful performance of the duties of his office, which bond shall be approved by the Board of Trustees, after which the Board of Trustees shall be deemed legally organized for the transaction of business.

**SECTION 2. TIME AND PLACE OF MEETING.** The regular meetings of the Board of Trustees of the Village of Rapids City shall be held on the second Tuesday of each month at 7:00 p.m. at the Village Board Room or in such other suitable place as may be fixed by the Village authorities.

**SECTION 3. ABSENCE.** In the absence of the President, the Board shall appoint one of their number to fill the vacancy, who shall perform the duties required of the President and shall draw the pay of the President for that meeting. In the absence of the Village Clerk, the Deputy Clerk shall fill the vacancy. He shall perform the duties required of the Village Clerk, and shall draw the pay of the Village Clerk for that meeting.

**SECTION 4. REMISSION OF FINES.** No petition for the remission of fines under ordinance of this Village shall be considered after reception without a vote of two-thirds (2/3) of the members of the Board of Trustees.

**SECTION 5. VOTING.** The yeas and nays shall be taken upon the passage of all ordinances, and be entered on the journal, and if any member requires it, upon any question before the Board of Trustees, but shall not be taken unless called for previous to the taking of the vote.

**SECTION 6. ORDER OF BUSINESS.** On the appearance of a quorum and the call of the roll, the minutes of the proceedings of the preceding meeting shall be read, unless dispensed with. After the minutes are read, business shall be disposed of in the following order:

6.1 Reports from the Village Officer.



## **ARTICLE 1 - RULES OF ORDER**

- 6.2 Petitions, memorials and remonstrances.
- 6.3 Reports from standing committees.
- 6.4 Reports from select committees.
- 6.5 Propositions and motions.
- 6.6 Reading of bills.
- 6.7 Bills, reports and other business lying on the table.
- 6.8 Other business of the Board.
- 6.9 Unfinished business.
- 6.10 Order of the day.
- 6.11 New business.

### **SECTION 7.**

**QUORUM/COMPELLING MEMBERS TO ATTEND.** A majority of the Trustees-elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time and compel absentees to attend any regular or special meeting by a written citation to that effect, stating the day and hour of such meeting. Such citation shall be signed by the President of the Board of Trustees or the Trustees issuing the same, and may be served by the Village Clerk, or any officer authorized to serve the processes in the Village, by reading the same to such absentees. Any Trustee willfully refusing to obey such citation shall forfeit Ten Dollars (\$10.00), to be deducted out of his salary, and upon the repeated refusal to obey such citation, such Trustee may be expelled and his office declared vacant. Any Trustee who shall willfully refuse to obey such citation shall be fined not exceeding One Hundred Dollars (\$100.00) to be collected by the Village in a civil action. Any trustee who shall twice willfully refuse to obey such citation shall be considered to have abandoned his office and such vacancy may be filled by the President and Board of Trustees in the manner provided by the Statutes of the State of Illinois.

### **SECTION 8.**

**CHANGING RULES.** The foregoing rules, or any of them shall not be repealed or annulled, amended, abridged, modified or suspended, except by a vote of the majority of the Board of Trustees.

## **CHAPTER 4 ELECTIONS**

### **ARTICLE 1 - ELECTIONS**

**SECTION 1. VILLAGE OFFICERS.** Every two years the Village shall elect three Trustees and on the first Tuesday of April, every four years, one President of the Board of Trustees.

## **CHAPTER 6**

### **GENERAL BOARDS AND COMMISSIONS**

#### **ARTICLE 1 - PLANNING AND ZONING COMMISSION**

- SECTION 1. PLANNING AND ZONING COMMISSION CREATED.** A Planning and Zoning Commission is created for the Village consisting of five members. The members shall serve four-year terms coincidental with the election of Office of Village President. The successor to each member so appointed to serve for a term of five (5) years. One of the members so appointed shall be named as Chairman at the time of his appointment. Members shall be appointed by the President of the Board of Trustees by and with the advice and consent of the Board of Trustees.
- SECTION 2. VACANCY FILLED.** A vacancy shall be filled for the unexpired term of a member whose place has become vacant.
- SECTION 3. MEETINGS.** All meetings of the Planning and Zoning Commission shall be held at the call of the Chairman and at such other times as the Board may determine.
- SECTION 4. EX-OFFICIO MEMBERS.** The President of the Board of Trustees shall be a member ex-officio of the Planning and Zoning Commission.
- SECTION 5. POWERS.** The Planning and Zoning Commission shall have the following powers:
- 5.1 To prepare and recommend to the Village authorities a comprehensive plan of public improvements looking to the present and future development of the Village. After its adoption by the Village authorities, this Plan shall be known as the Official Plan of the Village of Rapids City. From time to time, the Planning and Zoning Commission may recommend changes in the Official Plan. This Plan may include reasonable requirements with reference to streets, alleys, and public grounds in unsubdivided land situated within the corporate limits or in contiguous territory not more than one and one-half (1-1/2) miles beyond the Village limits and not included in any municipality.
  - 5.2 To prepare and recommend to the Village authorities, from time to time, plans for specific improvements in pursuance of the Official Plan.
  - 5.3 To give aid to the Village officials charged with the direction of projects for improvements embraced within the Official Plan, to further the making of these projects, and generally to promote the realization of the Official Plan.
  - 5.4 To exercise such other powers, germane to the powers granted by Article 53 of Chapter 24 Illinois Revised Statutes 1985, as may be conferred by the corporate authorities.

## **CHAPTER 7 RISK MANAGEMENT**

### **ARTICLE 1 - ILLINOIS MUNICIPAL LEAGUE RISK MANAGEMENT ASSOCIATION (7-14-87)**

#### **SECTION 1. INTERGOVERNMENTAL COOPERATION CONTRACT.**

The Village Board of Rapids City has reviewed the Plan of the Illinois Municipal League Risk Management Association including By-Laws, the Intergovernmental Cooperation Contract, and the anticipated cost of participation in the Plan and finds it to be in the public interest of the Village to participate in the Plan.

- 1.1 That the Village Board does hereby authorize and approve membership in the Illinois Municipal League Risk Management Association and directs the President and Clerk to execute an Intergovernmental Cooperation Contract with the Illinois Municipal League Risk Management Association for membership for a period of one (1) year thereafter unless this Ordinance is repealed.
- 1.2 Each member hereby agrees to contribute to the Association a sum of money to be determined by the Association at the time of application based on the needs of the Association and the loss experience of the member, which sum shall constitute the cost of the member's first year contribution for membership in the Association. Membership contributions for second and subsequent years shall be calculated in accordance with the loss experience of the Village, and the needs of the Association including total losses and expenditures of the Self-Insured Retention Fund of the Association.

## CHAPTER 8

# LOCAL GOVERNMENT TAXPAYERS' BILL OF RIGHTS

### **ARTICLE 1 - RIGHTS AND RESPONSIBILITIES RELATED TO LOCALLY IMPOSED AND ADMINISTERED TAXES**

**SECTION 1. TITLE.** This Ordinance shall be known as, and may be cited as the "Locally Imposed and Administered Tax Rights and Responsibility Ordinance."

**SECTION 2. SCOPE.** The provisions of this Ordinance shall apply to the Village's procedures in connection with all of the Village's locally imposed and administered taxes.

**SECTION 3. DEFINITIONS.** Certain words or terms herein shall have the meaning ascribed to them as follows:

**Act** The "Local Government Taxpayers' Bill of Rights Act."

**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 Board of Trustees, is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax administrator shall have the authority to implement the terms of this Ordinance to give full effect to this Ordinance. The exercise of such authority by the local tax administrator shall not be inconsistent with this Ordinance and the Act.

**Village** The Village of Rapids City, Illinois.

**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.

**SECTION 4. NOTICES.** Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than seven (7) calendar days prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

4.1 First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address.

4.2 Personal service or delivery.

**SECTION 5. 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.

**SECTION 6. 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.

**SECTION 7. CERTAIN CREDITS AND REFUNDS.**

7.1 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.

7.2 The Statute of Limitations on a claim for credit or refund shall be four (4) 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.

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

- A. The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:
  - 1. The name of the locally imposed and administered tax subject to the claim.
  - 2. The tax period for the locally imposed and administered tax subject to the claim.
  - 3. The date of the tax payment subject to the claim and the canceled check or receipt for the payment.
  - 4. The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim.
  - 5. 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 of taxpayer owes any monies to the Village.
- B. Within thirty (30) days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:

**ARTICLE 1 - RIGHTS AND RESPONSIBILITIES RELATED TO LOCALLY IMPOSED AND ADMINISTERED TAXES**

1. Grant the claim.
  2. 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.
- C. 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 six percent (6%) 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.

**SECTION 8. AUDIT PROCEDURE.** Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this Ordinance.

- 8.1 Each notice of audit shall contain the following information:
- A. The tax.
  - B. The time period of the audit.
  - C. A brief description of the books and records to be made available for the auditor.
- 8.2 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 required by the taxpayer within thirty (30) days after the originally designated audit and during normal business hours.
- 8.3 The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven (7) days nor more than thirty (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 the taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the thirty (30) days approved in writing, which is convenient to the taxpayer and the local tax administrator.
- 8.4 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.
- 8.5 It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the Village. If the taxpayer or tax collector fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.
- 8.6 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 thirty (30) days of the Village's determination of the amount of overpayment.

- 8.7 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.

**SECTION 9. APPEAL.**

- 9.1 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:
- A. The reason for the assessment.
  - B. The amount of the tax liability proposed.
  - C. The procedure for appealing the assessment.
  - D. The obligations of the Village during the audit, appeal, refund and collection process.
- 9.2 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 forty-five (45) days of receipt of the written notice of the tax determination and assessment.
- 9.3 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 thirty (30) days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.
- 9.4 If a written protest and petition for hearing is not filed within the forty-five (45) day period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.
- 9.5 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 ninety (90) days after the expiration of the forty-five (45) day period.

**SECTION 10. HEARING.**

- 10.1 Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under Section 9, above, the local tax administrator shall conduct a hearing regarding any appeal.
- 10.2 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 thirty (30) days.



## **ARTICLE 1 - RIGHTS AND RESPONSIBILITIES RELATED TO LOCALLY IMPOSED AND ADMINISTERED TAXES**

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

10.4 At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

**SECTION 11. 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.

11.1 **Interest.** 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.

11.2 **Late Filing and Payment Penalties.** If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty of five percent (5%) of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of five percent (5%) of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the Village issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to twenty-five percent (25%) of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

**SECTION 12. 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.

**SECTION 13. INSTALLMENT CONTRACTS.** The Village may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is thirty (30) days delinquent, the taxpayer shall have fourteen (14) working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the fourteen (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.

**SECTION 14. STATUTE OF LIMITATIONS.** The Village, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have forty-five (45) days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

14.1 No determination of tax due and owing may be issued more than 4 years maximum after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

## **ARTICLE 1 - RIGHTS AND RESPONSIBILITIES RELATED TO LOCALLY IMPOSED AND ADMINISTERED TAXES**

14.2 If any tax return is not filed or, if during any 4-year period for which a notice of tax determination or assessment may be issued by the Village, the tax paid was less than seventy-five percent (75%) of the tax due, the Statute of Limitations shall be six (6) years maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

14.3 No Statute of Limitations shall apply if a fraudulent tax return was filed by the taxpayer.

**SECTION 15. 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 one percent (1%) per month, for all periods prior to the filing of the application but not more than four (4) years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than ninety (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 ninety (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.

**SECTION 16. 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.

**SECTION 17.** 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 in effect. If the lien is determined to be improper, the local tax administrator shall:

17.1 Timely remove the lien at the Village's expenses.

17.2 Correct the taxpayer's credit record.

17.3 Correct any public disclosure of the improperly imposed lien.

**TITLE II**  
**COMMUNITY PROTECTION**

## CHAPTER 1 PUBLIC OFFENSES

### ARTICLE 1 - GENERAL OFFENSES

**SECTION 1. CURFEW.** It is a petty offense for any child under the age of 17 years to be on the streets or other municipal property of the Village between the hours of midnight and 6:00 a.m. on Saturday and Sunday mornings, and between the hours of 11:00 p.m. and 6:00 a.m. on Sunday through Thursday nights, unless said child is accompanied by and supervised by a parent, legal guardian or other responsible companion at least 18 years of age approved by a parent or legal guardian.

- 1.1 It is a petty offense for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate the aforementioned Section 1.
- 1.2 **Penalty.** Any person violating this Section shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00).

### **SECTION 2. DRUG PARAPHERNALIA AND POSSESSION OF CANNABIS.**

2.1 **Definition.** For the purpose of this Section and in order to carry out the provisions contained in this Section, certain words, terms and phrases are to be interpreted and defined herein:

- A. Controlled Substance shall have the meaning ascribed to it in Section 102 of the Illinois Controlled Substances Act as if that definition were incorporated herein.
- B. Delivered or Delivery shall mean the actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.
- C. Drug Paraphernalia shall have the meaning ascribed to it in the Illinois Drug Paraphernalia Control Act as if that definition were incorporated herein.
- D. Cannabis shall have the meaning ascribed to it in the Cannabis Control Act (720 Illinois Compiled Statutes 550/1 et. Seq.) and amendments thereto; except should the term "person" be limited therein to natural persons who have attained the age of seventeen (17) years or more, said limitation is specifically excluded herein, and the term "person" is made applicable to all natural persons who have attained the age of thirteen (13) years or more.

2.2 **Possession of Drug Paraphernalia.** It shall be a violation of this Section for any person to use drug paraphernalia, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined herein.

2.3 **Manufacture of, Delivery of Drug Paraphernalia.** It shall be a violation of this Section for any person to deliver, possess with intent to deliver drug paraphernalia knowingly or under circumstances where one reasonably should

## **ARTICLE 1 - GENERAL OFFENSES**

know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined herein.

- 2.4 **Delivery of Drug Paraphernalia to a Minor.** It shall be a violation of this Section for any person eighteen (18) years of age or over who violates Section 2.3 by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his/her junior.
- 2.5 **Advertisement of Drug Paraphernalia.** It shall be a violation of this Section for any person to place in any newspaper, magazine, handbill, or other publication, or any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
- 2.6 **Offense of Possession of Cannabis.** A person commits the offense of possession of cannabis by knowingly possessing ten (10) grams or less of any substance containing cannabis unless permitted or authorized to do so pursuant to the Cannabis Control Act (720 IL 550/1 et. seq.).
- 2.7 **Penalty.** Any person violating the provisions of this Ordinance shall be subject to a fine of not less than one hundred dollars (100.00) or more than seven hundred and fifty dollars (750.00).

### **SECTION 3.**

**FIREARMS.** No person shall fire or discharge a firearm within the landmarked boundary lines of the Village.

- 3.1 **Boundaries.** For the purposes of this Section, the boundary line of the Village on its river side shall be considered as the waterline of the Mississippi River.
- 3.2 **Firearms Defined.** Firearms shall be defined as and include for the purposes of this Section all hand guns, rifles, shotguns, black powder weapons, air guns or toy guns which project lead or metal missiles.
- 3.3 **Exemptions.** Provision of this Section shall not apply to any law enforcement official engaged in the authorized performance of his duties or to any person who is lawfully protecting his person and/or his property.
- 3.4 **Hunting.** The intent of this Section is not to interfere with migratory waterfowl hunting on the Mississippi River nor hunting on agricultural land within the Village limits provided that such hunting is being done in compliance with all state and federal laws and regulations.
- 3.5 **Penalty.** A person convicted of unlawful discharge of a firearm shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each such offense.

### **SECTION 4.**

**DISORDERLY CONDUCT.** A person commits disorderly conduct when he knowingly:

- 4.1 Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace.

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- 4.2 Does or makes any unreasonable or offensive act, utterance, gesture or display which, under the circumstances, creates a clear and present danger of a breach of peace or imminent threat of violence.
- 4.3 Makes, continues or causes to be made, or continued any excessive, unnecessary or unusually loud noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
- 4.4 Fails to obey a lawful order of dispersal by a person known by him to be a peace officer under circumstances where two or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm.
- 4.5 Assembles with two or more persons for the purpose of using force or violence to disturb the public peace.
- 4.6 Appears in any public place manifestly under the influence of alcohol, narcotics or other drug, not therapeutically administered, to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity.
- 4.7 Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it.
- 4.8 No person shall pile any leaves, straw, hay, limbs or branches of trees, tin cans, cleanings from cellars or other rubbish in any street, alley or public grounds, or carry or throw any ashes upon any sidewalk, or in any ditch to obstruct the same.
- 4.9 **Penalty.** A person convicted of disorderly conduct shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense.

**SECTION 5. DAMAGE TO TREES.** No person shall ride, drive or run against any tree growing upon any lot, street, alley or public grounds within this Village, or cause the same to be done, or in any manner injure, damage or deface any gate, fence or sidewalk by driving upon the same with any vehicle, or by riding or driving any animal or animals over or against the same.

- 5.1 No person shall break, injure or destroy any tree, plant or shrub, growing upon any street, alley, public grounds or in any private yard within the limits of the Village without the consent of the owner.

**SECTION 6. STACKING HAY, STRAW, LEAVES, ETC.** No person shall stack any hay or straw, or permit the same to be done within seventy-five feet (75') of any house or building in which fire is used.

**SECTION 7. DEPOSITING ASHES.** No person shall deposit ashes in any building or place which is not fireproof, or in any place where fire may be likely to ensue, or in the streets or elsewhere uncovered or unprotected from the wind, until every particle of fire in such ashes is extinguished.

**SECTION 8. COMBUSTIBLE MATERIALS.** No person shall allow any hay, straw, boxes, barrels or other combustible material to accumulate upon his premises so as to endanger by fire any building.

**SECTION 9. WEEDS.** Plant and Weed.

- 9.1 **Weeds Declared a Nuisance.** Any weed such as jimson, burdock, ragweed, thistle, cockle burr, or other weeds of a like kind, found growing on any lot or tract of land in the Village or standing uncut or otherwise uncontrolled shall be declared a nuisance.
- 9.2 **Height.**
- A. No person shall permit any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding ten inches (10") anywhere in the Village. Any plants or weeds exceeding this height shall be declared a nuisance.
  - B. Each property owner shall be responsible for the cutting of grass and weeds located on his/her property between his/her property line and the edge of the publicly traveled street or alley.
  - C. Each occupant shall be responsible for the cutting of grass and weeds located on the property occupied by him/her and on that property between his/her residence line and the edge of the publicly traveled street or alley.
- 9.3 **Barberry Bushes.** It shall be a nuisance and unlawful to plant or permit the growth of this bush of the species of tall, common or European barberry, further known as barberis vulgaris or its horticultural varieties within the Village.
- 9.4 **Removal Notice.** It shall be the duty of the Director of Public Works, or any other authorized Village official, to cause the owner or occupant, or both, of any premises on which weeds, plants or grasses have been permitted to grow in violation of the provisions of this Ordinance to demand the abatement of the nuisance within five (5) days of being served with the notice. If the owner/occupant of the property is a resident of the Village, notice shall be served by an officer of the Village Police Department. If the owner/occupant is not a resident of the Village, notice shall be sent by Certified Mail.
- 9.5 **Abatement.** If the person so served does not abate the nuisance within five (5) days, the Director of Public Works may, without further notice proceed to abate such nuisance. The charge of abating such nuisance shall be charged at an hourly rate of One Hundred Twenty-Five Dollars (\$125.00) per hour for residential property and Two Hundred Fifty Dollars (\$250.00) per hour for commercial property. The minimum charge shall be One Hundred Twenty-Five Dollars (\$125.00) for residential property and Two Hundred Fifty Dollars (\$250.00) for commercial property.
- 9.6 **Second and Subsequent Offenses.** Any property owner/occupant who receives a second or subsequent Removal Notice within a ninety (90) day period shall be subject to the provisions of Section 9.5 above plus a fine not to exceed Seven Hundred Fifty Dollars (\$750.00).
- 9.7 **Lien.** Charges for such weed removal shall be a lien upon the premises. Whenever a bill for the charges remains unpaid for sixty (60) days after it has been rendered, the Clerk may file with the Recorder of Deeds of Rock Island County a statement of lien claim. The statement shall contain a legal description of the premises, the expenses, the costs incurred and the date the weeds were cut, and a notice that the Village claims a lien for this amount.

## **ARTICLE 1 - GENERAL OFFENSES**

- A. Notice of a lien claim shall be mailed to the owner of the premises if his address is known.
- B. The Village Attorney is authorized and directed to institute proceedings in the name of the Village in any court having jurisdiction over such matters, against any property for which the bill is unpaid for sixty (60) days after it has been rendered.

### **9.8 Foreclosure of Lien.**

- A. Property subject to a lien for unpaid weed cutting charges shall be sold for nonpayment of the same and the proceeds of such sale shall be applied to pay the charges after deducting the costs, as is the case in the foreclosure of statutory liens. The foreclosure shall be in equity in the name of the Village.
- B. The Village Attorney is authorized and directed to institute 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 for sixty (60) days after it has been rendered.

- 9.9 **Penalty.** Violation of this Section shall result in a fine of Ten Dollars (\$10.00); and a separate offense shall be considered committed on each day during or on which such nuisance continues unabated after ten (10) days from the receipt of notice.

**SECTION 10. THEFT OF RECYCLABLES.** No person shall collect, possess, pick up or obtain in any manner any recyclable item placed for collection in front of a residence, rental property or commercial enterprise as part of the Village of Rapids City's recycling/waste collection program unless said person is the licensed waste hauler with the Village of Rapids City, pursuant to contract.

**SECTION 11. RECYCLABLE RECEPTACLES.** The recycling containers and/or receptacles provided by the Village of Rapids City to its users are the property of the Village of Rapids City. No person shall abuse, destroy, damage, in any non-reasonable manner, nor use said receptacle for any purpose other than recycling waste.

**SECTION 12. PENALTY UNLESS OTHERWISE STATED.** Any person violating any of the provisions of any section of this Chapter shall, upon conviction, be fined in any sum not less than Twenty-Five Dollars (\$25.00) nor more than Seven Hundred Fifty Dollars (\$750.00).

### **SECTION 13. JUNK, TRASH AND REFUSE.**

- 13.1 **Definition.** Whenever the following words or terms are used in this Article, they shall have such meanings as ascribed to them below, unless the context specifically indicates otherwise.

- A. Junk, Trash, Refuse. Any and all waste matter, whether usable or not which is offensive to the public health, safety, or to the aesthetics of the neighborhood, and specifically intended to include but not be limited to worn out wrecks, and/or abandoned automobiles, trucks, machinery of any kind and parts thereof, old ice boxes, refrigerators and stoves.



## **ARTICLE 1 - GENERAL OFFENSES**

- 13.2 The storing of junk, trash or refuse on private property within the Village is hereby declared a nuisance.
- 13.3 Any property owner or any occupant of property who allows such storage on the property owned or occupied by him shall be guilty of a misdemeanor, and any person who shall have neglected to abate and remove such nuisance after notice thereof, shall for twenty-four (24) hours thereafter during which the nuisance continues, be guilty of a misdemeanor.
- 13.4 Any police officer of the Village, upon observing any violation of Section 13.3 of this Article, shall issue a notice directed to the owner of record of the property on which the nuisance occurs, as shown on the records of the Recorder of Deeds of Rock Island County, Illinois, or to both, which the notice shall describe the violation and shall establish a reasonable time limit for the abatement by the owner or occupant, which time shall be not less than two (2) days or more than ten (10) days after service of the notice.
- 13.5 Any citizen of the Village who observes a violation of Section 13.3 of this Article may file his affidavit setting forth in detail the violations, its location, and the name of the owner and occupant of the property and may file the affidavit with the Police Department who shall assign an officer to investigate the charge and if the nuisance exists, to issue notice to the owner or occupant of the property.
- 13.6 Any police officer, agent or officer of the Village shall serve the notice, upon the owner or occupant of the property where the nuisance exists, or upon both of them, and shall make his return upon the copy of the notice, showing the time it was served, upon whom it was served or the manner in which it was served.
- 13.7 Immediately upon the termination of the time allowed in the notice for the abatement of the nuisance, the police officer, agent or officer of the Village who shall be assigned by a Village officer shall investigate to determine whether or not the nuisance has been abated.
- 13.8 In the event the owner or occupant of the property where the nuisance exists shall fail within the prescribed time to abate the nuisance, then the police officer, agent or officer of the Village who served the notice, or the citizen of the Village who filed the affidavit with the Village, or the individual who investigated whether the nuisance has been abated, shall file a complaint charging violation of Section \_\_\_\_ (the police will have to fill in section when issuing a ticket) of this Article with the Circuit Court of Rock Island County, Illinois and demanding that the owner or occupant of the property be punished.
- 13.9 The Village shall prosecute all complaints of violation of Section 13.3.
- 13.10 A person convicted of violation of any provision of this Section shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Seven Hundred Fifty Dollars (\$750.00).

### **SECTION 14.**

Approaching, contacting, residing, or communicating with a child within certain places by child sex offenders prohibited. (Section 14 adopted 2/14/06)

- 14.1 It is unlawful for a child sex offender to knowingly be present in any public park building or on real property comprising any public park when persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age, unless the

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offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds.

- 14.2 It is unlawful for a child sex offender to knowingly loiter on a public way within 1000 feet of a public park building or real property comprising any public park while persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds.
- 14.3 It is unlawful for a child sex offender to knowingly reside within 1000 feet of a playground or a facility providing programs or services exclusively directed toward persons under 18 years of age. Nothing in this subsection (14.3) prohibits a child sex offender from residing within 1000 feet of a playground or a facility providing programs or services exclusively directed toward persons under 18 years of age if the property is owned by the child sex offender and was purchased before the effective date of this ordinance.
- 14.4 It is unlawful for a child sex offender to knowingly reside within 1000 feet of the victim of the sex offense. Nothing in this subsection (14.4) prohibits a child sex offender from residing within 1000 feet of the victim if the property in which the child sex offender resides is owned by the child sex offender and was purchased before the effective date of this ordinance.
- This subsection (14.4) does not apply if the victim of the sex offense is 21 years of age or older.
- 14.5 It is unlawful for a child sex offender to knowingly operate, manage, be employed by, volunteer at, be associated with, or knowingly be present at any facility providing programs or services exclusively directed towards persons under the age of 18. This does not prohibit a child sex offender from owning the real property upon which the programs or services are offered, provided the child sex offender refrains from being present on the premises for the hours during which the programs or services are being offered.
- 14.6 **Definitions.** The definition of a child sex offender can be found in 720 ILCS 5/11-9.4(d) of the Illinois Compiled Statutes.

## **CHAPTER 2 COMMON NUISANCES**

### **ARTICLE 1 - DEFINED**

**SECTION 1. NUISANCES DECLARED.** That within the territorial jurisdiction of the Village, it is declared a nuisance for any person or persons or corporations:

- 1.1 To cause any of those acts or omissions that are declared to be nuisances by the laws of the State of Illinois, and such as are known as nuisances to the common law of the land not specially enumerated.
- 1.2 To throw or deposit, or cause to be thrown or deposited, any unclean water, manure, slop or other offensive matter, or ashes, or rubbish, in any street, alley or public place in the Village.
- 1.3 For anyone owning, or in the possession of any animal, which may die within the Village, to leave the same unburied for more than twelve hours after its death, unless sooner notified by the proper authorities to remove and bury the same, or for anyone to bring and leave the carcass of any such animal within the limits of the Village, provided that this shall not apply to any such animals fit and intended to be used for food.
- 1.4 To keep, use or suffer any cellar, vault, private drain, pool, privy, sewer, grounds or any premises belonging to or occupied by any person, to become nauseous, foul, offensive, injurious or detrimental to the health of any individual.
- 1.5 To erect, construct, or cause to be erected or constructed in any street or public alley in the Village, any step, cellar door or cellarway more than three feet (3') from the side lot line of the street into the sidewalk or street, or more than three feet (3') from the line of any alley, into same; or to erect any porch, bulk, jut window or other encumbrances, or so place or cause to be placed any spout or gutter whereby the passage of any street or alley as shall be obstructed.
- 1.6 To place or erect, or cause to be placed or erected, in any street, road, sidewalk, alley or other place under control of the Village, any building or other obstruction, or to fail to remove the same after notice from the Village Clerk or other authorized Village official.

**SECTION 2. PENALTY.** Whoever violates any section or clause of this Article, by permitting any nuisance and does not abate or remove the same after a reasonable notice from the Village Clerk or other authorized Village official, or repeats the same after notice is given, shall be fined in the sum not exceeding Seven Hundred Fifty Dollars (\$750.00) for the first offense. If such person or corporation shall continue a nuisance an unreasonable time, or repeat the same after being fined for the same, a new cause of action shall accrue against such person or corporation, subjecting the offender to a like penalty, and if the fine is not paid then, to imprisonment until such fine shall be paid; such imprisonment not to exceed three months, and after the rendition of each fine, any continuance or repetition of such nuisance shall be deemed a new cause of action, subjecting the offender to a like penalty.

## **CHAPTER 3 TRAFFIC REGULATIONS**

### **ARTICLE 1 - REGULATIONS GOVERNING NON-MOVING TRAFFIC**

#### **SECTION 1. PROHIBITED PARKING.**

- 1.1 No person shall permit any vehicle to stand in any certain place, except when necessary to avoid conflict with other traffic, or in compliance with the direction of a policeman or traffic signal.
- 1.2 No person shall permit any vehicle to stand or park on any Village street where parking is prohibited. Such prohibition shall be designated by a "No Parking" sign.
  - A. No person shall permit any truck, van or "sports-type" vehicle of any kind whatsoever to stand or park on any Village street or right-of-way where said parking by van, truck or "sports-type" vehicle is prohibited. Such prohibition shall be designated by a "No Parking of Vans, Trucks or other Sports-Type Vehicle" sign.
- 1.3 No person shall permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a policeman or traffic signal.
  - A. In any intersection.
  - B. In any alley.
  - C. In any paved turnaround, except those with a forty foot (40') paved radius or more, and do not have center islands.
  - D. On a crosswalk or within twenty feet (20') of a crosswalk at an intersection.
  - E. Upon any bridge or viaduct, or in any subway or approach thereto.
  - F. At any place where the vehicle would block the use of a driveway.
  - G. At any place within six feet (6') from the rail of any railroad switch or main track.
  - H. At any curb within five feet (5') of a fire hydrant.
  - I. At any place where official signs or curb painting prohibits parking.
  - J. To double park at any time in any part of the Village.
  - K. Within thirty feet (30') upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of the street.
  - L. In all streets, with thirty feet (30') pavement or less (back to back of curb), parking shall be only on the posted side of the street.

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- M. On any street when the width of the roadway does not exceed twenty feet (20').
- N. On any street after the fall of two inches (2") or more of snow which has not been removed.

### **SECTION 2. IMPROPER PARKING.**

- 2.1 **Unattended Motor Vehicles.** No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key, or when standing upon any perceptible grade without effectively setting the brake and turning the front wheels to the curb or side of the highway.
- 2.2 **Backed to Curb.** No vehicle shall remain backed up to the curb unless it be actually loading or unloading, and in no case longer than the actual loading or unloading required. If the vehicle be horse-drawn or a tractor semi-trailer, the horse or horses or tractor shall be turned at right angles to the vehicle or trailer and in the direction in which traffic on that side of the street is moving. In no case shall any such vehicle obstruct traffic on the street unless permission to do so is obtained from the Chief of Police.
- 2.3 **Unlawful Parking.** No person shall stand or park a vehicle upon any roadway for the principal purpose of:
  - A. Displaying it for sale.
  - B. Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.
- 2.4 **Parking at Curb.** No vehicle shall be parked with the left side of such vehicle to the curb, and it shall be unlawful to stand or park any vehicle in a street other than parallel.
- 2.5 **Paved Thoroughfares.** In all thoroughfares of the Village which are paved with thirty feet (30') pavement or less (back to back), parking shall be prohibited on the side which is posted as no parking permitted.
- 2.6 **Street Width.** No parking shall be permitted on any street in the Village where the width of the roadway does not exceed twenty feet (20') in width.
- 2.7 **Snow Removal.** (Amend. 1/8/2008)
  - A. There shall be no parking upon any public way when there has been snow accumulated to a depth of two (2) inches or more for two (2) hours to allow for snow removal.
  - B. This prohibition shall be in effect until the Village maintenance crews have cleared the public way and the snowfall has ceased for that day.
  - C. The presence of operating Village snow removal equipment on the public ways of the Village of Rapids City shall be conclusive evidence of two (2) inches of snowfall.

## **ARTICLE 1 - REGULATIONS GOVERNING NON-MOVING TRAFFIC**

- D. It is the policy of the Village of Rapids City that snow removal from the public ways of the Village shall not be required where there is less than two (2) inches of snowfall.
- E. No person shall clean private drives or sidewalks in such a manner as shall result in the deposit of snow into the public ways due to the snow removal from such private drives or sidewalks.
- F. Vehicles in violation of Section 2.7 of the Rapids City Village Code will be ticketed by the police department and towed away.

### **SECTION 3. PENALTIES AND FINES FOR ILLEGAL PARKING.**

- 3.1 A person violating the provisions of this Article shall be issued a parking ticket. The fine on this ticket, if paid within 4 days of time of issuance, shall be Fifteen Dollars (\$15.00). All tickets paid after the 4-day period shall carry a fine of Twenty-Five Dollars (\$25.00). All parking tickets shall be payable at the Office of the Village Clerk, Rapids City Village Hall, during normal and regular business hours.
- 3.2 In the event that a Summons or Warrant is issued upon non-payment of the administrative fees above established and the person charged is found guilty of violating any of the provisions of this Article, the court shall assess a fine of not less than Fifty Dollars (\$50.00) nor more than Seven Hundred Fifty Dollars (\$750.00) and assess costs at the discretion of the court.

## **ARTICLE 2 - REGULATIONS GOVERNING MOVING VEHICLES**

### **SECTION 1. SPEED.**

- 1.1 **Posted Speed Limits.** No person may drive a vehicle upon any Village street or road within the limits of the Village at a speed greater than the posted speed limit or the maximum speed limit for the Village.
- 1.2 **Maximum Speed Limits.** The maximum speed limit for all Village roads and streets shall be twenty (20) miles per hour.
- 1.3 **Exemptions.** This speed control Article shall not apply to state highways, county roads and township roads.
- 1.4 **Special Conditions.** The fact that speed of a vehicle is lower than the foregoing absolute limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and around a curve, when approaching a hill crest, traveling upon any narrow or winding roadway, or when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle, on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.
- 1.5 **Impeding Traffic.** No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. Police officers are authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith the continued slow operation by a driver shall be a misdemeanor.
- 1.6 **Penalties for Violation of Section 1 of this Article.** Any person violating any provision of Section 1 of this Article shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense at the discretion of the court.

### **SECTION 2. OVERTAKING AND PASSING.**

- 2.1 **Middle of Block Passing.** The driver of any vehicle driven or propelled on the streets of this Village shall, when overtaken by a faster moving vehicle proceeding in the same direction, upon a signal, either by the sounding of a bell, horn or other signal device, given by a driver of the overtaking vehicle, cause his vehicle to be driven as far to the right of the center of the traveled way as practicable until the overtaking vehicle shall have safely passed and shall not increase the speed of such vehicle until completely passed by the overtaking vehicle.
- 2.2 **Passing Intersections.** It shall be unlawful for the operator of any vehicle to overtake and pass another at street intersections.
- 2.3 **Special Conditions.** No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway or under the following conditions:

## ARTICLE 2 - REGULATIONS GOVERNING MOVING VEHICLES

- A. When approaching the crest of a grade or upon a curve in the highway.
- B. When approaching within one hundred feet (100') of any bridge, viaduct or tunnel, or when approaching within one hundred feet (100') of or traversing any intersection or railroad grade crossing.
- C. Where a distinctive centerline is marked, which distinctive line also so directs traffic.

### **SECTION 3. TURNING MOVEMENTS.**

- 3.1 **"U" Turns.** The driver of a vehicle shall not turn such vehicle to proceed in the opposite direction upon any intersection or street in the Village.

### **SECTION 4. RIGHT OF WAY.**

- 4.1 **Intersections.** Except as provided, vehicles traveling on the streets of this Village and approaching or entering an intersection shall give the right-of-way to vehicles approaching along intersecting streets from the right and shall have right-of-way over those approaching from the left.
- 4.2 **Stop Intersection.** Certain street and avenue intersections in the Village shall be designated as stop intersections, and every driver of a vehicle approaching any such street and avenue intersections shall stop such vehicle before entering upon same, and remain stopped until entrance upon such street or avenue can be made with safety unless a go signal is given at such intersection by a police officer or a traffic control signal. Such prohibition shall be designated by a regulation "Stop" sign.
- 4.3 **Yield Right-of-Way.** Certain intersections in the Village shall be and are designated as "Yield Right-of-Way" intersections, at which preference shall be given to traffic upon one or two or more streets at each such intersection. The intersections so designated are presented below.

1 <sup>st</sup> Avenue	Entering 12 <sup>th</sup> Street
13 <sup>th</sup> Avenue	Entering 1 <sup>st</sup> Avenue
14 <sup>th</sup> Avenue	Entering 1 <sup>st</sup> Avenue
18 <sup>th</sup> Avenue	Entering 1 <sup>st</sup> Avenue
15 <sup>th</sup> Street Court	Entering 9 <sup>th</sup> Avenue
16 <sup>th</sup> Street Court	Entering 9 <sup>th</sup> Avenue
15 <sup>th</sup> Street	Entering 9 <sup>th</sup> Avenue
16 <sup>th</sup> Street	Entering 11 <sup>th</sup> Avenue
16 <sup>th</sup> Street	Entering 9 <sup>th</sup> Avenue
9 <sup>th</sup> Avenue	Entering 18 <sup>th</sup> Street
18 <sup>th</sup> Street	Entering 11 <sup>th</sup> Avenue
5 <sup>th</sup> Avenue	Entering 17 <sup>th</sup> Street

The driver of a vehicle in obedience to a yield right-of-way sign shall reduce the speed of his vehicle to not more than twenty (20) miles per hour and shall yield the right-of-way to vehicles which have entered the intersection either from the right or left or which are approaching so closely on the intersecting street as to constitute an immediate hazard; but the driver having so yielded may proceed at such time as a safe interval occurs. The driver of a parked vehicle about to start from the curb shall give moving vehicles the right-of-way.



## **ARTICLE 2 - REGULATIONS GOVERNING MOVING VEHICLES**

### **SECTION 5. PEDESTRIANS.**

- 5.1 **Pedestrians Right-of-Way at Crosswalks.** Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this Article.

### **SECTION 6. HEAVY DUTY TRAFFIC - MAXIMUM LOAD.**

- 6.1 No vehicle, truck, semi-trailer or combination truck-tractor, or semi-trailer, having a maximum gross weight of over ten (10) tons shall be permitted on the streets, avenues or alleys of the Village where same is prohibited. Such prohibition shall be designated by a "maximum weight limit" sign.
- 6.2 It shall be a petty offense for any person, firm, or corporation, owning or operating any vehicle, to cause or permit the operation of such vehicle in violation of the provisions of this Article. Any such person so convicted of a violation of any provision of this Article shall be punished by a fine of not less than Twenty-Five (\$25.00) or more than Seven Hundred Fifty Dollars (\$750.00).

### **ARTICLE 3 - WATER-BORNE VESSELS**

- SECTION 1.        ACTS PROHIBITED.** It shall be unlawful for any water-borne vessel to travel at a rate of speed in excess of five miles per hour (5 MPH) upon or over those portions of the navigable waters of the Mississippi River, which are within five hundred feet (500') of the shoreline of the waters within the easterly and westerly boundaries of the Village.
- SECTION 2.        PENALTY.** It shall be a misdemeanor for any person owning or operating any water-borne vessel, to cause or permit the operation of such water-borne vessel in violation of the foregoing provision of this Article; any such person so convicted of a violation of any provision of this Article shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00).
- SECTION 3.        FREE AND FULL USE.** That this Article shall in no manner or form be constructed so as to forbid or prohibit the free and full use by the public of navigable waters bordering the municipality, as provided by federal law.

**ARTICLE 4** (Sections 1-5, Adopted February 13, 2007)

- SECTION 1. STOP SIGNS ON BIKE PATH.** It shall be unlawful for anyone operating/driving any vehicle on the bike path not to stop at posted stop signs on the bike path.
- SECTION 2.** Preferential right-of-way at an intersection may be indicated by stop signs or yield signs.
- SECTION 3.** Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle or bicycle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection; or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersection roadway before entering the intersection.
- SECTION 4.** This Ordinance creating Title II - Community Protection, Chapter 3, Article 4 of the Rapids City Village Code shall be in full force and effect from and after its passage, approval and publication, as provided by law.
- SECTION 5. PENALTIES FOR VIOLATION OF ANY PART OF THIS ARTICLE.** Any person violating any provision of this Article shall be fined Twenty-five Dollars (\$25.00) for each offense.

## CHAPTER 4 ABANDONED AND INOPERATIVE VEHICLES

### ARTICLE 1 - DEFINITIONS

**SECTION 1.        DEFINITIONS.** As used in this Chapter, the following terms shall have the meanings ascribed to them:

**Abandonment,  
Abandoning  
and Abandoned  
Auto**                Any motor vehicle or part which a reasonable man would consider dumped, discarded or abandoned under the circumstances.

**Antique Vehicle**    Any motor vehicle or other vehicle twenty (20) years of age or older.

**Inoperable  
Motor Vehicle**     Any motor vehicle which cannot presently be operated on a street or highway of the Village either due to physical defects in the motor vehicle or due to legal prohibitions, including but not limited to, want of licenses, defective parts, absence of required parts, etc.

**Lawfully  
Occupied**            Refers to premises occupied under contract, license or other consent.

**Motor Vehicle**     An auto, car, motorcycle, truck, truck trailer, auto trailer, camper or any other vehicle for use on the streets or highways, as well as any constituent part.

## **ARTICLE 2 - EXCEPTIONS**

**SECTION 1. EXCEPTIONS.** The requirements and provisions of this Chapter shall not apply to:

- 1.1 Vehicles specifically exempt from local licensing pursuant to the laws of the United States or the State of Illinois.
- 1.2 Legally licensed antique vehicles.

## **ARTICLE 3 - GENERAL PROVISIONS**

### **SECTION 1. ACTS PROHIBITED.** No person shall engage in any of the following acts:

- 1.1 The abandonment of any motor vehicle on any street, highway, alley or other public way within the Village.
- 1.2 The abandonment of any motor vehicle on any public property or on any private property within the Village.
- 1.3 The parking of any inoperable motor vehicle on any street, highway, alley or other public way within the Village where the same constitutes a hazard or dangerous condition for persons and property lawfully using the same.
- 1.4 The parking of any inoperable motor vehicle on any street, highway, alley or other public way within the Village for more than forty-eight (48) hours.
- 1.5 The parking of any inoperable motor vehicle on any private property, except property owned or lawfully occupied, or on public property, without the consent of the owner or lawful occupant for more than eight (8) hours.
- 1.6 The parking of any inoperable or abandoned motor vehicle on private residentially-zoned and allowing the motor vehicle to remain there for more than seventy-two (72) hours. (Amend. 1/10/06)

**ARTICLE 4 - REMOVAL OF ABANDONED AND INOPERABLE VEHICLES** (Amend. Sections 1-10 1/10/06)

- SECTION 1. NOTICE TO REMOVE.** Whenever it comes to the attention of the Police Department that any nuisance as defined in Article 3 of this Ordinance exists in the Village of Rapids City, a notice in writing giving notice of the existence of the nuisance and demanding its removal shall be given.
- SECTION 2. RESPONSIBILITY FOR REMOVAL.** Upon proper notice and opportunity to be heard, the owner of the derelict or abandoned vehicle and the owner or occupant of the private property on which the same is located, whichever party having been so notified, shall be responsible for its removal. In the event of removal and disposition by the Village, the owner or occupant of the private property where same is located shall be liable for the expenses incurred.
- SECTION 3. NOTICE PROCEDURES.** The Police Department, or agent thereof, of the Village shall give notice of removal to the registered owner of the vehicle, if said owner can be ascertained and to the owner or occupant of the private property where said vehicle is located at least seven (7) days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted upon the vehicle itself or on a conspicuous place upon the private property which the vehicle is located. Duplicate copies will be sent by registered mail to the registered owner of said vehicle if said owner can be located at his last known address.
- SECTION 4. CONTENT OF NOTICE.** The notice shall contain the request for removal within the time specified in the Ordinance, and the notice shall advise that upon failure to comply with the notice to remove, the Village or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.
- SECTION 5. REQUEST FOR HEARING.** The persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the Public Safety Committee of the President and Board of Trustees of the Village of Rapids City within the seven (7) day period of compliance prescribed in subsection (3) hereof for the purpose of defending the charge by the Village.
- SECTION 6. PROCEDURE FOR HEARING.** 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 (3) days in advance thereof. At any such hearing the Village and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.
- SECTION 7. REMOVAL OF MOTOR VEHICLE FROM PROPERTY.** If the violation described in the notice has not been remedied within the seven (7) 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 violation is affirmed by the Public Safety Committee, then the Chief of Police, or his designee shall have the right to take possession of the derelict or abandoned 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 Ordinance.
- SECTION 8. NOTICE OF REMOVAL.** Within forty-eight (48) hours of the removal of such vehicles, the Chief of Police shall give notice to the registered owner of such 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, have been impounded and stored for violation of this Ordinance. The notice shall give location of where the vehicle, or vehicles are stored and the costs incurred by the Village for removal.

**SECTION 9. DISPOSITION OF VEHICLES.** Removed vehicles shall be impounded until lawfully claimed or disposed of in accordance with the disposal procedures of 625 ILCS 5/4-203 et. Seq., Illinois Revised Statutes, (2002).

**SECTION 10. PENALTY.** Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than Seven Hundred Fifty Dollars (\$750.00). Each act in violation of any of the provisions hereof shall be deemed a separate offense.



## **ARTICLE 5 - APPLICATION TO COURT FOR WARRANT TO REMOVE**

### **SECTION 1. APPLICATION TO REMOVE.**

- 1.1 In lieu of making the determination themselves, the police may apply to the Circuit Court for a determination that a vehicle has been abandoned or is inoperative.
- 1.2 The proceeding held pursuant to Subsection 1.1 shall be an "in rem" proceeding against the vehicle.
- 1.3 The application to the court shall be verified and shall state facts sufficient to allow the court to make a determination that there is probable cause to consider the vehicle abandoned or inoperative, and that the vehicle is parked in violation of this Chapter.
- 1.4 No hearing shall be had on an application under this Section until forty-eight (48) hours notice has been given. Notice shall be given by securely fastening to the vehicle a notice stating that a proceeding has been begun by the Village in a named branch of the Circuit Court, the hour and date set for the hearing and the relief requested from the court.
- 1.5 In the judicial proceedings under this Section, the sole questions before the court shall be is there probable cause to believe the vehicle is abandoned or inoperable, and is it parked in violation of this Chapter.
- 1.6 If the court enters an order finding that there is probable cause to believe the vehicle is abandoned or inoperable, and that this Chapter is being violated, the police may proceed in accordance with this Chapter as regards towing.

## **ARTICLE 6 - REPORTS ON TOWED VEHICLES**

**SECTION 1. RECORDS.** When a motor vehicle or other vehicle is authorized to be towed away pursuant to this Chapter, the Village Police Department shall keep and maintain a record of the vehicle towed, listing the color, the year of manufacture, the manufacturer's trade name, the manufacturer's series name, the body style, the vehicle identification number, and the license plate year and number displayed on the vehicle. The record shall also include the date and hour of the tow, the location towed from, the location towed to, the reason for the towing, and the name of the officer authorizing the tow.

## **ARTICLE 7 - RECLAIMED VEHICLES AND DISPOSAL**

**SECTION 1. RECLAIM AND LIABILITY FOR EXPENSES.** Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in this Chapter, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this Section until all towing and storage charges have been paid.

### **SECTION 2. DISPOSAL OF UNCLAIMED VEHICLES.**

- 2.1 Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, seven (7) years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided in this Chapter, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.
- 2.2 In those instances where the certified notification specified has been returned by the postal authorities to the Police Department due to the addressee having moved or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice will not be required.
- 2.3 When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any reasonable means, the vehicle may be sold as provided or disposed of in the manner authorized by this Chapter without notice to the registered owner or other person legally entitled to the possession of the vehicle.
- 2.4 When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this Chapter, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the registered owner by the United States mail, public service or in person for a determination of disposition, and an examination of the state police stolen motor vehicle files for theft and wanted information. At the expiration of the 10-day period, without the benefit of disposition information being received from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk only.
- 2.5 When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Chapter, a report of the transaction will be maintained by the Police Department for a period of one (1) year from the date of the sale or disposal.
- 2.6 When a vehicle located within the corporate limits of the Village is authorized to be towed away by the Chief of Police and disposed of as set forth in this

**ARTICLE 7 - RECLAIMED VEHICLES AND DISPOSAL**

Chapter, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the Village treasury.

## **ARTICLE 8 - LIABILITY**

**SECTION 1.        LIABILITY FOR DAMAGES.** Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this Chapter.

## **ARTICLE 9 - PENALITIES**

**SECTION 1. PENALTY FOR VIOLATION.** Any person violating any of the provisions of this Chapter shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for any such offense. Each day that a violation continues shall constitute a separate offense.

## **CHAPTER 5 ANIMAL CONTROL**

### **ARTICLE 1 - DEFINITIONS**

**SECTION 1.        DEFINITIONS.** Whenever the following words or terms are used in this Article, they shall have such meanings as ascribed to them below, unless the context specifically indicates otherwise.

<b>Animal</b>	Any animal, poultry, bird, reptile or any other creature but shall not include any human being.
<b>Animal Control Officer</b>	An employee of the Village having custody and control of animals within the Village limits.
<b>Cat</b>	All animals of the feline species of the age of four (4) months or older.
<b>Dangerous Animal</b>	Any individual animal which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, approaches, in a vicious or terrorizing manner, any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.
<b>Dog</b>	All animals of the canine species of the age of four (4) months or older.
<b>Enclosure</b>	A fence or structure of at least four (4) feet in height, forming or causing an obstruction suitable to prevent the entry of young children, and suitable to confine a vicious animal in conjunction with other measures which may be taken by the owner of keeper. Any opening to said enclosure shall be securely closed and locked and said enclosure shall be designed with secure sides, top and bottom and shall be designed to prevent the animals from escaping from the enclosure.
<b>Impounded</b>	Taken into the custody of the public pound in the Village of Rapids City where the vicious animal is found.
<b>Inoculation</b>	The injection, subcutaneously, or in such manner as may be approved by the Department of Agriculture of the State, pursuant to the Rabies Control Act of the State, of anti-rabid vaccine meeting standards approved by the Department of Agriculture of the State and by the United States Department of Agriculture.
<b>Kennel</b>	Any lot or premises or portion thereof, on which more than four (4) dogs, cats, and/or other household domestic animals, over four (4) months of age are to be kept of which more than two (2) such animals are boarded for compensation or kept for sale.
<b>Licensed Veterinarian</b>	A veterinarian duly licensed as such under the laws of the State or of any other State which, by law, provides for the licensing of veterinarians.
<b>Owner or Keeper</b>	Includes any person, including individuals, partnerships, corporations, or firms, who shall harbor, suffer, or permit any dog or cat to remain on any premises within the Village under this charge or control.

## **ARTICLE 1 - DEFINITIONS**

### **Running At Large or At Large**

Any time an animal is not controlled by a leash and "at heel" beside a competent person whose commands the animal is obedient, on the property of its owner; or confined within a vehicle being driven or parked upon the street while subject to the control of a competent person.

### **Vicious Animal**

- A. Any individual animal that, when unprovoked, inflicts bites on or attacks a human being or other domestic animals.
- B. Any individual animal which attacks a human being or domestic animal without provocation causing injury or otherwise endangering the safety of human beings or domestic animals.
- C. Any individual animal, which has been found to be a "dangerous animal" upon three (3) separate occasions.

No animal shall be deemed "vicious" if it bites, attacks, or menaces a trespasser within the domicile of its owner or harms or menaces anyone who has abused it or is an animal professionally trained for law enforcement duties or guard duties.



## **ARTICLE 2 - PROTECTION AND CONTROL**

**SECTION 1. CRUELTY.** No person may be cruel to any animal. Cruelty to an animal shall consist of one of the following acts:

- 1.1 By overloading, overdriving, overworking, cruelly beating, torturing, tormenting, mutilating, or cruelly killing any animal, or causing or knowingly allowing the same to happen.
- 1.2 By unnecessarily failing to provide any animal in his charge or custody as owner or otherwise, with proper food, drink, shelter and air.
- 1.3 By abandoning any animal in a pound, veterinary clinic, or on the premises of others.

**SECTION 2. SHOOTING OR MOLESTING BIRDS.** The shooting or in any manner molesting any bird, or the robbing of any bird's nest by any person is hereby declared to be an offense.

**SECTION 3. ANIMAL FIGHTS.** No person shall instigate, cause or procure any dog fight, cock fight, or any public or private fighting of animals within the Village.

**SECTION 4. RUNNING AT LARGE.**

- 4.1 No person shall keep any cattle, sheep, goats, horses, mules, swine, or domestic fowl of the species of geese, ducks, turkeys, guinea hens, or chickens at any place or upon any premises in the Village, nor shall any such animals be permitted to run at large within the Village.
- 4.2 The animals and fowl prohibited from being kept in the Village or running at large in the Village by Subsection 4.1 above, are hereby declared to be a nuisance.
- 4.3 **Public Nuisance.** It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods. Professionally trained guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police owned dogs are exempt from this Section; provided an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Chapter 8 of the Illinois Revised Statutes. It shall be the duty of the owner of such exempted dog to notify the Animal Control Officer of the Village of changes of address. In the case of a sentry or guard dog, the owner shall keep the Animal Control Officer advised of the location where such dog is stationed. The Animal Control Officer shall provide Police and Fire Department with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

In the event it is determined that a dangerous dog or other animal exists in the Village of Rapids City, the Village Attorney may file a complaint in the Circuit Court on behalf of said Village to enjoin all persons maintaining or permitting such dangerous dog or other animal, to abate the same and to enjoin the owner of such dog or other animal from permitting such dog or other animal to leave his premises when not under control by leash or other recognized control

## **ARTICLE 2 - PROTECTION AND CONTROL**

methods. If the existence of this nuisance is so established by ordinance, the court may enter an order restricting the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched.

**SECTION 5. VICIOUS ANIMALS.** It shall be unlawful for any person to keep or maintaining animal, which has been found to be a vicious animal unless such animal is kept in an enclosure of at least six feet (6'). The enclosure shall be posted with a sign 8-1/2 inches by 11 inches; with white background and red lettering. The lettering shall be a minimum of 2 inches in height and shall read: DANGER VICIOUS ANIMAL.

The sign shall be firmly attached to the enclosure on all exposed sides. The only times that a vicious animal may be allowed out of the enclosure is:

- 5.1 If it is necessary for the owner or keeper to obtain veterinary care for the vicious animal.
- 5.2 To comply with the order or a court of competent jurisdiction, provided that said vicious animal is securely muzzled and restrained with a chain having tensile strength of three hundred (300) pounds and not exceeding three feet (3') in length, and shall be under the direct control and supervision of the owner or keeper of the vicious animal.

If the Animal Control Officer deems that an animal is vicious, said Animal Control Officer shall notify said owner or keeper of such determination in writing. The written notification may be hand delivered or sent by registered mail. When an owner or keeper is so notified, he shall comply immediately with the provisions of this Ordinance. The Animal Control Officer may impound said animal and file an action in court for an order authorizing the destruction of such vicious animal by lethal injection. It shall be unlawful for any owner or keeper of a vicious animal to sell or give away any vicious animal.

**SECTION 6. INDECENT EXHIBITION.** No person shall in any manner instigate, cause or procure or assist in any indecent or immoral show or exhibition of any animal within the limits of the Village.

**SECTION 7. ANIMAL BITES, ADMINISTRATIVE POSSESSION.** In the event that the owner of any animal which has bitten a human refuses to turn the animal over to the Animal Control Officer, the Animal Control Officer may obtain an administrative search warrant to enter the premises of the owner and take possession of the animal.

**SECTION 8. NONRESIDENT NOT TO HAVE ANIMALS IN THE VILLAGE; EXCEPTIONS.**

- 8.1 No person who is not a resident of the Village is permitted to keep any animal in the Village; however, this prohibition shall not apply to any person remaining in the Village for thirty (30) days or less or who are passing through the Village; but shall apply to any nonresident who habitually allows his animal to run at large within the Village. Any animal found within the Village which is not owned by a resident of the Village or by a person passing through or temporarily in the Village shall be impounded by the Animal Control Officer and disposed of as provided in this Ordinance for dogs or cats not wearing a current inoculation tag.
- 8.2 The provisions of Subsection 8.1 shall not apply to veterinary clinics, institutions and license dealers.

## **ARTICLE 2 - PROTECTION AND CONTROL**

**SECTION 9. REPORT OF ANIMAL BITES.** All bites or attacks on human beings by any animal within the Village shall be immediately reported to the Chief of Police. In the event of a bite by an animal, a detailed report shall be made out by the receiving officer, including the complainant's name, address and phone number; the name and address of the owner of the animal; a description and location of the wound; and the name of the doctor treating the wound.

**SECTION 10. WASTE CONTROL.** No person owning, harboring, keeping or controlling any dog or other domestic animal or pet shall cause, suffer or allow such animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, by-path, play area, park, or any place where people congregate or walk or upon any public property whatsoever, or upon any private property without permission of the owner of said property. The restriction in this Section shall not apply to public property when the owner or person in control of such animal complies with the following conditions:

10.1 The person who so curbs such animal shall immediately remove all feces deposited by such animal by any sanitary method.

10.2 The feces removed from the aforementioned designated areas shall be disposed of by the person owning, harboring, keeping, or controlling any animal curbed in accordance with the provisions of this Section in a sanitary manner approved by the local health authority.

10.3 For the owner or keeper of any lot premises to allow animal waste to accumulate to a point where odors are present at the property line or the presence of insects creates health hazard for surrounding properties. Animal waste shall be handled as garbage. (Adopted 11/8/2011)

**SECTION 11. BURIAL.** It shall be unlawful for the owner or possessor of any animal which may die within the Village to leave the animal unburied for more than twelve (12) hours after its death or for anyone to bring and leave the carcass of any dead animal within the Village.

**SECTION 12. TRAPPING.** It shall be unlawful to use any type of leg hold animal trap or other trap that could cause cruelty to animals within the Village.

**SECTION 13. LOCATION OF ANIMAL RUNS, PENS, ETC.** No animal run, pen, shed, or house hereafter erected, or reconstructed shall be permitted within twenty-five feet (25') of a neighboring building or structure designed for or permitting human habitation.

**SECTION 14. PENALTY.** Violation of any of the provisions of this Article shall result in a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

## **ARTICLE 3 - ENFORCEMENT**

### **SECTION 1.       GENERALLY.**

- 1.1 **Authority to Enter Premises for the Purpose of Discharging the Duties Imposed by This Ordinance.** The Animal Control Officer and any Peace Officer are authorized to enter any premises wherein he has reasonable grounds to believe that any animal might be harbored in violation of this Ordinance. In the event that the owner, occupant or other person in control of the premises shall refuse any officer authorized entry by this Section admittance to the premises, the officer shall apply to a court of competent jurisdiction and obtain either a search warrant or an administrative search warrant as may be appropriate under the circumstances of the matter. An officer armed with a search warrant of any sort, shall execute the warrant in accordance with the provisions of the Code of Criminal Procedure of Chapter 38 of the Illinois Revised Statues.
- 1.2 **Hindering Officer Impounding Animal.** No person shall hinder, delay or obstruct any person engaged in taking to the animal shelter any animal liable to be impounded.
- 1.3 **Village to Provide Animal Shelter and Other Facilities.** The Village shall provide and maintain an animal shelter suitable for the impounding and maintenance of dogs, cats and other small animals, and shall provide and furnish all other equipment and supplies required in the application of this Ordinance.
- 1.4 **Unauthorized Entry in to the Animal Shelter.** No person shall break into or in any manner directly or indirectly aid or assist in or counsel or advise the breaking into of the animal shelter of the Village.

### **SECTION 2.       ANIMAL CONTROL OFFICER.**

- 2.1 **Impoundment of Animals; record.** The Animal Control Officer shall impound, or cause to be impounded, and shall dispose of according to the provisions of this Ordinance, all animals running at large within the Village and shall keep a record of every animal so impounded, describing the kind of animal, the breed, color, and sex, together with the time and place the animal was captured or received and the final disposition made of each animal, together with such other information that may come to his attention.
- 2.2 **Assistants to be Responsible to the Animal Control Officer.** All assistants assigned to the Animal Control Program shall be directly responsible to the Animal Control Officer in the performance of their duties.
- 2.3 **Remittance of Fees.** The Animal Control Officer and all assistants assigned to Animal Control shall be bonded. The Animal Control Officer shall deliver all fees and funds collected by him or his assistants to the Village Clerk at the end of each and every workday, except Saturdays, Sundays and holidays.

## **ARTICLE 4 - DOGS AND CATS**

### **SECTION 1.       GENERALLY.**

#### **1.1   Dogs and Cats Running at Large; Impoundment.**

- A.   The owner or keeper of any dog or cat shall not permit his dog or cat to run at large or be at large within the Village.
- B.   Each dog or cat running at large within the Village is subject to impoundment by the Animal Control Officer.

#### **1.2   Removal of Collars, Tags and Leashes from Dogs or Cats Prohibited; Exceptions.** It shall be unlawful for any person, other than the Animal Control Officer, a Police Officer, or an owner, to remove the collar, inoculation tag or leash from any dog or cat within the Village without consent of the owner or keeper of the dog or cat.

#### **1.3   Certain Dogs and Cats Declared a Nuisance.** No person shall permit, allow, keep, or harbor in such a way as to permit or allow any dog or cat to unduly disturb the quiet of a neighborhood within the Village, and any dog or cat that unduly disturbs the quiet of a neighborhood is hereby declared to be a nuisance.

#### **1.4   Taking Up and Treating Injured Dogs and Cats.** The Animal Control Officer shall also remove from any street or public place within the Village any injured dog or cat not being attended and properly cared for by the owner and shall, if he sees it advisable, impound or confine the dog or cat with some veterinarian. If the veterinarian shall treat the dog or cat, he shall advise the Animal Control Officer of the cost of the treatment, and in the event such dog or cat is redeemed as provided in this Ordinance, the person redeeming the dog or cat shall also pay the charges of the veterinarian. If the dog or cat is not redeemed, it shall be disposed of in the manner provided in this Ordinance.

#### **1.5   Female Dogs or Cats in Heat.** No owner or keeper of any female dog or cat shall permit the dog or cat to run at large while in "heat". Any female dog or cat so found running at large shall be taken up and impounded in the Village animal shelter, and the dog or cat shall be disposed of, or may be redeemed upon the payment of the same fees and in the same manner as dogs and cats may be redeemed which have been impounded, as provided for hereunder.

#### **1.6   Limitation on Dogs or Cats per Residence.** No person in charge of a residence shall keep, harbor or control more than three (3) dogs, three (3) cats, or a combination of four (4) at his residence.

### **SECTION 2.       RABIES CONTROL.**

#### **2.1   Inoculation Required.** each owner or keeper of any dog or cat within the Village shall cause the dog or cat to be inoculated by a licensed veterinarian and shall maintain a current inoculation for such dog or cat at all times. Current status shall be determined by the rules and standards of the State Department of Agriculture and by the United States Department of Agriculture.

#### **2.2   Dogs or Cats to Wear Collar with Current Inoculation Tag.** Each dog or cat kept within the Village shall be provided by its owner or keeper with a good and

#### **ARTICLE 4 - DOGS AND CATS**

substantial collar, and he shall cause to be attached thereto in a secure manner a current inoculation tag. The owner or keeper shall at all times cause the dog or cat to wear the collar with the inoculation tag attached thereto.

**2.3 Dogs or Cats Without Collar and Inoculation Tag Subject to Impoundment and Disposal.** Any dog or cat found within the Village off of the premises occupied by the owner of the dog or cat and not wearing a collar with the inoculation tag attached thereto as required by this division shall be impounded and disposed of as provided in this Ordinance.

**2.4 Certain Dogs or Cats Not to be Removed from the Village; Subject to Confinement.** It shall be unlawful for the owner or keeper of any dog or cat, when notified that such dog or cat has bitten any person or has so injured any person as to cause an abrasion of the skin, or to sell or give away such dog or cat or to permit or allow the dog or cat to be taken beyond the limits of the Village, but it shall be the duty of the owner or keeper, upon receiving notice of such an injury caused by the dog or cat, from the Animal Control Officer or Police Officer, to surrender possession of the dog or cat to the Animal Control Officer or Police Officer for confinement at a licensed veterinary clinic for not less than ten (10) days, the cost of such confinement to be paid by the owner or keeper.

**2.5 Duty of Animal Control Officer to Give Notice of Impoundment.**

- A. If the Animal Control Officer impounds any dog or cat, he shall attempt to find the owner thereof, and if he finds the owner, or if the dog or cat is licensed, he shall have the authority to issue a notice or summons to the owner or person listed as the licensed owner in the manner provided in Subsection B.
- B. The notice provided for in Subsection A of this Section shall be in the following or similar form:

**"NOTICE"**

You are hereby notified that a \_\_\_\_ male \_\_\_\_ female dog/cat believed to be owned by you, of which you are the registered licensed owner, has been impounded by the Animal Control Officer of the Village of Rapids City because said dog/cat was found to be running at large \_\_\_\_ with \_\_\_\_ without a proper license.

As the owner of said dog/cat, you are liable for a fine up to Five Hundred Dollars (\$500.00) for violating an ordinance of the Village of Rapids City entitled "An Ordinance of the Village of Rapids City Regarding Animals and Fowl."

You may redeem the dog/cat upon showing the Animal Control Officer that the dog/cat has been inoculated and upon payment of a fee of Two Dollars (\$2.00) a day for each day the dog/cat has been impounded plus a release fee of Five Dollars (\$5.00) for the first offense and Twenty Dollars (\$20.00) for each offense thereafter and the current tax if the same is unpaid. Such fees shall be paid to the Animal Control Officer.

If redemption of the dog/cat is not made within five (5) days of the date of this Notice, the dog/cat shall be disposed of in accordance with the provisions of the aforesaid Ordinance of the Village of Rapids City.

#### **ARTICLE 4 - DOGS AND CATS**

You are hereby notified that if you do not appear within five (5) days of the date of this Notice, I will appear before a Magistrate of the Circuit Court of Rock Island County and sign a complaint formally charging you with violation of the aforesaid Ordinance of the Village of Rapids City.

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Animal Control Officer

- 2.6 **Procurement When Rabies is Suspected.** Any dog or cat having symptoms of the disease known as rabies shall be confined under the supervision of a veterinarian for a period of ten (10) days. Any dog or cat having any symptoms of rabies, when impounded by the Animal Control Officer, shall be immediately placed in the care of a veterinarian. If it shall be deemed that the dog or cat is suffering from rabies, said animal may not be destroyed without specific authorization of the veterinarian.

### **SECTION 3. IMPOUNDMENT.**

#### **3.1 Redemption; Fees.**

- A. Any dog or cat impounded under the provisions of this Article may be redeemed by its owner or his authorized representative within five (5) days from the date of impounding upon payment by such person to the Animal Control Officer or person in charge of the Animal Shelter where the dog or cat is confined for use of the Village the following fees:

- 1) A redemption fee of Five Dollars (\$5.00) for the first offense.
- 2) The amount of the current veterinarian inoculation fee unless current inoculation is proven.
- 3) Two Dollars (\$2.00) for each day that the dog or cat has been impounded.

No animal will be released pursuant to this Section, unless payment of fees is received or proof established excusing payment.

- B. Any dog or cat to be adopted under the provisions of this Ordinance may be adopted upon payment to the Animal Control Officer or person in charge of the animal shelter where the dog or cat is confined, for the use of the Village, the following fees:

- 1) Dogs under four (4) months: Five Dollars (\$5.00).
- 2) Dogs four (4) months or older: Eight Dollars (\$8.00).
- 3) Cats: Three Dollars (\$3.00).
- 4) The amount of the current veterinarian inoculation fee.
- 5) The amount of the current veterinarian fee for the distemper hepatitis.

- C. Any owner or keeper of a dog or cat may leave the dog or cat with the Village for disposition as an impounded animal free of charge, provided said owner or keeper sign a written waiver relinquishing all rights to the

#### **ARTICLE 4 - DOGS AND CATS**

animal and supplies satisfactory proof of ownership. If proof of ownership is unavailable, the Animal Control Officer shall retain control of the animal for a minimum of five (5) days.

- 3.2 **Separation of Animals.** The Animal Control Officer or the person in charge of the animal shelter shall, when practicable, keep inoculated dogs and cats separate from dogs and cats which do not have a current inoculation tag.
- 3.3 **Notice of Impoundment to the Owner or Keeper.** When any dog or cat displaying an inoculation tag, license tag, or tattoo registered with the Village shall be impounded, the Animal Control Officer shall make a search of the Village records or contact the veterinarian who issued the inoculation tag to determine the owner thereof and shall ascertain who issued the inoculation tag to determine the owner thereof and shall immediately provide the apparent owner thereof, if any, with written notice.
- 3.4 **Disposition of Dogs and Cats Not Redeemed.** If any dog or cat, impounded under the provisions of this Article, is not redeemed within five (5) days after being impounded, the Animal Control Officer shall cause the dog or cat to be disposed of in a humane way by approved methods or by adoption.



## **ARTICLE 5 - PENALTIES**

**SECTION 1. PENALTIES.** Any person violating any of the provisions of this Chapter shall be fined not less than Twenty-Five Dollars (\$25.00) or more than Seven Hundred Fifty Dollars (\$750.00) for any such offense. Each day that a violation continues shall constitute a separate offense.

## **CHAPTER 6 BEER AND LIQUOR CONTROL**

### **ARTICLE 1 - GENERAL PROVISIONS**

**SECTION 1.        DEFINITIONS.** For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them.

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

**Alcoholic  
Liquor**                Includes the four (4) varieties of liquor defined in this Section, i.e., alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings.

**Beer**                    A beverage obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

**Club**                    A corporation organized under the laws of the state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such an extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests.

The club shall file with the Village Liquor Control Commissioner, at the time of its application for a license, two (2) copies of a list of names and residences of its members, and similarly file within ten (10) days of the election of any additional member his name and address. The club's affairs and management shall be conducted by a Board of Directors, Executive Committee or similar body chosen by the members at their annual meeting and no member or any officer, agent or employee of the club shall be paid, or directly or indirectly receive, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its Board of Directors or other governing body out of the general revenue of the club.

**ARTICLE 1 - GENERAL PROVISIONS**  
**Section 1 - Definitions Continued**

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

**Live Entertainment** The offering or permitting of any amusement feature, including music, vaudeville, singing, acting, dancing or contests, whether by personal performance or instrumental device.

It shall be caused for revocation or suspension as provided if the licensee, his manager or agent shall allow any live person to appear or have reasonable cause to believe that any live person shall appear in any licensed premises in a state of nudity to provide entertainment, to provide service, to act as hostess, manager or owner, or to serve as an employee in any capacity.

For the purpose of this Subsection, the term "nudity" shall mean the showing of the human male or female genitals, pubic area or buttocks or the human female breast, including the nipple or any portion below the nipple with less than a full opaque covering; provided, however, for entertainment purposes only with less than a full opaque covering, shall mean or include the wearing of panties.

**Original Package** Any bottle, flask, can, cask, barrel, keg, or other receptacle or container used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.

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

**Retail Sale** The sale for use or consumption and not for resale in any form.

**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 defined in this Section.

**SECTION 2. MANNER OF DETERMINATION OF NATURE OF SALES.** For the purpose of this Chapter, a business has a principal business of selling food if more than one-half (1/2) of its gross revenue is derived from the sale of food. Any licensee under this Chapter shall be barred from claiming such a status unless he shall file a sworn affidavit to such effect at the time he annually renews his license, on forms provided by the Liquor Commissioner.

## **ARTICLE 1 - GENERAL PROVISIONS**

- SECTION 3. PERSONS TO WHOM LIQUOR NOT TO BE DELIVERED.** No person licensed pursuant to this Chapter, nor any officer, associate, member, representative agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment.
- SECTION 4. MISBRANDING.** No person shall knowingly possess, sell or in any way dispose of any alcoholic liquor under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the package or other container of alcoholic liquor. All misbranded packages and containers are contraband.
- SECTION 5. TRANSPORTATION IN MOTOR VEHICLES.** No person shall carry, transport, possess or have any alcoholic liquor in or upon or about any motor vehicle, except in the original package with the seal unbroken.

## **ARTICLE 2 - LIQUOR CONTROL COMMISSIONER**

- SECTION 1. PRESIDENT OF BOARD OF TRUSTEES TO BE LIQUOR CONTROL COMMISSIONER: ENFORCEMENT RESPONSIBILITIES.** The President of the Board of Trustees shall be the Liquor Control Commissioner for the Village and shall be charged with the administration within the Village of the laws of the State as they relate to liquor licenses within the Village, and with the provisions of this Chapter and other ordinances of the Village relating to liquor.
- SECTION 2. APPOINTMENT OF ASSISTANTS.** The Liquor Control Commissioner may appoint a qualified person to assist him in the exercise of the powers and performance of the duties imposed on him by law and the provisions of this Chapter or other Village ordinances.
- SECTION 3. COMPENSATION.** The Board of Trustees may fix the compensation of the Liquor Control Commissioner, and for his assistants and deputies, as may be deemed necessary for the proper performance of the duties vested in him by law.
- SECTION 4. POWERS.** The Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses, other than licenses of manufacturers, importing distributors, distributors, nonbeverage users, railroads, airplanes and boats:
- 4.1 To grant and/or suspend for not more than thirty (30) days or revoke for cause all local licenses issued to persons for premises within the Village.
  - 4.2 To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed pursuant to this Chapter to determine whether any of the provisions of this Chapter or State law, or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith.
  - 4.3 To receive complaints from any citizen within the Village that any of the provisions of the State law or this Chapter, or any rules or regulations adopted pursuant have been or are being violated and to act upon such complaints in the manner prescribed in this Chapter.
  - 4.4 To extend, for cause and after a Liquor Control Commissioner Hearing, the hours of business as provided in Article 3, to a liquor license issued to persons for premises within the Village; provided that any such extension so granted shall expire at the end of the business day for which such extension was granted.
- SECTION 5. AUTHORITY TO EXAMINE APPLICANTS FOR LIQUOR LICENSES AND LICENSEES.** The Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a license required by this Chapter, or for a renewal or any licensee upon whom notice of revocation or suspension has been served in the manner provided in this Chapter, and to examine and cause to be examined the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of the State. For the purpose of obtaining any of the information desired by the Liquor Control Commissioner under this Section, he may authorize his agent to act on his behalf.

## **ARTICLE 3 - GENERAL**

**SECTION 1. WHEN REQUIRED.** No person shall sell alcoholic liquor at retail, or make any sale of liquor at retail within the Village without first having obtained a liquor license as provided by this Article.

- 1.1 A "sale of retail" or "to sell at retail" means sales for use or consumption, and not for resale, in any form.
- 1.2 A "sale" means any transfer, exchange or barter, in any manner or by any means for a consideration, and includes and means all sales made by any person, whether as principal, proprietor, agent, servant or employee, and includes, but is not limited to, all of the following acts when done for consideration:
  - A. The selling of liquor.
  - B. The "giving away" of liquor.
  - C. The dispensing of liquor.
  - D. The providing of mix, ice, water or glasses for the purposes of mixing drinks containing alcoholic liquor for consumption on the same premises.
  - E. The pouring of liquor.
  - F. The providing of "set-ups" containing alcoholic liquor.
  - G. The maintaining of a private or public club which serves liquor on its premises to its patrons, or members.
  - H. The maintaining of a restaurant which serves liquor on its premises to its patrons.
  - I. The possessing in any business or commercial establishment of alcoholic liquor to be served to patrons on the premises.

It is the intent of this Section to require a license for the sale of liquor at retail within the Village for any consideration, whether direct or indirect, regardless of the form that the sale takes.

**SECTION 2. CLASSES AND NUMBER OF LICENSES ESTABLISHED.** There shall be the following classes of liquor licenses available to qualified applicants in the Village of Rapids City, Illinois.

- 2.1 Class I - Standard License.
- 2.2 Class II - Package Sales License.
- 2.3 Class III - Special License.
- 2.4 There shall be issued by the Liquor Control Commissioner not more than six (6) Class I Standard Licenses and no more than three (3) Class II Package Licenses to be in effect at any one time within the Village.

**ARTICLE 3 - GENERAL**

**SECTION 3. LICENSES TO BE USED ONLY FOR PREMISES FOR WHICH ISSUED.** No licensee under this Article shall use his license to engage in the liquor business at any location other than the one named in the license.

- 3.1 The use or attempted use of a license pursuant to this Article at any premises other than the one for which the license was issued shall be cause for revocation of the license.

**SECTION 4. POSTING.**

- 4.1 Every holder of a license issued pursuant to this Article shall at all times keep it posted in a conspicuous location on a wall of the business premises.
- 4.2 No person shall post any license issued under this Article in any premises other than the premises named in the license as issued.
- 4.3 It shall be the duty of any peace officer to seize any license issued pursuant to this Article, which has been posted in any premises other than the premises for which it was issued.

**SECTION 5. SCOPE OF PRIVILEGE GRANTED BY LICENSE.** A license issued pursuant to this Article shall be purely a personal privilege, extending for not to exceed one (1) year after its issuance, unless sooner revoked as provided in this Article, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or be subject to being encumbered or hypothecated. The license shall not descend by the laws of the State or interstate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when the estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such descendent, but not longer than six (6) months after the death, bankruptcy or insolvency of the licensee; a refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this Section.

## **ARTICLE 4 - LICENSING PROCEDURE**

**SECTION 1. PREREQUISITES TO OBTAINING INITIAL LICENSE.** The Liquor Control Commissioner shall issue an original license required by Article 3 where the applicant is eligible for the license under this Article, and has completed all of the following acts:

- 1.1 Fully completed the application prescribed in this Article.
- 1.2 Posted the bond required by this Article.
- 1.3 Paid the fees required by this Article.

**SECTION 2. APPLICATION FORM.** No license of any class required by Article 3 shall be issued prior to the time that an application in the following form is wholly completed and verified by the person desiring the license. A license issued in violation of this Section shall be void.

### **FORM**

1. Name of applicant(s) \_\_\_\_\_
2. Address of applicant(s) \_\_\_\_\_  
\_\_\_\_\_
3. Address of premises to be used by applicant(s) \_\_\_\_\_  
\_\_\_\_\_
4. Owner or landlord of premises to be used by applicant(s) \_\_\_\_\_  
\_\_\_\_\_
5. Address of owner or landlord of premises to be used by applicant(s) \_\_\_\_\_  
\_\_\_\_\_
6. Class of license applied for \_\_\_\_\_
7. Date on which business to commence \_\_\_\_\_
8. If you are not the owner or landlord of the premises, do you have the consent of the owner or landlord of the premises to use the premises for the purpose allowed in the license that you have applied for? \_\_\_\_\_
9. Are you leasing the premises? \_\_\_\_\_ (If so, attach a copy of that lease.)
10. Are you a citizen of the United States? \_\_\_\_\_
11. Have you ever been convicted of a felony under the laws of the State of Illinois? \_\_\_\_\_
12. Have you ever been convicted of a felony under the laws of any of the United States, or under Federal law? \_\_\_\_\_



**ARTICLE 4 - LICENSING PROCEDURE**

13. Have you ever been convicted of keeping a house of ill fame? \_\_\_\_\_
14. Are you presently keeping a house of ill fame? \_\_\_\_\_
15. Have you ever been convicted of pandering or any other crime or misdemeanor opposed to decency or morality? \_\_\_\_\_
16. Have you ever had a liquor license issued to you under the laws of the State of Illinois, or any of its political subdivisions revoked for cause? \_\_\_\_\_
17. Are you a co-partnership? \_\_\_\_\_  
If so, who are your partners, either overt or silent? \_\_\_\_\_
18. Are you a corporation? \_\_\_\_\_  
Name all of the stockholders of your corporation who own more than 5% of the stock of your corporation. \_\_\_\_\_
19. Does the applicant plan to actively manage the business? \_\_\_\_\_  
If not, who will be the manager? \_\_\_\_\_  
Qualifications of manager? \_\_\_\_\_  
(Manager must answer questions 10 through 16 above personally and under oath in separate application.)
20. Are any of the following persons in any way connected with the applicant in connection with the business for which this license is sought?  
President of Board of Trustees, Rapids City, Illinois? \_\_\_\_\_  
A member of the Board of Trustees of the Village of Rapids City, Illinois? \_\_\_\_\_  
Any Village attorney? \_\_\_\_\_

STATE OF ILLINOIS                    )  
  )   SS  
COUNTY OF ROCK ISLAND        )

**AFFIDAVIT**

We the undersigned being first duly sworn upon our oath, state and depose as follows:

1. We understand that the foregoing information is set forth so that we might obtain a liquor license.
2. That under the laws of the State of Illinois, the answers to questions nine through twenty are material to the question of whether or not we are entitled under law to obtain a liquor license in the State of Illinois.
3. That we understand that making a false affidavit constitutes perjury where a false answer is made knowingly to a material question.
4. That we personally prepared the answers to the above questions.
5. That we have reread them, and find them to be wholly true, and we wholly understand them.

\_\_\_\_\_

#### **ARTICLE 4 - LICENSING PROCEDURE**

Subscribed and sworn to before me this

\_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_ A.D.

\_\_\_\_\_  
President of Board of Trustees or  
Village Clerk

**SECTION 3. PERSONS INELIGIBLE FOR LICENSE.** No license of any kind shall be issued pursuant to this Article to:

- 3.1 A person who is not of good character and reputation in the community in which he resides.
- 3.2 A person who is not a citizen of the United States.
- 3.3 A person who has been convicted of a felony under any Federal or State law.
- 3.4 A person who has been convicted of being the keeper or is keeping a house of ill fame.
- 3.5 A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- 3.6 A person whose license issued under this Article has been revoked for cause.
- 3.7 A person who at the time of application for renewal of any license issued pursuant to this Article would not be eligible for the license upon a first application.
- 3.8 A co-partnership, unless each of the members of the co-partnership shall be qualified to obtain a license.
- 3.9 A corporation, if any officer, manager or director thereof, or any stockholder or stockholders, owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license under this Article for any reason other than citizenship.
- 3.10 A corporation, unless it is incorporated in the State, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in the State.
- 3.11 A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee and is a citizen of the United States.
- 3.12 A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or has forfeited his bond to appear in court to answer charges for any such violation.
- 3.13 A person who does not beneficially own the premises for which a license is sought, or does not have a lease for the full period for which the license is to be issued.

#### **ARTICLE 4 - LICENSING PROCEDURE**

- 3.14 Any law enforcing public official, any President of Board of Trustees or member of Board of Trustees, or any President or member of a County Board; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.
- 3.15 A person who is not a beneficial owner of the business to be operated by the licensee.
- 3.16 A person who has been convicted by a gambling offense as prescribed by any of Subsections a-3 through a-10 of Section 28-1 of the "Criminal Code of 1961," as contained in the Illinois Revised Statutes, approved July 28, 1961, as hereafter amended, or as prescribed by a statute replaced by any of the aforesaid statutory provisions.
- 3.17 A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp for the current tax period.
- 3.18 A co-partnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp for the current tax period.
- 3.19 A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.
- 3.20 Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.

**SECTION 4. PREMISES INELIGIBLE FOR LICENSE.** Except in the case of hotels, motels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purpose and which is permitted to be used or kept accessible for use by the public. This Section shall not prevent any connection between such premises and such other portion of the building or structure which is used only the licensee, his family and personal guests.

**SECTION 5. LOCATION INELIGIBLE FOR LICENSE.** No license required by Article 3 shall be issued for use in any of the following locations:

- 5.1 In any district under an ordinance entitled "Rapids City Zoning Ordinance," where the sale of liquor is not permitted by that Ordinance.
- 5.2 No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, hospital, home for aged or indigent persons or for veterans, their wives or children or any military or naval station; however, this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on if such place of business so exempted shall have been established for such purposes prior to the ordinance from which this Section is derived; nor shall this Subsection apply to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church where the

#### **ARTICLE 4 - LICENSING PROCEDURE**

church has been established within the one hundred feet (100') since the issuance of the original license. No alcoholic liquor, other than beer, shall be sold for consumption on the premises within fifteen hundred feet (1500') from any building used for regular classroom or laboratory instruction on the main campus of any state university owned or maintained, in whole or in part, by the state.

#### **SECTION 6. RESTRICTIONS ON THE ISSUANCE OF SPECIAL LICENSES.**

- 6.1 A special license shall be issued only to organized clubs, societies, associations, fraternal organizations, duly constituted churches or benevolent organizations organized not for pecuniary profits.
- 6.2 A special license may be issued pursuant to this Article for one (1) day, two (2) consecutive days, three (3) consecutive days, four (4) consecutive days, five (5) consecutive days, or six (6) consecutive days. The license shall specify on its face the duration.
- 6.3 No organization shall be issued more than one special license during any thirty (30) day period.

#### **SECTION 7. SURETY BOND OR CASH BOND REQUIRED FOR LICENSE; AMOUNT; FORFEITURE.**

- 7.1 A person desiring a license or renewal of a license required by Article 3 shall execute a penal bond in the form and with security satisfactory to the Liquor Commissioner, conditioned upon the faithful observance of this Chapter, and the laws of the State and the United States, or post a cash bond as provided in Subsection 7.2 of this Section. The amount of the bond required by this Subsection for the various classes of licenses shall be as follows:

<u>Class of License</u>	<u>Bond</u>
Standard License	\$1,000.00
Package Sale License	600.00
Special License	250.00

- 7.2 In lieu of posting a penal bond with satisfactory security as provided by Subsection 7.1 of this Section, an applicant for a license required by Article 3 may post One Hundred Fifty Dollars (\$150.00) in cash, subject to the following conditions:
  - A. A cash bond shall be kept by the Village in a separate account, and the Village shall be entitled to all interest earned on the account.
  - B. In the event that a licensee under this Article surrenders his license for a reason other than forfeiture, at a time when no violation of this Chapter has been charged against him, the cash bond shall be returned to him.
- 7.3 The Liquor Control Commissioner may direct that the bond posted pursuant to either Subsection 7.1 or Subsection 7.2 of this Section be forfeited at any hearing where the evidence shows that the licensee has failed to observe the laws of the Village, the State or the United States.

## **ARTICLE 4 - LICENSING PROCEDURE**

### **SECTION 8. LICENSE FEES.**

- 8.1 Before any class of license is issued pursuant to this Article, the applicant shall pay the license fee prescribed in the Section.
- 8.2 A license fee for a license to be issued pursuant to this Article shall be payable annually or one-half (1/2) the amount semi-annually. Where the applicant for the license chooses to pay annually for his license, the payment must be made in full before the first day of May; where the licensee chooses to pay for his license in semi-annual installments, his installments shall be paid before the first day of May and the first day of November.
- 8.3 The fees for the various classes of licenses to be issued pursuant to this Article shall be as follows:
- A. Standard License - Class I: The annual fee shall be Six Hundred Dollars (\$600.00), or Three Hundred Dollars (\$300.00) semi-annually.
  - B. Live Entertainment: An additional fee of One Hundred Dollars (\$100.00) annually, or Fifty Dollars (\$50.00) semi-annually.
  - C. Package License - Class II: The annual fee shall be Three Hundred Seventy-Five Dollars (\$375.00), or One Hundred Eighty-Seven Dollars and Fifty Cents (\$187.50) semi-annually.
  - D. Special License - Class III: The fee shall be Thirty-Five Dollars (\$35.00) per day.
  - E. In the case of the renewal of a license issued pursuant to this Article, the licensee shall pay a penalty of one percent (1%) for each day payment is late.

### **SECTION 9. CONTENTS OF LICENSE CERTIFICATE.** The license issued by the Liquor Control Commissioner pursuant to this Article shall show the following:

- 9.1 The name of the licensee.
- 9.2 The class of the license and option, if any.
- 9.3 The address of the licensed premises.
- 9.4 The special privileges of the license.
- 9.5 The signature of the Liquor Control Commissioner, and his seal.
- 9.6 The term of the license.

### **SECTION 10. TERM OF LICENSE.** A license issued pursuant to this Article shall exist for a term of one (1) year from the first day of May. At the end of the license term, the license shall expire and cease to be a license.

### **SECTION 11. RECORDS OF LICENSES ISSUED: CONTENTS.** The Liquor Control Commissioner shall keep a separate file for each license issued pursuant to this Division containing the following material:

#### **ARTICLE 4 - LICENSING PROCEDURE**

11.1 A duplicate original of the license certificate.

11.2 The bond.

11.3 The application and attached documents.

11.4 The receipt showing payment of fees.

#### **SECTION 12. RENEWAL OF LICENSE; GENERALLY; PROCEDURE.**

12.1 Any licensee under this Article may renew his license at the expiration; if he then qualifies to receive a license and if the premises for which the renewal license is sought are suitable for the purpose. The renewal privilege provided for in this Section shall not be construed as a vested right which shall in any case prevent the Board of Trustees from decreasing the number of licenses to be issued within its jurisdiction.

12.2 The holder of a license issued pursuant to this Article, who is eligible for an initial license pursuant to this Division, desiring to procure renewal of his license shall perform the following acts:

- A. Surrender his old license certificate to the Liquor Commissioner.
- B. Pay the annual fees required by this Article.
- C. File the required bond, unless previous bond remains in effect.
- D. Amend his application to show any change in any of the matters stated in the first application.
- E. Licenses issued pursuant to this Article may be renewable annually before the first day of May.
- F. Upon granting the renewal of a license issued pursuant to this Article, the Liquor Control Commissioner shall issue a new license.

## **ARTICLE 5 - PRIVILEGES CONFERRED BY VARIOUS CLASSES OF LICENSES**

**SECTION 1.        GENERALLY.** The privileges authorized by the issuance of one of the various classes of licenses pursuant to Article 3 and shall be as prescribed in this Article.

**SECTION 2.        COMPLIANCE WITH THIS ARTICLE REQUIRED.** No licensee under this Article shall engage in any conduct allowable under any license created by Articles 3 and 4 except as specifically allowed by his own license.

**SECTION 3.        COMPLIANCE WITH SCOPE OF LICENSE REQUIRED.** No licensee under Articles 3 and 4 shall engage in any conduct otherwise prescribed by this Chapter, or by law, except as specifically allowed by his license.

**SECTION 4.        STANDARD LICENSE.**

4.1    A standard license issued pursuant to Articles 3 and 4 shall entitle the licensee to make the following sales of liquor:

A.    Sales for consumption on the premises.

B.    Package sales.

4.2    A standard license issued pursuant to this Chapter allows the licensee to maintain the following hours of business:

<u>Day</u>	<u>Hours</u>
Sunday	9:00 a.m. until 2:00 a.m. Monday
Monday	6:00 a.m. until 2:00 a.m. Tuesday
Tuesday	6:00 a.m. until 2:00 a.m. Wednesday
Wednesday	6:00 a.m. until 2:00 a.m. Thursday
Thursday	6:00 a.m. until 2:00 a.m. Friday
Friday	6:00 a.m. until 2:00 a.m. Saturday
Saturday	6:00 a.m. until 2:00 a.m. Sunday

4.3    A standard license issued pursuant to Articles 3 and 4 shall entitle the licensee to provide entertainment only by means of mechanical reproduction for radio reception.

4.4    A standard license issued pursuant to Articles 3 and 4 allows the licensee to select the following option to a standard license for the additional fee required as stated in Article 4, Section 8.

A.    Live Entertainment: Allows social dancing and live entertainment as defined in Article 1, Section 1.

**SECTION 5.        LICENSE FOR PACKAGE SALES.**

5.1    A license for package sales issued pursuant to this Article shall entitle the licensee to make the following sales of liquor:

A.    Package sales.

## **ARTICLE 5 - PRIVILEGES CONFERRED BY VARIOUS CLASSES OF LICENSES**

- 5.2 No holder of a license for package sales issued pursuant to this Article shall make any sale for consumption on or about the premises, except, for advertising purposes only, a sample drink may be provided.
- 5.3 A license for package sales issued pursuant to Articles 3 and 4 shall entitle the licensee to maintain the following hours of business:

<u>Day</u>	<u>Hours</u>
Sunday	9:00 a.m. until 2:00 a.m. Monday
Monday	6:00 a.m. until 2:00 a.m. Tuesday
Tuesday	6:00 a.m. until 2:00 a.m. Wednesday
Wednesday	6:00 a.m. until 2:00 a.m. Thursday
Thursday	6:00 a.m. until 2:00 a.m. Friday
Friday	6:00 a.m. until 2:00 a.m. Saturday
Saturday	6:00 a.m. until 2:00 a.m. Sunday

- 5.4 No holder of a license for package sales shall permit dancing on the premises, or live entertainment.

## **SECTION 6. SPECIAL LICENSES.**

- 6.1 A special license issued pursuant to this Article shall entitle the licensee to engage in the following conduct:
- A. To sell liquor at any banquet, picnic, bazaar, fair or similar event.
- 6.2 A special license issued pursuant to this Article shall authorize the licensee to sell liquor during those hours provided for in a standard license.



## **ARTICLE 6 - REVOCATION AND SUSPENSION**

- SECTION 1. AUTHORITY OF THE LIQUOR CONTROL COMMISSION: GROUNDS.** The Liquor Control Commissioner may revoke or suspend any license issued by him pursuant to Articles 3, 4 and 5 if he determines that the licensee has violated any of the provisions of Illinois Revised Statutes Chapter 43, or any provisions of this Chapter or other ordinance or resolution enacted by the Board of Trustees, or any applicable rule or regulation established by the State Liquor Control Commission or the State Liquor Control Commissioner, which is not inconsistent with law.
- SECTION 2. LIABILITY LICENSEE GENERALLY.** In any proceeding before the Liquor Control Commissioner for suspension or revocation of a license granted pursuant to these Articles 3, 4 and 5, the acts of any officer, director, manager, agent or employee of the licensee shall be deemed and be held to be the acts of the licensee, without regard to whether or not the licensee knows of, authorized or consented to the acts.
- SECTION 3. HEARING REQUIRED; NOTICE.** No license issued pursuant to Articles 3, 4 and 5 shall be so revoked or suspended except after a public hearing by the Liquor Control Commissioner, with a three (3) day notice in writing to the licensee affording the licensee an opportunity to appear and defend.
- SECTION 4. FINAL ORDER OF REVOCATION OR SUSPENSION.** The Liquor Control Commissioner shall, within five (5) days after a hearing held in pursuant to this Article, if he determines after the hearing that the license issued pursuant to Articles 3, 4 and 5 should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension, and shall serve a copy of the order within five (5) days upon the licensee.
- SECTION 5. REVOCATION OF BOND.**
- 5.1 Whenever the Liquor Control Commissioner revokes a license issued pursuant to Articles 3, 4 and 5, he shall also cause a forfeiture of the bond given by the licensee for faithful compliance with the law and this Chapter.
  - 5.2 Whenever the Liquor Control Commissioner determined that a licensee under Articles 3, 4 and 5 has violated any provision of Chapter 43 of the Illinois Revised Statutes or any provision of this Chapter, the Liquor Control Commissioner may forfeit the licensee's bond, in addition to any other sanction imposed under this Chapter.
- SECTION 6. APPEALS.** Appeals from the order of the Liquor Control Commissioner, entered pursuant to this Article, shall be as provided by law in Illinois Revised Statutes, Chapter 110, § § 264-279.

## **ARTICLE 7 - OPERATION**

### **SECTION 1. PERSONS NOT TO REMAIN ON PREMISES AFTER CLOSING HOURS; EXCEPTIONS.**

- 1.1 Except as otherwise provided in this Section, no person holding a license issued pursuant to this Chapter shall remain on the licensed premises after the closing hours applicable to the class of license held by the licensee, except:
  - A. The licensee.
  - B. A person on the licensee's payroll.
- 1.2 All lights must be turned out at the premises licensed pursuant to this Chapter at or before the closing hour prescribed for the class of license held, except:
  - A. Outside lights.
  - B. Inside lights for police protection.
- 1.3 All restaurants or other establishments whose principal business is the sale of food, and to which a license has been issued pursuant to this Chapter, shall close down its business with regard to the sale of liquor at the closing hours prescribed in its license, but may remain open for the sale of food.

### **SECTION 2. NATURE OF LICENSED PREMISES AS A PUBLIC ACCOMMODATION.** No person licensed under the provisions of this Article shall deny or permit his agents and employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law, and applicable alike to all citizens.

### **SECTION 3. SALES ON OTHER THAN A CASH BASIS.** No person shall sell or furnish alcoholic liquor at retail to any person on credit or on a passbook, or order on a store, or in exchange for any services rendered; and if any person shall extend credit for such a purpose, the debt attempted to be created shall not be recoverable at law. However, nothing contained in this Section shall be construed to prevent any club from permitting checks or statements for alcoholic liquor to be signed by members or bonafide guests of members or guests in accordance with the by-laws of the club. Nothing contained in this Section shall be construed to prevent any hotel from permitting checks or statements for liquor to be signed by regular guests residing at the hotel and charged to the accounts of the guests.

### **SECTION 4. DANCING OR LIVE ENTERTAINMENT.** No licensee under this Chapter, or his agents or his employees, shall permit dancing or live entertainment in any licensed premises other than a premises operating under a standard license with an option for live entertainment or a special license issued pursuant to this Chapter; provided, however, that a "club" as defined in Article 1, Section 1, of this Ordinance, shall be permitted to have social dancing on the premises for its members and patrons together with music incidental upon payment of an annual fee of One Hundred Dollars \$(100.00), which fee shall be payable annually or in semi-annual installments of Fifty Dollars (\$50.00) each, which fee shall be paid at the time the license or a renewal is applied for.

## **ARTICLE 7 - OPERATION**

- SECTION 5.        RESTRAINT OF TRADE.** No person licensed pursuant to this Chapter shall enter into any contract with any manufacturer, distributor or importing distributor of alcoholic liquors under which the licensee agrees not to sell any alcoholic liquors manufactured or distributed by any other manufacturer, distributor or importing distributor.
- SECTION 6.        USE OF WORDS, "SALOON" OR "BAR."** No person licensed pursuant to this Chapter shall use the words, "saloon" or "bar" in any sign or advertisement.
- SECTION 7.        PANDERING BY LICENSEE.** No licensee shall in any advertisement state or imply that obscene conduct or immoral conduct, or obscene entertainment or immoral entertainment can be found or seen at the licensed premises.
- SECTION 8.        POSSESSION OF ALCOHOLIC LIQUOR ON PUBLIC RIGHT-OF-WAY.** No person shall transport, carry, possess or have any alcoholic liquor in or upon or about his person on a street, alley or other public right-of-way adjacent to nonresidential areas in the Village, except in the original package with the seal unbroken.

## **ARTICLE 8 - MINORS**

- SECTION 1.        DEFINED.** As used in this Article, the term "minor" shall mean a person under the age of twenty-one (21) years.
- SECTION 2.        ACTIVITIES EXEMPT FROM THIS ARTICLE.** The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of 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 Article.
- SECTION 3.        PREPARATION OF ALCOHOLIC BEVERAGES.** No minor shall, at any time, tend any bar or pour, draw, mix or sell any liquor, package or otherwise, in any premises licensed in the Village.
- SECTION 4.        POSSESSION.** No minor shall have on or about his person, or in his custody, or in his possession, or in his control, any liquor whether the seal is, or is not broken; however, a minor may do such acts in his own home, or as a part of a religious ceremony in an organized church.
- SECTION 5.        CONSUMPTION.** The consumption of alcoholic liquor by a minor is unlawful.
- SECTION 6.        GIVING LIQUOR TO MINORS.** NO person shall give, sell or deliver any liquor to any minor within the Village, including liquor in a container with the seal unbroken; however, a minor may be given liquor by his parents, or with their consent in the home of his parents, or a part of an organized religious ceremony in an organized church.
- SECTION 7.        AUTHORITY AND DUTY OF LICENSEES UNDER THIS CHAPTER TO REQUIRE PROOF OF AGE.** If a person licensed pursuant to this Chapter or his agent or employee shall believe, or have reason to believe, that a sale or delivery of alcoholic liquor is prohibited because of nonage of the prospective recipient, he shall, before making the sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.
- SECTION 8.        FRAUDULENT IDENTIFICATION CARDS.** No person shall transfer, alter or deface an identification card containing proof of age, issued by a public officer in the performance of his duties; or use the identification card of another; or carry or use a false or forged identification card; or obtain an identification card by means of false information.
- SECTION 9.        MINORS ON THE PREMISES.** No person under the age of twenty-one (21) years shall be permitted on that portion of a premise licensed pursuant to this Chapter where alcoholic beverages are dispensed for consumption on the premises except that persons under twenty-one (21) years of age may enter such premises for the purposes of obtaining food, where the principal business of the premises is the sale of food.
- SECTION 10.       LICENSEE PERMITTING MINORS ON PREMISES.**
- 10.1 No licensee holding a license issued pursuant to this Chapter shall employ any person under the age of twenty-one (21) years upon his licensed premises.

## **ARTICLE 8 - MINORS**

- 10.2 No licensee holding a license issued pursuant to this Chapter shall permit or suffer any minor to be on the licensed premises except where the minor is present in the licensed premises in the company or presence of a parent, guardian or other responsible adult; is present during the hours of 11:00 a.m. to 10:00 p.m. and is not present in an area of the licensed premises that is used solely for the dispensing or ingesting of alcoholic beverages, i.e.; the bar area, packaged liquor area, etc.

## **ARTICLE 9 - VICARIOUS LIABILITY**

**SECTION 1. LICENSEE'S LIABILITY FOR VIOLATIONS OF STATE LAW.** Every act or omission constituting a violation of Illinois Revised Statutes Chapter 43, or any of the provisions of this Chapter, by an officer, director, manager, agent or employee of any licensee under this Ordinance, shall be deemed and held to be the act or omission of the licensee, even though such act may be done without the knowledge, authorization, or consent of the licensee.

## **ARTICLE 10 - PENALTY**

**SECTION 1.       PENALTY.** Any person, violating any of the provisions of this Chapter shall, upon conviction, be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

## **CHAPTER 7 PROPERTY NUISANCES**

### **ARTICLE 1 - WEEDS**

**SECTION 1. WEEDS TO BE DESTROYED.** It shall be the duty of all owners of land situated within the Village on which weeds are found growing to destroy the same before they reach a seed bearing stage and to prevent such weeds from perpetuating themselves.

**SECTION 2. HEIGHT.** It shall be the duty of owners of land on which weeds are found growing to cut or destroy the same before they reach a height that interferes with the vision of pedestrians or operators of motor vehicles.

**SECTION 3. NOTICE OF VIOLATION.** The Village Clerk shall notify the owner, agent or occupant of any land on which weeds are found growing contrary to provisions of this Article, in writing. The notice shall contain a direction to the party notified to cause such weeds to be cut or destroyed.

In case any such owner, agent or occupant shall refuse or neglect to cut or destroy the weeds, it shall be the duty of the Superintendent of Streets to enter upon the lands and destroy or cut the weeds or cause the same to be done. Express power to so enter upon such lands and cut or destroy the weeds is conferred upon the Superintendent of Streets and his agents.

**SECTION 4. COSTS TO BE PAID BY OWNER.** Any expense incurred in the cutting or destruction of such weeds shall be paid by the owner or owners of the lands. The Village shall have a lien against such lands for such expense. This lien shall be enforced in the manner now provided by law for the enforcement of mechanics' liens.

**SECTION 5. PENALTY.** Any owner or owners, agent or occupant of lands upon which weeds are growing and who have been notified to cut or destroy the same who shall refuse or neglect to destroy the weeds, as provided for in this Article, shall be subject to a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) upon conviction.



## **CHAPTER 8 NUISANCE**

### **ARTICLE 1 - CAMP CARS, TRAILERS, AND OTHER PORTABLE BUILDINGS**

**SECTION 1.        NUISANCE DECLARED.** Camp cars, trailers and other portable buildings, when used or intended to be occupied by human beings within the Village limits of the municipal corporation, are a menace to the public health in that they lack the facilities of disposing of house dirt, ashes, filth, refuse matter, rubbish, waste, stagnant water, garbage and similar substances due to the want of efficient sewers, cesspools and toilets, and are, therefore, declared to be a public nuisance, and subject to prevention and, or abatement, as such.

**SECTION 2.        REQUIREMENTS.** To prevent the creation and, or maintenance of any such nuisances, it is declared and shall be unlawful for any person to use or occupy, for living or sleeping purposes, any camp car, trailer, or other portable building within the corporate limits of the Village unless located upon a licensed campground, provided in this Article, and, or unless the camp car, trailer or other portable building shall comply with the following provisions:

- 2.1    The camp car, trailer or other portable building must have adequate toilet facilities, which connect directly to a cesspool or septic tank or similar sanitary facility.
- 2.2    The owner or occupant of the camp car, trailer or other portable building must secure and file with the Village Clerk of the Village a consent in writing of the owner of the property where the camp car, trailer or other portable building is located and also the consent in writing of the adjacent property owners for a distance of seventy-five feet (75') on each side of the lot or property on which the camp car, trailer or other portable building is located.
- 2.3    The camp car, trailer or other portable building must comply in its construction and equipment with all the pertinent provisions of the Building Ordinances of the Village and must, in all respects, comply with the provisions of the Zoning Ordinance of the Village.

**SECTION 3.        DEFINITIONS.** For the purpose of this Article, certain words and phrases are defined as follows, and certain provisions shall be construed as set forth, unless it shall be apparent from their context that they have a different meaning. Words used in the singular include the plural, and the plural the singular. Words used in the present tense include the future.

**Camp Car and/or Trailer**        Any unit used for living or sleeping purposes and which is equipped with wheels or similar devices used for the purpose of transporting the unit from place to place, whether by motive power or other means.

**Portable Building**            Any unit used for living or sleeping purposes, which is not placed or erected upon a permanent foundation.

**Campground**                Any place, area or tract of land upon which is located any camp car and, or trailer and, or other portable building.

## ARTICLE 1 - CAMP CARS, TRAILERS, AND OTHER PORTABLE BUILDINGS

- SECTION 4. DUTY OF VILLAGE BOARD.** It shall be the duty of the Village Board to enforce all of the provisions of this Article and for the purpose of securing its enforcement. The Village Board, or any of his duly authorized representatives, shall have the right and are empowered to enter upon the premises of any campground operating within the Village to inspect the same and all accommodations connected therewith.
- SECTION 5. PERMIT REQUIRED.** No person shall operate or maintain, or to offer for public use, within the confines of the Village, any campground without first applying for and receiving from the Village Board an annual permit so to do, in the manner set forth in this Article, or according to any rules and regulations which may be formulated by the Village Board from time to time and the laws of the State of Illinois. The fee for such permit is Twenty-Five Dollars (\$25.00) annually.
- SECTION 6. APPLICATION FOR PERMIT, INSPECTION FEE.** Each application for such permit shall be in writing, upon a form provided by the Village Board for that purpose. It shall state the name and address of the applicant and a description of the property where the proposed campground is to be located. It shall also contain such other information as the Village Board may require, and it shall be filed by the applicant. It shall be filed with the Village Board not less than five (5) days, nor more than ten (10) days before campground is made ready for use, and it shall be accompanied by an inspection fee of Ten Dollars (\$10.00), for which the Village Board shall issue a receipt.
- SECTION 7. MONEY TO VILLAGE TREASURER.** All monies received by the Village Board as inspection fees, under provisions of this Article, shall be paid into the Village Treasury and placed in the General Fund.
- SECTION 8. INVESTIGATION REQUIRED BEFORE ISSUING PERMIT.** Upon the filing of such application accompanied by the inspection fee, it shall be the duty of the Village Board or any of its duly authorized representative to investigate the premises and determine whether the proposed campground or the site selected conforms with the requirements of this Article, the rules and regulations of the Village Board and the laws of the State of Illinois, and no permit shall be issued unless such campground or the site selected complies with such requirements and meets the approval of the Village Board. The Village Board may at its discretion approve or reject any proposed campground site.
- SECTION 9. REVOCATION OR SUSPENSION OF PERMIT.** Any permit granted shall be subject to revocation or suspension by the Village Board in the following manner. A notice shall be served on the person holding the permit specifying where he has failed to comply with this Article, and requiring him to appear before the Village Board, at a day and hour specified, not less than five (5) days after the personal service of notice on such permit holder, requiring him to show cause at the required time and place why the permit should not be revoked or suspended. At the time and place mentioned in the notice, the person holding the permit shall have the right to appear in person, or by counsel, and to introduce such evidence, as he may desire. The Village Board shall confront the permit holder with any charges that the Village Board may have against him, and after said hearing, the Village Board may, at its discretion, revoke or suspend the permit.
- SECTION 10. RESPONSIBILITY OF OWNER OR OPERATOR.** Every person owning or operating a campground shall maintain the campground and any toilet facilities, baths or other permanent equipment in connection therewith, in a clean and sanitary condition and shall maintain this equipment in a state of good repair.

## **ARTICLE 1 - CAMP CARS, TRAILERS, AND OTHER PORTABLE BUILDINGS**

- SECTION 11. RESTRICTION OF AREAS FOR CAMPGROUNDS.** No campgrounds established shall be located within a residential district of the Village as residential district is defined and located in the Zoning Ordinance.
- SECTION 12. GROUNDS AREA AND ACCESSIBILITY.** Every campground shall be laid out with, and all existing campgrounds shall provide, available unoccupied space of not less than six hundred (600) square feet from each camp car, trailer or other portable building and the available unoccupied space shall not be construed to mean the space directly under any portion of any camp car, trailer or other portable building. Camp cars, trailers and other portable buildings shall be arranged in rows abutting or facing on a driveway or clear unoccupied space of not less than twenty feet (20') in width which space shall have unobstructed access to a public street or alley.
- SECTION 13. WATER SUPPLY.** An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of the campground. The water supply shall be obtained from faucets only, conveniently located to the campground, and no dipping vessels or common cups shall be permitted.
- SECTION 14. DOGS NOT ALLOWED AT LARGE.** Dogs at no time shall be permitted to run at large in any campground.
- SECTION 15. TOILETS.** There shall be provided in every existing campground and every campground which may be established one (1) water closet for each sex; one of such water closets shall be distinctly marked for "Men" and one of such water closets shall be distinctly marked for "Women" and there shall be provided an additional water closet for each sex for every four (4) or fractional part in excess of four (4) males or four (4) females living in the campground.
- SECTION 16. GARBAGE RECEPTACLES.** There shall be provided in every campground such number of tight receptacles with close fitting metal covers for garbage, refuse, ashes and rubbish as may be deemed necessary by the Village Board and such garbage receptacles shall at all times be maintained in a clean and sanitary condition.
- SECTION 17. SLOP SINKS.** There shall be provided in every campground one or more slop sinks properly connected with a sewer or cesspool, such sinks to be conveniently located at no greater distance than one hundred feet (100') from any camp car, trailer or other portable building.
- SECTION 18. REFUSE AND SEWAGE DISPOSAL.** It shall be unlawful to permit any waste water or material from sinks, baths, showers or other plumbing fixtures in camp cars, trailers and other portable buildings to be deposited upon the surface of the ground, and all such fixtures, when in use, must be connected to a septic tank or cesspool or similar drainage system, or the drainage must be disposed of in a manner satisfactory to the Village Board.
- SECTION 19. EACH VIOLATION SEPARATE OFFENSE.** Every person, firm or corporation violating or contributing in any way to the violation of any provision of this Article shall be deemed guilty of a separate offense for each day during which such violation continues and shall be punishable as provided.
- SECTION 20. PENALTY FOR VIOLATION.** It shall be the duty of every person owning, leasing, renting, or operating a campground in the Village to comply with all the provisions of this Article and, or any rules and regulations formulated by the Village Board governing campgrounds, and any such person violating or contributing to the violation of any of the provisions of this Article or rules and regulations shall be

**ARTICLE 1 - CAMP CARS, TRAILERS, AND OTHER PORTABLE BUILDINGS**

deemed guilty of a petty offense, and upon conviction shall be punished by a fine not exceeding Seven Hundred Fifty Dollars (\$750.00).

## CHAPTER 9 NUISANCE

### **ARTICLE 1 - FIRE AND OPEN BURNING CONTROL** (Sections 1, 2, 3, and 4 revised 10/11/05)

#### **SECTION 1. DEFINITIONS.**

<b>Building Materials</b>	Any materials including, but not limited to, brick, concrete, plaster, plaster board, gutters, floor coverings, or similar substances accumulated as a result of repairs of additions to existing structures, construction of new buildings or demolitions of existing structures.
<b>Garbage</b>	Animal and vegetable waste resulting from the handling, preparing, cooking, storing, or serving of food or of material intended for use as food.
<b>Open Fire</b>	Any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack not more than four feet (4') in diameter and four feet (4') in height.
<b>Prohibited Materials</b>	Shall include, but not limited to, dead animals, waste oil, plastic material, rubber products or materials, tires, tar or tar-based products or materials, asbestos containing materials, creosote containing materials, styrofoam, plastic or runner-coated wire, and similar substances.
<b>Recreational Fire</b>	The burning wood for pleasure, cooking, or similar purposes, either contained in a receptacle originally designed and manufactured for such purposes; or uncontained so long as the fire is being used has a total wood fuel area of not more than four feet (4') in diameter and four feet (4') in height, and the fire is being used in conjunction with camping in a publicly or privately owned campground <b>or</b> at least twenty-five feet (25') from the nearest structure.
<b>Refuse</b>	Putriscible (subject to decay or rotting) and nonputriscible wastes including, but not limited to, garbage, rubbish and household waste.
<b>Rubbish</b>	Shall include, but not limited to, nonputriscible (not subject to rotting or decay) solid waste consisting of combustible and non-combustible wastes such as ashes, paper, cardboard, tin cans, glass, bedding, and crockery.

#### **SECTION 2. LOCATION RESTRICTION.** No person shall within the Village limits of Rapids City, Illinois ignite, set on fire or maintain any bonfire or rubbish fire or authorize any of such fires to be ignited, set or maintained on any private land unless:

- 2.1 Location of fire is not less than twenty-five feet (25') from any structure and adequate provisions are made to prevent the fire from spreading within twenty-five feet (25') of any structure.
- 2.2 The fire is contained in an approved waste burner located safely, not less than fifteen feet (15') from any structure.
- 2.3 The location of the fire is not less than ten feet (10') from a street or road within the Village limits and provisions are made to prevent the fire from spreading within ten feet (10') from said street or road.

## **ARTICLE 1- FIRE AND OPEN BURNING CONTROL**

**SECTION 3. HOURS OF BURNING.** All burning will take place during the hours of sunrise to sunset, with the exception of recreational burning.

3.1 All burning shall be confined to an approved incinerator, except, as follows:

- A. Open fires are done at a distance of twenty-five feet (25') from any building, structure, or other combustible material.
- B. A garden hose and sufficient water supply or other fire-extinguishing equipment is on hand and a competent person is in constant attendance until all fire has been extinguished.
- C. For open burning (fire) of landscape waste other than leaves, not larger than four feet (4') in diameter and four feet (4') in height, a proper authorization is required from the Rapids City Village Board.
- D. Recreational fires may be conducted when a garden hose and sufficient water supply or other fire-extinguishing equipment is on hand and a competent person is in constant attendance until all fire has been extinguished.

3.2 Burning of Garbage. The burning of garbage, prohibited materials, refuse, rubbish, or building materials any time within the Village limits of Rapids City is prohibited.

**SECTION 4. ATTENDANCE.** Fires, not including garbage, shall be constantly attended by a competent person until such fire is completely extinguished. The person or persons attending the fire shall have a garden hose connected to the water supply or other fire-extinguishing equipment readily available for use.

**SECTION 5. PROHIBITIONS.** The Village Board of the Village of Rapids City, Illinois may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

**SECTION 6. FIRE ON LAND OF OTHERS.** No person shall ignite or set a fire upon the land of another, without obtaining the permission of the owner of said land or his agent.

**SECTION 7. DISCARDING BURNING OBJECTS.** No person shall throw down or drop any lighted match, cigar, cigarette or other burning substance in combustible material or in close proximity thereto.

**SECTION 8. HOT ASHES AND OTHER DANGEROUS MATERIALS.** No person shall deposit hot ashes or cinders or smoldering coals, or greasy or oily substances prone to spontaneous ignition, into any combustible receptacle or place the same within ten feet (10') of any combustible materials, except in metal or other noncombustible, covered receptacles. Such receptacles, unless resting on a non-combustible floor or on the ground outside the buildings, shall be placed on non-combustible stands and in every case shall be kept at least two feet (2') away from any combustible wall or partition or exterior window opening.

**SECTION 9. CLEARANCE BETWEEN INCINERATORS AND COMBUSTIBLES.** A minimum clearance of ten feet (10') shall be maintained between incinerators and all rubbish, dry grass, weeds, vegetation and any other combustible material.

## **ARTICLE 1- FIRE AND OPEN BURNING CONTROL**

- SECTION 10. SPARK ARRESTER.** Incinerators shall be equipped and maintained with a spark arrester constructed of iron, heavy wire mesh or other non-combustible material, with openings not larger than ½ inch.
- SECTION 11. AIR POLLUTION.** Incinerators shall be constructed and maintained in accordance with the requirements of any air pollution control district having jurisdiction.
- SECTION 12. LOCATION.** Residential incinerators used in connection with a single-family dwelling shall be located not less than five feet (5') from any wood-frame building or structure, or other combustible material, or not less than three feet (3') from a masonry, stucco, or similar fire-resistant building or structure with no openings within five feet (5'). Any residential incinerator used in connection with any occupancy other than a single-family dwelling shall be located not less than ten feet (10') from any building or property line, provided, further, that the stack of any such incinerator shall be constructed in accordance with the Building Code and shall terminate not less than five feet (5') from combustible roof, overhand or eave construction. This restriction shall not apply to barbecue pits and outdoor fireplaces built in accordance with the Rapids City Building Code.
- SECTION 13. COOKING FIRES IN VILLAGE PARKS.** All fires in Village parks are restricted to containers provided for cooking in Village park areas and shall be constantly attended by a competent person and fully extinguished before being left unattended.
- SECTION 14. FIRE HAZARD PROHIBITED.** No person shall construct, erect, install, maintain or use any incinerator or barbecue pit or so burn any combustible material as to constitute or occasion a fire hazard by the use or burning or as to endanger the life or property of any person thereby.
- SECTION 15. PENALTY.** Any person violating any of the provisions of this Ordinance shall be fined not less than Twenty-Five Dollars (\$25.00) or more than Seven Hundred Fifty Dollars (\$750.00) for any such offense. Each day that a violation continues shall constitute a separate offense.
- SECTION 16. SEPARABILITY.** If any section or part of this Ordinance is for any reason held to be invalid or unconstitutional by any final court of competent jurisdiction, such divisions shall not affect the validity or effectiveness of the remaining provisions of this Ordinance.
- SECTION 17. PRIOR ORDINANCES.** Any prior ordinance of this Village in conflict with the terms of this Ordinance is hereby repealed and held invalid.
- SECTION 18. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

## **CHAPTER 10**

### **BANNED SMOKING AREAS**

#### **ARTICLE 1 - BANNED SMOKING AREAS**

**SECTION 1.        DEFINITIONS.** For the purpose of this Section the following terms shall have the following meanings.

<b>Bar</b>	An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises. "Bar" includes but is not limited to taverns, nightclubs, cocktail lounges, and cabarets.
<b>Employee</b>	A person who is employed by an employer in consideration for the direct or indirect monetary wages or profits or a person who volunteers his or her services for a non-profit entity.
<b>Employer</b>	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.
<b>Enclosed Area</b>	All space between a floor and a ceiling that is enclosed or partially enclosed with solid walls or windows, exclusive of doorways or solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including without limitation, lobbies, and corridors.
<b>Healthcare Facility</b>	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 or 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.
<b>Place of Employment</b>	Any area under the control of a public or private employer that employees are required to enter, leave, or to pass through during the course of employment.
<b>Private Club</b>	A not-for-profit association that 1) has been active and continuous and in existence for at least 3 years prior to the effective date of this Ordinance, 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. For the 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.



## **ARTICLE 1 – BANNED SMOKING AREAS**

<b>Private Residence</b>	A structure used as a dwelling, where one lives. A private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purpose 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.
<b>Public Place</b>	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 of the Village of Rapids City or any other public entity, and regardless of whether a fee is charged for admission.
<b>Restaurant</b>	An eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and public and private school cafeterias, that give or offer for sale food to the public, guests, or employees, and a kitchen or catering facility in which food is prepared on the premises to serve elsewhere. "Restaurant" includes a bar area within a restaurant.
<b>Smoke or Smoking</b>	The carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herb, or any other lighted smoking equipment.
<b>Retail Tobacco Store</b>	A retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants or herbs, 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 with any type of liquor, food, or restaurant license.

**SECTION 2. PROHIBITED ACTS.** No person shall smoke in a public place or in any place of employment, or within 15 feet of any entrance, or exit, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under this Ordinance. No person may smoke in any vehicle owned or leased by the Village of Rapids City. Smoking is prohibited in indoor public places and workplaces unless specifically exempted in Section 4.

### **SECTION 3. POSTING OF SIGNS AND REMOVAL OF ASHTRAYS.**

- 3.1 The owner, operator, manager, or other person in control of the place, shall clearly and conspicuously post in each public place and place of employment where smoking is prohibited by this Ordinance, "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.
- 3.2 Each public place, and place of employment where smoking is prohibited by this Ordinance, shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
- 3.3 All ashtrays shall be removed from any area where smoking is prohibited by this Ordinance by the owner, operator, manager, or other persons having control of the area.

**SECTION 4. EXEMPTIONS.** Notwithstanding any other provisions of this Ordinance, smoking is allowed in the following areas:

- 4.1 Private residences or dwelling places, except when used as a childcare, adult day care, or healthcare facility or any other home-based business open to the public.

## **ARTICLE 1 – BANNED SMOKING AREAS**

- 4.2 Retail tobacco stores as defined in Section 1. in operation prior to the effective date of this Ordinance. The retail tobacco store shall annually file with the Village by January 31<sup>st</sup> an affidavit stating the percentage of its gross income during the prior calendar year that derived from the sale of loose tobacco, plants or herbs, cigars, cigarettes, pipes, or other smoking devices. Any retail store that begins operation after the effective date of this Ordinance 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.
- 4.3 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 required 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.
- 4.4 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 nonsmoking rooms or other areas where smoking is prohibited. Not more than 25% of the rooms rented to guests in the hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

## **SECTION 5. PENALTY, SUSPENSION, AND REVOCATION OF LICENSE.**

- 5.1 Any person, corporation, partnership, association, or other entity that violates any part of this Ordinance shall be fined pursuant to this Section. Each day that a violation occurs is a separate violation.
- 5.2 A person who smokes in an area where smoking is prohibited under this Ordinance shall be fined in an amount that is not less than \$100.00 or more than \$750.00. A police officer may, in lieu of making an arrest or causing a complaint to be filed in the Circuit Court, issue a Village Ordinance ticket. Any person receiving an ordinance ticket may pay a penalty fee of \$75.00 at the Village Hall and consider the matter settled. If said penalty is not paid within 14 days from the issuance of the ordinance ticket, the police department will cause a complaint to be filed with the proper Circuit Court charging the person with the proper state charge. Nothing herein shall prohibit the filing of a complaint in the Circuit Court for a subsequent violation of the same provision.
- 5.3 A person who owns, operates, or otherwise controls a public place or a place of employment that violates any part of this Ordinance, shall be fined not less than \$250.00 or more than \$750.00.

The Village President may suspend or revoke any liquor or tobacco license issued to a business for any violation of this Ordinance.

No license will be suspended or revoked except after a hearing before the Village President, with not less than ten (10) days written notice to the licensee affording the licensee an opportunity to appear before the Village President and defend against the charges contained in such notice.

Any licensee determined by the Village President to have violated any of the provisions of this Ordinance shall, in addition to any fine imposed, pay to the Village the cost of the hearing before the Village President on such violation. The Village President shall determine the cost of the hearing including, but not

**ARTICLE 1 – BANNED SMOKING AREAS**

limited to, court reporter fees, the cost of the transcripts or records, attorney fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the Village or such a lesser sum as the Village President may allow.

The licensee shall pay such cost to the Village within 30 days of notification of the cost by the Village. Failure to pay said cost within 30 days may be the cause for suspension, revocation, or civil action.

(Chapter 10 addition 1/8/2008)

## **TITLE III**

# **BUSINESS REGULATIONS**

# CHAPTER 1

## LICENSES AND PENALTIES

### ARTICLE 1 - ADMINISTRATION

**SECTION 1. APPLICATIONS.** Applications for all licenses and permits required shall be made in writing to the Village Clerk in the absence of provision to the contrary. Each application shall contain: a) name of the applicant; b) the permit or license desired; c) the location to be used, if any; d) the time covered; and e) the fee to be paid. Each application also shall contain the Illinois business number of applicant. Each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the license or permit applied for.

**SECTION 2. PERSONS SUBJECT TO LICENSE.** Whenever in this Article, or in any Village ordinance, a license or permit is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm, or corporation shall be subject to the requirement if by himself or itself, or through an agent, employee or partner, he or it is held forth as being engaged in the business, activity, or occupation, or if he or it solicits patronage, actively or passively; or if he or it performs or attempts to perform any part of such business, activity, or occupation in the Village.

**SECTION 3. FORMS AND SIGNATURES.** Forms for all licenses and permits, and applications, shall be prepared and kept on file by the Village Clerk. Each license or permit issued shall bear the signature of the Village President and the Village Clerk in the absence of any provisions to the contrary.

**SECTION 4. INVESTIGATIONS.**

- 4.1 Upon receipt of an application for a license or permit, where an investigation or inspection is required by ordinance before the issuance of such permit or license, or where an inspection or investigation shall be deemed reasonably necessary or appropriate, the Village Clerk, within 48 hours of such receipt, shall refer the application to the appropriate official(s) for the making of such investigation or inspection.
- 4.2 The officials(s) to whom the application has been referred shall make a report, favorable or otherwise, within ten (10) days after receiving such application or a copy.
- 4.3 The Village Board shall make or cause to be made an inspection regarding such permits and licenses as relate to the care and handling of food, the prevention of nuisances and the spread of disease, and the protection of health. The Building Inspector shall make or cause to be made any inspections which relate to compliance with the Building Code, Zoning Ordinance, and other related regulations. All other investigations, except where otherwise provided, shall be made by the Chief of Police or by some other officer designated by the Village President.
- 4.4 Upon receipt of all related investigative reports, the Village Clerk shall forward such reports, together with the application, to the Village President and Board of Trustees for evaluation and determination.

## **ARTICLE 1 - ADMINISTRATION**

- 4.5 If it shall appear to the corporate authorities that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the Village Clerk for the inclusion of such additional information as may be specified necessary and appropriate.
- 4.6 If, after due consideration of the information contained within the application and the related investigative reports, the corporate authorities shall determine that the matters concerning the application are unsatisfactory, they may disapprove such application, indicating the reasons therefore. Thereupon, the Village Clerk shall be directed to promptly notify the applicant his application is disapproved, and that no license or permit will be issued.
- 4.7 If, after due consideration of the information contained within the application and the related investigative reports, the corporate authorities shall determine that the application is satisfactory, they shall approve the application. The Village Clerk shall then be directed to promptly notify the applicant that his application is approved, and the license or permit may be issued.

**SECTION 5. FEES.** In the absence or provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application is made to the Village Clerk in the amounts prescribed in the schedule set forth in Article 2. When applicant has not engaged in the business or activity until after the expiration of part of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part, by reason of death, or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of nonuse of the license or discontinuance of the operation or conduct of the licensed establishment, business, or activity.

**SECTION 6. TERMINATION OF LICENSES.** All annual licenses shall be operative and the license year for the Village shall commence on the first day of May of each year and shall terminate on the last day of April of the following year, where no provision to the contrary is made.

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

**SECTION 7. BUILDING AND PREMISES.** No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the Village and the State of Illinois.

**SECTION 8. CHANGE OF LOCATION.** The location of any licensed business or occupation, or the location of any permitted act, may be changed provided that ten (10) days notice is given the Village Clerk in the absence of any provision to the contrary; provided, however, that all applicable ordinances and regulations of the Village shall be complied with.

## **ARTICLE 1 - ADMINISTRATION**

**SECTION 9. LOCATION.** No license for the operation of a business or establishment in the Village shall be construed to permit the operation of a licensed business or establishment in more than one location in the Village; a separate license shall be required for each location of a licensed establishment. For the purposes of this Article, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification.

## **SECTION 10. NUISANCES PROHIBITED.**

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

- A. Any business or establishment, whether or not licensed, including all real property that is part of said business or establishment, may be required if said property is adjacent to residentially zoned, by the Building Inspector of the Village of Rapids City or the Village Board of Rapids City to install a privacy fence or natural or artificial buffer area between it and the residentially zoned property. The requirement of installing a fence or buffer area shall be based on a finding that the business or establishment and/or its grounds constitute a nuisance as defined in Section 10.1.
- B. Any fence or buffer as required by this Ordinance shall be not less than six (6) feet in height and not greater than ten (10) feet in height.

### **10.2 Unsafe or Unhealthful Business.**

- A. No building or structure, utilized, constructed, or maintained in connection with any business or occupation, shall evidence an unsanitary, unsafe, or dangerous condition.
- B. No substance, matter, or thing of any kind whatever which shall be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in the Village.

### **10.3 Refuse Disposal.**

- A. Refuse Containers. The standard refuse container required by this Article shall be a receptacle of not less than twenty (20) nor more than thirty-two (32) gallons capacity, of impervious material and sturdy construction, with a tight fitting cover, and equipped with handles properly placed to facilitate handling.
- B. Duty to Provide Refuse Containers. The occupant of every building, structure, or premises used or maintained in connection with any business or occupation shall provide and maintain in good condition and repair a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.

## **ARTICLE 1 - ADMINISTRATION**

All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers.

- C. **Refuse Removal.** It shall be the duty of the occupant of every building, structure, or premises used or maintained in connection with any business or occupation to cause to be removed at his own cost and expense at least once each week all refuse produced therein.
- D. **Removal of Restaurant Garbage.** Every person owning or controlling any hotel, restaurant, café, or retail food establishment where more than thirty-two (32) gallons of refuse is normally produced weekly shall cause all garbage to be placed in sanitary refuse containers and shall cause all substances deposited in such containers to be removed daily from his premises and to be disposed of at his own expense.

### **SECTION 11. WORKING CONDITIONS.**

- 11.1 **Health Requirements.** No owner, lessee, manager, or superintendent of any store, factory, workshop, or other place where persons are employed shall cause or permit such place, or any room or part thereof, to be overcrowded or inadequate or faulty respect to light, ventilation, heat, or cleanliness.
- 11.2 **Sanitation.** All such places of employment shall be kept in a clean condition, free from the effluvia of a sewer, drain, privy, stable, or other nuisance; also as far as practicable, such premises shall be free from all gases, vapors, dust, or other impurities generated by manufacturing processes or otherwise which are injurious to health. Sufficient washroom facilities for male and female employees shall be provided and such facilities shall be properly ventilated.
- 11.3 **Heat Required.**
  - A. It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any factory or workshop, to maintain a temperature within such factory or workshop of not less than 68 degrees Fahrenheit without such undue restriction of ventilation as to interfere with proper sanitary conditions; provided, however, that this requirement shall not apply to any factory or workshop where the business conducted is of such a nature that a higher or lower temperature than 68 degrees Fahrenheit is necessary or expedient for the work or manufacturing processes of such business.
  - B. It shall be the duty of any person owning or controlling the heating plant which furnishes heat to any office, store, or other place of employment to maintain a temperature of not less than 68 degrees Fahrenheit without such undue restriction of ventilation as to interfere with proper sanitary conditions between the hours of 8:00 a.m. and 6:00 p.m. from October 1 of each year to June 1 of the succeeding year, Sundays and legal holidays excepted.
- 11.4 **Inspection.** The Village Board and the Building Inspector shall cause to be visited all such places of employment in the Village as often as they shall deem necessary to assure compliance with the provisions of this Section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.



**SECTION 12. INSPECTIONS.**

- 12.1 Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the Village, or to detect violations, it shall be the duty of the licensee or the person in charge of the premises to admit, for the purpose of making the inspection, any officer or employee of the Village who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.
- 12.2 Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations, it shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized officer or employee of the Village requesting the same sufficient samples of such material or commodity for such analysis upon official request.
- 12.3 In addition to any other penalty which may be provided, the Village President may revoke the license of any owner or operator of a licensed business in the Village who refuses to permit any duly authorized officer or employee to make such inspection or to take an adequate sample of the commodity, or who interferes with such officer or employee while in the performance of his duties; provided; however, that no license shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter upon the premises in the name of the Village after first having presented a warrant authorizing such entry.

**SECTION 13. SUSPENSION, REVOCATION OF LICENSE OR PERMIT.**

- 13.1 When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Village President shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed ten (10) days.
- 13.2 Within eight (8) days after he has so acted, the Village President shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.
- 13.3 Licenses and permits issued under the ordinances of the Village, unless otherwise provided, may be revoked by the Village President after notice and hearing as provided in Subsection 13.4 of this Section for any of the following causes:
- A. Any fraud, misrepresentation, or false statement contained in the application for the license or permit.
  - B. Any violation by the licensee or permittee of ordinance provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied.
  - C. Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude.

## **ARTICLE 1 - ADMINISTRATION**

- D. Failure of the licensee or permittee to pay any fine or penalty owing to the Village.
- E. Refusal to permit any inspection or sampling, or any interference with a duly authorized Village officer or employee while in the performance of his duties in making such inspections, as provided in Section 12.

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

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

**SECTION 14. APPEAL.** Any person aggrieved by the decision of the Village President in regard to the denial of an application for a business license, as provided in Section 4 and in connection with the revocation of a license or permit, as provided in Section 13, shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Clerk, within ten (10) days after notice of a denial of any application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The Board of Trustees shall set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in Section 13. The decision of the Board of Trustees on such appeal shall be final.

**SECTION 15. LICENSE TO BE POSTED.** It shall be the duty of every person conducting a licensed business in the Village to keep his license posted in a prominent place on the premises used for such business at all times.

**SECTION 16. BUSINESS VEHICLE STICKER.** Whenever the number of vehicles used in the basis, in whole or in part, for a license fee, the Village Clerk shall furnish the licensee with a tag or sticker for each vehicle covered by the license, and such tag or sticker shall be posted or affixed in a conspicuous place on each such vehicle.

**SECTION 17. PENALTY.** Any person, firm, or corporation who shall be convicted of violating any provision of this Article shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each such offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

## **ARTICLE 2 - LICENSE FEES**

**SECTION 1.** License fees under the terms of this Ordinance for the businesses, occupations, activities, and uses set forth, shall be as follows:

**1.1 Amusements.**

A. Automatic Amusement Devices.

- |                                       |          |
|---------------------------------------|----------|
| 1) Jukeboxes or other musical devices | \$ 25.00 |
| 2) Coin-operated rides                | 25.00    |
| 3) Coin-operated games                | 25.00    |

**1.2 Auctioneers.** 25.00

**1.3 Motor Vehicle Repair Establishments.** 25.00

**1.4 Bakeries and Bakery Vehicles.**

- |  |       |
|--|-------|
| A. Wholesale or retail bakery.         | 25.00 |
| B. Itinerant vendor of bakery products | 25.00 |

**1.5 Barber Shops.**

- |  |      |
|--|------|
| A. For each chair more than five (5), add: | 5.00 |
|--|------|

**1.6 Billiard and Pool Halls.**

- |               |       |
|---------------|-------|
| A. Per table. | 25.00 |
|---------------|-------|

**1.7 Catering Services and Establishments.**

- |                                       |       |
|---------------------------------------|-------|
| A. Service location or establishment. | 25.00 |
| B. For each delivery vehicle.         | 5.00  |

**1.8 Filling Stations.** 50.00

**1.9 Grocery Stores.**

- |  |       |
|--|-------|
| A. Itinerant vendor of grocery products. | 25.00 |
|--|-------|

**1.10 Hotels and Motels** (inspection fee - annual). 100.00

**1.11 Intoxicating Liquor Dealers** (see Liquor Control Ordinance).

**1.12 Itinerant Merchants and Transient Vendors** (per day). 25.00

**1.13 Peddlers.**

- |   |       |
|---|-------|
| A. Operating from pack, basket, wagon, or cart per day. | 25.00 |
|---|-------|

## **ARTICLE 2 - LICENSE FEES**

B.	Operating from motor vehicle per day.	25.00
1.14	<b>Restaurants.</b>	
A.	Seating capacity not more than 25 persons.	25.00
B.	Seating capacity not more than 50 persons.	50.00
C.	Seating capacity not more than 100 persons.	75.00
D.	Seating capacity in excess of 100 persons.	100.00
1.15	<b>Tobacco Dealers.</b>	
A.	Retail tobacco dealers.	25.00
B.	Coin-operated machines.	25.00
1.16	<b>Trailer Coach Parks.</b>	50.00
1.17	<b>Trucking, Hauling, and Excavating.</b>	50.00
1.18	<b>Marine and Boat Sales.</b>	100.00
1.19	<b>Harbors for Recreational Use.</b>	100.00
1.20	All other businesses, occupations for personal services located within the Village and activities not listed above (per year).	25.00

## **CHAPTER 2**

### **SPECIFIC BUSINESS REGULATIONS**

#### **ARTICLE 1 - AUCTIONEERS**

- SECTION 1.        DEFINITION.** Public auctioneer shall mean any person who shall sell, or offer to sell, any goods, chattels, or personal property, at public auction, except such as are made under and by legal process, within the limits of the Village.
- SECTION 2.        LICENSE.** No person shall act as a public auctioneer without having first obtained a license, which license the Village President is authorized to issue, upon payment to the Village Clerk of the sum of Twenty-Five Dollars (\$25.00) for the issuance of such license.
- SECTION 3.        ACTIONS PROHIBITED.** No auctioneer shall exhibit and sell or offer for sale any article, and induce its purchase by any bidder and afterwards substitute an article in lieu of that offered to and purchased by the bidder; or conspire with other persons to induce bidders to offer more than the value of any article offered for sale; unreal sales with the intention to defraud, or shall knowingly make false statements respecting the quantity or quality of any article offered for sale.
- SECTION 4.        PENALTY.** Any person who shall violate any of these provisions, or who shall fail to comply with any of the requirements, shall be fined not less than Twenty-Five Dollars (\$25.00), nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense.

## **ARTICLE 2 - HAWKERS AND PEDDLERS**

**SECTION 1. LICENSE REQUIRED.** No person shall hawk or peddle goods, wares or merchandise, or do business as an itinerant merchant, within the limits of the Village, without having first obtained a license for that purpose; provided that the requirement shall not extend to any farmer, fruit or vine grower, gardener or dairyman selling the products of his own farm, orchard, vineyard, garden or dairy nor to any person selling good and wholesome fish and vegetables, nor to children under twelve (12) years of age peddling fruit and not keeping a store, nor to newsboys peddling papers.

**SECTION 2. FEES.** The Village Clerk shall, on written application of a suitable person and the payment to him of the license fee as provided, issue a license for the term paid for, the applicant shall pay as follows:

2.1 For hawking and peddling any article or thing of value, the license fee shall be as follows:

A. Twenty-Five Dollars (\$25.00) per day provided that no license shall be issued for a longer period than one year, and all licenses shall expire at the end of the municipal year.

**SECTION 3. PENALTY.** Any person violating any of the provisions of this Ordinance shall be fined not less than Twenty-Five Dollars (\$25.00), nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense.

### **ARTICLE 3 - TOBACCO**

- SECTION 1. PROHIBITED SALES AND DELIVERY.** It shall be unlawful for any person to sell, offer to sell, buy for, give away or deliver cigarettes, cigar, smokeless tobacco, or tobacco in any of its forms to any person under the age of eighteen (18) years within the corporate limits of the Village of Rapids City.
- SECTION 2. PURCHASE BY MINORS PROHIBITED.** It shall be unlawful for any person under the age of eighteen (18) years to purchase, or to misrepresent their identity or age, or use any false or altered identification for the purpose of purchasing cigarettes, cigars, smokeless tobacco, or tobacco in any of its forms.
- SECTION 3. POSSESSION BY MINORS PROHIBITED.** It shall be unlawful for any person under the age of eighteen (18) years to accept, possess, or consume any cigarettes, cigars, smokeless tobacco or tobacco in any of its forms.
- SECTION 4. PENALTIES.** Any person who shall violate any of the aforementioned provisions, shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each such offense.
- SECTION 5. SEVERABILITY CLAUSE.** Any section of this Ordinance, which shall be ruled unconstitutional by a court of competent jurisdiction, shall not affect the constitutionality nor the applicability of the remaining sections.

## **ARTICLE 4 - MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE ORDINANCE**

**SECTION 1. DEFINITIONS.** As used in this Article, the following terms shall have the following meanings:

**Gross Charges** The amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the Village, and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind of nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. Gross Charges for private line service shall include charges imposed at each channel point within the Village, charges for the channel mileage between each channel point within the Village, and charges for that portion of the interstate inter-office channel provided within the Village. However, Gross Charges shall not include:

- A. Any amounts added to a purchaser's bill because of a charge under: 1) the fee imposed by this Section; 2) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act; 3) amount collected under Section 8-11-17 of the Illinois Municipal Code; 4) the tax imposed by the Telecommunications Excise Tax Act; 5) 911 surcharges; or 6) the tax imposed by Section 4251 of the Internal Revenue Code.
- B. Charges for a sent collect telecommunication received outside the Village.
- C. Charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement.
- D. Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges.
- E. Charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Village.
- F. Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services.
- G. Bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made).
- H. Charges paid by inserting coins in coin-operated telecommunications devices.
- I. Charges for telecommunications and all services and equipment provided to the Village.



**ARTICLE 4 - MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE ORDINANCE**  
**Section 1 - Definitions Continued**

<b>Public Right-of-Way</b>	Any municipal street, alley, water or public right-of-way dedicated or commonly used for utility purposes, including utility easement wherein the Village has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. Public Right-of-Way shall not include any real or personal Village property that is not specifically described in the previous sentence and shall not include Village buildings and other structures or improvements, regardless of whether they are situated in the public right-of way.
<b>Retailer Maintaining a Place of Business in this State</b>	Or any like term, includes any retailer having or maintaining within the State of Illinois, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.
<b>Sale of Telecommunications at Retail</b>	The transmitting, supplying, or furnishing of telecommunications and all services, rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.
<b>Service Address</b>	The location of telecommunications equipment from which telecommunications services are originated or at which telecommunication services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, service address shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.
<b>Telecommunications</b>	Includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone serves, channel services, telegraph services, teletypewriter services, computer exchange services, private lines services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, telecommunications shall also include wireless telecommunications as hereinafter defined. Telecommunication shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. Telecommunications shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. Telecommunications shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or hereafter amended or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended.

**ARTICLE 4 - MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE ORDINANCE**  
**Section 1 - Definitions Continued**

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

**SECTION 2. REGISTRATION OF TELECOMMUNICATIONS PROVIDERS.**

- 2.1 Every telecommunications provider as defined by this Article shall register with the Village within 30 days after the effective date of this Article or becoming a telecommunications provider, whichever is later, on a form to be provided by the Village, provided, however, that any telecommunications retailer that has filed a return pursuant to Section 4.3 of this Article shall be deemed to have registered in accordance with this Section.
- 2.2 Every telecommunications provider who has registered with the Village pursuant to Section 2.1 has an affirmative duty to submit an amended registration form or current return as required by Section 4.3, as the case may be, to the Village within 30 days from the date of the occurrence of any changes in the information provided by the telecommunication provider in the registration from or most recent return on file with the Village.

**SECTION 3. MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE.**

- 3.1 A Village telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of one percent (1.0%) of all gross charges charged by the telecommunications retailer to service addresses within the Village for telecommunications originating or received in the Village.
- 3.2 Upon the effective date of the infrastructure maintenance fee authorized in this Article, the Village infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the Village by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this Article does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.
- 3.3 The Village telecommunications infrastructure maintenance fee authorized by this Section shall be collected, enforced, and administered as set forth in Section 4 of this Article.

**SECTION 4. COLLECTION, ENFORCEMENT, AND ADMINISTRATION OF TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEES.**

- 4.1 A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the Village infrastructure maintenance fee attributable to that customer's service address.
- 4.2 Unless otherwise approved by the Village the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the Village not later than the last day of the month subsequent to the month in which a bill is issued to the customer; provided, however, that the telecommunications retailer may retain an amount not to exceed two percent (2%) of the Village infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in account for remitting the fee.
- 4.3 Remittance of the municipal infrastructure fee to the Village shall be accompanied by a return, in a form to be prescribed by the Village, which shall contain such information as the Village may reasonably require.
- 4.4 Any infrastructure maintenance fee required to be collected pursuant to this Article and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the Village. The charge imposed under Section 4.1 by the telecommunications retailer pursuant to this Article shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.
- 4.5 If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this Article, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under the Article, from the telecommunications retailer who made the erroneous payment; provided, however, the Village may require, and telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than three (3) years after the date of the erroneous payment unless; a) the credit is used only to offset a claim of underpayment made by the Village within the applicable statutory period of limitations; and b) the credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.
- 4.6 Amounts paid under this Article by telecommunications retailers shall not be included in the tax base under any of the following acts as described immediately below:
  - A. "Gross Charges" for purposes of the Telecommunications Excise Tax Act.
  - B. "Gross Receipts" for purposes of the municipal utility tax as prescribed in Section 8-11-2 of the Illinois Municipal Code.
  - C. "Gross Charges" for purposes of the municipal telecommunications tax as prescribed in Section 8-11-17 of the Illinois Municipal Code.
  - D. "Gross Revenue" for purposes of the tax on annual gross revenue of public utilities, prescribed in Section 2-202 of the Public Utilities Act.

#### **ARTICLE 4 - MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE ORDINANCE**

- 4.7 The Village shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this Article to determine whether the telecommunications retailer has properly accounted to the Village for the Village infrastructure maintenance fee. Any underpayment of the amount of the Village infrastructure maintenance fee due to the Village by the telecommunications retailer shall be paid to the Village plus five percent (5%) of the total amount of the underpayment determined in an audit, plus any costs incurred by the Village in conducting the audit, in an amount not to exceed five percent (5%) of the total amount of the underpayment determined in an audit. Said sum shall be paid to the Village within twenty-one (21) days after the date of issuance of an invoice for same.
- 4.8 The Village, or its designee, may promulgate such further or additional regulations concerning the administration and enforcement of this Article, consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to Section 2 of this Article of such regulations.

**SECTION 5. COMPLIANCE WITH OTHER LAWS.** Nothing in this Article shall excuse any person or entity from obligations imposed under any law, including but not limited to:

- 5.1 Generally applicable taxes.
- 5.2 Standards for construction on, over, under, or within, use of or repair of the public rights-of-way, including standards relating to free standing towers and other structures upon the public rights-of-way, as provided.
- 5.3 Any liability imposed for the failure to comply with such generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way.
- 5.4 Compliance with any ordinance or provision of this Code concerning uses or structures not located on, over, or within the right-of-way.

**SECTION 6. EXISTING FRANCHISES AND LICENSES.** Any franchise, license, or similar agreements between telecommunications retailers and the Village entered into before the effective date of this Article regarding the use of public rights-of-way shall remain valid according to and for their stated terms except for any fees, charges or other compensation to the extent waived.

**SECTION 7. PENALTIES.** Any telecommunications provider who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article shall be subject to fine in accordance with the general penalty provisions of the Village Municipal Code.

**SECTION 8. ENFORCEMENT.** Nothing in this Article shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this Article.

**SECTION 9. SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 10. CONFLICT.** This Article supersedes all Article or parts of Articles adopted prior hereto which are in conflict herewith, to the extent of such conflict.

**SECTION 11. WAIVER AND FEE IMPLEMENTATION.**

- 11.1 The Village hereby waives all fees, charges, and other compensation that may accrue, after the effective date of the waiver, to the Village by a telecommunications retailer pursuant to any existing Village franchise, license, or similar agreement with a telecommunications retailer during the time the Village imposes the Telecommunications Infrastructure Maintenance Fee.

This waiver shall only be effective during the time the Infrastructure Maintenance Fee provided for in this Ordinance is subject to being lawfully imposed on the telecommunications retailer and collected by the telecommunications retailer from the customer.

- 11.2 The Village Clerk shall send a notice of the waiver by certified mail/return receipt requested to each telecommunications retailer with whom the Village has a franchise.

- 11.3 The Village infrastructure maintenance fee provided for in this Ordinance shall become effective and imposed on the first day of the month not less than ninety (90) days after the Village provides written notice by certified mail to each telecommunications retailer with whom the Village has an existing franchise, license, or similar agreement that the Village waives all compensation under such existing franchise, license, or similar agreement during such time as the fee is subject to being lawfully imposed and collected by the retailer and remitted to gross charges billed on or after the effective date as established in the preceding sentence.

**SECTION 12. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and approval.

## **ARTICLE 5 - UTILITY TAX**

**SECTION 1. DEFINITIONS.** For the purpose of this Article, the following definitions shall apply:

<b>Gross Receipts</b>	The consideration received for the transmission of messages, or for distributing, supplying, furnishing or selling gas and electricity for use or consumption and not for resale; as the case may be; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit services and property of every kind and material and for all services rendered therewith, and shall be determined without any deduction on account of the cost of transmitting messages without any deduction on account of the cost of service, product or commodity supplied, the cost of material used, labor or service cost, or any other expenses whatsoever.
<b>Person</b>	Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this State, or a receiver, trustee, conservator or other representative appointed by order of any court. Notwithstanding the foregoing, no municipal utility tax shall be assessed upon bills for utility service rendered to the municipality itself.
<b>Person Maintaining a Place of Business in this State</b>	Any person having or maintaining within this State, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent or other representative operating within this State under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.
<b>Purchase at Retail</b>	Any acquisition of electricity by a purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a public utility, as defined in Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2), directly in the generation, production, transmission, delivery or sale of electricity.
<b>Purchaser</b>	Any person who uses or consumes, within the corporate limits of the Village, electricity acquired in a purchase at retail, other than from an exempt purchaser.
<b>Transmitting Messages</b>	In addition to the usual and popular meaning of person-to-person communication, shall include the furnishing, for a consideration of services or facilities (whether leased or owned) by both, to persons in connection with the transmission of message where such persons do not, in turn, receive any consideration in connection therewith, but shall not include such furnishing of services or facilities to persons for the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by such person to other persons, for the transmission of messages.
<b>Tax Collector</b>	The person delivering electricity to the purchaser.

**SECTION 2. IMPOSED.** A tax is imposed on all persons engaged in the following occupations or privileges:

- 2.1 Persons engaged in the business of transmitting messages by means of electricity, at the rate of five percent (5%) of the gross receipts from such business originating within the corporate limits of the Village.

**ARTICLE 5 - UTILITY TAX**

- 2.2 Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of the Village and are not for resale, at the rate of five percent (5%) of the gross receipts therefrom.
- 2.3 Persons engaged in the business of distributing, supplying, furnishing, or selling electricity for use or consumption within the corporate limits of the Village and not for resale, at the rate of five percent (5%) of the gross receipts therefrom, excluding, however, from those gross receipts, receipts collected for street lighting at the Municipal rate. The tax imposed under this Section shall not apply with respect to gross receipts pertaining to bills for the distribution, supply, furnishing or sale of electricity where the use or consumption of the electricity is subject to the tax imposed under Section 2.4 through 2.7.
- 2.4 Pursuant to Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2) and any and all other applicable authority, a tax is imposed upon 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 the following rates, calculated on a monthly basis for each purchaser:
- A. For the first 2,000 kilowatt-hours used or consumed in a month:  
000.4427 cents per kilowatt-hour.
  - B. For the next 48,000 kilowatt-hours used or consumed in a month:  
000.2903 cents per kilowatt-hour.
  - C. For the next 50,000 kilowatt-hours used or consumed in a month:  
000.2613 cents per kilowatt-hour.
  - D. For the next 400,000 kilowatt-hours used or consumed in a month:  
000.2540 cents per kilowatt-hour.
  - E. For the next 500,000 kilowatt-hours used or consumed in a month:  
000.2468 cents per kilowatt-hour.
  - F. For the next 2,000,000 kilowatt-hours used or consumed in a month:  
000.2322 cents per kilowatt-hour.
  - G. For the next 2,000,000 kilowatt-hours used or consumed in a month:  
000.2286 cents per kilowatt-hour.
  - H. For the next 5,000,000 kilowatt-hours used or consumed in a month:  
000.2250 cents per kilowatt-hour.
  - I. For the next 10,000,000 kilowatt-hours used or consumed in a month:  
000.2214 cents per kilowatt-hour.
  - J. For all electricity used or consumed in excess of 20,000,000 kilowatt-hours used or consumed in a month: 000.2177 cents per kilowatt-hour.
- 2.5 The tax is in addition to all taxes, fees and other revenue measures imposed by the Village, the State of Illinois or any other political subdivision of the State.
- 2.6 Notwithstanding any other provision of this Chapter, the tax shall not be imposed if and to the extent that imposition or collection of the tax would violate

## **ARTICLE 5 - UTILITY TAX**

the Constitution or Statutes of the United States or the Constitution of the State of Illinois.

- 2.7 The tax shall be imposed with respect to the use or consumption of electricity by residential customers beginning with the first bill issued on or after October 1, 1998; and with respect to the use or consumption of electricity by nonresidential customers beginning with the first bill issued to such customers for delivery services in accordance with Section 16-104 of the Public Utilities Act (220 ILCS 5/16-104), or the first bill issued to such customers on or after January 2, 2001, whichever issuance occurs sooner.

### **SECTION 3. COLLECTION OF TAX.**

- 3.1 Subject to the provisions of Section 3.3 regarding the delivery of electricity to resellers, the tax imposed under this Chapter shall be collected from purchasers by the person maintaining a place of business in the State who delivers electricity to such purchasers. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and is recoverable at the same time and in the same manner as the original charge for delivering the electricity.
- 3.2 Any tax required to be collected by this Chapter, and any tax in fact collected, shall constitute a debt owed to the Village by the 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.
- 3.3 Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Person delivering electricity shall also be authorized to add to such gross charge an amount equal to three percent (3%) of the tax they collect to reimburse them for their expenses incurred in keeping records, billing customers, preparing the filing returns, remitting the tax and supplying data to the Village upon request.

### **SECTION 4. TAX REMITTANCE AND RETURN.**

- 4.1 Every tax collector shall, on a monthly basis, file a return on a form prescribed by the Village. The return and accompanying remittance shall be due 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 Section 3.
- 4.2 If the person delivering electricity fails to collect the tax from the purchaser or is excused from collecting the tax under Section 3.3, then the purchaser shall file a return in a form prescribed by the Village and pay the tax directly to the Village on or before the last day of the month following the month during which the electricity is used or consumed.

### **SECTION 5. RESALES.**

- 5.1 Electricity that is delivered to a person in the Village shall be considered to be for use and consumption by that person unless the person receiving the electricity has an active resale number issued by the Village Clerk and furnishes that number to the person who delivers the electricity, and certifies to that person that the sale is either entirely or partially nontaxable as a sale for resale.



## **ARTICLE 5 - UTILITY TAX**

- 5.2 If a person who receives electricity in the Village claims to be an authorized reseller of electricity, that person shall apply to the Village Clerk for a resale number. The applicant shall state facts showing why it is not liable for the tax imposed by this Chapter on any purchases of electricity and shall furnish such additional information as the Village Clerk may reasonably require.
- 5.3 Upon approval of the application, the Village Clerk shall assign a resale number to the applicant and shall certify the number to the applicant.
- 5.4 The Village Clerk may cancel this resale number of any person if the person fails to pay any tax payable under this Chapter for electricity used for consumed by the person, or if the number: a) was obtained through misrepresentation; or b) is no longer necessary because the person has discontinued making resales.
- 5.5 If a reseller has acquired electricity partly for use or consumption and partly for resale, the reseller shall pay the tax imposed by this Chapter directly to the Village pursuant to Subsection 3.2 on the amount of electricity that the reseller uses or consumes, and shall collect the tax pursuant to Section 2 and remit the tax pursuant to Subsection 4.1 on the amount of electricity delivered by the reseller to a purchaser.
- 5.6 Any person who delivers electricity to a reseller having an active resale number and complying with all other conditions of the Section shall be excused from collecting and remitting the tax on any portion of the electricity delivered to the reseller, provided that the person reports to the Village the total amount of electricity delivered to the reseller, and such other information that the Village may reasonably require.

**SECTION 6. BOOKS AND RECORDS.** Every tax collector, and every taxpayer required to pay the tax imposed by this Amendment shall keep accurate books and records of its business or activity, including contemporaneous books and records denoting the transaction that gave rise, or may have given rise, to any tax liability under this Chapter. The books and records shall be subject to and available for inspection at all times during business hours of the day.

**SECTION 7. CERTAIN BUSINESSES EXEMPT.** No tax is imposed by this Article 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 this State or any political subdivision thereof; nor shall any persons engaged in the business of transmitting messages be subject to taxation under the provisions of this Article for such transactions as are or may become subject to taxation under the provisions of the Municipal Retailer's Occupation Tax Act authorized by 65 Illinois Compiled Statutes 5/8-11-1.

**SECTION 8. TAX ADDITIONAL TO FRANCHISE FEE, ETC.** Such tax shall be in addition to the payment of money, or value of products or services furnished to this Municipality by the taxpayer as compensation for the use of its streets, alleys, or other public place, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayers' business.

**SECTION 9. RETURNS.**

- 9.1 On or before the last day of February 1999, each taxpayer shall make a return to the Village Clerk for the month of January 1999 stating:

## **ARTICLE 5 - UTILITY TAX**

- A. His name.
- B. His principal place of business.
- C. His gross receipts and/or kilowatt-hour usage during those months upon the basis of which the tax is imposed.
- D. Amount of tax.
- E. Such other reasonable and related information as the corporate authorities may require.

On or before the last day of every month, each taxpayer shall make a like return to the Village Clerk for a corresponding one month period.

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

**SECTION 10. CREDIT FOR OVERPAYMENT.** If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefore, shall be so credited. If a taxpayer under this Chapter is unable to use a credit authorized by this Section solely because the tax imposed by this Chapter has been replaced by the tax imposed under Section 5, then the taxpayer may apply such credit against any tax due under Section 5.

**SECTION 11. STATUTE OF LIMITATION.** No action to recover any amount of tax due under the provisions of this Article shall be commenced more than three (3) years after the due date of such amount.

**SECTION 12. PENALTIES.** Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty (\$750.00), and in addition, shall be liable in a civil action for the amount of tax due.

## **ARTICLE 5 - UTILITY TAX**

### **VIDEO GAMING**

**Video Gaming Prohibited.** Pursuant to Section 27 of the Video Gaming Act, video gaming shall be and is hereby prohibited within the corporate boundaries of the Village of Rapids City.

**TITLE IV**

**BUILDING REGULATIONS**

# CHAPTER 1 BUILDING CODE

## ARTICLE 1 - REGULATION OF CONSTRUCTION

**SECTION 1. UNIFORM BUILDING CODE.** The most current edition of the "Uniform Building Code", as published by the International Conference of Building Officials in book form, is adopted as the regulations governing the construction of buildings and any other structures in the Village. It shall be unlawful to erect, construct, or repair any building or structure in the Village in violation of or without complying with these regulations. Copies of such Code shall be kept on file in the Village Clerk's Office for inspection.

## **SECTION 2. PERMIT FOR CONSTRUCTION.**

**2.1 Permit Required.** All construction or alterations of any building or structure in the Village of Rapids City must follow all Village Ordinances and the current edition of the "Uniform Building Code" guidelines. All construction or alterations to any existing structure in the Village where the costs exceed Two Hundred and Fifty Dollars (\$250.00) require securing a building permit. Minor maintenance repairs to an existing structure where the costs are under Two Hundred and Fifty Dollars (\$250.00) including labor and materials are not required to secure a building permit. Cosmetic improvements do not require building permits, however, they must follow all rules and regulations according to Village Ordinance, including all safety concerns. (Section 2.1 passed 5/11/04)

**2.2 Application.** Application for such permits shall be made to the Building Inspector and shall be accompanied by plans in duplicate and plot drawn to scale in ink or blueprint, showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the building or structure to be erected or altered, the existing or intended use of each building or part, the proposed number of families or housekeeping units, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Article. One (1) copy of such plans shall be returned to the applicant when approved by the Building Inspector with such permit as may be granted. All plans shall be verified by the signature of either the owner of the premises, by the architect, or by the contractor in charge of operations. No permit shall be issued except after written approval of the plans and payment of the fee as provided.

### **2.3 Fees.**

Cost of Construction/Alteration		Permit Fee
*\$ 250.00 to	\$ 500.00	\$ 23.50
\$ 501.00 to	\$ 600.00	\$ 26.55
\$ 601.00 to	\$ 700.00	\$ 29.60
\$ 701.00 to	\$ 800.00	\$ 32.65
\$ 801.00 to	\$ 900.00	\$ 35.70
\$ 901.00 to	\$ 1,000.00	\$ 38.75
\$ 1,001.00 to	\$ 1,100.00	\$ 41.80
\$ 1,101.00 to	\$ 1,200.00	\$ 44.85
\$ 1,201.00 to	\$ 1,300.00	\$ 47.90
\$ 1,301.00 to	\$ 1,400.00	\$ 50.95
\$ 1,401.00 to	\$ 1,500.00	\$ 54.00
\$ 1,501.00 to	\$ 1,600.00	\$ 57.05

## ARTICLE 1 - REGULATION OF CONSTRUCTION

Cost of Construction/Alteration (continued)		Permit Fee
\$ 1,601.00 to	\$ 1,700.00	\$ 60.10
\$ 1,701.00 to	\$ 1,800.00	\$ 63.15
\$ 1,901.00 to	\$ 2,000.00	\$ 69.25
\$ 2,001.00 to	\$ 3,000.00	\$ 83.25
\$ 3,001.00 to	\$ 4,000.00	\$ 97.25
\$ 4,001.00 to	\$ 5,000.00	\$ 111.25
\$ 5,001.00 to	\$ 6,000.00	\$ 125.25
\$ 6,001.00 to	\$ 7,000.00	\$ 139.25
\$ 7,001.00 to	\$ 8,000.00	\$ 153.25
\$ 8,001.00 to	\$ 9,000.00	\$ 167.25
\$ 9,001.00 to	\$ 10,000.00	\$ 181.25
\$ 10,001.00 to	\$ 11,000.00	\$ 195.25
\$ 11,001.00 to	\$ 12,000.00	\$ 209.25
\$ 12,001.00 to	\$ 13,000.00	\$ 223.25
\$ 13,001.00 to	\$ 14,000.00	\$ 237.25
\$ 14,001.00 to	\$ 15,000.00	\$ 251.25
\$ 15,001.00 to	\$ 16,000.00	\$ 265.25
\$ 16,001.00 to	\$ 17,000.00	\$ 279.25
\$ 17,001.00 to	\$ 18,000.00	\$ 293.25
\$ 18,001.00 to	\$ 19,000.00	\$ 307.25
\$ 19,001.00 to	\$ 20,000.00	\$ 321.25
\$ 20,001.00 to	\$ 21,000.00	\$ 335.25
\$ 21,001.00 to	\$ 22,000.00	\$ 349.25
\$ 22,001.00 to	\$ 23,000.00	\$ 363.25
\$ 23,001.00 to	\$ 24,000.00	\$ 377.25
\$ 24,001.00 to	\$ 25,000.00	\$ 391.25
\$ 25,001.00 to	\$ 50,000.00	\$ 391.25 plus
\$ 50,001.00 to	\$ 100,000.00	\$10.10 per \$1,000.00 \$ 643.75 plus
\$ 100,001.00 to	\$ 500,000.00	\$7.00 per \$1,000.00 \$ 993.75 plus
\$ 500,001.00 to	\$1,000,000.00	\$5.60 per \$1,000.00 \$3,233.75 plus
\$1,001,000.00 and above		\$4.75 per \$1,000.00 \$5,608.75 plus \$3.65 per \$1,000.00

\* (Passed 5/11/04)

- 2.4 **Variations.** It shall be unlawful to vary materially from approved plans and specifications deposited with and approved by the Building Inspector unless amended plans and specifications showing such proposed alterations or variations are first filed with and approved by the Inspector. If such variation involves an increase in the total cost of the work, a statement to this effect shall be made and the necessary additional fee shall be paid.

### **SECTION 3. ENFORCEMENT.**

- 3.1 **Building Inspector.** The President, with the advice and consent of the Board of Trustees, shall appoint a Building Inspector for the proper enforcement of this Article.
- 3.2 **Enforcement of Provisions.** It shall be the duty of the Building Inspector and any lawfully appointed deputies to enforce the provisions of this Article. The Building Inspector is empowered to make such inspections as may be necessary to see to the enforcement of these provisions, and to make tests or examinations of materials or methods to be used, for the purpose of seeing if they comply with the requirements of this Article. All permits, building, electrical, plumbing, water, and sewer hookups must have been obtained and aid to the Village Clerk before any digging, grading, or construction shall be commenced.

## **CHAPTER 2 PLUMBING**

### **ARTICLE 1 - PLUMBING STANDARDS**

- SECTION 1.** The most current edition of the Illinois State Plumbing Code and the most current edition of the Plumbing Code of Rock Island County and the most current amendments thereto, are adopted as the Plumbing Code of the village of Rapids City, subject to the following:
- 1.1 Where the provisions of the Plumbing Codes of the State of Illinois and Rock Island County are in conflict, the most stringent provision shall be applicable as the Plumbing Code of the Village of Rapids City.
  - 1.2 The following exceptions to the Plumbing Codes of the State of Illinois and Rock Island County shall be adopted as the Plumbing Code of this Village:
    - A. A plumbing permit fee is required on new construction. The amount of the permit fee on new construction shall be \$6.00 per fixture.
    - B. Permit fees of the Illinois State Plumbing Code and the Rock Island County Plumbing Code are amended that on building sewers the plumbing and inspection permit fee shall be \$10.00 inclusive of the hook-up fee. This fee shall cover two (2) inspections. Any additional inspections shall cost \$5.00 per inspection.
    - C. In the case of sewer lateral hook-ups, SDR 35 pipe shall be allowed for installation; however, trenches shall be backfilled and compacted in thin layers to twelve inches (12") above the top of the piping, with sand.
  - 1.3 An inspection by the Village Plumbing Inspector shall be required in all cases pursuant to this Article prior to any piping being covered and again upon completion of all plumbing work.
  - 1.4 All plumbers, excavators, or tile layers providing services to the residents of the Village pursuant to its Plumbing Code shall be required to post a \$10,000.00 surety bond with the Village Clerk, insuring against damage to Village sewer and water mains and hook-ups.

The provisions of the Illinois State Plumbing Code and the Rock Island County Plumbing Code shall be used as criteria for the issuance of construction, reconstruction, alteration, and installation permits by the Village.

- SECTION 2. COPIES ON FILE.** Three copies of the Illinois State Plumbing Code and the Rock Island County Plumbing Code shall be filed in the Village Clerk's Office and shall be available for public use, inspection, and examinations.

- SECTION 3. PENALTY.** Any person convicted of violating the provisions of this Article shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each such offense.

A person shall be deemed guilty of a separate offense for each and every day or a portion of a day during which any violations of any of the provisions of this Article are committed, continued, or permitted.

## **ARTICLE 2 - OFFICE OF PLUMBING INSPECTOR**

**SECTION 1. DUTIES AND RESPONSIBILITIES.** The Office of Plumbing Inspector of the Village shall have all duties and responsibilities as provided by Ordinances of the Village and by the Statutes of the State of Illinois including, but not limited to, the inspection of plumbing materials and the issuance of permits.

**SECTION 2. TERM OF OFFICE.** The term of office of the Plumbing Inspector shall be two (2) years to coincide with the election of the Office of the Village President.

In the event of an appointment to fill a vacancy, the term of office shall end at the termination of the original two-year term.

**SECTION 3. COMPENSATION.** The Plumbing Inspector shall be paid Ten Dollars (\$10.00) per hour as compensation for the office, payable monthly.

**SECTION 4. QUALIFICATIONS.** The Plumbing Inspector shall be a plumber licensed by the State of Illinois.



## **CHAPTER 3 ELECTRICAL CODE**

### **ARTICLE 1 - NATIONAL ELECTRICAL CODE**

**SECTION 1.** The most recent edition of the National Electrical Code, as published by the National Fire Protection Association in book form, is adopted as the regulations governing electrical construction and repairs to all things electrical in the Village. It shall be unlawful to make electrical repairs or new electrical construction in the Village in violation of or without complying with these regulations. Copies of such Code should be kept on file in the Village Clerk's Office for inspection.

## **CHAPTER 4 NUISANCES**

### **ARTICLE 1 - DEFINITION, PREVENTION AND ABATEMENT OF NUISANCES**

**SECTION 1.        NUISANCE DEFINED.** Any building, structure, or part thereof within the corporate limits of the Village, which by reason of faulty construction, lack of repair, age or any other cause, shall be in such condition as to endanger the life or limb of persons passing by or near the same or residing or being in the vicinity or endangering any contiguous property is declared a nuisance and dangerous to public safety.

**SECTION 2.        ABATEMENT REQUIRED.** The owner or owners of the building, structure or part shall abate the nuisance by the razing of the building, structure or part to the ground level, or by rebuilding or repairing the building, structure or part in accordance with building restrictions so as to eliminate all danger to public safety.

**SECTION 3.        ORDER OF ABATEMENT.** Upon resolution declaring a nuisance, the Board of Trustees shall issue an order of abatement of the nuisance. This Order of Abatement shall be served upon the owner or owners of the building residing in the Village, or published in one issue of a newspaper of general circulation in the Village and a copy of the publication posted on the building, if the owner or owners do not reside in the Village or are unknown.

**SECTION 4.        FAILURE TO ABATE.** If the owner or owners shall fail to abate the nuisance within a reasonable time after the service or publication and posting of the order of abatement, but in no event to exceed the time specified in the Order of Abatement, then the Village shall abate the nuisance by razing the building, structure or part to ground level, and the razing may be done by employment of labor or by contract; the salvage sold and the proceeds applied on the cost of razing and the cost of proceeding to abate.

If the proceeds are insufficient to pay the costs of abatement, then the owner or owners shall be liable to the Village for the balance of the costs, to be recovered in a suit of law. In case the proceeds are more than costs, the balance shall be paid to the owner or owners or deposited in the Village Treasury for the use of the owner or owners.

**SECTION 5.        PENALTY.** Each and every owner failing to comply with the order of abatement within the time specified shall, upon conviction, be fined not less than Twenty-Five Dollars (\$25.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for said offense.

## CHAPTER 5 TRAILER PARKS AND TRAILER COACHES

### **ARTICLE 1 - DEFINITIONS**

**SECTION 1.        DEFINITIONS.** Unless the context clearly requires otherwise, the words and phrases set forth in this Article shall have the meaning set forth in this Section when used in this Article.

**Trailer Coach or Mobile Home**        Any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets or highways and designed to permit the occupancy as a dwelling place for one or more persons.

**Dependent Trailer Coach or Dependent Mobile Home**        A trailer coach which does not have toilet and bath or shower facilities.

**Independent Trailer Coach or Independent Mobile Home**        A trailer coach with self contained toilet and bath or shower facilities.

**Trailer Coach Park or Park**        An area of land upon which two or more occupied trailer coaches are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such trailer coach park.

**Trailer Coach Space or Trailer Coach Site**        Any portion of a trailer coach park designed for the use or occupancy of one trailer coach.

**Department**        The Village of Rapids City or any authorized officer of the same.

**School District**        Any district created or operated under the provision of The School Code, approved May 1, 1954, as amended.

## **ARTICLE 2 - NUISANCE DEFINED**

- SECTION 1.        NUISANCE DECLARED.** Trailer coaches or mobile homes when used or intended to be occupied by one or more persons within the Village limits of the municipal corporation are a menace to the public health in that they lack the facilities of disposing of house dirt, ashes, filth, refuse matter, rubbish, waste, stagnant water, garbage, and similar substances due to the want of efficient sewers, cesspools and toilets, and are, therefore, declared to be a public nuisance, and subject to prevention and/or abatement as such, except where located within a duly licensed trailer coach park.
- SECTION 2.        USE PROHIBITED.** To prevent the creation and/or maintenance of any such nuisance or nuisances, no person shall use or occupy for living or sleeping purposes any trailer coach or mobile home within the corporate limits of this corporation unless the trailer coach or mobile home shall be located upon a licensed trailer coach park as provided in this Article.

## **ARTICLE 3 - LICENSE AND PERMITS**

**SECTION 1. LICENSE TO OPERATE.** No person shall establish, maintain, conduct or operate a trailer coach park without first obtaining a license from the Village. Such license shall be issued for one year and shall expire at midnight on March 31 of the year next following the issuance. The license shall be renewed from year to year upon payment of the annual license fee provided.

**SECTION 2. APPLICATION FOR LICENSE.** In order to obtain a permit to construct or an original license to operate a trailer coach park, the applicant shall file with the President of the Board of Trustees of the Village of Rapids City a written application setting forth:

- 2.1 The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application.
- 2.2 The location and legal description of the tract of land upon which it is proposed to operate and maintain a trailer coach park.
- 2.3 The proposed and existing facilities in the trailer coach park for water supply, sewage, garbage and waste disposal, fire protection, and for a sanitary community building which will include a description of toilets, urinals, sinks, wash basins, slop sinks, showers, drains and laundry facilities, the proposed alterations, if any, and the maintenance.
- 2.4 The proposed method of lighting the structures and land upon which the trailer coach park is to be located.
- 2.5 The calendar months of the year which the applicant will operate said trailer coach park.
- 2.6 The plot plans of the trailer coach park, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities, all as may be required by the rules and regulations of the Department under the provision of this Article.
- 2.7 A statement of the fire-fighting facilities, public or private, which are available to the trailer coach park. An affidavit of the applicant as to the truth of the matters contained in the application shall be attached. Where a permit to construct as well as an original license to operate is sought by the applicant, a request shall be made in the same application. Each application shall be accompanied by an application fee amounting to Fifty Dollars (\$50.00) for each ten (10) acres of land, or fraction proposed to be used as a trailer coach park. Each application fee shall be paid to the Village by a separate certified check or United States money order in the amount of the application fee only, and application fee once paid to the Village shall not be refunded.

**SECTION 3. REVIEW OF APPLICATION.** Upon receipt of an application for a permit to construct a trailer coach park or an application for a license to operate and maintain the same, the Village shall, if the park is or the proposed park will be in conformity with this Article and rules and regulations adopted by the Village, issue a permit to construct or an original license, as the case may be. If the application for a permit to construct or a license is declined, the Village or the Department shall give the reasons in

### **ARTICLE 3 - LICENSE AND PERMITS**

writing to the applicant; and if the objections can be corrected, the applicant may amend his application and resubmit for approval.

If a permit to construct a trailer coach park has been issued, the applicant, upon completion, shall notify the Village in writing. The Department shall then inspect the trailer coach park, and if completed in accordance with the accepted application, the Department shall issue a license.

No change in any sanitary facilities, methods of water supply, sewer, drainage, garbage or waste disposal, and no change in the plot plan shall be made without first making a written application to the Village and receiving a written permit. Such application shall be made in the way and manner set forth. Such change or changes shall comply with such safety and sanitary code, codes, rules and regulations as are applicable.

Such a permit does not relieve the applicant from security building permit or permits, or from complying with any zoning or other ordinance applicable.

**SECTION 4. ANNUAL FEE.** In addition to the application fee provided for, the licensee shall pay to the Village on or before March 1 of each year an annual license fee which shall be Fifty Dollars (\$50.00).

If any applicant for a trailer coach license desires to operate such trailer coach park only during the months from May 1 to October 1, he shall pay only one-half the above mentioned annual license fee; and, if in the opinion of the Village the sanitary and facility requirements contained are too rigid for the trailer coach parks operating only between May 1 and October 1, it may modify such requirements as circumstances may permit and require.

Each license fee shall be paid to the Village by a separate certified check or United States money order in the amount of the license fee only, and any license fee, or any part, once paid to and accepted by the Village shall not be refunded.

All funds received under this Chapter shall be deposited to the credit of the general fund.

**SECTION 5. SUSPENSION/REVOCAION OF LICENSE.** Any license granted shall be subject to revocation or suspension by the Village. However, the Village shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with this Article, or any rules or regulations promulgated by the Village pertaining to this Article. This notice shall require the licensee to remove or abate such nuisance, in sanitary or objectionable condition, or way or ways in which such licensee has failed to comply with this Article specified in such notice within five (5) days or within as long a period of time as may be allowed by the Village or the Department. If a longer period than five (5) days is given for the correction of the conditions, such additional time must be given in writing. If the licensee fails to comply with the terms and conditions of the notice within the time specified or such extended period of time, the Village may revoke or suspend such license.

**SECTION 6. PERMIT TO CONSTRUCT.** No person, firm or corporation shall construct a trailer coach park without first obtaining a permit to do so. All permits to construct, or licenses to operate, and all permits to make alterations shall be prominently displayed in the office of the trailer coach parks. All licenses issued under this Article shall be nontransferable without the written consent of the Village acting by and

### **ARTICLE 3 - LICENSE AND PERMITS**

through its President of the Board of Trustees, provided, however, that the Village may not withhold such consent where the provisions of this Article have been met.

**SECTION 7. DENIAL OF PERMIT HEARING.** Any person refused a permit to construct or alter a trailer coach park or a license, or whose license is suspended or revoked, shall have the right to a hearing before the Village. The President of the Board of the Village of Rapids City or his duly authorized agent shall have full power to conduct such hearings.

## **ARTICLE 4 - CONSTRUCTION OF PARK**

**SECTION 1. REQUIREMENTS FOR CONSTRUCTION/OBSERVATION.** Each trailer coach park licensed, or to be constructed under the provisions of this Article shall provide for the following, in the manner specified.

- 1.1 **Supervision.** Every trailer coach park shall be in charge of a responsible attendant or caretaker at all times, whose duty it shall be to maintain the park, its facilities and equipment in a clean, orderly and sanitary condition, and be answerable, with the licensee, for any violation of the provisions of this Article.
- 1.2 **Location and Space.**
  - A. No trailer coach park shall be so located that the drainage of the park area will endanger any water supply. All such parks shall be well drained and shall be located in areas free from ponds, swamps, and similar places in which mosquitoes may breed. No wastewater from trailer coaches shall be deposited on the surface of the ground.
  - B. Each trailer coach shall be allotted a site of not less than one thousand (1,000) square feet. No trailer coach shall be parked closer than five feet (5') to the side lot lines of a trailer coach park, if the abutting property is improved property, or closer than ten feet (10') to a public street, alley or building. Each individual trailer site shall abut or face on a driveway or clear unoccupied space of not less than twenty feet (20') in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten feet (10') between the sites of every trailer coach and at least five feet (5') between the ends of every trailer coach. Except that the Village may, upon application of a trailer coach park operator, waive such requirements if such waiver does not affect the sanitation requirements mentioned or create or permit to continue any hazard to the health and welfare and safety of the community and the occupants of the park.
- 1.3 **Water Supply.** An adequate supply of water of safe, sanitary quality, approved by the Department of Public Health of the State of Illinois and the Village, shall be furnished at each trailer park. Where water from other sources than that supplied by the Village is proposed to be used, the source of such supply shall first be approved by the Department of Public Health of the State of Illinois and by the Village. At least one cold water supply outlet shall be provided within three hundred feet (300') of every dependent trailer site. Each independent trailer site shall be provided with a cold-water tap at least four inches (4") above the ground.
- 1.4 **Toilet and Laundry Facilities.**
  - A. Adequate toilet, lavatory and bathing facilities for occupants of dependent trailer coaches shall be provided in a community service building or buildings. Such building or buildings shall be conveniently located, well constructed, having good natural and artificial lighting, adequate ventilation and floors of concrete or similar impervious materials. Concrete curbs, extending at least six inches (6") above the floor, shall be provided and the floor sloped to adequate drains. Walls and partitions shall be constructed of impervious material where subject to splash. Such building or buildings shall be maintained at a



#### **ARTICLE 4 - CONSTRUCTION OF PARK**

temperature of at least 68 degrees Fahrenheit during the period from October 1 to May 1.

- B. The community service building or buildings shall be provided with toilet rooms for each sex, plainly marked by appropriate signs, in which shall be installed water closets and lavatories adequate in number to serve the reasonable needs of occupants of dependent trailer coaches. Each water closet shall be placed in a separate compartment, properly separated from other water closets and shall also be provided with tub or shower bath compartments, for each sex, adequate in number to accommodate the reasonable needs of occupants of dependent trailer coaches. In combination with each bath or shower stall, there shall be provided an individual dressing compartment not less than two and one-half feet (2-1/2') by three feet (3') in plan so arranged as to insure privacy. The floor of such compartment shall be waterproof and elevated three inches (3") above the floor of the shower stall or a six inch (6") curbing provided, separating shower compartment from dressing room. Mats, grids, and walkways made of wood, cloth or other absorbent materials will not be approved for use in bath sections of community service building.
- C. A laundry room or building constructed as specified in Subsection 1.4 A shall be provided containing laundry trays to accommodate the patrons of the trailer coach park. No laundry trays shall be located in toilet or bathrooms.
- D. An adequate water supply shall be provided at all times for the operation of all water closets in service buildings, and an adequate supply of hot and cold water shall be provided at all times in the service buildings for all bathing, washing, cleansing and laundry facilities.
- E. The Village shall, by reasonable rules and regulations, specify the number of water closets, lavatories, and baths or showers required for service of dependent trailer coach sites and the number of laundry facilities required for all trailer coach sites.

#### **1.5 Disposal of Sewage and Other Water Carried Wastes.**

- A. All sewage and other water carried wastes shall be disposed of into a municipal sewerage system whenever available. Where such connections are not available, disposal shall be into a private system which includes a sanitary means of disposal, the operation of which creates neither a nuisance nor a menace to health.
- B. When a water carriage system of sewage is used, each trailer coach site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each trailer coach, and trapped below the frost line. It shall be the duty of the owner and operator of the trailer coach park to provide an approved type of water and odor tight connection from the trailer water drainage to the sewer connection, and it shall be the duty of the owner or operator, jointly and severally, to make such connection and keep all occupied trailer coaches connected to the sewer while located in a trailer coach park. Sewer connections in unoccupied trailer coach sites shall be so closed that they will emit no odors or cause a breeding place for flies. No water or waste shall be allowed to fall on the ground from a trailer coach.

**1.6 Garbage and Rubbish Storage and Disposal.**

- A. Containers. A sufficient number of adequate fly proof and watertight containers shall be provided for the storage of garbage except where an adequate incinerator is provided.
- B. Garbage Emptied. Garbage containers shall be emptied at least every three days and shall not be filled to overflowing, or allowed to become foul smelling, or a breeding place for flies.
- C. Garbage Disposed. Garbage and rubbish shall be disposed of by the owner and operator of trailer coach park in a manner which creates neither a nuisance nor a menace to health and which is approved by the Village.
- D. Insect and Rodent Control. Adequate insect and rodent control measures shall be employed. All buildings shall be fly and rodent proof, and rodent harborages shall not be permitted to exist in the trailer coach park.
- E. Central Cooking and Eating Facilities. When community kitchens and dining rooms are provided, such facilities and equipment as are supplied must be maintained in a sanitary condition and kept in good repair.
- F. Electrical Outlets. Electrical outlets for each individual trailer site shall be provided, and the installation shall be in compliance with all state and local electrical codes and ordinances. No connected electric extension cord shall lie on ground or be suspended less than seven feet (7') from the ground.
- G. Fire Protection. Fire extinguishers of a type approved by the State Fire Marshall for use at trailer coach parks shall be placed at locations within two hundred feet (200') of each individual trailer site. Each fire extinguisher shall be periodically examined and kept at all times in a condition for proper use.
- H. Canopies. Temporary porches, canvas-roofed canopies and skirts shall be permitted for trailer coaches, and auxiliary rooms may also be authorized by regulation of the Department if constructed of fire resistant materials of such specifications as shall be required by such regulations.
- I. Utilities. All buildings constructed or altered, all plumbing, and all electrical and heating installations shall be in accordance with existing municipal ordinances and the rules and regulations of the Department of Public Health of the State of Illinois.

**SECTION 2. RECORDS.**

- 2.1 When the Village has approved an application for a permit to construct or make alterations upon a trailer coach park or the appurtenances, a license to operate and maintain the same, it shall retain the original and file. One copy shall be returned to the applicant or his agent, and one copy shall be mailed to the Department of Public Health of the State of Illinois.
- 2.2 The Village shall draft and supply all forms and blanks and specify the number and detail necessary to obtain permits to construct or make alterations upon

#### **ARTICLE 4 - CONSTRUCTION OF PARK**

the trailer coach parks; and for a license to operate and maintain such a park according to this Article.

- 2.3 The Village shall keep a record of all trailer coach parks; these records to show the names and addresses of all trailer coach parks, names and addresses of the licensees, names and addresses of the manager, number of trailer coach lots in each park, source of water supply, system of sewage and garbage disposal, and other information deemed essential by the Department.
- 2.4 The Village shall supply licensees of all trailer coach parks with any and all health rules and regulations made by the Village and any change or changes that may be made from time to time, which shall be posted and kept posted by the management of the licensed premises in a protected, conspicuous place within the trailer coach park.

## **ARTICLE 5 - RESPONSIBILITIES OF LICENSEE**

**SECTION 1. PROVISIONS.** The following provisions shall be applicable to all trailer coach parks licensed under the provisions of this Chapter:

- 1.1 It shall be the duty of each licensee on the 1<sup>st</sup> day of February and September of each year to file with the School Board or Boards of the school district or districts where the trailer coach park is located, a report giving the names and ages of all children of school age living in the trailer coach park.
- 1.2 All streets and driveways in every trailer coach park must be maintained in a passable and reasonably dustproof condition at all times, and all streets and driveways in every trailer coach park shall have a minimum width of twenty feet (20') for street and driveways.
- 1.3 Every trailer coach park shall be so arranged that the walking distance from any dependent trailer coach unit-parking site to the water, toilet, and sewer accommodations will not exceed three hundred feet (300').
- 1.4 It shall be the duty of every owner, or operator, or attendant of any trailer coach park to report to the Village Board the full name, age, and address of every person who is a resident or employee of the trailer coach park who is affected or suspected of being affected with any reportable or communicable disease.
- 1.5 The management of every trailer coach park shall assume full responsibility for maintaining in good repair and condition all sanitary and safety appliances on the park, and shall promptly bring such action as is necessary to prosecute or eject from the park any person or persons who willfully or maliciously damage such appliances, or any person or persons who fail to comply with the provisions of this Article.

**SECTION 2. REGISTRATION.** Each trailer coach park shall be provided with a custodian's office where each trailer coach entering the trailer coach park shall be assigned to a lot location, given a copy of the trailer coach park rules, and registered according to the prescribed form. These registrations shall include the name and address of every occupant of the trailer coach; the license number of all units; the state issuing the licenses; and a statement indicating the exact location at which the trailer coach was last parked, including the state, city, town, or village where such parking occurred. The licensee shall keep a registry of all children of school age occupying trailer coaches in the trailer coach park. The above-mentioned register shall be signed by an occupant of the trailer coach. Any person furnishing misinformation for purposes of registration shall be deemed guilty of a misdemeanor and punishable under the general ordinance for such offense. The registration record shall be neatly and securely maintained, and no registration records shall be destroyed until six years have elapsed following the date of registration. The register shall be available at all times for inspection by law enforcement officers.

**SECTION 3. INSPECTIONS FOR TRUNACY ALLOWED.** The governing body of the school district in which the trailer coach park is located, by and through its officers, attendance officers and proper employees, may inspect and visit a trailer coach park for purpose of examining the register with reference to children of school age for the purpose of enforcing attendance of school children housed in the trailer coach park. When a trailer coach park is located in two or more school districts, the school district board or those districts, acting jointly, are authorized to proceed under the provisions of this Section.

**ARTICLE 5 - RESPONSIBILITIES OF LICENSEE**

**SECTION 4. RESTRICTION OF AREAS FOR CAMPGROUNDS.** No campgrounds shall be located within a residential district as defined and located in the Zoning Ordinance of the Village.

**SECTION 5. DOGS NOT ALLOWED AT LARGE.** Dogs at no time shall be permitted to run at large in any campground.

## **ARTICLE 6 - EXEMPTIONS, PENALTIES ENFORCEMENT**

**SECTION 1.       PENALTY.** Whoever violates any provisions of this Chapter shall be fined not more than Seven Hundred Fifty Dollars (\$750.00).

**SECTION 2.       ENFORCEMENT.** The Village or Department shall enforce the provisions of this Chapter and the rules and regulations adopted pursuant thereto affecting health, sanitation, water supply, sewage, garbage and waste disposal, and the Department may personally inspect, at least once each year, each trailer coach park and all the accommodations and facilities connected therewith. The officials or officers are granted the power and authority to enter upon the premises of such trailer coach parks at any time for the purposes set forth. An inspection fee of Twenty-Five Dollars (\$25.00) shall be charged for each inspection.

The Village may issue rules and regulations to carry out the provisions of this Chapter.

## **CHAPTER 6 SWIMMING POOLS**

### **ARTICLE 1 - SWIMMING POOL CONSTRUCTION**

**SECTION 1. CONTROL OF ACCESSIBILITY.** Every person who owns or is in possession of any premises on which there is situated a swimming pool, not a portion of a natural watercourse, which has a water depth of twenty-four inches (24") or more in any portion, shall maintain on the lot or premises upon which such swimming pool is situated, a fence, wall or other adequate structure completely surrounding the pool to make it inaccessible to small children.

**SECTION 2. SPECIFICATIONS.** The fence, wall or other structure must be not less than six feet (6') in height, with no openings large enough to admit a child or other person except through doors or gates.

2.1 The fence, wall or other structure must be not less than six feet (6') in height, with no openings large enough to admit a child or other person except through doors or gates.

2.2 All doors or gates in fences surrounding swimming pools shall be of such a size as to completely fill any opening in the fence, wall or other structure and shall be equipped with self-closing and self-latching devices capable of keeping such gate or door securely closed. The closing or latching devices shall be located not less than five feet (5') above grade or be otherwise inaccessible from the outside to small children. In lieu of self-closing and self-latching devices, the doors and gates may be equipped with locks which shall be kept locked at all times when the pool is not in actual use.

**SECTION 3. APPLICATION FOR MODIFICATION.** The Village Board may allow modifications to the provisions of this Article for good cause shown. The modification may be requested by individuals by filing a request for a variance(s) of this Article with the Village Clerk. The Village Board shall then be empowered to act upon the petitions for variance.

No swimming pool may be filled with water or other substance prior to an inspection and approval by the Village Building Inspector or other authorized person.

Upon the application of a property owner, the Village Board may grant extensions of time for compliance with the provisions of this Article for good cause shown in individual cases; such extension of time shall not exceed thirty (30) days at a time.

**SECTION 4. APPLICABILITY.** The provisions of this Article shall be applicable to swimming pools, enclosures, and gates, etc. within the Village of Rapids City.

**SECTION 5. REMEDIES AND PENALTY.**

5.1 In case any fence, wall or other enclosing structure, gate, door, latching device or locking device is proposed to be erected, constructed, reconstructed, altered, maintained or used or is in actuality constructed, reconstructed, altered, maintained or used in violation of this Article, the Village Board may in addition to other remedies provided by law, authorize the Village Attorney to institute an injunction, abatement, or any other appropriate action or processing

## **ARTICLE 1 - SWIMMING POOL CONSTRUCTION**

- 5.2 to prevent, enjoin, abate or remove such unlawful erection, constructions, reconstruction, alteration, maintenance or use.
- 5.3 A person violating any of the provisions of this Article shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each such offense. Each day that a violation continues shall constitute a separate offense.



## **CHAPTER 7**

# **HEATING, AIR CONDITIONING AND VENTILATION**

### **ARTICLE 1 - HEATING, AIR CONDITIONING AND VENTILATION CODE**

**SECTION 1.** The minimum heating, air conditioning, and ventilation code adopted by the County of Rock Island, Illinois, is adopted as regulations governing the installation and repair of heating, air conditioning, and ventilation elements in the Village. It shall be unlawful to install or repair heating, air conditioning, and ventilation elements in the Village in violation of or without complying with regulations. Copies of said code shall be kept on file in the Village Clerk's Office for inspection purposes.

## **TITLE V**

### **FLOOD MANAGEMENT**

## CHAPTER 1 FLOODPLAIN ORDINANCE

### ARTICLE 1 - PURPOSE, DEFINITIONS

**SECTION 1. PURPOSE.** This Ordinance is enacted pursuant to the police powers granted to this Village of Rapids City by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2) in order to accomplish the following purposes:

- 1.1 To prevent unwise developments from increasing flood or drainage hazards to others.
- 1.2 To protect new buildings and major improvements to buildings from flood damage.
- 1.3 To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding.
- 1.4 To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations.
- 1.5 To maintain property values and a stable tax base by minimizing the potential for creating blight areas.
- 1.6 To make federally subsidized flood insurance available.
- 1.7 To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits, and enhance community and economic development.

**SECTION 2. DEFINITIONS.** For the purposes of this Ordinance, the following definitions are adopted:

<b>Base Flood</b>	The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this Ordinance.
<b>Base Flood Elevation (BFE)</b>	The elevation in relation to mean sea level of the crest of the base flood.
<b>Basement</b>	That portion of a building having its floor sub-grade (below ground level) on all sides.
<b>Building</b>	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 one hundred eighty (180) days per year.
<b>Critical Facility</b>	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.

## **ARTICLE 1 - TITLE, PURPOSE, DEFINITIONS**

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

### **Development**

Any man-made change to real estate including, but not necessarily limited to:

- 1) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building.
- 2) Substantial improvement of an existing building.
- 3) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year.
- 4) Installation of utilities, construction of roads, bridges, culverts or similar projects.
- 5) Construction or erection of levees, dams, walls, or fences.
- 6) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface.
- 7) Storage of materials, including the placement of gas and liquid storage tanks and channel modifications, or any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

### **Existing Manufactured Home Park or Subdivision**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

### **Expansion to an Existing Manufactured Home Park or Subdivision**

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

### **FEMA**

Federal Emergency Management Agency.

### **Flood**

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

### **Flood Fringe**

That portion of the floodplain outside of the regulatory floodway.

## **ARTICLE 1 - TITLE, PURPOSE, DEFINITIONS**

<b>Flood Insurance Rate Map</b>	A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.
<b>Flood Insurance Study</b>	An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.
<b>Floodplain and Special Flood Hazard area (SFHA)</b>	<p>These two terms are synonymous. Those lands within the jurisdiction of the Village of Rapids City, the extraterritorial jurisdiction of the Village of Rapids City, or that may be annexed into the Village of Rapids City, that are subject to inundation by the base flood. The floodplains of the Village of Rapids City are generally identified as such on panel number(s) 155 of the countywide Flood Insurance Rate Map of Rock Island County prepared by the Federal Emergency Management Agency and dated April 5, 2010. Floodplain also includes those areas of known flooding as identified by the community.</p> <p>The floodplains of those parts of unincorporated Rock Island County that are within the extraterritorial jurisdiction of the Village of Rapids City, or that may be annexed into the Village of Rapids City, are generally identified as such on the Flood Insurance Rate map prepared for Rock Island County by the Federal Emergency Management Agency and dated April 5, 2010.</p>
<b>Floodproofing</b>	Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.
<b>Floodproofing Certificate</b>	A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.
<b>Flood Protection Elevation (FPE)</b>	The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.
<b>Floodway</b>	That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of the Mississippi River shall be as delineated on the countywide Flood Insurance Rate Map of Rock Island County prepared by FEMA and dated April 5, 2010. The floodways for each of the remaining floodplains of the Village of Rapids City shall be according to the best data available from the federal, state, or other sources.
<b>Freeboard</b>	An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects, such as those caused by ice or debris jams.
<b>Historic Structure</b>	<p>Any structure that is:</p> <ol style="list-style-type: none"><li>1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.</li><li>2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.</li></ol>

## **ARTICLE 1 - TITLE, PURPOSE, DEFINITIONS**

- 3) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
- 4) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

**IDNR/OWR** Illinois Department of Natural Resources/Office of Water Resources.

**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 Section 7 of this Ordinance.

**Manufactured Home** A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

**Manufactured Home Park or Subdivision** A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

**New Construction** Structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by a community, and includes any subsequent improvements of such structures.

**New Manufactured Home Park or Subdivision** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

**NFIP** National Flood Insurance Program.

**Recreational Vehicle or Travel Trailer** A vehicle which is:  

- 1) Built on a single chassis.
- 2) Four hundred (400) square feet or less in size.
- 3) Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Repetitive Loss** Flood-related damages sustained by a structure on two 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 twenty-five percent (25%) of the market value of the structure before the damage occurred.

**SFHA** See definition of "Floodplain."

**Start of Construction** Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of

## **ARTICLE 1 - TITLE, PURPOSE, DEFINITIONS**

slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimensions of the building.

**Structure** See definition of "Building."

**Substantial Damage** Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this Ordinance equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive Loss Buildings" (see definition).

**Substantial Improvement** Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this Ordinance in which the cumulative percentage of improvements:

- Equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started; or
- Increases the floor area by more than twenty percent (20%).

"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

- 1) 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.
- 2) Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

**Violation** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

**SECTION 3. BASE FLOOD ELEVATION.** This Ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to FEMA and IDNR/OWR for approval prior to any development of the site

- 3.1 The base flood elevation for the floodplains of the Mississippi River shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Rock Island County prepared by the Federal Emergency Management Agency and dated April 5, 2010.
- 3.2 The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide Flood Insurance Rate Map of Rock Island County.

## **ARTICLE 1 - TITLE, PURPOSE, DEFINITIONS**

- 3.3 The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Rock Island County shall be according to the best data available from federal, state, or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.
- 3.4 The base flood elevation for the floodplains of those parts of unincorporated Rock Island County that are within the extraterritorial jurisdiction of the Village of Rapids City, or that may be annexed into the Village of Rapids City, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Rock Island County prepared by the Federal Emergency Management Agency and dated April 5, 2010.

**SECTION 4. DUTIES OF THE VILLAGE PRESIDENT.** The Village President shall be responsible for the general administration of this Ordinance and ensure that all development activities within the floodplains under the jurisdiction of the Village of Rapids City meet the requirements of this Ordinance. Specifically, the President shall:

- 4.1 Process development permits in accordance with Section 5.
- 4.2 Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6.
- 4.3 Ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or flood proof certificate.
- 4.4 Assure that all subdivisions and annexations meet the requirements of Section 8.
- 4.5 Ensure that water supply and waste disposal systems meet the Public Health standards of Section 9.
- 4.6 If a variance is requested, ensure that the requirements of Section 11 are met and maintain documentation of any variances granted.
- 4.7 Inspect all development projects and take any and all penalty actions outlined in Section 13 as necessary to ensure compliance with this Ordinance.
- 4.8 Assure that applicants are aware of and obtain any and all other required local, state, and federal permits.
- 4.9 Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse.
- 4.10 Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
- 4.11 Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this Ordinance.
- 4.12 Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this Ordinance.



## **ARTICLE 1 - TITLE, PURPOSE, DEFINITIONS**

- 4.13 Perform site inspections to ensure compliance with this Ordinance and make substantial damage determinations for structures within the floodplain.
- 4.14 Maintain the accuracy of floodplain maps, including notifying IDNR/OWR and/or submitting information to FEMA within six months, whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

### **SECTION 5.**

**DEVELOPMENT PERMIT.** No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Village President. The Village President shall not issue a development permit if the proposed development does not meet the requirements of this Ordinance.

- 5.1 The application for development permit shall be accompanied by:
  - A. Drawings of the site, drawn to scale showing property line dimensions.
  - B. Existing grade elevations and all changes in grade resulting from excavation or filling.
  - C. The location and dimensions of all buildings and additions to buildings.
  - D. The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this Ordinance.
  - E. Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- 5.2 Upon receipt of an application for a development permit, the Village President shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this Ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this Ordinance.

The Village President shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

The Village President shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The President shall not issue a permit unless all other federal, state, and local permits have been obtained.

### **SECTION 6.**

#### **PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.**

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

**ARTICLE 1 - TITLE, PURPOSE, DEFINITIONS**

- 6.1 Except as provided in Section 6.2 of this Ordinance, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
- A. Bridge and culvert crossings of streams in rural areas meeting the following conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:
    - 1. The crossing will not result in an increase in water surface profile elevation in excess of 1.0 feet.
    - 2. The crossing will not result in an increase in water surface profile elevation in excess of one-half (0.5) feet at a point one thousand feet (1,000') upstream of the proposed structure.
    - 3. There are no buildings in the area impacted by the increases in water surface profile.
    - 4. The proposed bridge or culvert crossing will not involve straightening, enlarging, or relocating the existing channel.
    - 5. The design must be certified by a licensed professional engineer in the State of Illinois and the designs must meet the conditions of an IDNR/OWR permit.
    - 6. The design must be certified by a second licensed professional engineer.
  - B. Barge fleeting facilities meeting the following conditions of IDNR/OWR Statewide Permit Number 3:
    - 1. The permit is only applicable when deadmen, pier cells, or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers.
  - C. Aerial utility crossings meeting the following conditions of IDNR/OWR Statewide Permit Number 4:
    - 1. The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge.
    - 2. A utility line attached to an existing bridge shall be constructed above the low cord elevation of the bridge.
    - 3. No supporting towers or poles shall be located in a river, lake, or stream.
    - 4. Supporting towers, including foundation and poles, shall be designed and located so as to not cause an obstruction of flood flows by trapping debris.
    - 5. All disturbed areas shall be returned to pre-construction grades and re-vegetated.
    - 6. All Illinois commerce Commission, National Electrical Safety Code, and federal requirements must be met.
  - D. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:

## **ARTICLE 1 - TITLE, PURPOSE, DEFINITIONS**

1. The boat dock must not extend more than fifty feet (50') into a waterway and no more than one quarter (1/4) of the width of the waterway, and shall not extend beyond the navigational limited established by the IDNR and Corps of Engineers.
  2. The width of the boat dock shall not be more than ten feet (10').
  3. For L-shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed fifty percent (50%) of the landowner's shoreline frontage nor fifty feet (50').
  4. Docks must be aligned so as not to cross the projection of property lines into the waterway or come within ten feet (10') of the projected property line.
  5. Dock posts must be marked by reflective devices.
  6. The boat dock must be securely anchored to prevent detachment during times of high wind or water.
  7. Metal drums or containers may not be used as buoyancy units unless they are filled with floatation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.
  8. This permit does not authorize any other related construction activity, such as shore protection or fill.
  9. Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.
  10. At any future date, the permittee must agree to make necessary modifications to the dock as determined by the IDNR or Corp of Engineers.
- E. Minor, non-obstructive activities meeting the following conditions of IDNR/OWR Statewide Permit Number 6:
1. The following activities (not involving fill or positive change in grade) are covered by this permit:
    - a. The construction of underground utility lines, wells, or septic tanks not crossing a lake or stream.
    - b. The construction of light poles, sign posts, and similar structures.
    - c. The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar structures.
    - d. The construction of properly anchored, unwallled, open structures such as playground equipment, pavilions, and carports.
    - e. The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) square feet in any dimension. Only one such building on a property is authorized by this statewide permit.
    - f. The raising of existing buildings, provided no changes are made to the outside dimensions of the building and the placement of fill is not involved.

## **ARTICLE 1 - TITLE, PURPOSE, DEFINITIONS**

- F. Outfall structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:
  - 1. Any outfall structure, including any headwall or end section, shall not extend riverward or lakeward of the existing adjacent natural bank slope or adjacent bank protection.
  - 2. The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures.
  - 3. Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.
  - 4. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
- G. Underground pipeline and utility crossings meeting the following conditions of IDNR/OWR Statewide Permit Number 8:
  - 1. In all cases, the crossing shall be placed beneath the bed of the river, lake, or stream; and unless the crossing is encased in concrete or entrenched in bedrock, a minimum of three feet (3') of cover shall be provided. The river, lake, or stream bed shall be returned to its original condition.
  - 2. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
  - 3. Any utility crossing carrying material which may cause water pollution, as defined by the Environmental Protection Act (415 ILCS 5), shall be provided with shut-off valves on each side of the body of water to be crossed.
  - 4. If blasting is to be utilized in the construction of the crossing, the permittee shall notify the IDNR/OWR at least ten (10) days prior to the blasting date to allow monitoring of any related fish kills.
- H. Bank stabilization projects meeting the following conditions of IDNR/OWR Statewide Permit Number 9:
  - 1. Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber. Urban areas are defined as: areas of the state where residential, commercial, or industrial development currently exists or, based on land use plans or controls, is expected to occur within ten (10) years. (The Department should be consulted if there is a question of whether or not an area is considered urban).

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2. In addition to the materials listed in Section 6 (6.1)(H)(1), other materials (e.g. tire revetments) may be utilized in rural areas, provided all other conditions of this permit are met.
  3. The following materials shall **not** be used in any case: auto bodies, garbage or debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which would cause water pollution as defined by the Environmental Protections Act (415 ILCS 5).
  4. The affected length of shoreline, stream bank, or channel to be protected shall not exceed, either singularly or cumulatively, one thousand feet (1,000').
  5. All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.
  6. Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.
  7. Materials shall not be placed higher than the existing top of the bank.
  8. Materials shall be placed so that the modified bank full-width and cross-sectional area of the channel will conform to or be no more restrictive than that of the natural channel upstream and downstream of the site. For projects involving continuous placement of riprap along the bank, toe of the bank or other similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than ten percent (10%) nor the volume of material placed exceed two (2) cubic yards per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.
  9. If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area.
  10. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.
  11. In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation, unless:
    - a. It is constructed in alignment with an existing seawall(s) or gabion structure(s).
    - b. The volume of material placed, including the structure, would not exceed two (2) cubic yards per lineal foot.
  12. Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws and rules, shall not be placed in a floodway.
- I. Accessory structures and additions to existing residential buildings meeting the following conditions of IDNR/OWR Statewide Permit Number 10:

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1. The accessory structure or building addition must comply with the requirements of the local floodplain ordinance.
  2. The principle structure to which the project is being added must have been in existence on the effective date of this permit (July 25, 1988).
  3. the accessory structure or addition must not exceed five hundred (500) square feet in size and must not deflect floodwaters onto another property.
  4. Must not involve the placement of any fill material.
  5. **No** construction shall be undertaken in, or within fifty feet (50') of the bank of the stream channel.
  6. The accessory structure or addition must be properly anchored to prevent its movement during flood conditions.
  7. Only one accessory structure or addition to an existing structure shall be authorized by this permit; plans for any subsequent addition must be submitted to IDNR/OWR for review.
  8. Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas shall be seeded or otherwise stabilized upon completion of construction.
- J. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:
1. The affected length of the stream shall not either singularly or cumulatively exceed one thousand feet (1,000').
  2. The project shall not include the construction of any new channel; all work must be confined to the existing channel or to reestablishing flows in the natural stream channel.
  3. The cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and downstream of the site.
  4. Dredged or spoil material shall not be disposed of in a wetland and shall be either:
    - a. Removed from the floodway.
    - b. Used to stabilize an existing bank, provided no materials would be placed higher than the existing top of bank, and provided the cross-sectional area of the natural channel would not be reduced by more than ten percent (10%), nor the volume of material placed exceed two (2) cubic yards per lineal foot of streambank.
    - c. Used to fill an existing washed out or scoured floodplain area such that the average natural floodplain elevation is not increased.
    - d. Used to stabilize an existing levee, provided the height of the levee would not be increased nor its alignment changed.
    - e. Placed in a disposal site previously approved by the Department in accordance with the conditions of the approval.

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- f. Used for beach nourishment, provided the material meets all applicable water quality standards.
- 5. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the streambanks, shall be seeded or otherwise stabilized upon completion of construction.
- K. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR Statewide Permit Number 12:
  - 1. A licensed professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:
    - a. No buildings or structures have been impacted by the backwater induced by the existing structure.
    - b. There is no record of complaints of flood damages associated with the existing structure.
  - 2. A licensed professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects, the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge.
  - 3. The project shall not include any appreciable raising of the approach roads. (This condition does not apply if all points on the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR).
  - 4. The project shall not involve the straightening, enlargement, or relocation of the existing channel of the river or stream except as permitted by the Department's Statewide Permit Number 9 (Minor Shoreline, channel and Streambank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).
  - 5. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above conditions.
- L. Temporary construction activities meeting the following conditions of IDNR/OWR Statewide Permit Number 13:
  - 1. No temporary construction activity shall be commenced until the individual permittee determines that the permanent structure (if any) for which the work is being performed has received all required federal, state, and local authorizations.
  - 2. The term "temporary" shall mean not more than one construction season. All temporary construction materials must be removed from the stream and floodway within one year of their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive

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material placement shall not occur without the review and approval of the IDNR/OWR.

3. The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties. For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks.
4. This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee, or dike across any channel or floodway.
5. No temporary structure shall be placed within any river or stream channel until a licensed professional engineer determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of this statewide permit. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure.
6. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above condition.
7. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction.
8. Materials used for the project shall not cause water pollution as defined by the Environmental Protection Act (415 ILCS 5).

M. Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

6.2 Other development activities not listed in 6.1 may be permitted **only** if:

- A. Permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required).
- B. Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

## **SECTION 7. PROTECTING BUILDINGS.**

7.1 In addition to the damage prevention requirements of Section 6 of this Ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

- A. Construction or placement of a new building, or alteration or addition to an existing building valued at more than One Thousand Dollars (\$1,000.00) or seventy (70) square feet.



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- B. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%), or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively subsequent to the adoption of this Ordinance. If substantially improved, the existing structure and the addition must meet the flood protection standards of this Section.
  - C. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this Ordinance. If substantially damaged, the entire structure must meet the flood protection standards of this Section.
  - D. 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).
  - E. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
  - F. Repetitive loss to an existing building as defined in Section 2.
- 7.2 Residential or non-residential buildings can meet the building protection requirements by one of the following methods:
- A. The building may be constructed on permanent landfill in accordance with the following:
    - 1. The lowest floor (including basement) shall be at or above the flood protection elevation.
    - 2. The fill shall be placed in layers no greater than six inches (6") before compaction and should extend at least ten feet (10') beyond the foundation before sloping below the flood protection elevation.
    - 3. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
    - 4. The fill shall be composed of rock or soil and not incorporated debris or refuse materials.
    - 5. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques, such as swales or basins, shall be incorporated.
  - B. The building may be elevated on solid walls in accordance with the following:
    - 1. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.

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2. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
  3. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation.
  4. The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris.
    - a. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
    - b. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
    - c. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.
    - d. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
- C. The 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 floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.
  3. The interior grade of the crawlspace below the flood protection elevation must not be more than two feet (2') 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's wall must not exceed four feet (4') at any point.

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5. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
  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.
- 7.3 Non-residential buildings may be structurally dry floodproofed (in lieu of elevation), provided a licensed professional engineer or architect certifies that:
- A. Below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
  - B. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
  - C. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
  - D. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.
- 7.4 Manufactured homes or travel trailers to be permanently installed on site shall be:
- A. Elevated to or above the flood protection elevation in accordance with Section 7.2.
  - B. 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 § 870.
- 7.5 Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of Section 7.4, unless the following conditions are met:
- A. The vehicle must be either self-propelled or towable by a light duty truck.
  - B. The hitch must remain on the vehicle at all times.
  - C. The vehicle must not be attached to external structures such as decks and porches.
  - D. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
  - E. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.

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- F. The vehicle's wheels must remain on axles and inflated.
- G. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
- H. Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.
- I. The vehicle must be licensed and titled as a recreational vehicle or park model.
- J. Must either:
  - 1. Entirely be supported by jacks, or
  - 2. Have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by use of the hitch jack.

7.6 Garages, sheds, or other minor accessory structures constructed ancillary to an existing residential use may be permitted, provided the following conditions are met:

- A. The garage or shed must be non-habitable.
- B. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
- C. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
- D. The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.
- E. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
- F. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
- G. The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.
- H. The garage or shed must be less than Ten Thousand Dollars (\$10,000.00) in market value or replacement cost, whichever is greater or less than five hundred (500) square feet.
- I. The structure shall be anchored to resist floatation and overturning.
- J. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.

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- K. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

### **SECTION 8.**

**SUBDIVISION REQUIREMENTS.** The Rapids City Village Board shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

8.1 New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Sections 6 and 7 of this Ordinance. Any proposal for such development shall include the following data:

- A. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation.
- B. The boundary of the floodway when applicable.
- C. A signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

Streets, block 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.

### **SECTION 9.**

#### **PUBLIC HEALTH AND OTHER STANDARDS.**

9.1 Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7 of the Ordinance, the following standards apply:

- A. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 7 of this Ordinance.
- 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 floodwaters into the systems and discharges from the systems into floodwaters.
- D. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

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- E. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet (3') above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

- 9.2 All other activities defined, as development shall be designed so as not to alter flood flows or increase potential flood damages.

### **SECTION 10. CARRYING CAPACITY AND NOTIFICATION.**

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, the Village of Rapids City shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

### **SECTION 11. VARIANCES.** Whenever the standards of this Ordinance place undue hardship on a specific development proposal, the applicant may apply to the Village of Rapids City Planning and Zoning Commission for a variance. The Village of Rapids City Planning and Zoning Commission shall review the applicant's request for a variance and shall submit its recommendation to the Village of Rapids City Board. The Village of Rapids City Board may attach such conditions to granting of a variance, as it deems necessary to further the intent of this Ordinance.

- 11.1 No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
  - A. The development activity cannot be located outside the floodplain.
  - B. An exceptional hardship would result if the variance were not granted.
  - C. The relief requested is the minimum necessary.
  - D. There will be no additional threat to public health or safety, or creation of a nuisance.
  - E. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
  - F. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP.
  - G. All other state and federal permits have been obtained.
- 11.2 The Village of Rapids City Planning and Zoning Commission shall notify an applicant in writing that a variance from the requirements of the building

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protections standards of Section 7 that would lessen the degree of protection to a building will:

- A. Result in increased premium rates for flood insurance up to Twenty-Five Dollars (\$25.00) per One Hundred Dollars (\$100.00) of insurance coverage.
- B. Increase the risks to life and property.
- C. Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

11.3 Variances to the building protection requirements of Section 7 of this Ordinance which are requested in connection with the reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Sections 6 and 7 of this Ordinance subject to the conditions that:

- A. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
- B. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

### **SECTION 12.**

**DISCLAIMER OF LIABILITY.** The degree of protection required by this Ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This Ordinance does not create liability on the part of the Village of Rapids City or any officer or employee thereof for any flood damage that results from proper reliance on this Ordinance or any administrative decision made lawfully thereunder.

### **SECTION 13.**

**PENALTY.** Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this Ordinance. Upon due investigation, the President may determine that a violation of the minimum standards of this Ordinance exists. The President shall notify the owner in writing of such violation.

13.1 If such owner fails after ten (10) days notice to correct the violation:

- A. The Village of Rapids City shall make application to the Circuit Court for an injunction requiring conformance with this Ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.
- B. Any person who violates this Ordinance shall upon conviction thereof be fined not less than Fifty Dollars (\$50.00) nor more than Seven Hundred Fifty Dollars (\$750.00).
- C. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

## ARTICLE 1 - TITLE, PURPOSE, DEFINITIONS

D. The Village of Rapids City shall record a notice of violation on the title of the property.

- 13.2 The Village President 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.

The Village President is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the Village of Rapids City Planning and Zoning Commission. Written notice of such hearing shall be served on the permittee and shall state:

A. The grounds for the complaint, reasons for suspension or revocation.

B. The time and place of the hearing.

At such hearing, the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Village of Rapids City Planning and Zoning Commission shall determine whether the permit shall be suspended or revoked.

- 13.3 Nothing herein shall prevent the Village of Rapids City from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

**SECTION 14. ABROGATION AND GREATER RESTRICTIONS.** This Ordinance repeals and replaces other ordinances adopted by the Village of Rapids City Board to fulfill the requirements of the National Flood Insurance Program including April 5, 2010. However, this Ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this Ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**SECTION 15. SEVERABILITY.** The provisions and sections of this Ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

**SECTION 16. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication, as required by law.

Title V, Floodplain Ordinance, Chapter 1 Amended and Approved January 12, 2010.



## **TITLE VI**

### **STREETS, PUBLIC WAYS AND PROPERTY**

# CHAPTER 1 STREETS

## **ARTICLE 1 - EXCAVATING, CUTTING OR ALTERING OF STREETS, AVENUES, ALLEYS AND OTHER PUBLIC WAYS**

- SECTION 1. ACTS PROHIBITED.** No person shall willfully cut, excavate or otherwise alter that portion of any street, avenue, alley or public way under the jurisdiction and control of the Village, including, but not limited to, the hard surface slab, shoulders and drainage ditches, without a permit to do so from the Village.
- SECTION 2. PERMIT REQUIRED.** The Village of Rapids City, through its Village Clerk, shall issue its permit when such cutting, excavating or altering is necessary, but it is the duty of the person securing a permit to make such repairs to the street, avenue, alley or public way as will restore it to substantially the same condition as it was originally.
- SECTION 3. BONDS.** To insure the proper repair, the Village may, before issuing its permit, require the person applying for a permit to enter into a bond payable to the Village in a sum commensurate, in the opinion of the Village, with the injury to be done to the street, avenue, alley or other public way, conditioned for its proper restoration within such time as the village may prescribe.
- SECTION 4. APPLICATION FOR PERMIT.** Applications for a permit under this Article shall be made in writing to the Village Clerk and shall state the following data:
- 4.1 The name of the applicant and, if a corporation, the name of the officers of the corporation.
  - 4.2 The location of the place of business of the applicant and, if a corporation, the residence of the manager or person in charge of the corporation.
  - 4.3 Such other reasonable and pertinent information as the President and Board of Trustees of the Village may from time to time require.
- SECTION 5. REVIEW OF APPLICATION.** An application hereunder, when filed with the Clerk, shall be referred to the Public Works Committee. The Committee shall have authority to direct the issuance of a license by the Clerk or to reject the application.
- SECTION 6. PERIOD COVERED BY LICENSE.** All licenses shall expire 120 days after date of issuance; provided, however, such licenses may be extended upon recommendation of the Committee upon reasonable grounds being given by the applicant.
- SECTION 7. FEE.** The fee for such licenses shall be Ten Dollars (\$10.00).
- SECTION 8. PENALTY.** Any person violating this Article or any section may be punished by a fine of not less than Twenty-Five Dollars (\$25.00) and not more than Seven Hundred Fifty Dollars (\$750.00), upon conviction.

Each day a person shall fail to comply with the provisions of this Article shall be deemed a separate offense.

## **ARTICLE 2 - VACATION OF STREETS AND ALLEYS**

**SECTION 1. PROVISIONS.** The following streets and alleys or parts thereof shall be vacated by the Village of Rapids City, Illinois:

- 1.1 Northernmost portion of 14th Street, lying north of First Avenue located within the boundaries of parcel H-201 and being a strip with dimensions of approximately twenty-five feet (25') by fifty feet (50').
- 1.2 An alley located East of 12th Street and north of Third Avenue with dimensions of approximately ten feet (10') by two hundred eighty-eight feet (288'). Said alley is bounded by lots 7-12 of Rowses Subdivision on the north and Lots 13-18 of Rowses Subdivision on the south.
- 1.3 Part of 13th Street, lying south of Fourth Avenue bounded by parcels H-891 {(5), (6), (7), and (8)} on the West and parcel H-891-1 on the east.
- 1.4 A thirty foot (30') strip known as "John Street" lying east of 15th Street between Second and Third Avenues.
- 1.5 A strip known as "Vogel Street" with dimensions of approximately thirty feet (30') by three hundred eighty feet (380') lying east of 15th Street, bounded by parcels H-935-40 and 41 on the south and H-934-2 on the north.

### **ARTICLE 3 - STREET NUMBERS**

- SECTION 1. GENERAL PROVISIONS.** Every new residence or commercial establishment on any property in the Village of Rapids City shall receive a number assigned by the Zoning Officer or other official designated by the Village Board in accordance with the current numbering system. Building numbers shall be of such size, character and color as to be legible from the street in front of the structure, and the same shall be affixed on, about, below, at either side, or other conspicuous place, in close proximity to the main entrance of the building to which the number applies.
- SECTION 2. NOTICE TO NUMBER BUILDING.** Any owner of any building on any street, avenue, drive or place within the corporate limits of the Village, who, after being notified by the Police Department, Fire Department or any other official that the building has no number or has an incorrect number and that the correct number of such building is on file at the office of the Clerk of the Village, shall, within thirty (30) days, affix the appropriate number on the building in accordance with Section 1 above.
- SECTION 3. PENALTY.** Any person failing to so number any house owned or occupied by him, after receiving notice to do so from the City Clerk, shall be fined One Dollar (\$1.00) for each day on which the failure to number continues.

## CHAPTER 2 CEMETERY ORDINANCE

### **ARTICLE 1 - VILLAGE CEMETERY**

- SECTION 1. TITLE.** This Ordinance shall be known, cited and referred to as the Cemetery Ordinance of the Village of Rapids City, Illinois.
- SECTION 2. PURPOSE.** This Ordinance is enacted pursuant to the powers granted to the Village by Illinois Revised Statutes, 1985, Chapter 24, in order to continue the establishment and to regulate, maintain and control the Rapids City Cemetery.
- SECTION 3. PROVISIONS.**
- 3.1 **Name.** The official name of the cemetery is the Village Cemetery of the Village of Rapids City and is located on a tract of land situated within the Village of Rapids City lying in the Southeast Corner of Lot Number 36 in the Southeast Quarter of Section Number Two, Township 18 North, Range 1 East of the 4<sup>th</sup> Principal Meridian.
- 3.2 **Purchase.** Any person may upon application to the Village Clerk receive a certificate of purchase of a cemetery lot. Upon payment of the required fee the Village Clerk shall issue a certificate of purchase in form as follows:
- "This is to certify that \_\_\_\_\_ has this day purchased from the Village of Rapids City, Lot No. \_\_\_\_\_, Block No. \_\_\_\_\_ and is entitled to use the same for burial purposes, solely."
- 3.3 **Fees.** The price of single grave lots shall be \$150.00 per grave lot. Said fee is payable to the Rapids City Village Clerk.
- 3.4 **Books of Records.** The Village Clerk shall provide and maintain a general ledger in which shall be kept a complete record of every person's name who has or shall purchase a lot, indicating the date of purchase, the fee paid, the lot number and the block number.
- 3.5 **Decorations.** There shall be a limit of one (1) wreath or floral arrangement per grave, except at time of burial or Memorial Day without the express written consent of the Rapids City Village Board. Additional vegetation, plants or flowers of any type at a gravesite are prohibited without the written permission of the Rapids City Village Board.
- 3.6 **Monuments.** All stones, monuments or other type grave markers shall have a foundation six inches (6") large on all sides at ground level and shall be placed twenty-four inches (24") apart in the manner prescribed by the Rapids City Village Board.
- 3.7 **Duties.** It is the duty of the Village Board to see that the cemetery is kept properly fenced, with gates for ingress and egress of same, and with suitable driveways to and from the cemetery and to insure that all fencing or other obstructions of any type which interfere with grass cutting or maintenance are prohibited; the Village Board shall not permit the improper burial of any person within the cemetery.

**ARTICLE 1 - VILLAGE CEMETERY**

**SECTION 4.        PROHIBITIONS.** It shall be unlawful for any person or persons to deface, break, molest or in any way interfere with or destroy, injure or harm any gravestone, tree, wreath, fence, floral arrangement or any object in the confines or pertaining to the cemetery.

**SECTION 5.        PENALITIES.** Any person violating any of the provisions of Section VI of this Ordinance shall be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for any such offense.

**SECTION 6.        SEPARABILITY.** If any section, subsection or part of this Ordinance is for any reason held to be invalid or unconstitutional by any final court of competent jurisdiction, such division shall not affect the validity or effectiveness of the remaining provisions of this Ordinance.

## **TITLE VII**

### **SEWER**

# CHAPTER 1

## USE AND CONSTRUCTION

### ARTICLE 1 - GENERAL PROVISIONS

**SECTION 1. ADMINISTRATION.** The construction, maintenance and repair of all sewage disposal systems, sewers and sewer service lines including the connection to all sewers within the Village limits of the Village of Rapids City shall be under the direction and control and subject to the approval of the Village, whether constructed or maintained by the Village or by private firms, individuals or utilities.

**SECTION 2. SEPARATE SYSTEMS.** The sewer system of the Village shall consist of a separate storm water system and a sanitary system.

**SECTION 3. DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

**Administrator** The Administrator of the U.S. Environmental Protection Agency.

**BOD  
(Biochemical  
Oxygen  
Demand)** The quantity of oxygen utilized in the biochemical exudation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

**Director** The Director of the Illinois Environmental Protection Agency.

**Effluent Criteria** Defined in any applicable NPDES Permit.

**Federal Act** The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (Pub. L. 92-500 and Pub. L. 93-243).

**Federal Grant** The U.S. Government participation in the financing of the construction of treatment works as provided for by Title II - Grants for Construction of Treatment Works of the Act and Implementing Regulations.

**Floatable Oil** Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

**Garbage** Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

**Industrial 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.



**ARTICLE 1 - GENERAL PROVISIONS**  
**Section 3 - Definitions Continued**

<b>Major Contributing Industry</b>	An industrial user of the publicly owned treatment works that: a) has a flow of 50,000 gallons or more per average work day; or b) has a flow greater than ten percent (10%) of the flow carried by the municipal system receiving the waste; or c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or d) is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from treatment works.
<b>May</b>	Is permissible.
<b>Milligrams per Liter</b>	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.
<b>NPDES Permit</b>	Any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.
<b>pH</b>	The logarithm (base 10) of the reciprocal of the hydrogenion concentration expressed by one of the procedures outlined in Standard Methods.
<b>Population Equivalent</b>	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 .17 pounds of BOD and .20 pounds of suspended solids.
<b>ppm</b>	Parts per million by weight.
<b>Properly Shredded Garbage</b>	The wastes from the preparation, cooking, and dispensing of foods 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 (1/2") (1.27 centimeters) in any dimension.
<b>Sewage</b>	Use interchangeably with wastewater.
<b>Shall</b>	Is mandatory.
<b>Slug</b>	Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
<b>Standard Methods</b>	The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater", published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
<b>State Act</b>	The Illinois Anti-Pollution Bond Act of 1970.
<b>State Grant</b>	The State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

**ARTICLE 1 - GENERAL PROVISIONS**  
**Section 3 - Definitions Continued**

**Suspended Solids** Solids that either float on the surface of, or are in suspension in water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods."

**Unpolluted Water** Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

**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 of Illinois.

**Sewer Types and Appurtenances**

**Building Drain** That part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five feet (5') (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 designed and intended to receive wastewater, storm, surface and groundwater 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 of Rapids City. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary 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 groundwaters or unpolluted industrial wastes are not intentionally admitted.

**Sewer** A pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

**Sewerage** The system of sewers and appurtenances for the collection, transportation and pumping of sewage.

**Storm Runoff** That portion of the precipitation that is drained into the sewers.

**Storm Sewer** A sewer that carries storm, surface and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

**Treatment**

<b>Pretreatment</b>	The treatment of wastewaters from sources before introduction into the wastewater treatment works.
<b>Wastewater Facilities</b>	The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and transport effluent to a watercourse.
<b>Wastewater Treatment Works</b>	An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used synonymous with Waste Treatment Plant, Wastewater Treatment Plant or Pollution Control Plant.

**Watercourse and Connections**

<b>Natural Outlet</b>	Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
<b>Watercourse</b>	A channel in which a flow of water occurs, either continuously or intermittently.

**User Types**

<b>Control Manhole</b>	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.
<b>Industrial User</b>	<p>Any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:</p> <ul style="list-style-type: none"><li>A. Division A – Agriculture, Forestry and Fishing.</li><li>B. Division B – Mining.</li><li>C. Division D – Manufacturing.</li><li>D. Division E – Transportation, Communications, Electric, Gas and Sanitary Services.</li><li>E. Division I – Services.</li></ul> <p>A user in the Divisions listed may be excluded if it is determined by the Village that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.</p>
<b>Residential or Commercial or Non-Industrial User</b>	Any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this Section.
<b>User Class</b>	The type of user, either "residential or commercial" (non-industrial) or "industrial," as defined.

**Types of Charges**

<b>Basic User Charge</b>	The basic assessment levied on all users of the public sewer system.
<b>Debt User Charge</b>	The amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding and shall be computed by dividing the annual debt service by the number of users connected to the wastewater facilities.
<b>Replacement</b>	Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
<b>Sewage Fund</b>	The principal accounting designation for all revenues received in the operation of the sewerage system.
<b>Surcharge</b>	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.
<b>Useful Life</b>	The estimated period during which the collection system and/or treatment works will be operated and shall be twenty (20) years from the date of start-up of any wastewater facilities constructed with a state or federal grant.
<b>User Charge</b>	A charge levied on users of treatment works for the cost of operation and maintenance.
<b>Wastewater Service Charge</b>	The charge per monthly period levied on all users of the wastewater facilities. The service charge shall be computed as outlined in Chapter B, Article II, and shall consist of the total or the Basic User Charge, the Debt Service Charge and a Surcharge, if applicable.

## **ARTICLE 2 - USE OF PUBLIC SEWERS REQUIRED**

- SECTION 1. DEPOSITS PROHIBITED.** No person shall place, deposit or permit to be deposited in any unsanitary manner on all public or private property within the Village, or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.
- SECTION 2. DISCHARGE PROHIBITED.** No person shall discharge to any natural outlet within the Village or in any area under the jurisdiction of the Village, any sewage or other polluted liquids, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- SECTION 3. CONSTRUCTION OF DISPOSAL FACILITIES PROHIBITED.** Except as provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- SECTION 4. TOILET FACILITIES REQUIRED.** The owners of all houses, buildings or structures used for human occupancy, employment, recreation or other purposes situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the Village, is required at his expense to install suitable toilet facilities, and to connect such facilities directly with the proper sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that the public sewer is within 200 feet (200') (61 meters) of the property line.

### **ARTICLE 3 - PRIVATE SEWAGE DISPOSAL**

- SECTION 1. CONNECTIONS IN ABSENCE OF PUBLIC SYSTEM.** Where a public sanitary sewer is not available under the provisions of Article 2, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.
- SECTION 2. CONSTRUCTION PERMIT.** Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Rock Island County Health Department. A copy of this permit must be forwarded to the Village.
- SECTION 3. EFFECTIVE DATE OF PERMIT.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Rock Island County Health Department and the Village of Rapids City.
- SECTION 4. CONSTRUCTION REQUIREMENTS.** The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet (1,858 square meters). No septic tank or cesspool shall be permitted to discharge into any natural outlet.
- SECTION 5. AVAILABILITY OF PUBLIC SEWER.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article 2, Section 4, a direct connection shall be made to the public sewer in compliance with this Chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material within a reasonable period of time; unless a special use permit is obtained from the Village.
- SECTION 6. OPERATION AND MAINTENANCE.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.
- SECTION 7. COUNTY REQUIREMENTS.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Rock Island County Health Department.
- SECTION 8. CONNECTION TO PUBLIC SEWER.** When a public sewer becomes available, the building sewer shall be connected to the public sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt within a reasonable period of time.

## **ARTICLE 4 - BUILDING SEWERS AND CONNECTIONS**

**SECTION 1. PERMIT REQUIRED.** No unauthorized person shall uncover, make any connections with or opening into; use; alter; or disturb and public sewer or appurtenance without first obtaining a written permit from the Village.

**SECTION 2. DISPOSALS PROHIBITED.** All disposals by any person into the sewer system is unlawful except those discharges which are in compliance with Federal Standards promulgated pursuant to the Federal Act and state and local standards.

**SECTION 3. CLASSES OF PERMITS.** There shall be three (3) classes of building sewer permits: a) for residential, b) for commercial, and c) for industrial service. In each case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Village.

**SECTION 4. FEE AND ISSUANCE.**

4.1 The permit and inspection fee for a residential or commercial building permit shall be paid to the Village on or before the time the application is filed. The fee for a residential and/or commercial permit shall be Three Hundred Dollars (\$300.00). The industrial service permit shall be determined by the Village at the time the application is filed. The Village shall base the fee with regard to the complexity of the connection. The industry, as a condition of permit, must provide information describing its wastewater constituents, characteristics and type of activity.

4.2 A building sewer permit shall 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.

**SECTION 5. COST OF INSTALLATION AND CONNECTION.**

5.1 All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

5.2 All costs and expenses incident to the maintenance or repair of the building sewer, including the sewer lateral extending from the property line to the public sewer trunk line, shall be borne by the property owner. Adopted June 12, 2012)

**SECTION 6. SEPARATE SEWER REQUIRED.** 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 provided that both buildings are under one ownership. If under two ownerships there must be a standard manhole installed between the two buildings for cleaning purposes.

**SECTION 7. TESTING OLD BUILDING SEWERS REQUIRED.** Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Village to meet all requirements of this Chapter.

**SECTION 8. CONSTRUCTION OF SEWER.** The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the Village.



#### **ARTICLE 4 - BUILDING SEWERS AND CONNECTIONS**

In the absence of code provisions or in amplification, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials (latest edition), Water Pollution Control Federation Manual of Practice No. 9 (latest edition), and Standard Specifications for Water and Sewer Main Construction in Illinois (latest edition) shall apply.

**SECTION 9. SEWER ELEVATION.** 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 by the Village through an inspection in accordance with Article 4, Section 2, and discharged to the building sewer.

**SECTION 10. PROHIBITED CONNECTIONS TO BUILDING SEWER.** No person(s) shall make connection of roof downspouts, exterior foundation drains, sump pumps, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

**SECTION 11. CONNECTION OF BUILDING SEWER INTO PUBLIC SEWER.** 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 procedures set forth in appropriate specifications of the American Society of Testing Materials (latest edition), Water Pollution Control Federation Manual of Practice No. 9 (latest edition), and Standard Specifications for Water and Sewer Main Construction in Illinois (latest edition). All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Village before installation.

**SECTION 12. NOTIFICATION OF READINESS FOR CONNECTION.** The applicant for the building sewer permit shall notify the Village in writing when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village or its representative.

**SECTION 13. EXCAVATIONS FOR BUILDING SEWER.** 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 work shall be restored in a manner satisfactory to the Village.

## **ARTICLE 5 - USE OF THE PUBLIC SEWERS**

### **SECTION 1. DISCHARGE PROHIBITED.**

- 1.1 No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- 1.2 Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village. Industrial cooling water or unpolluted process waters may be discharged on written approval of the Village, to a storm sewer or natural outlet.
- 1.3 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
  - B. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
  - C. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
  - D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, used grease, wood, ungrounded garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, mile containers, etc., either whole or ground by garbage grinders.
- 1.4 No person shall discharge or cause to be discharged the following-described substances, materials, waters or wastes if it appears likely in the opinion of the Village that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Village will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:
  - A. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150° F), (65° C).

## **ARTICLE 5 - USE OF THE PUBLIC SEWERS**

- B. Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100 mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees Fahrenheit (150° F), (0 and 65° C).
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Village.
- D. Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.
- E. Any waters or wastes containing iron, chromium, copper, zinc or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City of East Moline for such materials.
- F. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the City of East Moline 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.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City of East Moline in compliance with applicable state or federal regulations.
- H. Any waters or wastes having a pH in excess of 9.5.
- I. Any mercury or any of its compounds in excess of 0.0005 mg/1 as Hg at any time except as permitted by the City of East Moline in compliance with applicable state and federal regulations.
- J. Any cyanide in excess of 0.025 mg/1 at any time except as permitted by the City of East Moline in compliance with applicable state and federal regulations.
- K. Materials which exert or cause:
  - 1. 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).
  - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

## **ARTICLE 5 - USE OF THE PUBLIC SEWERS**

4. Unusual volume of flow or concentrations of wastes constituting "slugs" as defined.

L. 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.

1.5 No ponds, water fountains, water from any roof, surface, groundwater sump pump, swimming pool, or other buildings and structures which require, because of infiltration of water into basements, crawl spaces, and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water into a sanitary sewer system.

A permanent installation shall be one which provides for year round discharge capability to the outside of the dwelling, building, or structure. The outlet or discharge point of any sump pump or other authorized discharge shall not be directed so as to cause water flow onto adjacent public or private sidewalk, or onto a public street.

The Village Board may allow modifications to the provisions of this Article in the event that compliance is deemed not possible due to lack of property space. The cost of any modifications shall be the responsibility of the homeowner. (Amend. 1.5 5/11/2010)

### **SECTION 2.**

**ACTION OF VILLAGE IF WATER/WASTES OF UNACCEPTABLE QUALITY.** If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 1 of this Article, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, Subchapter D, Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973 and any amendments and which in the judgment of the Village may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:

2.1 Reject the wastes.

2.2 Require pretreatment to an acceptable condition for discharge to the public sewers.

2.3 Require control over the quantities and rates of discharge.

2.4 Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 10 of this Article.

If the Village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village and subject to the requirements of all applicable codes, ordinances and laws.

### **SECTION 3.**

**INTERCEPTORS.** Grease, oil and sand interceptors shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other

## **ARTICLE 5 - USE OF THE PUBLIC SEWERS**

harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village, and shall be located as to be readily and easily accessible for cleaning and inspection.

**SECTION 4. FLOW-EQUALIZING FACILITIES.** Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**SECTION 5. CONTROL MANHOLE.** Each industry shall be required to install a control manhole and, when required by the Village, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**SECTION 6. ANALYSIS OF WATERS AND WASTES.** 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 Article and any special conditions for discharge established by the Illinois EPA or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village at such times and in such manner as prescribed by the Village. The owner shall bear the expense of all measurements, analysis and reporting required by the Village. At such times as deemed necessary, the Village and/or the City of East Moline reserve the right to take measurements and samples for analysis by an outside laboratory service.

6.1 All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved shall determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

**SECTION 7. SPECIAL ARRANGEMENTS.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern where an industrial waste of unusual strength or character may be accepted by the Village and City of East Moline for treatment, subject to payment therefore, by the industrial concern, provided such payments are in

## **ARTICLE 5 - USE OF THE PUBLIC SEWERS**

accordance with federal and state guidelines for User Charge System and Industrial Cost Recovery System.

### **SECTION 8**

**INSPECTIONS.** Property owners shall allow an employee of the City or a designated representative of the City to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. The City may periodically re-inspect any building or premise to determine compliance with the requirements of this Ordinance. (Amend. Section 8 5/11/2010)

## **ARTICLE 6 - PROTECTION OF SEWAGE WORKS FROM DAMAGE**

**SECTION 1.        DAMAGE PROHIBITED.** No unauthorized person shall maliciously, willfully or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

## **ARTICLE 7 - POWERS AND AUTHORITY OF INSPECTORS**

- SECTION 1. INSPECTION ALLOWED.** The Building Inspector and other duly authorized employees of the Village, representatives of the Illinois Environmental Protection Agency and the U. S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter. The Village 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.
- SECTION 2. OWNER PROTECTED FROM LIABILITY.** While performing the necessary work on private properties referred to in Article 7, Section 1, the Building Inspector or duly authorized employees of the Village, representatives of the Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the owner and the owner shall be held harmless for injury or death to the Village employees and the Village shall indemnify the owner against loss or damage to its property by the Village and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in Article 5, Section 8.
- SECTION 3. EASEMENT.** The Building Inspector and other duly authorized employees of the Village of Rapids City 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 the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.



## **ARTICLE 8 - EXTENSION OF MAINS**

**SECTION 1. DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION.** The Board of Trustees shall first determine if an extension of a sewer main is economically feasible, based on the estimated cost of the extension and the number of existing potential users that will be served by the extension. If the extension is economically feasible, then the Village may install and pay the cost of the extension at the discretion of the Board of Trustees. If the Village elects not to pay the cost of extending the sewer main, then the person or persons desiring sewer service shall install the extension at their own personal expense upon written consent by the Board of Trustees. The Village shall not pay for any extensions to an undeveloped area such as a subdivision being developed unless there are sufficient existing residents or businesses to make the extension economically feasible.

**SECTION 2. REQUIREMENTS OF EXTENSION IS INSTALLED BY SOMEONE OTHER THAN THE VILLAGE.**

- 2.1 The Village must approve all plans and specifications for any extensions.
- 2.2 Before any extensions are installed, the plans and specifications must be reviewed and approved by the State of Illinois, Environmental Protection Agency.
- 2.3 Ownership, rights-of-way and title must be conveyed to the Village for all extension installed by anyone other than the Village. The Village will maintain the mains thereafter.
- 2.4 No extension will be permitted, if in the opinion of the Board of Trustees, the system does not have the necessary capacity to serve the proposed extension.

## **ARTICLE 9 - PENALTIES**

### **SECTION 1. PENALTIES FOR VIOLATIONS.**

- 1.1 Any person found to be violating any provision 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 this Chapter.
- 1.2 Any person who shall continue any violation beyond the time limit provided for in Subsection 1.1 shall be guilty of a petty offense, and on conviction thereof shall be fined in the amount not less than Twenty-Five Dollars (\$25.00) and not exceeding Seven Hundred Fifty Dollars (\$750.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- 1.3 In addition, any person violating any of the provisions of this Chapter shall become liable for damages by reason of such violation.
- 1.4 Surcharge. A surcharge of \$500 per month is hereby imposed on every sewer bill mailed to property owners who are not in compliance with Section 1. Discharge Prohibited of this chapter or who refused to allow their property to be inspected to determine if there is compliance. All properties found during yearly reinspection to have violated this ordinance will be subjected to the \$500 per month penalty for all months between the two most recent inspections.  
(Amend. 1.4 9/14/2010)  
(Adopted on this 14<sup>th</sup> day of July, 2009.)

## **CHAPTER 2 WASTEWATER SERVICE CHARGES**

### **ARTICLE 1 - GENERAL PROVISIONS**

**SECTION 1.       BILLS.** The rates or charges for service shall be payable monthly. The water meters will be read monthly.

The owner of the premises, the occupant 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 therefore to the Village.

Bills for sewer service shall be sent out by the Village by the seventh day of the month succeeding the period for which the service is billed.

All sewer bills are due and payable the last day of the month. A penalty of ten percent (10%) shall be added to all bills not paid by the last day of the month after they have been rendered.

**SECTION 2.       DELINQUENT BILLS.** If the charges for such services are not paid within thirty (30) days 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.

**SECTION 3.       LIEN-NOTICE OF DELINQUENCY.** Whenever a bill for sewer service remains unpaid for thirty (30) days for monthly service it has been rendered, the Village shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

If the user whose bill is unpaid is not the owner of the premises and the Village has notice of this, notice shall be mailed to the owner of the premises if his address be known to the Treasurer, whenever such bill remains unpaid for the period of forty-five (45) days for a monthly bill.

The failure of the Village to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing Section.

**SECTION 4.       FORECLOSURE OF LIEN.** Property subject to a lien for unpaid charges shall be sold for nonpayment 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 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 forty-five (45) days in the case of a monthly bill after it has been rendered.

**SECTION 5.       REVENUES.** All revenues and monies derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and monies shall be held by the Village Treasurer separate and apart from

## ARTICLE 1 - GENERAL PROVISIONS

his private funds and separate and apart from all other funds of the Village and all of the sum, without any deductions whatever, shall be delivered to the Village Treasurer not more than ten (10) 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 monies incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewerage Fund of the Village of Rapids City." The Treasurer shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January 1942.

### **SECTION 6.**

**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 sewerage system, and at regular annual intervals he 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.

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 and capital amounts required to be recovered under the industrial 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:

- 6.1 Flow data showing total gallons received at the East Moline Regional Wastewater Plant for the current fiscal year.
- 6.2 Billing data to show total number of gallons billed.
- 6.3 Debt service for the next succeeding fiscal year.
- 6.4 Number of users connected to the system.
- 6.5 Number of non-metered users.
- 6.6 A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

### **SECTION 7.**

**NOTICE OF RATES.** A copy of this Article, properly certified by the Village Treasurer, shall be filed in the Office of the Recorder of Deeds of Rock Island County and shall be deemed notice to all owners of real estate of the charges of the sewerage system of said Village on their properties.

### **SECTION 8.**

**NOTICE TO VILLAGE.** Any user requesting a termination of service shall give written notice to the Village ten (10) days prior to the time such termination of service is desired.

### **SECTION 9.**

**RESPONSIBILITY FOR PAYMENT OF SERVICES ALREADY CONSUMED.** Responsibility for payment for sewer service prior to the date of termination shall be with the property owners as well as the user.

**ARTICLE 1 - GENERAL PROVISIONS**

**SECTION 10. CHARGE FOR CHANGE.** There shall be no charge for transferring the sewer service to the subsequent user.

**SECTION 11. PENALTY.** Any person, firm or corporation violating any provisions of this Article shall be guilty of a petty offense and/or conviction, shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

**SECTION 12. ACCESS TO RECORDS.** The Illinois Environmental Protection Agency, or its authorized representative, shall have access to any books, documents, papers and records of the Village which are applicable to the Village of Rapids City system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any Grant.

## **ARTICLE 2 - WASTEWATER SERVICE CHARGES**

**SECTION 1. BASIS FOR WASTEWATER SERVICE CHARGES.** The wastewater service charge for the use of and for service supplied by the wastewater collection facilities of the Village shall consist of a basic user charge for operation and maintenance plus replacement and a debt service charge; plus treatment costs; and a surcharge, if applicable.

The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

- 1.1 A five (5) day, 20 degree centigrade (20° C) bio-chemical oxygen demand (BOD) of 200 mg/1.
- 1.2 A suspended solids (SS) content of 250 mg/1.

It shall consist of operation and maintenance costs, replacement costs, treatment costs and debt service charge; and shall be computed as follows:

- 1.3 Estimate the projected annual revenue required to operate and maintain the wastewater collection facilities including a replacement fund for the year, for all works categories.
- 1.4 Proportion the estimated costs to wastewater facility categories by Volume, Suspended Solids and BOD, if possible.
- 1.5 Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
- 1.6 Proportion the estimated costs to non-industrial and industrial users by volume, suspended solids and BOD.
- 1.7 Compute costs per 1,000 gallons for normal sewage strength.
- 1.8 Compute surcharge costs per 1,000 gallons per mg/1 in excess of normal sewage strength for BOD and SS.
- 1.9 The annual debt service for all outstanding bonds.

A surcharge will be levied to all users whose waters exceed the normal concentrations for BOD (200 mg/1) and SS (250 mg/1). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200 mg/1 and 250 mg/1 concentration for BOD and SS, respectively. Article I, Section 5, specified the procedure to compute a surcharge.

The adequacy of the wastewater service charge shall be reviewed annually by Certified Public Accounts for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs including replacement costs or an increase in cost of treatment at the East Moline Regional Treatment Plant.

**SECTION 2. MEASUREMENT OF FLOW.** The volume of flow used for computing basic user charges and surcharges shall be metered water consumption read to the lowest even increment of 100 gallons.

## **ARTICLE 2 - WASTEWATER SERVICE CHARGES**

- 2.1 If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Public Waterworks System, all or part of which is discharged into the public sewers, except as provided in Section 3, the person shall install and maintain, at his expense, water meters of a type approved by the Village for the purpose of determining the volume of water obtained from these other sources.
- 2.2 Devices for measuring the volume of waste discharged may be required by the Village if these volumes cannot otherwise be determined from the metered water consumption records.
- 2.3 Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation, such meters may not be removed, unless service is cancelled without the consent of the Village.

**SECTION 3. MINIMUM SERVICE CHARGE.** There shall be and there is established a minimum charge and a basic user rate for the use of and for service supplied by the Wastewater Collection Facilities of the Village of Rapids City. A minimum charge of \$41.00 per month, shall be applied to all users whose water consumption does not exceed 2,000 gallons per month and to all non-resident users a minimum charge of \$44.25 per month whose water consumption does not exceed 2,000 gallons per month. (Amended April 14, 2009)

A basic user rate of \$5.75 per 1,000 gallons shall be applied to all users for water consumption in excess of 2,000 gallons per month.

All non-metered residential users of the wastewater facilities shall pay a minimum flat rate charge per month adequate to cover the costs of the minimum service charge, the minimum service charge and the basic user rate of \$5.75 per 1,000 gallons. The flat rate charge will allow a maximum of 10,000 gallons per month. This flat rate charge will be \$64.80 per month. (Amended April 14, 2009)

In the event use of the wastewater facilities is determined by the Village to be in excess of 10,000 gallons per month, the Village may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied. (Amended March 8, 2005)

**SECTION 4. INDUSTRIAL SURCHARGE RATE.** The rates of surcharges for BOD and SS shall be as follows:

Unit BOD charge of \$0.17 per pound

Unit SS charge of \$0.15 per pound

**SECTION 5. COMPUTATION OF INDUSTRIAL SURCHARGE.** The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Village and shall be binding as a basis for surcharges. The wastewater surcharge shall be computed by the following formula:

$$CS = B (\$BOD) + S (\$SS)$$

## **ARTICLE 2 - WASTEWATER SERVICE CHARGES**

Where: CS = surcharge for wastewater in excess of domestic strength

B = BOD in pounds in excess of 200 mg/1

S = SS in pounds in excess of 250 mg/1

\$BOD = surcharge rate in pounds for BOD

= \$0.17 per pound

\$SS = surcharge rate in pounds for SS

= \$0.15 per pound

The BOD in pounds in excess of 200 mg/1 or "B" shall be computed as follows:

$$B = Vu (BODu - 200) 0.00834$$

Where: Vu = wastewater volume, in 1,000 gallons for user for quarterly billing period

BODu = total BOD in mg/1 from user as determined by waste sampling

The SS in pounds in excess of 250 mg/1 or "S" shall be computed as follows:

$$S = Vu (SSu - 250) 0.00834$$

Where: Vu = wastewater volume in 1,000 gallons from user for quarterly billing period

SSu = total SS in mg/1 from user as determined by waste sampling

**SECTION 6. NEW USER CHARGE AND CHARGE FOR CUSTOMERS WITH WATER METERS LARGER THAN ¾ INCH.** Per FmHA requirements, customers who have water meters larger than three-fourths inch (¾") meter will also have to pay a Five Dollars (\$5.00) per month surcharge.

**SECTION 7. COMPUTATION OF WASTEWATER SERVICE CHARGE.** The wastewater service charge shall be computed by the following formula:

$$CW = CM + (Vu - X) CU + CS + CN$$

Where: CW = amount of wastewater service charge (\$) per billing period

CM = minimum charge for operation, maintenance, replacement, (Section 3) and debt service

Vu = wastewater volume for the billing period

X = allowable consumption in gallons for the minimum charge (Section 3)

CU = basic user rate for operation, maintenance, replacement, (Section 3) and debt service

CS = amount of industrial surcharge (Sections 4 and 5)

CN = amount non-benefiting user surcharge (Section 6)



**ARTICLE 2 - WASTEWATER SERVICE CHARGES**

## **TITLE VIII**

### **WATER**

## CHAPTER 1 GENERAL PROVISIONS

### ARTICLE 1 - WATER SYSTEM ADMINISTRATION

**SECTION 1. CREATION OF DEPARTMENT.** There is created a Water Department of the Village, which shall consist of the Water Commissioner and such other officers and employees as may be assigned to this Department with the approval of the Village Board.

**SECTION 2. WATER COMMISSIONER.** The Office of Water Commissioner of the Village shall have all duties and responsibilities as provided by ordinances of the Village and by the Statutes of the State of Illinois, including, but not limited to, periodic inspection of Village water facilities and consultation with Village officials concerning Village water problems.

2.1 There shall be no definite terms of office or term of appointment for the Village Water Commissioner and the Commissioner shall serve at will.

2.2 The Water Commissioner shall be paid Fifty Dollars (\$50.00) per month as compensation for the office.

**SECTION 3. MANAGEMENT DUTIES.** The management and supervision of the Water Department, and of any and all property pertaining, shall be under the direction of the Water Commissioner, designated as the Commissioner. It shall be his duty to protect the property from unnecessary damage or loss and keep the Water Department in proper running order and repair. Duties and responsibilities include, but are not limited to, the following:

3.1 **Direct.** He shall superintend and direct all work pertaining to the future extension of the Water Department, and all repairs upon the same, of every kind and nature.

3.2 **Report Submitted.** He shall make a yearly report to the Village Board, or more often if required. Such report shall show the kind and amount of materials used, the cost and all expenses attending the works.

3.3 **Keep Books of Accounts.** He shall keep a correct map or profile of all water mains laid in the Village on file in his office, with their dimensions, location and connections, hydrants, and cutoffs, and shall also keep just, true and correct books of account, in such a manner that they will at all times show the true condition and state of business of his office. The books shall at all times be subject to inspection by the Village Board. He shall deliver such books of account to his successor in office when his appointment is terminated.

3.4 **Connections with Water System.** The Commissioner shall supervise and cause to be inspected all connections made with the Water Department system in the Village.

3.5 **Enforcement of Ordinances.** It shall be the duty of the Commissioner to enforce all the laws and ordinances related to the entire water system of the Village.

## **ARTICLE 1 - WATER SYSTEM ADMINISTRATION**

- 3.6 **Additional Duties.** In addition to the foregoing, the Commissioner shall perform such other duties as may be required of him by the President or the Board of Trustees.

**SECTION 4. BONDS OF WATER DEPARTMENT EMPLOYEES.** The Board of Trustees shall require of the Commissioner and of the other Water Department employees as it may deem proper, good and sufficient bonds, the amount to be fixed and approved by the Board of Trustees, for the faithful performance of their duties. The bonds shall be so written as to indemnify the Village and to be filed with the Village Clerk and kept in his/her office, the premiums to be paid out of the funds of the Water Department.

## **ARTICLE 2 - WATER SERVICE**

**SECTION 1. APPLICATION FOR WATER SERVICE CONNECTIONS.** Application for water service connections to Village water mains must be made at the Office of the Commissioner, by the owner or agent of the property to be served. The application shall state the official house number or numbers of the premises previously obtained from the Village Engineer. The size of the pipeline required and the approximate location shall be determined by the Village Plumbing Inspector and the Water Department as set forth.

- 1.1 Owner to sign an application; Deposit. All applications for water service shall be signed by the owner of the premises served. In the event that the premises are occupied by a person or party other than the owner, such person or party shall also sign an application unless all bills are to be received by the owner only. Such application, when accepted by the Water Department, shall constitute a contract between the applicant or applicants and the Village, and shall be subject to all applicable Village ordinances now in force or here-in-after adopted by the Village or by the Water Department.
  - A. For the purpose of this Section, the word owner shall mean the party holding legal or equitable title to the premises regardless of encumbrances, and in the event such title is held by husband and wife, either shall be deemed the "owner" hereunder.
  - B. The Department reserves the right to require additional deposit if after six (6) months of service the use of water service is greater than the amount covered by the existing deposit. The deposit shall be retained by the Department until such service is discontinued and shall then be returned to the applicant making the deposit less water service charges then due and owing to the Village for water used on the premises, upon presentation to the Water Department sufficient proof of payment of such deposit by the applicant.
- 1.2 Any person or party signing an application shall be obligated to notify the Water Department of any termination or change in occupancy or tenancy, or other facts requiring a change in contract, a discontinuance or an interruption of water service. In the event any such person or party shall so fail to notify the Water Department, they shall remain liable upon the account for that premises for previous and subsequent service furnished at the premises until the Department has written notice of such facts.
- 1.3 Applications for water service shall be made on such forms as shall be prescribed by the Commissioner.
- 1.4 No water meter shall be installed until a proper application and deposit for water has been received by the Water Department as provided.
- 1.5 No person, either owners or tenants, who in changing their residence from one location to any other location served by the Water Department shall be given water service until a contract is signed and any and all delinquent water and charges which are charged against them at a former place of residence shall have been paid in full. No water at the new location shall be turned on, and if the water has been turned on, it shall be turned off until settlement of such delinquent water service charges at the former location is made. A service

## **ARTICLE 2 - WATER SERVICE**

charge of Six Dollars (\$6.00) will be made for turning on water and processing office records.

- 1.6 In the event the water is on in a newly occupied premises, as the result of changes in occupancy of which the Water Department may have no knowledge, the owner, or in conjunction with the tenant, is required to call the Water Department office and sign the necessary application forms.

**SECTION 2. SERVICE CONNECTIONS.** The making and repair of all service connections and placing of pipes, setting of water fixtures in public rights-of-way, public grounds and in premises to be served by Village water shall be made at the expense of the owner. Work is to be performed by duly licensed plumbers under the supervision of the plumbing and water inspector, in complete accordance with all applicable sections of this Chapter and the plumbing code of the Village.

**SECTION 3. SERVICE TAPS.** No tap smaller than three-fourths inch (3/4") size shall be allowed or permitted. Service taps of the three-fourths inch (3/4") or one inch (1") size may be authorized by the Plumbing Inspector, and when so authorized shall be made in the manner directed by him.

**SECTION 4. NO ALTERATION OR ADDITIONS OF SERVICE PIPES WITHOUT PERMITS.**

- 4.1 After a service connection has been placed, no plumber or other person shall make any attachment or connection to it to serve other premises as to connect the same with the Village water system unless he shall procure a written permit from the Plumbing Inspector, specifying the particular additions, repairs or alterations to be made, and shall perform such work in conformity with such permit and ordinances of the Village.
- 4.2 No additions or alterations whatsoever in or about any conduit, pipe or water cock shall be made or caused to be made by any person taking water without notice first given to, and permission had in writing from the Plumbing Inspector.

**SECTION 5. SPRINKLER AND FIRE PROTECTION SERVICE - PLANS TO BE APPROVED.**

- 5.1 **Approval.** Whenever an application is made to the Village to do construction, alteration or repair work upon any fire extinguishing apparatus involving the use of Village water as the primary source of supply, such application with plans shall be first submitted to the Commissioner for his approval and then to the Fire Chief and the Plumbing Inspector, respectively. No permit will be issued by the Building Inspector until the plans are so approved.
- 5.2 **Testing.** Village water will not be turned into any sprinkler or fire protection service unless all pipes, in connection with such system are left exposed until a pressure test is made. The Water Department must be notified that its representative may be present at such test. Any change in the number of sprinklers in service must be reported to the Water Department.

**SECTION 6. SEPARATE CONNECTIONS.** There shall be separate service pipes from the main to each building wherever there is a water main in front, rear or side of such building. The service pipes shall be placed on a straight line at right angles to the water main and connections made within two lines drawn parallel to the sides of the building to be served or within three feet (3'). Where services are placed to premises, where there are no water mains available for direct connection, a small temporary main will be permitted to be placed as provided under "temporary mains." In all cases each

## **ARTICLE 2 - WATER SERVICE**

building or unit served by individual meters must have an independent outside service shutoff of the type set forth in this division.

**SECTION 7. YARD HYDRANTS, SPRINKLING PLUGS AND SILL COCKS.** Yard hydrants, sprinkling plugs and sill cocks will not be allowed on water service connections unless such yard hydrant sprinkling plug or sill cock shall first pass through the water meter on such service.

**SECTION 8. SERVICE CURB COCKS.**

- 8.1 A curb stop box and shutoff for controlling the supply of water to customers shall be placed on every serve. When connections are made in streets or avenues, the stop box shall be placed twelve inches (12") outside the sidewalk line on the street side; and when made in alley, it shall be placed six inches (6") outside the lot line. The cover of the stop box shall be maintained at the same height as the sidewalk or the surrounding ground by the owner of the premises. Where areaway walls or curb lines prevent the location of stop box and shutoff at the point indicated, they shall be placed as directed by the Plumbing Inspector. All stop boxes must be set on a line drawn at right angles to the main through the service corporation or connection in the main. Any variation in the location for setting of such stop boxes, as provided for, shall be only when authorized by the Commissioner.
- A. The stop box used shall be a design approved by the Commissioner and must have an unobstructed opening at least one inch (1") in diameter and fitted with a substantial cover on which shall be marked the word "Water" in raised letters.
- B. The outside shutoff and stop box shall be under the sole control of the Village Water Department and no one except an employee or person specially authorized by the Village Water Department shall open the cover of such box, or turn on or off water, provided, however, that licensed plumbers may turn on or off water for testing plumbing or making repairs, but whenever so used the shutoff must be left closed if found closed and open if found open by the plumber who uses it.
- C. The stop box on every service must be kept flush with the surrounding ground or sidewalk surface, and must be visible from the sidewalk. The valves, curb box and shutoff must be in good condition and ready for use at all times by the property owner. Should the property owner neglect to maintain such valves, curb box and shutoff in proper condition to be used, and if stop box is found to be filled up, or the stop box or shutoff is found to be out of repair at any time, the Village Water Department shall have the right to clean or repair the same when needed without giving notice, and charge the cost to the owner, and if payment is refused may turn off the water in the service until the same is paid. The Village will not be responsible for any damage due to the breaking of a service or stop cock, done while setting, resetting or repairing a water meter.
- 8.2 Every service pipe must also have an operable stop and waste valve placed in the building within two feet (2') from where the pipe enters and becomes exposed in the premises. The stop must have a handle, wheel or wrench attached to turn the same, and be kept in working order at all times. There shall be also a gate valve placed on the outlet side of the meter not more than three feet (3') from the meter, so that the meter can be taken out or replaced without draining the pipe system in the building.

## **ARTICLE 2 - WATER SERVICE**

- 8.3 All stop cocks on the service line must have round ways of the same diameter as the pipe with which they are placed, and with proper tee heads and rods for turning on and off, and of a make and pattern approved by the Commissioner. The shutoff valves or stop cocks in three-fourths inch (3/4") and one inch (1") size shall be of the inverted base ground key type or as in all other sizes a Teflon coated bronze solid core calve with "O" ring seals and exterior dirt cap.
- 8.4 Where a single service is placed for a multiple dwelling structure, and if more than one (1) meter is permitted, each meter shall be individually controlled by valves as set forth in this Article and in Subsection 8.2 of this Section.

### **SECTION 9. SERVICE PIPE.**

- 9.1 That portion of the water service pipe from the water main to the shutoff, located in the boulevard, up to one inch (1") in size inclusive, must be placed of copper or other approved material; for one and one-fourth inch (1-1/4") size or over, it must be placed of approved weight ductile iron, brass, bronze or copper pipe. Lead pipe must have the following minimum weights:

3/4 inch - 4 pounds	12 ounces per foot
1 inch - 6 pounds	0 ounce per foot

The pipe shall be placed in such a manner and of such surplus length as to prevent breakages or rupture by settlement. The brass, bronze and copper pipe fittings used shall be of such strength and thickness as to safely withstand a pressure of two hundred pounds (200#) per square inch.

- 9.2 Copper pipe used in service connections shall be cold drawn seamless tubing with a proper bending temper so that a full section shall withstand being bent cold through one hundred eight degrees (180°) without cracking on the outside of the bent portion around a pin the diameter of which is one and one-half (1-1/2) times the inside diameter of the copper pipe. The purity of the copper used shall be at least ninety-nine and nine-tenths percent (99.9%), and shall have a tensile strength of thirty thousand pounds (30,000#) per square inch with a minimum weights and thickness of copper service pipe per foot length shall be as follows:

<u>Diameter</u>	<u>Weight</u>	<u>Thickness</u>
3/4 inch	0.64 lb.	0.065 inch
1 inch	0.838 lb.	0.065 inch
1-1/4 inches	1.040 lbs.	0.065 inch
1-1/2 inches	1.360 lbs.	0.072 inch
2 inches	2.062 lbs.	0.083 inch
2-1/2 inches	2.920 lbs.	0.095 inch

The above copper pipe is known as Type "K".

- 9.3 All joints in the lead or copper service pipes to be of the kind termed "flange union."
- 9.4 No water service pipe or tap for any building shall be less than three-fourth inch (3/4") in diameter, and pipes supplying sill cocks or hydrants outside of buildings shall not be less than one-half inch (1/2") copper or three-fourths inch (3/4") if of any other material.



## **ARTICLE 2 - WATER SERVICE**

- 9.5 Plumbers installing water service pipes shall close the curb shutoff and leave it closed upon completion of their work, and when pipes are placed to the curb only, they shall close the end of the pipe or fitting with a tight metal plug or cap.
- 9.6 Service lines that are to be placed in acid soil or landfill created by the deposition of ashes, cinders, rubbish or corrosive materials of any sort shall be wrapped and coated with bituminous base materials to prevent contact of the pipe with the soil or water in the trench. In severe cases, the Plumbing Inspector may require that the pipe line also be covered with a minimum of four inches (4") of crushed lime rock.
- 9.7 That portion of the water service pipe from the stop box located in the public right-of-way to the ultimate point of consumption shall be of one of the following approved materials: copper type "K" under ground and type "L" above ground. Incompatible metals in the line pipe and fittings will not be permitted.

**SECTION 10. NO CONNECTION BETWEEN DIFFERENT SERVICES.** When there are two (2) or more on premises, the piping from each service must be kept separate, and no connection made from one to the other.

**SECTION 11. DEPTH OF SERVICE PIPE.** Service pipes must be placed at least five feet (5') below the surface of the ground. When pipes are placed in streets or grounds subject to fixed grades, where the surface of the ground is higher than the established grades, they shall be so placed that they will be at least five feet (5') below the established grade, except in sandy soil formation, the Water Department may require pipes to be placed to a depth of at least six feet (6') below the established grade.

**SECTION 12. MAINTENANCE OF SERVICE PIPES.**

- 12.1 All service pipes and fixtures from the Village water main to the premises, including the corporation cocks at the main, shall be installed and maintained at the expense of the property owner, and any leaks or other defects in the same shall be promptly repaired by them; or if not promptly repaired, the water shall be turned off until the repairs have been made by a plumber engaged by the Water Department to do the work, and the expense shall be charged against the owner, and must be paid before water shall be turned on again.
- 12.2 In the event of any leak or other defect occurring which endangers the public health or safety of the Village Water Department shall give the property owner twenty-four (24) hour notice posted on the residence to repair said defect, and in the event repair is not made within said twenty-four (24) hours, then the City may hire a licensed plumber to make said repair, which cost shall be assessed against the owner.

**SECTION 13. BREAKS IN SERVICE OR FIXTURES.** The Village Water Department or its employees shall not be held responsible by reason of the breaking of any service pipe or apparatus, or for failure in the supply of water.

**SECTION 14. ABANDONED SERVICE PIPES.**

- 14.1 All service pipes, now in place for the purpose of serving a property or that may be in place within the limits of the property lines extended to the Village mains or that may become useless because water will be no longer be used through them, must be permanently closed off at the water main at the expense of the

## **ARTICLE 2 - WATER SERVICE**

owner of the premises, and so reported to the Commissioner. No plumber or owner of property shall disconnect or remove water supply fixtures or piping from any premises served by Village water or alter the same in such a way as to make the service connection unnecessary for the premises, without permanently closing off the connections at the water mains and reporting the same to the Commissioner, except where such connection to be closed off may presently exist under a street or avenue that has just been improved by the paving, in which case the Superintendent of Streets may require that the pavement be at least three (3) years old before it shall be opened, unless an emergency exists, such as the rupturing of the service, in which case a permit would be issued for opening the street for the purpose of closing off at the main the ruptured service. In any event the services shall, until properly closed off at the main, remain the property of the premises that it was originally installed to serve. The owner of the premises shall remain responsible for its maintenance until such a time as it is permanently closed off and disconnected.

- 14.2 If a service pipe or connection, which is not being used, is found to be leaking, the owner will be notified to promptly repair it. If the repair is not promptly instituted, the Water Department may then, upon notice to the owner, engage a plumber to make the repair or turn off service, with the charge or expense charged to the owner of the property for which the repair was made.

**SECTION 15. RIGHT TO SHUT OFF WATER.** The Village may, when necessary, without notice, shut the water off in its mains for the purpose of making repairs or extensions or for other purposes. No claims shall be made against the Village for loss of service or for the breakage of any service pipe or service cock, or from any other damage that may result from shutting off water for repairing, laying or relaying mains, hydrants or other connections. The Village Water Department shall give notice of shutting off water if conditions are such that it is reasonably possible to do so.

No one other than Water Department employees shall operate any of the water main isolation control valves on the distribution system.

**SECTION 16. TEMPORARY MAINS.** Temporary or submains shall not be permitted if the installation of a water main can be extended under one of the methods.

- 16.1 Pipe placed temporarily in the streets or alleys where there are no water mains must be placed in such a manner as to not conflict with the location of where water mains may be placed in the future and shall be placed as designated by the Commissioner, and if two and one-half inches (2-1/2") in size or under, the service pipe must be of lead, copper or such other material as may be approved by the Commissioner for installation from the main to the shutoff located in the boulevard. Three inch (3") pipe or larger shall be ductile iron. The location of the meter shall be designated by the Commissioner.
- 16.2 Temporary mains shall be placed at the expense of the party to be served. A fee of One Hundred Seventy-Five Dollars (\$175.00) per customer shall be charged for the privilege of obtaining water service; this charge to be in addition to the permit or inspection charges as may be covered by other provisions of this Article. This fee shall not be construed as a water main assessment or paid in lieu of an assessment, which may become due at a later date as a result of the Village extending its water supply mains.
- 16.3 The permit for any temporary main shall provide that the size of the main shall be designated by the Water Department, subject to the approval of the Village and shall be of a size as to allow other party connections to be made to the

## **ARTICLE 2 - WATER SERVICE**

main if requested by intervening property owners, or to allow of any further extension which may be deemed necessary by the Water Department.

16.4 If a request is made to the Water Department for permission to connect on to the main, the Water Department shall, before granting such permission, require the person to pay a just and equitable amount to the person who placed such main under the original permit.

16.5 If at any future time the Village deems it necessary to extend its regular water supply mains, for the purpose of supply or fire protection on any street or alley and paralleling such temporary main, then all consumers being served by the temporary main shall abandon their service connection with the temporary main, and establish a new connection with the regular Village main so installed.

**SECTION 17. REMOVAL AND INSTALLATION OF METER.** The minimum rate shall be charged as long as the meter remains in service. Upon a written request by the owner or authorized agent, asking that the water be shut off and the meter removed, the Department shall proceed to comply with the request and the minimum rate shall cease on the date when the meter is removed. A charge of One Hundred-Fifty Dollars (\$150.00) will be made when meter is removed and installed. (Amend. 3/14/06)

**SECTION 18. FIRE PROTECTION.**

18.1 **Fire Hydrants on Private Property.** All persons who have or who shall cause to be placed a fire hydrant upon their property for the purpose of fire protection shall pay annually for the same, Twenty Dollars (\$20.00) per hydrant, in addition to any other charges for water used elsewhere on the premises. This fee shall be billed April 1 on an annual basis.

A. Fire hydrants in place in the manufacturer's fire protection district under separate prior agreement and those on public schools' properties are specifically exempted for these charges.

**SECTION 19. COLLECTOR TO HAVE CHARGE OF COLLECTIONS.** The Collector shall have charge of the collection of all water bills. All monies paid to or collected by the Business Office Manager of the Water Department for rates, bills, sales, meters, services, repairs and installation or from other sources, shall be turned over to the Village daily.

**SECTION 20. RESPONSIBILITY IN TURNING ON WATER.** In turning on water, the Village Water Department shall not be responsible for any damage that may occur by reason of improper fixtures, open or improper connections, or for any other causes.

**SECTION 21. DISCONTINUING USE OF WATER.** When the signed holder of a contract for water at a given premises is desirous of discontinuing the use of water, he shall give notice in writing to the Superintendent at the Village Hall office, who shall then cause the water to be turned off and the meter removed. Water rents or charges for service shall be made until such notice is given. When water service is discontinued, a charge of One Hundred Fifty Dollars (\$150.00) shall be made and collected before turning on water and renewing service. (Amend. 3/14/06)

**SECTION 22. WATER METERS.** All water supplied from the Village water distribution system shall be metered and no artifice, method or device of any substance or nature shall be used to by-pass a water meter or in any other manner to obtain unmetered water from the Village water supply. All meters shall be furnished and set by the Village Water Department, but owner of the premises upon which it is to be set must provide

a suitable location in piping system for same. Meters shall be placed on service pipe not to exceed two feet (2') from where the pipe enters and becomes exposed in the premises. There shall be a suitable place provided for the meter so as to keep it dry and clean, and readily accessible at all times to the meter reader and inspectors of the Water Department, who shall have every right to access during reasonable working hours to the premises where the meter is located, for the purpose of installation, servicing, reading or removal. All valves and fitting necessary to comply with the requirements and to provide connection to meter, except a coupling or flange at each end of the meter, shall be provided by the owner of premises to be served.

**22.1 Placement of Meters.**

- A. For services larger than two inches (2") in diameter, the Village Water Department reserves the right to install two (2) or more meters of smaller size in parallel. Where meters are so placed, each meter shall have a valve or shutoff on both inlet and outlet pipe in addition to the basement shut-off.
- B. Where a service pipe larger than two inches (2") in diameter is used, the plumber shall call at the Water Department office for instructions regarding the fittings and space to be provided for the water meters.

**22.2 Size of Meter.** Water meters shall be of the size and type necessary to insure accurate registration of the water requirements of the premises. Size of meters for large buildings, apartments or flats shall be designed by the Water Department, at time of application for water supply. The size of meters so specified by the Department being always subject to change, from time to time, as the demand or other conditions may develop to be out of accord with the provisions of this Article. The Water Department reserves the right to require an increase in the size of meter in any case where in the discretion of the Department the use of water in larger quantities places any meter under undue or unusual strain. The size of meter which shall in either event be required shall be determined by the Department.

**22.3 Owners to Protect Meters.** The owner or occupant of premises where a meter is installed shall be held responsible for its care and protection from freezing, or hot water and from other injury or interference from any person or persons. In case of any injury to the meter, or in case of its stoppage or imperfect working, he shall give immediate notice to the Office of the Water Department. In all cases where meters are broken or damaged by negligence of owners or occupants on premises, or by freezing, hot water or other injuries except ordinary wear and tear, the necessary repairs to the meter shall be made by the Village Water Department and the meter shall be made by the Village Water Department and the cost of the repairs paid for by the owner or occupant. In case payment is neglected or refused, the water supply shall be turned off and shall not be turned on until full payment has been made. Damaged meters may be repaired by the Water Department without first giving notice to the owner of premises served by such meter.

**22.4 Interference with Meter Prohibited.** No one shall in any way interfere with the proper registration of a water meter, and no one except an authorized employee of the Water Department shall break a seal of a meter; provided, however, that the Commissioner may grant written permits to licensed plumbers in case of emergency to break such seal for draining pipes or stopping water leaks.

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22.5 **Notice of Removal to be Given.** Whenever a water meter is in place on a water service in premises that are to be remodeled, removed or destroyed, or where the service is discontinued so that the water meter is no longer needed, the owner of the premises shall give notice in writing to the Commissioner to remove the meter, and free access to the meter must be provided at least twenty-four (24) hours after notice is given so that the meter may be removed. The owner of the premises shall be held responsible for the meter until the written notice is given and if the meter is covered or lost, he shall be required to pay for the same at the actual value.

22.6 **Adjustment of Water Charges; Testing.** In case of a dispute over the amount of a bill or over the accuracy of a water meter, the Water Department shall at the written request of the consumer test the meter. If it is found upon such test that the meter registers a greater amount of water than has actually passed through the meter, allowing two and one-half percent (2-1/2%) for accuracy, the bill will be adjusted to conform with the correct amount passing through the meter, and the test shall be made without charge. If, however, the meter registers correctly the amount of water passing through it, the owner shall be required to bear the expense of the test.

Before making a test of any meter the person requesting the test shall, at the time of making application for test, make a deposit at the Business Office of the Water Department of the amount charged for such test, subject to the conditions stated, which charges are fixed as follows:

5/8" meter	\$ 8.00
1 " meter	8.00
1-1/4" meter	16.00
1-1/2" meter	16.00
2 " meter	20.00

No meter shall be removed or in any way disturbed, nor the seal broken, except in the presence of, or under the direction of, the Commissioner or his authorized agent.

22.7 **Repairing Meters.** The Water Department reserves the right to access during reasonable working hours to enter any premises supplied by Village water and exchange any meter, for repairs or other cause, as may be deemed necessary by the Department. In the event that access cannot be readily obtained, the holder of the contract for water service shall be contacted and the necessity for access set forth.

- A. Meters Out of Order. If any meter at any time, fails to register the quantity of water consumed the same shall be determined and charges made based on the average quantity registered during the last preceding year prior to the date of failure.
- B. No Allowance for Leakage. No deduction shall be made on account of leakage after the water has passed through and been registered by meter.

**SECTION 23. UNLAWFUL TO OBSTRUCT.** No person shall in any manner obstruct the access of any stop cock, hydrant, water meter, dial or valve connected with any water pipes within the Village by means of any rubbish, refuse, building materials, fuel, or any other article, thing or hindrance, particularly the obstruction of meters that will interfere with the ready access to meter at any and all times. Neglecting to comply

## **ARTICLE 2 - WATER SERVICE**

with this provision, the consumer at once becomes liable and the Village water supply will be turned off at the curb valve in the boulevard, after a five (5) days notice has been given, and shall remain off until the obstruction shall be removed and the Water Department notified.

**SECTION 24. PAYMENT DATES AND PENALTIES.** Payment for usage must be received by the Water Department Business Office on or before the hour of closing on the day specified on the bill or the penalty will be imposed. When the tenth day of any month shall be a Sunday or legal holiday, then the bills for water service shall be paid on the next succeeding secular day without penalty.

24.1 Failure to receive a bill will not entitle the owner or consumer, as defined by the contract, to a remission of a penalty.

24.2 The Village shall have full power and authority to require the payment in advance for the use of water furnished by it to any building, place or premises, and in case prompt payment for the same shall not be made it may shut off the water from such buildings, place or premises with water until the arrears with interest, together with the costs and expense of turning the water off and on, shall be fully paid.

**SECTION 25. BILLS FOR REPAIRS.** All bills for installation of special water service repairs and for the installation and repair of meters shall be payable to the Water Department as soon as the work is completed and the bill is rendered. If the bill or bills are not promptly paid, the Village water supply may be turned off by the Water Department until all of such bill or bills have been paid.

**SECTION 26. WATER FOR CONSTRUCTION AND SPECIAL PURPOSES.** When water is to be used in the construction of new buildings, or for repairing or remodeling of existing structures, or for construction purposes of any description, it can only be obtained in the following manner:

26.1 Through a water meter installed for the purpose, in accordance with the provision of this Article, governing the installation, cost of installation and removal of meters. All water consumed shall be billed to the applicant and all water registered by the meter shall be paid for at the regular meter rates.

26.2 No meter larger than one inch (1") will be set for construction purposes and no hose or pipe connection of more than one inch (1") in diameter will be permitted, or allowed on the meter. The applicant for the meter will be held responsible for any damage to the meter after it is set. In case that the dial is broken, or meter fails to register the amount of water consumed, water must be paid for at the rate governing such work, such rates to be determined by the Commissioner of the Water Department.

26.3 Through an existing water meter on premises, or any adjoining property after proper permission for water supply in this manner has been granted.

26.4 Where water cannot be obtained from any other source, a meter will be attached to one of the openings of a fire hydrant, such supply to be controlled by a small valve on the meter connection. In no cases shall the fire hydrant valve proper be opened or closed by anyone but a representative of the Water Department. A service charge of Six Dollars (\$6.00) shall be made for the use of the hydrant.

## **ARTICLE 2 - WATER SERVICE**

26.5 Where water is to be used for paving and sewer construction, or where, in judgment of the Commissioner it is not advisable to set a meter, a special valve will be set on one of the openings of a fire hydrant for the control of the supply. In no case shall the hydrant proper be opened or closed by anyone but a representative of the Water Department.

26.6 Service connections in sufficient number to supply each potential building site, shall be made with the Village water mains before the beginning of any paving construction on any street or alley so designated by the Board of Trustees to be paved. All property owners abutting the street or alley designated to be paved shall upon being notified of the improvement immediately establish the connections with the water main serving the street or alley ordered paved; however, if the connection to water mains is not made when requested, the Village may at its discretion make the necessary connection before paving the streets or alleys and charge the cost of same to the abutting property owner.

**SECTION 27. NO CONNECTION BETWEEN VILLAGE AND OTHER WATER SUPPLY.** No person shall be permitted to cause a connection to be made, or allow one to exist, with Village water supply for commercial, domestic, sanitary, fire protection or boiler feed purposes, or for any other purpose, where water foreign to the Village water supply is used as a second source of supply.

**SECTION 28. NO CONNECTIONS PERMITTED THAT MAY CONTAMINATE SUPPLY.** No person shall be permitted to cause a connection to be made, or allow one to exist with the Village water supply, to boilers, tanks, vats, processing equipment or any other connection which may at any time cause contamination of the Village supply by siphon action or draining into supply system, or otherwise cause contamination to the Village water supply.

**SECTION 29. INSTALLATION OF SECOND METER.** All residents and owners of property located within the Village of Rapids City who are connected to the Village water supply system shall have the option of installing a second water meter at their residence or house of ownership.

29.1 Said meter, if installed, shall be used to measure water usage outside the residence or living structure only and shall measure the specific water usage, on the separate line, which is outside or external from the residence or other form of living structure.

29.2 Said meter shall be purchased from the Village of Rapids City who shall supply same at a reasonable cost to the residents or landowners of the Village.

29.3 Said meter shall be installed by a plumber licensed in the State of Illinois. However, a resident homeowner of the Village of Rapids City may install the meter at his own property.

29.4 Upon completion of the installation of the meter, the Village Water Superintendent shall be notified and shall effectuate an inspection on same.

29.5 The remote water meter, if installed as aforementioned, shall be read monthly by the Village and the appropriate credit given to the user's water and sewer bill.

**SECTION 30. WATER CONNECTIONS FOR NEW CONSTRUCTION.** The owners of all newly-constructed houses, buildings or structures used for human occupancy, employment, recreation or other purposes situated within the Village of Rapids City and abutting

## **ARTICLE 2 - WATER SERVICE**

on any street, alley or right-of-way in which there is now located or may in the future be located any public water supply of the Village, is required, at his expense, to install suitable water supply facilities, and to connect such facilities directly with the proper Village water supply in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that the public water supply is within two hundred feet (200') of the property line of the lots where the newly-constructed houses, buildings or structures are built.

**SECTION 31. PRIVATE WATER WELLS.** No new private water-supply wells shall be dug and installed within the Village limits of the Village of Rapids City except where the property on which the new water-supply well is to be built does not meet the footage requirements of Section 29 above.

**SECTION 32. HOOK-UP AND PERMIT FEE.** The owners of all newly-constructed houses, buildings or structures used for human occupancy, employment, recreation or other purposes that are required to hook-up to the Village's water supply system, pursuant to the terms of this Ordinance, shall pay a hook-up and permit fee in the amount of Four Hundred Dollars (\$400.00), to be paid to the Village Clerk, prior to being allowed to hook-up said Village water supply.

**SECTION 33. WATER POLLUTION.** No person shall, within the Village of Rapids City or water surrounding, abutting the Village of Rapids City, i.e. Mississippi River:

- 33.1 Cause or threaten or allow the discharge of any contaminate into the environment so as to cause or threaten to cause water pollution within in Village of Rapids City.
- 33.2 Construct, install or operate any equipment, facility or vessel capable of causing or contributing to water pollution without a permit granted by the Illinois State Pollution Control Board or the Environmental Protection Agency.
- 33.3 Increase the quantity or strength of any discharge of contaminants into the waters.
- 33.4 Deposit any contaminate upon the lands of the Village of Rapids City in such place or in such manner as to create a water pollution hazard.
- 33.5 Cause, threaten or allow the discharge of any contaminate into the waters of the Village of Rapids City.

Contaminates by definition shall include any foreign objects not normally designed for deposit into the waters within the Village of Rapids City or its surrounding river. This shall include but not be limited to yard waste, garbage, sewer discharge, shrubbery, plants, animals, or any other materials of a foreign nature into lakes, rivers and streams of the Village of Rapids City.



## **ARTICLE 3 - WATER SERVICE RATES**

**SECTION 1. WATER DEPARTMENT REVENUE.** All revenue derived from the sale of water as provided in this Section, shall be kept separate and apart by the Treasurer of the Village and monies shall be known as the "Waterworks Fund," and shall be used exclusively for Water Department purposes, that is, for the maintenance, extension and operation of the Water Department, except as otherwise authorized by law.

**SECTION 2. MONTHLY WATER RATE.** The monthly water rate charge for water supplies by meter shall be:

First 2,000 gallons or less:	\$20.50 (Adopted 10/10/06)
Next 1,000 gallons or more:	\$ 2.15 per 1000 gallons

First 25,000 gallons or less in excess of 25,000 gallons per month:	\$ 1.95 per 1,000 gallons
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All additional gallons in excess of 50,000 gallons per month:	\$ 1.86 per 1,000 gallons (Adopted 10/10/06)
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**SECTION 3. MULTIPLE UNITS SERVED BY ONE METER.** In all cases where one meter supplies water to more than one building, premises, user or dwelling unit (or business unit) there shall be an additional charge of \$14.50 per month for each unit so served.

**SECTION 4. NON-METERED SERVICE.** Where water is supplied to users without meters, or meters are in a non-readable condition, the water rate shall be Thirty Dollars (\$30.00) per month.

**SECTION 5. PENALTIES.**

- 5.1 On all water bills not paid within thirty (30) days after date of statement, there shall be a penalty of ten percent (10%) of the amount of water charge rates. In computing the penalty on all bills containing a fraction of a dollar, the penalty will be imposed as though each fraction were a dollar.
- 5.2 On all water bills not paid within thirty (30) days after date of statement, the Village shall turn off water and shall not be compelled again to supply water to the building, place, premises or dwellings with water until all such bill or bills together with the cost and expense of turning the water off and on shall be fully paid.
- 5.3 There shall be a One Hundred Fifty Dollar (\$150.00) charge for turning water on and off. (Adopted 8/9/2011)
- 5.4 Failure to receive a bill will not entitle the owner, consumer or user to a remission of a penalty.

**SECTION 6. AUTHORITY TO REQUIRE ADVANCE PAYMENT.** The Village shall have full power and authority to require payment in advance for use of water furnished if it serves the best interests of the Village.

### ARTICLE 3 - WATER SERVICE RATES

**SECTION 7. AUTHORITY TO SHUT OFF WATER SUPPLY.** The Water Commissioner may shut off the water supply to any building, premises or dwelling and to any Village main where the best interest of the Village is served.

**SECTION 8. WATER USERS.** The reading of water meters shall be monthly and charges for all water used shall be payable monthly.

**SECTION 9. POWER TO READ METERS MONTHLY.** The Water Commissioner may put any water service on a monthly meter reading basis, if in his judgment it should be in the best interest of the Village.

**SECTION 10. PAYMENT FOR INSTALLATION AND REPAIR.** All bills for installation of special water service repairs and for installation and repair of meters shall be payable to the Water Department as soon as work is completed and bill rendered and if the bill or bills are not promptly paid the Village water supply may be turned off until all such bills have been paid.

**SECTION 11. NOTICE OF DELINQUENCY; LIEN.** Whenever a bill for water service remains unpaid sixty (60) days after it has been rendered, the Commissioner of the Water Department may file with the Recorder of Deeds of Rock Island County a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill and a notice that the Village claims a lien for this amount as well as for all charges for water service subsequent to the period covered by the bill.

**11.1 Failure to Notify or Record Lien.** The failure of the Commissioner to record the lien claim or to mail notice, shall not affect the right to foreclose the lien for unpaid water service charges as mentioned in Subsection 13.2.

**11.2 Foreclosure of Lien.** Property subject to a lien for unpaid water charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges after deduction costs as is the case in the foreclosure shall be by bill in equity, in the name of the Village.

**11.3 Commissioner Authorized to Start Proceedings to Foreclose.** The Commissioner is authorized and directed to institute the proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill for water service remains unpaid sixty (60) days after it has been rendered.

**SECTION 12. DUPLICATE BILLS.** Any property owner desiring to obtain duplicate of bills rendered, notice of delinquency or shut-off notice to his tenant may obtain same by payment to the Water Department of a fee of Six Dollars (\$6.00) per year in advance for one such tenant and Six Dollars (\$6.00) per year for each additional tenant.

**SECTION 13. DISCONTINUING WATER SERVICE AND RENDERING BILL.** At any time premises are to be vacated or property closed for any reason for any period of time, application shall be made to the Water Department to have the Village water supply turned off, or discontinued, and the Department shall then shut off the water supply, and at the same time read water meter, and shall render bill covering water service charge then accrued. The Village water supply shall not again be turned on until all unpaid bill or bills against the property have been paid.

## **ARTICLE 4 - WATER CONNECTION FEES**

**SECTION 1. APPLICATION.** Application for water service connections to any Village mains must be made at the Office of the Water Commissioner. The application shall state an official house or business number. The size of pipe required and approximate location shall be determined by the Water Commissioner.

**SECTION 2. MULTIPLE DWELLING USE.** Multi-building premises or dwelling units shall not be serviced by a single meter and shall require a meter for each unit, user or consumer so serviced. No water connection to the Village main shall be smaller than three-fourths inch (3/4"), and all cross connections between the Village water system and any other water systems are prohibited.

**SECTION 3. PERMIT FEE FOR ¾ INCH CONNECTION.** Permit fee for three-fourths inch (3/4") service connection to water main with five-eighths inch (5/8") three-fourths inch (3/4") meter shall be Four Hundred Dollars (\$400.00).

**SECTION 4. PERMIT FEE FOR MULTIPLE SERVICE.** Permit fees for multi-service and new services that require more than one meter or larger than a three-fourths inch (3/4") connection shall be determined by the Water Committee.

**SECTION 5. CASH DEPOSIT.** All applications for water use shall be accompanied by a cash deposit and in no case shall be less than as follows: (Adopted 8/9/2011)

5.1	Single family owner occupied	\$100.00
5.2	Single family rental occupied	\$100.00
5.3	Multi-dwellings serviced by more than one meter each	\$100.00
5.4	Business house general	\$100.00

**SECTION 6. RETURN OF CASH DEPOSIT.** The Water Department shall retain the cash deposit until water service is discontinued and then shall be returned to the applicant making such deposit less water service charges then due and owing to the Village Water Department upon presentation of sufficient proof of deposit by the applicant.

## **ARTICLE 5 - WATER MAINS**

### **SECTION 1.       INSTALLATION OF WATER MAINS.**

- 1.1 Water mains shall not be installed in the Village except after first making application for and obtaining a permit from the Commissioner.
- 1.2 Water mains shall be installed under the standard specifications of the Water Department, for laying water mains and under the supervision and inspection of the Water Department.
- 1.3 Water mains shall be installed in the Village under one (1) of the following methods:
  - A. By the Water Department under order from the Village Board of Trustees and shall be paid for from funds of the Water Department.
  - B. By special assessment procedure as provided by state statutes.
  - C. By direct payment by the applicant or developer.
- 1.4 In all cases the basic design of the proposed extension shall be in accordance with the requirements of the Water Department.
- 1.5 Whenever a water main is extended, it shall be complete across the frontage of the property to be improved by the extension.
- 1.6 All water mains of four inch (4") size or larger now in place or that may be placed in public right-of-way or public utility easement, so dedicated, excluding service and fire protection lines, shall become the donated property of the Village. The responsibility, jurisdiction and maintenance shall thereafter be administrated by the Village Water Department.

## **ARTICLE 6 - MISCELLANEOUS PROVISIONS**

- SECTION 1. INTERFERENCE WITH OR USE OF STOP COCKS.** In no case shall any person interfere with or use the stop cocks placed six feet (6') or less from the property line, except by permission from the Water Department.
- SECTION 2. MOLESTATION OR INJURY TO WATER MAINS AND OTHER FACILITIES.** Any person who may be working in any street or streets of this Village who may molest or in any way damage the Village water mains, or appurtenances, shall be responsible to the Water Department for any and all such damages and he, or they, their heirs, representatives or assigns shall take immediate action to repair the damage and shall bear all expense of such replacement or repair made necessary, and they shall also be responsible for damage to surrounding properties, on account of the damage to water mains.
- SECTION 3. FIRE HYDRANTS – GENERALLY.** All fire hydrants installed in the Village are so placed for the purpose of extinguishing fires in the Village and are declared to be public hydrants and no person other than the members of the Fire Department of the Village, for the uses and purposes of the Department and those specially authorized by the Water Department, shall open any of the hydrants or attempt to draw water from the same or in any manner interfere with or injure any of the fire hydrants.
- SECTION 4. SAME – WRONGFUL USE.** Any Village employee or member of the Fire Department who shall let or suffer to let out or permit any person to take the wrenches furnished them or the Fire Department, to be used by them in the pursuit of their prescribed work for the wrenches furnished them and the Fire Department, except as for the purpose connected with the Fire Department, shall be subject to arrest.
- SECTION 5. WASTE OF WATER.** No person shall allow the water to run to waste through defective pipes, faucets or other fixtures; however, a reasonable time, not exceeding forty-eight (48) hours, shall be allowed to repair the same. In case of neglect or refusal by the person to cause said fixtures to be repaired, the Water Department shall have the same repaired at the expense of the owner or occupant, or to withhold the water supply.
- SECTION 6. LIMITATIONS TO USE OF WATER.** The Water Department reserves the right to prohibit the use of water for yard sprinklers and large consumers of water when in the judgment of the Village it shall be necessary to do so.
- SECTION 7. LIMITATIONS ON AIR CONDITIONING AND WATER USAGE.** In case the air conditioning machine demand of water becomes too great for the Village distribution system and filtration plant, the Village Water Department reserves the right to have connections between the Village supply and air conditioning machines disconnected. All supplies for air conditioning machines shall be metered if supplied by the Village water. A special permit from the Village Engineer shall be granted before wastewater is connected to the Village drain system.
- SECTION 8. STOP COCK, VALVE AND SERVICE.** The Village shall not be responsible for any accidents caused by stop cocks or valve boxes that stand above the surface of the ground, pavement or sidewalks. The property owner shall maintain all stop cocks or valve boxes that are in any way related to the water service supplying their premises, flush with the surface of the surrounding ground or rigid surface.

## **ARTICLE 7 - INSPECTIONS AND ENFORCEMENT**

**SECTION 1. PLUMBING INSPECTOR TO REPORT.** It shall be the duty of the Plumbing Inspector to report in writing to the Commissioner all premises inspected by him where Village water is used or about to be used, within forty-eight (48) hours after such inspection. The report to contain the name of the owner, the official house number and the name or number of the street, the name of plumber or plumbers performing the work, also any necessary data required as to location of tap on main, curb cock and similar information.

**SECTION 2. INSPECTION AND INSPECTORS.** Inspectors, foremen, meter readers or other employees of the Water Department whose duty it may be to enter upon private premises to make inspections and examination of water meters, pipes, fixtures or appurtenances, for any reason in connection with the Village water supply, will be provided with a badge or other credentials to identify them as authorized agents and representatives of the Water Department.

2.1 Any officer, inspector, foreman, meter reader or authorized agent or employee of the Water Department shall upon presentation of his badges or other credentials to identify them as authorized agents and representatives of the Water Department, have free access at any and all reasonable hours to any premises, supplied by Village water, for the purpose of making inspection.

**SECTION 3. WATER DEPARTMENT MAY INSPECT PREMISES.**

3.1 In case any authorized agent or employee of the Water Department is refused admittance to any premises, or being admitted shall be hindered or prevented in making such examination, the Water Department may cause the Village water supply to be turned off from the premises, after giving twenty-four (24) hours notice to the owner or occupant of the premises.

3.2 In the event the owner, occupant or lessee of any premises, building or structure refuses a Water Department employee access for the purposes of installing, reading, servicing or removing a water meter or for the purpose of an inspection, the Water Department shall have the power to apply to the court of competent jurisdiction for an administrative search warrant.

**SECTION 4. DEPARTMENT BADGE AND CREDENTIAL.** No person not an authorized agent or employee of the Water Department shall have, wear or exhibit any badge or credential of the Department. It shall be the duty of each and every such officer, agent or employee of the Department, upon resignation or dismissal, to surrender and deliver to the Commissioner of the Water Department all badges and credentials.

**SECTION 5. OTHER VILLAGE DEPARTMENTS REQUIRED TO AID.** It shall be the duty of the employees of the Police, Engineering, Fire and Street Departments to give vigilant aid to the Water Department in the enforcement of this Chapter, and to this end they shall report all violations, which come to their knowledge, to the officer of the Water Department.

## **ARTICLE 8 - CONTROL AND CROSS-CONNECTIONS**

**SECTION 1. DEFINITIONS.** The following definitions shall apply to the interpretation and enforcement of these regulations.

<b>Approved</b>	Backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.
<b>Backflow</b>	The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.
<b>Backflow Prevention Device</b>	Any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.
<b>Consumer or Customer</b>	The owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.
<b>Cross-Connection</b>	Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.
<b>Inspection</b>	A plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Il. Adm Code 890.
<b>Plumbing</b>	The actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation law sprinkler systems, from the sources of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection or such building drain to the building sewer or private sewage disposal system five feet beyond the foundation wall.
<b>Public Water Supply</b>	All mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intake and cribs pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for the use for the purpose of furnishing water for drinking or general domestic use and which serve at least twenty-five (25) persons at least sixty (60) days per year. A public water supply is either a "community water supply" or a "non-community water supply."

**ARTICLE 8 - CONTROL AND CROSS-CONNECTIONS**  
**Section 1 - Definitions**

**Reduced Pressure Zone Backflow Preventer (RPZ)** An approved backflow prevention device as listed under "Approved" in this Section.

**Service Connection** The opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

**Survey** The collection of information pertaining to a customer's piping supply regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within the customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

**SECTION 2.** That all plumbing installed within the Village of Rapids City, shall be installed in accordance with the Illinois Plumbing Code, 77 Il. Adm. Code 890. That, if in accordance with the Illinois Plumbing Code or in the judgment of the Water Superintendent, an approved backflow prevention device is necessary for the safety of the public water supply system, the Water Superintendent shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and annually thereafter, at a minimum. The owner of the premises shall maintain records to document that testing, servicing and repairs are conducted as required.

**SECTION 3.** That 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 of Rapids City enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Water Superintendent and the Illinois Environmental Protection Agency.

**SECTION 4.** A biannual survey of all water services shall be made by the Water Superintendent. The purpose of this survey is to determine if any customers use water in a manner that creates an above average potential for backflow or back siphonage of contaminants into the water system. Where potentially hazardous conditions are suspected, the water customer shall be requested to either:

- 4.1 Have a licensed plumber, who has been approved as a cross-connection control device inspector, inspect their plumbing and install an approved backflow preventer on all hazardous connections. These backflow preventers must be maintained and inspected by April 1<sup>st</sup>.
- 4.2 Install an approved reduced pressure zone (RPZ) backflow preventer on the service line to the premises. This RPZ must be maintained, inspected and tested by April 1<sup>st</sup>.

**SECTION 5.** That the approved cross-connection control device inspector shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply or distribution system of the Village of Rapids City for the purpose of verifying the presence or absence of cross-connections, and that the Water Superintendent or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or



## **ARTICLE 8 - CONTROL AND CROSS-CONNECTIONS**

distribution system of the Village of Rapids City 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 Water Superintendent any information, which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded shall, within the discretion of the Water Superintendent, be deemed evidence of the presence of improper connections as provided in this Ordinance.

### **SECTION 6.**

That the Water Superintendent of the Village of Rapids City is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Ordinance is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Ordinance, and until a reconnection fee of One Hundred Dollars (\$100.00) is paid to the Village of Rapids City. Immediate disconnection with verbal notice can be effected when the Water Superintendent 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 Water Superintendent of the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the Village of Rapids City, the Water Superintendent, 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 Ordinance, whether or not said termination was with or without notice.

### **SECTION 7.**

That the consumer responsible for backsiphoned material for contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

**TITLE IX**

**ZONING**

# CHAPTER 1

## ZONING ORDINANCE

### ARTICLE 1 - TITLE, PURPOSE, CONSTRUCTION, DEFINITIONS

**SECTION 1. TITLE.** This Ordinance shall be known, cited and referred to as the Zoning Ordinance of the Village of Rapids City, Illinois.

**SECTION 2. PURPOSE.** The various use districts which are created by this Ordinance and the various articles and sections of this Ordinance are adopted for the purposes among other of:

- 2.1 Carrying out the Comprehensive Plan for land development of Rapids City, Illinois.
- 2.2 Promoting the public health, safety, morals, comfort and general welfare.
- 2.3 Dividing the Village into zones or districts restricting and regulating therein the location, erection, construction, re-construction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses.
- 2.4 Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible.
- 2.5 Encouraging such distribution of population, classification of land use, and distribution of land development and utilization as will tend to facilitate economic and adequate provision for transportation, communication, roads, water supply, drainage, sanitation, recreation and other public requirements.
- 2.6 Lessening or avoiding congestion in the public streets and highways.
- 2.7 Protecting against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare.
- 2.8 Helping to insure that all residential, commercial and manufacturing structures as well as other types of structures will be accessible to fire fighting and other emergency equipment.
- 2.9 To provide for the elimination of non-conforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district.
- 2.10 Promoting the development of residential neighborhoods which are free of noise, dust, fumes and heavy traffic volumes in which each dwelling unit is assured of light, air and open space.
- 2.11 Helping to prevent land development activities which lead to roadside blight and to minimize the effects of nuisance producing activities.

## ARTICLE 1 - TITLE, PURPOSE, CONSTRUCTION, DEFINITIONS

- 2.12 Promoting and guiding the continued growth and expansion of the Village and serving and protecting the natural economic and scenic resources of the Village.
- 2.13 Conserving the taxable value of land and buildings throughout the Village.
- 2.14 Defining and limiting the powers and duties of the Building Inspector and bodies as provided.

### **SECTION 3. RULES OF CONSTRUCTION.** For the purpose of this Ordinance, the language set forth shall be interpreted in accordance with the following rules of construction:

- 3.1 Words used in the singular number include the plural and words used in the plural include the singular.
- 3.2 Words used in the present tense include the future tense.
- 3.3 The word "person" includes a "firm," "co-partnership," or "corporation."
- 3.4 The word "lot" includes the words "plots," "parcel," or "tract."
- 3.5 The word "building" includes all other structures of every kind regardless of similarity to buildings.
- 3.6 The word "shall" is always mandatory and not merely directory.
- 3.7 The phrase used for, or, the word "occupied" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

### **SECTION 4. DEFINITIONS.** Words and terms listed below whenever and wherever they occur in this Ordinance shall be interpreted as follows:

#### **Accessory Building or Use**

#### **An "accessory building or use" is one which:**

- A. Is subordinate to and serves a principal building or principal use;
- B. Is subordinate in area, extent or purpose to the principal building or principal use served;
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served;
- D. Is located on the same zoning lot as the principal building or principal use served.

#### **An "accessory use" includes, but is not limited to, the following:**

- A. A barn, shed, tool room or other similar subordinate structure for domestic or agricultural storage.
- B. A building to house the automobiles of persons residing on the premises, including carports.
- C. Child's playhouse, garden house and private greenhouse.

## **ARTICLE 1 - TITLE, PURPOSE, CONSTRUCTION, DEFINITIONS**

- D. Incinerators or outdoor cooking devices incidental to the use of a lot or tract of land for residential or other purposes.
- E. Private recreation areas in connection with principal use, such as home swimming pools, home tennis courts or other such game areas.
- F. Fences, poles, posts, walls and signs (other than advertising signs) as permitted and regulated in each district incorporated in this Ordinance, and public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment.
- G. Use of buildings and structures established in connection with a church for youth organization meetings, scouting activities, kindergartens and day schools.
- H. Storage of goods used in or produced by manufacturing activities, on the same lot with such activities, unless such storage is excluded by the district regulations.
- I. Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.
- J. Other subordinate or incidental uses customarily considered as being appropriate in connection with the principal use of the lot.

### **Acreage**

Any tract or parcel of land which has not been subdivided and platted.

### **Advertising Signs**

Any freestanding or partly or wholly attached structure displayed for the specific purpose of conveying some information, knowledge or idea to the public.

### **Advertising Signs Incidental or Accessory**

- A. A non-illuminated professional or announcement sign not exceeding one (1) square foot in area and attached wholly to a building.
- B. A single sign pertaining only to rent, lease or sale of the premises upon which displayed, which shall not exceed eight (8) square feet in area.
- C. A sign or bulletin board upon the premises of a church or other institution for the purpose of displaying the name of the church or other religious institution and the activities or services in connection with the church.
- D. Directional, regulatory or information signs established by a public agency.

### **Advertising Signs, Principal Use**

An attached or freestanding structural sign pertaining only to the advertising, announcing or describing of the principal use or uses of the lot or tract of land, building or structure upon which displayed.

### **Advertising Signs, Informational or Directional**

Signs of a public nature, which shall not exceed eight (8) square feet in area, which states the name and/or location of a private school, college, youth organization, church or other place of worship, or the name of a place of meeting of an official or civic body.

### **Alley**

A public or private way less than twenty-one feet (21') in width affording secondary means of access to abutting property.

### **Apartment**

A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen, bath and toilet facilities, permanently installed, must always be included for each apartment.

## **ARTICLE 1 - TITLE, PURPOSE, CONSTRUCTION, DEFINITIONS**

<b>Automobile Repair, Major</b>	General repair, rebuilding or reconditioning of engines, motor vehicles or trailer; collision service, including body, frame or fender straightening or repair; overall painting or paint shop steam cleaning of vehicles.
<b>Automobile Repair, Minor</b>	Minor repairs, replacement of parts and motor service to passenger automobiles and trucks not exceeding 1-1/2 tons capacity, motor "tune-ups," auto accessory installation, but not including any operation specified under "Automobile Repair, Major."
<b>Automobile Service Station</b>	A place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public on the premises, and including minor accessories and services for automobiles, but not including major automobile repairs; and including washing of automobiles where no chain conveyor, power to steam cleaning device is employed. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage.
<b>Automobile Wrecking Yard</b>	Any place where two or more vehicles not in running condition, or parts thereof, are stored in the open, and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.
<b>Awning</b>	A roof like cover, temporary in nature, which projects from the wall of a building and overhangs the public way.
<b>Basement</b>	A story having part but not more than fifty percent (50%) of its height below the average grade of the adjoining ground (as distinguished from a "cellar"). A basement shall be counted as a story for purposes of height measurement.
<b>Block</b>	A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways or a corporate boundary line of the Village.
<b>Board of Appeals</b>	The Board of Planning and Appeals of Rapids City, Illinois.
<b>Building</b>	Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designated or intended for the shelter, enclosure or protection of persons, animals or chattels. Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunders, oil cracking towers and other similar structures are not considered as buildings.
<b>Building, Accessory</b>	A building subordinate to the principal building or principal use of a lot and used for purposes customarily accessory or incidental to the principal building or to the use of the lot.
<b>Building, Alteration</b>	A change in the supporting members of a building such as bearing walls, columns and girder; any addition to a building; any change in the use of the building; or any change in the location of a building.

## **ARTICLE 1 - TITLE, PURPOSE, CONSTRUCTION, DEFINITIONS**

<b>Building, Principal</b>	A building in which is conducted the main or primary use of the lot on which said building is situated.
<b>Buildable Area</b>	The space remaining on a zoning lot after the minimum open space requirements of this Ordinance have been complied with.
<b>Building, Completely Enclosed</b>	A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.
<b>Building Height</b>	The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.
<b>Building Line</b>	The line nearest the front of and across the lot establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.
<b>Building, Non-conforming</b>	Any building which does not conform to the regulations of this Ordinance prescribing the maximum required yards, coverage, height and setbacks; minimum required usable open space for the district in which such building is located.
<b>Building Setback Line</b>	A line parallel to the street line at a distance regulated by the front yard requirements set up in this Ordinance.
<b>Bulk</b>	The term used to describe the size and mutual relationships of buildings and other structures, as to size, height, coverage, shape, location of exterior walls in relation to lot lines, to the center line of streets, to other walls of the same building or to other buildings or structures, and to all open spaces relating to the building or structures.
<b>Cellar</b>	A story having fifty percent (50%) or more of its height below the average grade of the adjoining ground. A cellar shall be counted as a story, for purposes of height measurement, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.
<b>Centerline of Street</b>	That line surveyed and monumented as the centerline of the street; or if such centerline has not been surveyed, it shall be that line running midway between the curb or ditches of such street.
<b>Club or Lodge, Private</b>	A nonprofit association of persons, who are bonafide members paying annual dues, which owns, hires or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided such sale of alcoholic beverages is in compliance with the applicable federal, state and municipal laws.
<b>Corner Lot</b>	See Lot, Corner.
<b>Corner Lot, Reversed</b>	See Lot, Reversed Corner.

## **ARTICLE 1 - TITLE, PURPOSE, CONSTRUCTION, DEFINITIONS**

<b>Coverage, Lot</b>	See Lot Coverage.
<b>Curb Cut</b>	An opening in the street curbing, or other means of access from a street, provided to allow entrance into access drives.
<b>Curb Level</b>	The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the "curb level" shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the "curb level."
<b>Customary Home Occupation</b>	<p>An occupation or profession customarily carried on by an occupant of a dwelling unit as secondary use, which is clearly incidental to the use of the dwelling unit for residential purposes. Such a "home occupation" shall be carried on wholly within the dwelling, and not more than one person outside the family shall be employed. There shall be no exterior display, no exterior sign except as allowed in the sign regulation for the district in which such "home occupation" is located, no exterior storage of materials, no other exterior indication of the "home occupation" or variation from the residential character of the principal building, and no offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.</p> <p>"Home occupation" includes but is not limited to the following: licensed real estate broker or salesman, art studio, dressmaking, professional office or physician, dentist, architect, engineer, or accountant, when located in a dwelling unit occupied by the same, and teaching, with musical instruction limited to one pupil at a time. However, "home occupation" shall not be construed to include the following: barber shop or beauty parlor or beauty shop, tea room or millinery shop, restaurants, tourist homes, commercial stable or kennel.</p>
<b>Driving Lane</b>	The vehicular way for passage between rows of parking spaces.
<b>Dwelling</b>	A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including hotels, boarding or lodging houses, a tent, trailer coach, camping trailer, camping truck or bus.
<b>Dwelling, One Family</b>	A building designed exclusively for use and occupancy by one family, and entirely separated from any other dwelling by space.
<b>Dwelling, Two Family</b>	A building designed or altered to provide dwelling units for occupancy by two families.
<b>Dwelling, Tenant</b>	A dwelling located on a bonafide farm and which is occupied or designed to be occupied by a non-transient farm worker employed by the owner or operator of the farm on a full time basis.
<b>Dwelling Unit</b>	A dwelling or portion thereof designed for or occupied exclusively by one or more persons living as a single family housekeeping unit or family.
<b>Educational Institution</b>	Public school, parochial school, charitable or non-profit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.



## **ARTICLE 1 - TITLE, PURPOSE, CONSTRUCTION, DEFINITIONS**

<b>Family</b>	One or more persons related by blood, marriage or adoption, but not including sororities, fraternities or other familiar organizations.
<b>Garage, Private</b>	A detached accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than one (1) truck of a rated capacity not exceeding one and one half (1-1/2) tons.
<b>Garage, Public</b>	A building other than a private garage used for the care, incidental servicing and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire or sale within the structure, but not including trucks, tractors, truck trailers and commercial vehicles exceeding one and one half (1-1/2) ton capacity.
<b>Gross Floor Area</b>	The total area of all floors within a building including attic, mezzanine and basement areas.
<b>Group Development Projects</b>	The grouping together of two or more principal buildings to be devoted to the same or similar uses, on a single lot or tract of land according to a comprehensive and integrated plan with due consideration given to the orientation of buildings to each other, the circulation of traffic, the arrangement of open space and to other factors.
<b>Highway or Major Thoroughfare</b>	An officially designated federal or state numbered highway or other street or highway designated as a major thoroughfare by the Village or by Rock Island County or by the State of Illinois.
<b>Householder</b>	The occupant of a dwelling unit who is either the owner or lessee thereof.
<b>Junk Yard</b>	Open area where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto and building wrecking yards, but excluding auto and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.
<b>Kennel</b>	Any lot or premises or portion thereof on which more than three (3) dogs, cats and other household domestic animals over four months of age are kept, or on which more than two (2) such animals are boarded for compensation or kept for sale.
<b>Lot</b>	A developed or undeveloped tract or parcel of land legally transferable as a single unit of land by reference to a recorded plat or other legal description.
<b>Lot Area</b>	The horizontal area within the lot lines of the lot.
<b>Lot, Corner</b>	A lot having frontage on two or more streets at their intersection.
<b>Lot Coverage</b>	The area of a zoning lot occupied by the principal building or buildings and accessory building.
<b>Lot Depth</b>	The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot line.
<b>Lot, Double Frontage</b>	A lot having frontage on two parallel or approximately parallel streets.
<b>Lot Frontage</b>	The front of a lot shall be that boundary of a lot along a public street; for a corner lot, the owner may elect either street line as the front lot line.

## **ARTICLE 1 - TITLE, PURPOSE, CONSTRUCTION, DEFINITIONS**

<b>Lot, Interior</b>	A lot other than a corner or reversed corner lot.
<b>Lot Line, Front</b>	The front property line of a lot.
<b>Lot Line, Interior</b>	A side lot line common with another lot.
<b>Lot Line, Rear</b>	The rear lot line is the lot line or lot line most nearly parallel to the most remote from the front lot line. Lot lines other than front or rear lot lines are side lot lines.
<b>Lot of Record</b>	A parcel of land for which a plat or to which the deed has been recorded in the Office of the Recorder of Deeds of Rock Island County, Illinois prior to the adoption of this Ordinance.
<b>Lot, Reversed Corner</b>	A corner lot, the rear of which abute upon the side of another lot, whether across an alley or not.
<b>Lot, Through</b>	A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot.
<b>Lot Width</b>	The horizontal distance between the side lot lines measured at right angles to the lot depth at the front building line.
<b>Motor Fuel Station, Filling Station, or Service Station</b>	A place where gasoline, diesel oil, kerosene or any motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into the motor vehicles, including greasing and oiling and the sale of and/or installation of automobile accessories on the premises.
<b>Non-Conforming Use</b>	<p>Any use whether a building, other structure or tract of land, lawfully existing at the time of enactment of subsequent amendment of this Ordinance which is not permitted by this Ordinance in the district in which located.</p> <p>Failure to comply with special locational requirements established for any use in any district or failure to comply with the off-street parking requirements established for any use as a class, or failure to comply with height, area, and yard requirements established for any use as a class shall not be construed so as to make such an existing use a non-conforming use.</p>
<b>Noxious Matter</b>	Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well-being of individuals.
<b>Nursery, Day</b>	An institution providing day care service for children from four to six years of age.
<b>Nursery School</b>	An institution providing day care service for children from four to six years of age.
<b>Ordinance</b>	Reference to "Ordinance" shall be construed as the Zoning Ordinance.
<b>Parish House</b>	A building, the principal use of which is religious worship or religious education, and those social activities sponsored by the church which are held in connection with the church.
<b>Parking Area, Private</b>	An open, hard-surfaced area of land, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

## **ARTICLE 1 - TITLE, PURPOSE, CONSTRUCTION, DEFINITIONS**

<b>Parking Area, Public</b>	An open, hard-surfaced area other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half (1-1/2) ton capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.
<b>Parking Space, Automobile</b>	Space within a public or private parking area of not less than one hundred and sixty-one (161) square feet (eight and one-half feet {8-1/2'} by nineteen feet {19'}) exclusive of access drives or aisles, ramps, columns or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half (1-1/2) ton capacity.
<b>Porch</b>	A roofed over structure, projecting out from the wall or walls of a main structure and commonly open to the weather in part.
<b>Public Utility</b>	Any person, firm, corporation or municipal department, duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, telegraph, transportation or water.
<b>Railroad Right-of-Way</b>	A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops or water towers.
<b>Sign</b>	<p>A name, identification, description, display or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.</p> <p>However, a "sign" shall not include any display of official court or public office notices nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious group. A "sign" shall not include a sign located completely within an enclosed building unless the context shall so indicate. Each display surface of a sign shall be considered to be a "sign."</p>
<b>Sign, Advertising</b>	A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
<b>Sign, Flashing</b>	Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any revolving, illuminated sign shall be considered a "flashing sign."
<b>Sign, Gross Surface Area of</b>	A sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case, passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements by being outside the limits of such sign and not forming an integral part of the display.
<b>Site Area</b>	The total area included within the property or a site proposed for development.
<b>Site Plan</b>	A scale drawing showing all details of the proposed development as required by various sections of this Ordinance.
<b>Special Use</b>	Any use of land or buildings, or both described and permitted subject to the provisions hereinafter set forth.

## **ARTICLE 1 - TITLE, PURPOSE, CONSTRUCTION, DEFINITIONS**

<b>Stable, Livery</b>	Any building, other than a private stable, designed, arranged, used or intended to be used for the storage of horses and horse-drawn vehicles or both.
<b>Story</b>	That portion of a building included between the upper surface of any floor and the upper surface of the floor next above or the ceiling or roof next above such floor; provided that, for the purpose of determining the required dimensions of yards when the average story height of a building exceeds twelve feet (12'), each twelve feet (12') or fraction thereof of the total building height shall be considered as a separate full story or fractional story respectively, except the first story which may be fifteen feet (15') high.
<b>Story, Half</b>	A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet (4') above the floor of such story; provided, however, that any partial story used for residence purposes, be deemed a full story.
<b>Street</b>	A public or private road or way open to general public use and having a right-of-way of sixty feet (60') or more in width if in existence at the time of enactment of this Ordinance; and any such public or private way created after enactment of this Ordinance, provided it is sixty feet (60') or more in width.
<b>Street Intersection</b>	The general area where the right-of-way lines of two or more streets join or cross, within which are included roadway and roadside facilities for traffic movement.
<b>Street Line</b>	The dividing line between a lot, tract or parcel of land and the right-of-way of a contiguous street.
<b>Structure</b>	Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having a more or less permanent location on the ground.
<b>Tavern</b>	An establishment where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.
<b>Terrace, Open</b>	A level and rather narrow plane, or platform, which for the purpose of this Ordinance is located adjacent to one or more faces of the principal structure and which is constructed not more than four feet (4') in height above the average level of the adjoining ground.
<b>Trailer House or Mobile Home</b>	A vehicle without motive power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer.
<b>Trailer Court</b>	A portion or parcel of land, with automobile parking space, utility structures and other structures incidental thereto used or intended to be used for the parking of one or more trailers to be offered for rent to guests; or where one or more trailer parking spaces are offered for lease or rent to guests wishing to park their own trailer. This definition shall not include trailer sales lots on which unoccupied trailers are parked for the purpose of inspection or sale.
<b>Trailer Parking Space</b>	The space required to park one trailer with facilities provided for water and sewer attachments, electrical attachments and other appropriate facilities.
<b>Use</b>	The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

## **ARTICLE 1 - TITLE, PURPOSE, CONSTRUCTION, DEFINITIONS**

<b>Used Car Lot</b>	A lot on which used cars, trailers or trucks are displayed for sale or trade.
<b>Yard</b>	An open space at grade on a lot situated between any building on such lot and the lot lines of the lot. Such open space shall be unoccupied, and unobstructed by any portion of the structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard the minimum horizontal distance between the lot line and any building on the lot shall be used except as hereinafter provided.
<b>Yard, Front</b>	The yard extending across the front of a lot between the side lot lines, and extending between the front street lines of a lot and any building on the lot. In case of a double frontage or corner lot, both lot frontages shall be defined as front street lines of the lot.
<b>Yard, Rear</b>	The yard extending across the rear of a lot between side lot lines, and extending between the rear property line of the lot and the principal building on the lot. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard having the least dimension on the street.
<b>Yard, Side</b>	The yard extending along either side of a lot between the front and rear yard, and extending between a side property line of a lot and a building on such lot.
<b>Yards, Lease Depth</b>	In the case of irregularly shaped lots, yards shall be measured horizontally between the closest part of any lot line and the building existing or to be erected.
<b>Zoning Map</b>	The Zoning Map of Rapids City, Illinois.

## **ARTICLE 2 - ZONING DISTRICTS**

**SECTION 1. ESTABLISHING OF DISTRICTS.** For purposes of this Chapter, the Village is divided into the following districts:

### **1.1 R-1 Residential District.**

A. Uses Permitted. The following uses are permitted in R-1 Residential Districts:

1. Accessory or incidental uses and buildings.
2. Advertising signs, incidental or accessory, subject to the provisions of Article 4, Section 1.
3. Advertising signs, informational or directional, subject to the provisions of Article 4, Section 1.
4. Agricultural crops and timber, growing and harvesting of.
5. Cemeteries, but only when accessory to and on the same lot or tract of land as a church.
6. Churches and parish houses, subject to the provisions of Article 4, Section 2.
7. Customary home occupations, subject to the provisions of Article 4, Section 3.
8. Dwellings, one-family.
9. Excavation of soil, gravel or rock; private use for the purpose of using such material on the premises, grading the premises or constructing a building on the premises.
10. Governmental uses, subject to the provisions of Article 4, Section 7.
11. Greenhouses, non-commercial.
12. High schools, private, subject to the provisions of Article 4, Section 8.
13. Playgrounds, neighborhood, for non-profit recreational activities only.
14. Recreation centers (neighborhood) and golf courses and clubhouses established in connection therewith, subject to the provisions of Article 4, Section 8.
15. Schools, private (including day schools, elementary schools, kindergartens, nursery schools) subject to the provisions of Article 4, Section 8.

B. Heights of Structures. Except as provided for in Article 3, Section 13 of this Ordinance, no structure shall have a height in excess of thirty-five feet (35').

## **ARTICLE 2 - ZONING DISTRICTS**

- C. Lot Area. Each lot used for a dwelling shall have an area of not less than 15,000 square feet.
- D. Lot Width. Each lot used for a dwelling shall have a width at the building line of not less than one hundred feet (100').
- E. Front Yards. On every lot there shall be provided a front yard as follows:
  - 1. On a major thoroughfare, the front yard shall not be less than fifty feet (50') in depth.
  - 2. On any other street, the front yard shall not be less than forty feet (40') in depth.
- F. Side Yards. On every lot there shall be provided two side yards, the combined width of which shall be not less than thirty percent (30%) of the width of the lot measured at the front yard setback line, or thirty feet (30'), whichever is the lesser, provided, however, that neither side yard in any event shall have a width of less than five feet (5') and provided, further, that an accessory building, not used as a dwelling, lying on the rear most third of the lot shall have a side yard setback of not less than three feet (3').
- G. Rear Yards. On every lot there shall be provided a rear yard not less than twenty-five feet (25') in depth, provided, however, that an accessory building not used as a dwelling shall have a rear yard setback of not less than three feet (3').
- H. Accessory Buildings. All accessory buildings, structures and permitted obstructions including, but not limited to, location, setbacks, height, and construction requirements, shall follow all provisions and requirements detailed throughout the entire Village of Rapids City Code of Ordinances and as follows: (Adopted 11/8/2011)
  - 1. No detached accessory building or buildings will occupy more than fifty percent (50%) of the area of a required yard.
  - 2. No detached accessory building or structure will exceed the height of the principal building.
  - 3. The maximum ground floor area of any one accessory building not to exceed the size of the maximum ground floor area of the principal building (not including the ground floor area of an attached garage).
  - 4. There shall not be more than four (4) detached accessory buildings associated with any one principal building at any time. Accessory buildings or structures excluded in this total are those defined in the Village of Rapids City code under Title IX, Chapter 1, Section 4-D, E, and F.

### **1.2 R-2 Residential District.**

- A. Uses Permitted. The following uses are permitted in R-2 Residential Districts:

## **ARTICLE 2 - ZONING DISTRICTS**

1. Dwelling, two-family.
  2. Group development projects, subject to the provisions of Article 4, Section 6.
  3. All uses permitted in an R-1 District.
- B. Heights of Structures. The height of structures in this District shall be the same as in a R-1 District.
- C. Lot Area. Each lot used for a one-family dwelling shall have an area of not less than 15,000 square feet. Each lot used for a two-family dwelling shall have an area of not less than 20,000 square feet.
- D. Lot Width. Each lot in this District shall have a width of not less than one hundred feet (100') at the established building line.
- E. Front Yards. The front yard requirements in this District shall be the same as in a R-1 District.
- F. Side Yards. The side yard requirements in this District shall be the same as in a R-1 District.
- G. Rear Yards. The rear yard requirements in this District shall be the same as in a R-1 District.

### **1.3 AR Agricultural-Residential District.**

- A. Uses Permitted. The following uses are permitted in the AR Agricultural-Residential District.
1. All uses permitted in R-1 and R-2 Residential Districts.
  2. Commercial raising of livestock and poultry.
  3. Growing and harvesting of an agricultural crop and timber.
- B. Heights of Structures. The height of structures in this District shall be the same as in an R-1 District.
- C. Lot Area. Each lot in this District shall have an area of not less than 15,000 square feet for all uses permitted under R-1 above, and not less than five (5) acres for all other uses permitted.
- D. Lot Width. Each lot in this District shall be at least one hundred feet (100') wide at the building line.
- E. Front Yards. Each lot in this District shall have a front yard of not less than forty feet (40').
- F. Side Yards. The side yard requirements in this District shall be the same as in a R-1 District.
- G. Rear Yards. The rear yard requirements in this District shall be the same as in a R-1 District.



**1.4 C-1 Neighborhood Commercial District.**

- A. Uses Permitted. The following uses are permitted in the C-1 Neighborhood Commercial District:

1. All uses permitted in the R-2 District.
2. Hospitals, sanitariums and nursing homes.
3. Physicians and dentists offices.
4. Professional offices of architects, engineers, lawyers and accountants.
5. Real estate and insurance offices.

The buildings permitted under C1 zoning shall be of a design and location compatible with the permitted residential uses.

- B. Heights of Structures. The height of structure requirements in this District shall be the same as in a R-1 District.
- C. Lot Area. Each lot used for a dwelling shall have an area of not less than 15,000 square feet.
- D. Lot Width. The lot width requirements for residential lots in this District shall be the same as in a R-2 District.
- E. Front Yards. The front yard requirements for residential lots in this District shall be the same as in an R-2 District. For commercial uses, every lot shall have a front yard of not less than fifty feet (50').
- F. Side Yards. The side yard requirements for residential lots in this District shall be the same as in a R-2 District.
- G. Rear Yards. The rear yard requirements for residential lots in this District shall be the same as in a R-2 District.

**1.5 C-2 Commercial District.**

- A. Uses Permitted. The following uses are permitted in the C-2 Commercial District:

1. All uses permitted in C-1 District.
2. Advertising signs, principal use, illuminated and non-illuminated, subject to the provisions of Article 4, Section 1.
3. Antique shops.
4. Art galleries.
5. Banks.
6. Barber and beauty shops.

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7. Dry cleaner pickup stations.
8. Drugstores.
9. Florists.
10. Food stores, provided, however, that these shall be located on either major thoroughfares or collector streets as designated by the provisions of this Ordinance.
11. Gasoline service stations, but no major auto repair.
12. Gift shops.
13. Hardware stores.
14. Hobby shops.
15. Laundry, pickup stations.
16. Liquor package stores.
17. New stands.
18. Office buildings and any types of office use.
19. Restaurant, including liquor sales.
20. Soda fountains.

- B. Heights of Structures. The height of structure requirements in this District shall be the same as in a R-1 District.
- C. Lot Area. Each lot used for a dwelling shall have an area of not less than 15,000 square feet.
- D. Lot Width. The lot width requirements for residential lots in this District shall be the same as in a R-2 District.
- E. Front Yards. The front yard requirements for residential lots in this District shall be the same as in an R-2 District. For commercial uses, every lot shall have a front yard of not less than fifty feet (50').
- F. Side Yards. The side yard requirements for residential lots in this District shall be the same as in a C-1 District.
- G. Rear Yards. The rear yard requirements for residential lots in this District shall be the same as in a C-1 District.

### **1.6 Illinois Route 84 Overlay District.**

#### **Village of Rapids City Illinois Route 84 Overlay District Development Guidelines**

- A. Organization of the Development Guidelines. The development guidelines are organized with the following framework:

**Section I: Guiding Principles:** These serve as the benchmarks and overall design objectives

**Section II: General Development Guidelines:** Guidelines applying to the entire corridor.

**Section III: Specific Guidelines:** Introduces the specific guidelines for various developments.

**Section I: Guiding Principles**

The guiding principles developed for the Village of Rapids City Illinois Route 84 Overlay District underpin the design of a popular and economically viable business district. Quality building, human scaled architecture, public spaces, and landscaping are common design features that make places economically viable, sustainable and attractive locations for shopping, working, visiting and living.

The overall goal for this project is to create attractive and sustainable places for people and businesses. The following guiding principles provide direction on meeting this goal:

- 1) Create efficient and compact commercial and mixed use clusters.
- 2) Promote quality architectural and site design.
- 3) Maintain and enhance natural areas and open space.
- 4) Add value to the adjacent neighborhoods.
- 5) Provide safe, efficient and convenient transportation systems along the corridor.
- 6) Create attractive walkways—configure sidewalks so people feel safe and comfortable. Make sidewalks wide (minimum of 5 feet), appealing and shady.
- 7) Install street furniture along internal roads to reinforce the image and comfort.
- 8) Carefully place landscaping to establish a “green” character for the corridor—**without blocking views** of retail sight lines.
- 9) Vary roofs and façade designs to provide architectural interest.
- 10) Use compelling, informative, and consistent signage.
- 11) Design attractive corners and gateways to the development clusters.
- 12) Promote sustainable building and design practices.

**Section II: General Development Guidelines**

1) *Views and Greenspace*

- a. The incorporation of greenspace and open space into the development sites is strongly encouraged. Whenever possible connect commercial sites via sidewalk or trail corridors.
- b. Provide a landscape buffer between Illinois Route 84 and the commercial buildings and/or parking areas. Maintain existing mature vegetation in these buffer areas.

2) *Buffer Requirements*

The minimum buffer requirement is fifteen feet (15 ft.) along the Illinois Route 84 frontage of the property. If the buffer requirement is impractical or impossible for the property to be developed reference should be made to the section on "Alternative Compliance" located on page 4 of this document.

No uses shall be allowed within the buffer area except:

- a. Permitted entrances
- b. Minimal utility crossings
- c. Utility easements which parallel the parkway and are located along the edge of the buffer area, and which serve to extend utilities to adjacent properties.
- d. Trails, sidewalks and storm water management facilities, which are an integral part of a landscape plan.
- e. Limited signage is allowed in this section.

3) *Landscape Requirements*

The buffer area shall be landscaped in accordance with Tables 1 & 2.

- a. For nonresidential uses, the required plant units may consist of any combination of trees and shrubs.
- b. Existing mature trees, particularly historic and specimen trees, within the buffer area shall be retained whenever feasible. Selective clearing shall be permitted upon submission of a tree protection plan and if approved by the appropriate official.

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- c. Where existing trees at least six (6) inches (150 millimeters) in diameter at the breast height within the buffer area are retained, a credit of 1.25 may be taken toward the planting requirements where the minimum save area is two-hundred fifty (250) square feet (23.33 square meters). Where the minimum save area is nine-hundred (900) square feet (83.61 square meters) or greater, the credit may be increased to 1.5. Also, where transplanted trees are four (4) inches (100 millimeters) or larger at the time of planting, a credit of 1.25 may be taken towards the planting requirements only when an irrigation system is installed.
- d. Where the buffer width, pursuant to Table 1, is fifteen (15) feet (4.57 meters) or greater, a berm may be substituted for fifty percent (50%) of the plant unit requirement and the buffer width may be reduced accordingly. The berm shall be graded to appear smooth, rounded and naturalistic. The berm shall be at least two (2) feet (.64 meters) higher than the elevation of the adjacent ground. Its slope shall not exceed 3:1, except in unusual situations where 2:1 slope would be allowed with special ground cover. Where a fifteen (15) foot buffer is not possible or practical a smaller berm can be used to substitute for fifty percent (50%) of the plant requirement.
- e. Landscape designs must consider and be compatible with landscaping on existing adjacent uses. The choice of species and type of trees should:
  - 1. Achieve unity of design by repetition of plant varieties and other materials and by correlating with adjacent developments and with the streetscape plantings where provided.
  - 2. Extend the disease-resisting strategies required within a property to adjoining properties.
- f. Sidewalks or similar pathways are required in all developments within or in close proximity to the buffer areas.

**Table 1**  
**Highway Corridor Overlay District (HCOD) Buffer**  
**Area Requirements**

Requirement	HCOT Designated Roadways
Buffer Width	15 ft./4.57 meters
Plant Units	33 plant units/100 feet

**Table 2**  
**Plant Unit Equivalents**

Plant Unit	Plant Unit
1 Shade Tree	10
1 Evergreen Tree	5
1 Ornamental Tree	5
1 Shrub	1

***Note: Minimum plant size shall be in accordance with the Landscape Requirements noted above. Adequate spacing should be provided for ultimate spread of specified plants.***

- 4) *Alternative Compliance:* The above buffer and landscape standards are not intended to be arbitrary or to inhibit creative solutions. Project or site conditions may arise where normal compliance is impractical or impossible, or where maximum achievement of the objectives can be obtained through alternative compliance.
  - a. Requests for alternative compliance for any application shall be accepted for review when one (1) or more of the following conditions are met:
    1. Site conditions are such that full compliance is impossible or impractical; or improved environmental or architectural quality would result from the alternative compliance.
    2. Space limitations or unusual shape of existing lots are such that full compliance is impossible or impractical.
    3. Prevailing landscaping practices designed to achieve an overall effect in the surrounding neighborhood may justify alternative compliance.
    4. Safety conditions, such as sight distance, make alternative compliance necessary.
    5. Change of use on the existing site increases the buffer area more than is feasible to provide. For example, the required buffer would encroach on the existing use and its ancillary use or would encompass more than ten percent (10%) of the existing parcel area.
    6. Existing mature trees could be saved near, but not within the buffer, as long as the intent of the buffer is met.

7. The proposed use and its accessories are located a significant distance from the right-of-way and the buffer area will remain undisturbed, with the exception of possible supplementary plantings.
- b. Requests for alternative compliance shall be submitted to the appropriate official prior to or as part of the development plan submission or concurrent with the submission of an application for rezoning or special use permit. The request shall be accompanied by sufficient detail and justification, written and/or graphic, to allow for an appropriate evaluation and decision. The alternative method of compliance must be comparable to the minimum standards in terms of quality and effectiveness. The request shall be limited to the specific project under review. The appropriate official or the designee shall evaluate the alternatives and accept or modify them.

5) *Site Design*

Site design refers to the physical arrangement of buildings, walkways, parking lots, lighting, landscaping and other elements on a property. The arrangement of these elements contributes to the functional and aesthetic character of the site and ultimately, the entire community. Sites should be designed to provide a pleasing green edge along the corridor to minimize the visual impact of surface parking.

- a. Place landscaping and building, not parking, closer to Illinois 84 and primary internal streets (minimum of 15 ft. from front property line).
- b. Maintain an attractive greenway or green edge between Illinois Route 84 and the site.
- c. Screen trash and utility areas.

6) *Parking Lot Design*

- a. Parking lots should have little or no visibility from the Illinois Route 84 corridor and primary internal streets. Parking is allowable in front of commercial structures but is ideally located along the sides and rears of buildings.
- b. Use berms, dense landscaping, buildings or decorative fencing to screen parking lots from view of Illinois Route 84.
- c. Internal areas of parking lots should include plantings and infiltration areas for stormwater.

- d. Parking lot lighting should be from “downward-aimed” sources to limit light pollution (all lighting will be limited to 100 watts).
- e. Parking areas should have clearly designated pedestrian walks. These walks should at a minimum be striped. Main walks shall be marked through changes in grade, materials, colors, or with other formal sidewalk changes.
- f. Attempts should be made to configure parking lots to conceal loading docks, storage, etc.
- g. Promote shared parking lots with internal circulation between properties to limit curb cuts on public streets and limit the need for excessive parking areas.
- h. Five percent (5%) of every parking lot shall be landscaped in compliance with the above landscape formula.

7) *Architectural Style and Character*

No one architectural style is required along the Illinois Route 84 corridor. Architectural style and character first must be based upon the suitability of a building for its purposes and legibility of the building's use. Additional considerations include the building's proposed massing, proportion, scale, orientation to public spaces, orientation to other buildings, use of materials, and other attributes that impact the character of the proposed development.

Although no one “style” has been adopted for the district, development forms should be coordinated. The design guidelines in this document discuss how buildings can share a common “architectural language.” This language is communicated through elements such as materials, scaling, rooflines, rhythm of window and door openings as well as site design and building placement.

- a. The architectural material selection shall be dominated with permanency and strength of materials in proportion to the aesthetic characteristics of the building's bulk and shape. Structures in this overlay district shall incorporate at a minimum, forty percent (40%) brick, stone, or other similar substantial material into the overall building design. The percentage requirement shall be calculated on the total exterior surface area exclusive of glazed surfaces. The frontage of the building facing the main corridor shall be all brick, stone, or other similar substantial material with the exception to window and door areas.



- b. The use of plain metal panels or sheet metal will not be considered an acceptable exterior building or accessory building material in this district. Decorative metals such as aluminum siding or similar products will be considered upon review by the Design Review Committee.
- c. Exterior Color Selection. The building's exterior color scheme shall utilize primarily muted, neutral, or earth tone type colors. The primary use of bright, intense, or extreme colors not consistent with the adjoining developments shall not be permitted in this district. The regulation is not intended to prohibit the use of these colors for specifically approved architectural detailing.

8) *Craftsmanship*

Quality craftsmanship creates an important image of pride. Thus, craftsmanship should be stressed in all construction in and along the Illinois Route 84 corridor. Poor implementation will have a detrimental impact on the project and community image.

9) *Building Design*

The design of building is an important part of shaping the character of the Illinois Route 84 corridor.

- a. Avoid blank, monotonous walls with little differentiation or scale providing elements.
- b. Design all visible sides of the building.
- c. Create buildings with details and proportions that are scaled to the pedestrian.
- d. Encourage franchises to provide building and site designs that respond to the detailed guidelines and the environmental features of the corridor.
- e. Building height adds character to the street. Height should be determined by the building's use, width and orientation to internal streets, and any applicable airport setback standards.

10) *Business and Private Sign Guidelines*

Business signage is an important consideration. The following guidelines present a consistent rationale that can guide the various signage needs along the corridor.

- a. Prohibit billboards and similar "off premise signs."
- b. Other prohibited signs include the following: a) rooftop signs, b) pylon signs, c) flashing and rotating signs, d) Signs exceeding 50 sq. ft. of area (unless warranted and approved by the

Committee), or e) plastic box signs with internal illumination.

- c. Freestanding signs should be 10 feet or less in height and be architecturally integrated with the building. This includes the incorporation of primary building materials or distinctive architectural features. Exceptions to the ten (10) feet in height will be addressed on a case-by-case basis, which must include some hardship to the property owner, to be determined by the "Committee."
- d. Free-standing signs should be lit by an external lighting source.
- e. Individual back-lit letters is an allowable form of signage.
- f. Each property is limited to one (1) on-premise sign, no matter the number of tenants.
- g. Banners, tinsel and temporary signs are permitted on a temporary basis (no longer than 30 days in sequence or 60 days in a calendar year upon authorization by the Village building official or Village Administrator.)
- h. Existing signs that are replaced or modified must meet the requirements set forth in these guidelines.
- i. Signs should be designed to meet the following principles:
  - 1. Simple, neat and easy to read
  - 2. Limit text on signs to business name
  - 3. Use lighting only when necessary

**Section III: Specific Guidelines**

- 1) *Orientation to the Illinois Route 84 Corridor*
  - a. Development in the corridor will be served from a public or private access point to the corridor.
  - b. Any larger retail development should be setback from Illinois Route 84 to maintain a parkway-like setting.
  - c. Landscaping and smaller footprint buildings should help define the entrance ways into the corridor.
  - d. Maintain and integrate a greenway type atmosphere into the development.

- e. Maintain adequate buffers and screening between any adjacent residential properties.

2) *Orientation to Neighborhoods*

- a. New commercial development should provide connections to existing, planned, and future neighborhoods.
- b. Create entrances that serve as place making and traffic calming devices between neighborhoods and new development. This may include plaza space, green space, or other unique treatments.
- c. Create strong pedestrian connections between existing neighborhoods and new development.
- d. Where logical connections exist, extend and connect sidewalks, trails, and neighborhood streets to the corridor.
- e. Provide landscaped buffers and berms between existing residential properties and large format commercial and similar larger impact users.

3) *Commercial and "Large Format" Commercial*

- a. Buildings in excess of 60 feet in width should be designed with recesses and projections, material changes, or other articulation features to break up large masses and create the appearance of smaller buildings and individual storefronts.
- b. Smaller retail stores that are part of a larger principal building should have display windows and separate outside entrances.
- c. Incorporate the use of other scale proving features including horizontal banding, columns, sills, lintels, and other features to emphasize window openings, changes in color, materials, or texture.
- d. Create variations in rooflines.
- e. Include sidewalks along the full length of any façade featuring a customer entrance.
- f. Include internal pedestrian walkways that are marked by changes in grade, material, or color.
- g. Common size brick and native stone are preferred primary materials. Other materials may be allowed as accents or on a conditional use basis.
- h. Buildings should maintain a strong street presence. Limit the amount of parking between the public street and the building.

- i. Buildings shall have a clearly defined entrance containing at least three of the following features: canopy/portico, overhangs, arches, recesses, projections, arcades, outdoor patios, corniced parapets, display windows, peaked roof forms.

**4) *Gas Stations and Small Franchise Architecture***

- a. Encourage franchises to modify their typical designs to blend with the overall Village character.
- b. Incorporate masonry or compatible building materials into the pump stations.
- c. Move stores closer to the street and pump stations to the side.
- d. Provide screening as described in the general site design and parking station.
- e. Pylon signs are prohibited.

**5) *Office and Employment Uses***

Office buildings are ideally designed as complexes, with shared parking, common entrances and complementary massing.

- a. Appropriate landscape buffers should be provided between the corridor and the office buildings.
- b. Open space and natural features should be integrated into the pattern of development. Natural features should be respected and protected from disturbance from the built form. This could be achieved through landscape and setbacks.
- c. Parking should be distributed into smaller sections rather than providing large impervious surfaces. Parking is allowable in front of structures but is ideally located along the sides and rears of buildings.
- d. The architectural character of new buildings should be consistent with the existing development, not necessarily in the style, but in scale, proportion and materials.
- e. Variation on the plane of the building façade should be provided through the use of offsets and step backs in the main plane of the façade.
- f. Sidewalks and streetscape should be incorporated in building design to create a pedestrian-friendly environment. To the maximum extent possible, locate warehousing facilities and other light industrial use buildings to the rear of the office

buildings with a large landscape setback between the two.

- g. A green space of at least fifty (50) feet should be provided between the corridor and the structure when light industrial uses the front of the lot. The landscape requirements are not required but some landscaping is encouraged within the fifty (50) foot green space.

6) *Attached Residential*

Attached residential development refers to condominium, apartment, and other mixed-density development forms.

- a. Buildings should front internal streets or public park and plaza space. Rears of buildings should be screened from the corridor.
- b. Condominiums and attached single-family homes should help “frame” internal streets. A consistent setback of 5 to 15 feet should be created through the use of “build-to” lines for developments.
- c. Garages should be located behind or beneath condominium/townhouse residential structures.
- d. Avoid large undifferentiated building mass and rooflines. Rooflines and façade proportions should help create the appearance of individual residences.
- e. Provide variation on the plane of the building façade through the use of protruding bays or porches, upper level setbacks or off-sets in the main plan of the façade.

## **ARTICLE 3 - GENERAL PROVISIONS**

- SECTION 1. ZONING AFFECTS EVERY USE OF LAND OR BUILDING.** No building structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, moved, or altered except in conformity with the provisions of this Ordinance and the regulations specified for the district in which it is to be located, and after a written permit has been issued by the Building Inspector as provided.
- 1.1 **Uses Prohibited.** If either a use or class of use is not specifically indicated as being permitted in a district, then such use or class of use shall be prohibited in such district.
- 1.2 **Uses Similar in Character.** Such uses shall only be permitted in any district upon a finding by the Board of Appeals that such uses are, in fact, similar in character to those listed.
- SECTION 2. LIMITATION OF ONE PRINCIPAL BUILDING ON A LOT.** Except as provided, only one principal building and its customary accessory buildings may hereafter be erected on any lot. It is the intent of this Section that any series of principal buildings joined together by other than a party wall shall be defined as two or more principal buildings.
- SECTION 3. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS.** The following shall not be considered to be obstructions when located in the required yard specified:
- 3.1 **In All Yards.** Open terraces not over four feet (4') above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch; awnings and canopies; steps, four feet (4') or less above grade, which are necessary for access to a permitted building, or for access to a lot from a street or alley; chimneys projecting eighteen inches (18") or less into the yard; recreational and laundry drying equipment; arbors and trellises; flag poles; fences and walls not exceeding six feet (6') in height above natural grade level; and open-type fences exceeding six feet (6') in height, provided that visibility at right angles to any surface of such fence may not be reduced by more than twenty percent (20%).
- 3.2 **In Front Yards.** One story bay windows projecting three feet (3') or less into the yard; and overhanging eaves and gutters projecting three feet (3') or less into the yards.
- 3.3 **In Rear yards.** Enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms, similar buildings or structures for domestic or agricultural storage; balconies; breezeways and open porches; one-story windows projecting three feet (3') or less into the yard; and overhanging eaves and gutters projecting three feet (3') or less into the yard.
- 3.4 **In Side Yards.** Overhanging eaves and gutters projecting into the yard for a distance not exceeding ten percent (10%) of the required yard width, but in no case exceeding eighteen inches (18").
- SECTION 4. STREET ACCESS.** Each building shall be located on a lot or parcel which abuts a street as defined by this Ordinance.

### ARTICLE 3 - GENERAL PROVISIONS

**SECTION 5. REDUCTIONS OF LOT AREA PROHIBITED.** No lot shall be reduced in size so that the lot width, lot area or other requirements of this Ordinance are not maintained.

**SECTION 6. SUBSTANDARD LOTS OF RECORD.** Lots with contiguous frontage in one ownership. When two or more adjoining and vacant lots with a contiguous frontage are in one ownership at any time after the adoption or subsequent amendments of this Ordinance, and such lots individually have a frontage or area which is less than that required for the district in which such lots are located, then such lots shall be considered as a single lot or several lots of the minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of these regulations.

**SECTION 7. SINGLE LOT RECORD.** Except as set forth in Section 6, when a single lot or tract of land has an area or frontage which does not conform with the requirements of the district in which it is located and no contiguous lots exist in the same ownership, but such lot was a lot of record at the time of adoption or subsequent amendment of this Ordinance, then such lot or tract may be used for any use permitted in the district in which it is located, provided that in the case of dwellings, only one family dwellings shall be permitted on such lots.

**SECTION 8. BUILDINGS UNDER CONSTRUCTION.** Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within one year from the date of passage and publication of this Ordinance.

**SECTION 9. REZONING OF PUBLIC AND SEMI-PUBLIC AREAS.** An area indicated on the zoning map as a public park, recreation area, public school site, cemetery, or other similar open space shall not be used for any purpose other than that designated; and when the use of the area is discontinued, it shall automatically be zoned to the most restricted adjoining district until appropriate zoning is authorized by the Village Board within three (3) months after the date of application filed for rezoning.

**SECTION 10. NON-CONFORMING USES.**

10.1 **Continuance of a Non-Conforming Use.** The use of a building, structure or land, existing at the time of the enactment or with the use regulations of the district in which it is located may be continued with the following limitations: if no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a less restricted use or a non-conforming use, the non-conforming use of a building may hereafter be extended throughout those parts of the building which were manifestly arranged or designed for such use at the time of the enactment of this Ordinance.

10.2 **Non-Conforming Use Created by Changes in Ordinance.** Whenever the use of a building becomes a non-conforming use through changes in the Zoning Ordinance or district boundaries, such use may be continued, and if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification.

10.3 **Discontinuance of Use.** Whenever any part of a building, structure or land occupied by a non-conforming use is changed to or replaced by a use conforming to the provisions of this Ordinance, the premises shall not thereafter be used or occupied by any non-conforming use, even though the

building may have been originally designed and constructed for the prior non-conforming use.

A non-conforming use of land or of a building or portion thereof which is discontinued for a period of one (1) year shall not again be used except in conformity with the regulations of the district in which the building or land is situated.

Where no enclosed building is involved, discontinuance of a non-conforming use for a period of six (6) months shall constitute abandonment.

**10.4 Termination and Removal of Non-Conforming Uses.** The period of time during which the following non-conforming uses of buildings, structures or land may continue or remain shall be limited to one (1) year from the effective date of this Ordinance, or of any amendments thereto which causes the use to be non-conforming. Every such non-conforming use shall be completely removed from the premises at the expiration of the one-year period.

- A. Any non-conforming building or structure having a fair cash market value not in excess of Seven Hundred Fifty Dollars (\$750.00) on the effective date of this Ordinance.
- B. All non-conforming signs, billboards and outdoor advertising structures, not attached to a building, which existed lawfully on the effective date of this Ordinance.
- C. Any non-conforming use of land where no enclosed building is involved or where the only buildings employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming building other than automobile wrecking yards and junk yards. However, public or private off-street parking lots lawfully established prior to the effective date of this Ordinance shall not be affected by this provision.
- D. No junk or automobile wrecking yard not within the conforming district shall be operated or maintained for more than thirty-six (36) months after a zoning change to a use district within which such use is not permitted.

**10.5 Repairs and Alterations.** Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

No structural alterations shall be made in a building or other structure containing a non-conforming use, except in the following situations:

- A. When the alteration is required by law.
- B. When the alteration will actually result in eliminating the non-conforming use.
- C. When the alteration improves the appearance of a non-conforming building, such as a new storefront or the elimination of a porch.



- D. When a building containing residential non-conforming uses may be altered in any way to improve liability provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

**10.6 Damage and Destruction.** If a building or other structure containing a non-conforming use is damaged or destroyed by any means to the extent of seventy percent (70%) or more of its replacement value at that time, the building or other structure may be rebuilt or used only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than seventy percent (70%) of its replacement value, based upon prevailing costs, the extent of the damage shall be established by the decision of the Building Inspector.

An appeal from the decision of the Building Inspector may be taken by the owner or agent of the property involved in the manner set forth in Section IX. The building may then be restored to its original condition and the occupancy or use of such building which existed at the time of such partial destruction may be continued. In either event, restoration or repair of the building or other structure must be started within a period of one (1) year and diligently prosecuted to completion.

**SECTION 11. FRONT YARD SETBACKS.** The requirements of this Ordinance pertaining to front yard setbacks for dwelling structures shall not apply to any lot where the average setback on previously developed lots, located wholly or in part within one hundred feet (100') of each side of such lot, and within the same block and zoning district, and fronting on the same side of the same street as such lot is less than the minimum setback for the district in which located. In such cases, the front yard setback on such lot may be less than the front yard setback required by this Ordinance, but not less than the average of the existing front yard setbacks on the developed lots.

**SECTION 12. CORNER VISIBILITY.** Within that area formed by the intersecting street lines of a corner lot and the line joining points established on each such street line at a distance of twenty feet (20') from their point of intersection, no fence, building, structure, sign, planting or other obstruction shall be permitted to exist or to be erected in such fashion as to obscure the view from three and one-half feet (3-1/2') above street level to ten feet (10') above the street level.

**SECTION 13. EXCEPTIONS TO HEIGHT LIMITS.** Height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, utility poles, chimneys, smoke stacks, conveyors, flag poles, radio towers, television towers, masts, aerials and accessory farm structures.

**SECTION 14. DOUBLE FRONTAGE LOTS.** On double frontage lots, the minimum front yard setback established for the district in which such lot is located shall be provided on each street.

**SECTION 15. OFF-STREET PARKING REQUIREMENTS.**

**15.1 Number of Spaces Required.** At the time of the erection or any principal building or structure is enlarged or increased in capacity by adding rooms, guest rooms, floor area or seats, there shall be provided off street automobile parking spaces not less than the following requirements:

### ARTICLE 3 - GENERAL PROVISIONS

- A. Dwellings, One Family – two (2) spaces per dwelling unit.
- B. Dwellings, Two Families – two (2) spaces per dwelling unit.
- C. Trailer Courts – one (1) space for each trailer accommodation.
- D. Schools, Elementary – one (1) parking space for each two (2) staff members and employees, plus adequate off-street loading/unloading space for students, plus one (1) space for each ten (10) seats for the first one hundred (100) seats, plus one (1) space for each additional six (6) seats in the main auditorium or main assembly room. If seating is not fixed, one (1) space for each fifty (50) square feet of floor area intended for seating shall be provided.
- E. Business and Professional Offices – one (1) space for each two hundred (200) square feet of gross floor area.
- F. Restaurants and Similar Establishments Serving Food and Beverage – one (1) space for each one hundred (100) square feet of gross floor area.
- G. Motor Fueling Stations or Filling Stations or Service Stations – four (4) spaces for each grease rack, wash rack or similar facility.
- H. General Business, Commercial or Personal Service Establishments Catering to the Retail Trade, But Not Including Food Stores, Department Stores, Variety Stores or Drug Stores – one (1) space for each two hundred (200) square feet of gross floor area.
- I. Food Stores, Department Stores, Variety Stores and Drug Stores – one (1) space for each one hundred (100) square feet of gross floor area.
- J. Colleges or Other Institutions of Higher Learning; Business, Trade or Other Schools; Libraries; Accessory Uses to Such Facilities – such space as the Board of Appeals may require, based upon the number of persons, staff members and employees.
- K. Shopping Centers – one (1) space for each one hundred (100) square feet of gross floor area.
- L. In the case of any use which is not specifically mentioned, the provisions for a similar use which is mentioned shall apply. In the event that a use is not specifically mentioned and there is no similar use mentioned, the Village Board shall refer the matter to the Village Planning and Zoning Commission for recommendation as to which the parking requirements shall be. The Village Planning and Zoning Commission shall submit a recommendation to the Village Board within thirty (30) days or the Board shall make its own requirement.

15.2 **Size of Parking Space.** Each required parking space shall not be less than eight and one-half feet (8-1/2') wide and not less than nineteen feet (19') in length exclusive of driving lanes, maneuvering areas and walkways. In the case of a parking lot or garage where cars are parked by an attendant, spaces of lesser width may be permitted by the Board of Appeals, but in no case shall such spaces be less than eight and one-half feet (8-1/2') in width nor less than nineteen feet (19') in length.

- 15.3 **Off-Street Parking Space Within Four Hundred Feet (400') of Principal Building.** If the required off-street parking space cannot reasonably be provided on the same lot as the building it serves, the Village Board upon recommendation of the Village Planning and Zoning Commission may permit such space to be provided on other off-street property. Such property shall be within four hundred feet (400') of any lot line of the lot on which the building to be served is located and shall be in a zoning district of the same classification as the use to be served. This lot shall be in the same possession or ownership, either by deed or lease of not less than ten (10) years as the lot on which the principal building is located. The parking space thus established shall thereafter be associated with the building for which it was established and shall not thereafter be reduced or encroached upon in any manner. The intent of this paragraph shall also apply to the uses permitted in residential districts notwithstanding any other provisions in this Ordinance to the contrary.
- 15.4 **Off-Street Space for One-Family Dwellings.** Off-street parking facilities for one and two-family dwellings shall be located on the same lot or parcel of ground as the building to be served.
- 15.5 **Co-Operative Establishment In Operation of Parking Facilities.** The required parking spaces for any number of separate uses may be combined on one lot, provided, however, that the total number of spaces established in such joint facility shall not be less than the sum of the individual requirements for each participating use.
- 15.6 **Entrance or Exit Points.** Lot entrance and exit drive curb cuts or other provisions for access shall be not less than twenty-five feet (25') apart, provided, however, that this distance shall be increased should the lot frontage on the street permit such increase. Entrance and exit drives shall be located at least twenty-five feet (25') from any street intersection. When feasible, business establishments on contiguous lots are encouraged to consolidate entrance and exit points. Suitable provisions shall be made to prevent entrances or exists other than those made at designated entrance or exit drives.
- 15.7 **Set-Back From Streets.** All off-street parking spaces and their respective maneuvering area shall be set back not less than five feet (5') from the right-of-way line of any street.
- 15.8 **Maneuvering Area.** All off-street parking area shall be provided with adequate off-street maneuvering areas.
- 15.9 **Surfacing Requirements.** Off-street parking areas for six or more cars, and maneuvering areas and passageways established in connection with such facilities shall be provided with a dust proof surface and with adequate drainage facilities.
- 15.10 **Joint Use of Parking Spaces.** Parking spaces required for churches, theatres or assembly halls, whose peak attendance will be at night or on Sunday may be those which are partially or wholly assigned to another use which will be closed at night or on Sundays, provided such use shall be approved by the Board of Appeals and provided further that the space shall lie within six hundred feet (600') of the lot on which such church, theatre or assembly hall is located.

**SECTION 16. OFF-STREET LOADING/ UNLOADING REQUIREMENTS.** At the time of the erection of any principal building or structure, or at any time any principal building or structure is enlarged or increased, there shall be provided minimum off-street loading/unloading space in accordance with the following requirements.

- 16.1 **Retail Sales or Service Establishments.** There shall be provided sufficient space to accommodate the maximum number of trucks that will be loading, unloading or standing at any one time. In no case shall there be less than one (1) space for each 20,000 square feet or fraction thereof of gross floor area.
- 16.2 **Size of Off-Street Loading/Unloading Space.** Each space shall be not less than twelve feet (12') in width, and not less than forty-five feet (45') in length. Height clearance shall be not less than fourteen feet (14'). In all cases required, loading/unloading space shall not include customer parking, employee parking or maneuvering space.
- 16.3 **Location of Off-Street Loading/Unloading Space.** All required off-street loading/unloading spaces shall be located on the same lot as the building which they are intended to serve.
- 16.4 **Entrance and Exit Points.** Lot entrance and exit drive curb cuts shall not be more than thirty feet (30') in width. Curb cuts shall not be less than twenty-five feet (25') apart, provided, however, that this distance shall be increased should the lot frontage on the street permit such increase. Entrance and exit drives shall be located at least twenty-five feet (25') from a street intersection. When feasible, business establishments on contiguous lots are encouraged to consolidate entrance and exit points. Suitable provisions shall be made to prevent entrances or exits other than those made at designated entrance or exit drives.
- 16.5 **Set Back From Street.** All off-street loading/unloading spaces and their respective maneuvering areas shall be set back not less than five feet (5') from the right-of-way line of any street.
- 16.6 **Maneuvering Areas.** All off-street loading/unloading spaces shall be provided with adequate maneuvering area.
- 16.7 **Surface Requirements.** Off-street loading/unloading areas, maneuvering areas and driving lanes established in connection with such facilities shall be provided with a dust proof surface and with adequate drainage facilities.

## **ARTICLE 4 - CONDITIONS FOR CERTAIN USES**

### **SECTION 1. ADVERTISING SIGNS, GENERAL PROVISIONS.**

- 1.1 **Traffic Safety.** No direct red, orange, yellow or green illumination shall be used on any sign or structure located within one hundred feet (100') of a traffic control signal if it is located within the same line of vision of motorist as the traffic control signal. No advertising sign or structure shall be erected, constructed or maintained so as to interfere with vision clearance along any highway, street or road or at any intersection of two or more streets, highways or roads or at the intersection of any street, highway or road with the railroad track.
- 1.2 **Illumination.** No sign that is located within two hundred feet (200') of a residence shall have direct, flashing or intermittent lighting, unless it is shielded so that it does not cast light rays directly toward or upon the residential structure.
- 1.3 **Location of Signs.** With the exception of traffic control signs, highway designation signs, traffic regulatory signs and publicly installed signs, no advertising signs shall be permitted within the right-of-way lines of a public street, road or highway.
- 1.4 **Temporary Signs.** All signs erected or posted to serve a temporary function shall be removed within twenty (20) days from the date that function is no longer required.
- 1.5 **Advertising Signs – Professional Offices.** All advertising signs directing attention to a business within the proper zoning district in the Village shall be no greater than sixty (60) square feet in size, if illuminated, and no greater than one hundred (100) square feet, if non-illuminated.

### **SECTION 2. CHURCHES AND PARISH HOUSES.**

- 2.1 In any residential district, any church or parish house shall be set back not less than thirty feet (30') from any property line, except where such property line abuts a street in which case the front yard setback established for the district shall apply. Further, where any wall of a church or parish house is not broken by windows, doors or other openings, the Village Board may reduce setback requirements for the yard faced by such solid walls only, but in no case shall the setback from any property line be less than fifteen feet (15').
- 2.2 The Village Board may, on application, permit the temporary use of an existing dwelling structure as a church or parish house. Such permit shall be valid for a period not to exceed two years. The dwelling structure shall not be expanded in size during this period. At the end of such period, such church or parish house shall comply with all provisions applicable to churches in the district.
- 2.3 In granting a permit for the temporary use of a dwelling structure as a church or parish house, the Village Board may waive the setback requirements and location requirements established by this Ordinance for churches in this District. In such cases, the Village Board may partially or wholly waive the off-street parking requirement established by this Ordinance for churches.

**SECTION 3. CUSTOMARY HOME OCCUPATION.**

- 3.1 In connection with such activity, there shall be no exterior evidence of the "home occupation", other than a non-illuminated sign having an area of not more than three (3) square feet which shall be attached wholly to the dwelling structure within which such activity is conducted; subject to the provisions of Section 1.5 of this Article.
- 3.2 No article, product or service sold in connection with such activities shall be other than those produced on the premises. No mechanical equipment shall be used in connection with such activity other than such equipment as is customary for purely household or domestic purposes.

**SECTION 4. DWELLING, TENANT.** The yard and density requirements established for any district in which such use is permitted shall be maintained.

**SECTION 5. ELECTRICAL TRANSFORMER STATIONS, GAS REGULATOR STATIONS.** Such uses shall comply with the following requirements:

- 5.1 The uses shall be essential for the service of the immediate area.
- 5.2 Any building or structure, except an enclosing fence, shall be set back not less than twenty-five feet (25') from any property line.
- 5.3 The uses shall be enclosed by a woven wire fence. Open spaces on the premises shall be suitably landscaped.
- 5.4 The storage of vehicles and equipment on the premises shall be prohibited.
- 5.5 Any sound created in connection with the use shall not be permitted, insofar as practicable, to be heard beyond the property line.

**SECTION 6. GROUP DEVELOPMENT PROJECT.**

- 6.1 Such development shall be permitted only on a lot or tract of land having an area of not less than ten (10) acres.
- 6.2 Any building established in connection with such development which cannot be properly served by emergency or service vehicles from an abutting street shall be made accessible to such vehicle by a paved driveway having a roadbed width of not less than twenty feet (20').
- 6.3 Off-street parking and loading facilities established in connection with such development shall be of such design, location and arrangement as will not interfere with efficient flow of traffic through the area and as will not interfere with the access of emergency or service vehicles.
- 6.4 All buildings and structures established in connection with such developments shall be not less than twenty feet (20') apart.
- 6.5 Unless otherwise provided for in this Ordinance, all buildings and structures established in connection with such development shall comply with the front yard setback established for the district and shall be set back not less than twenty-five feet (25') from any side or rear property line.

#### **ARTICLE 4 - CONDITIONS FOR CERTAIN USES**

6.6 No dwelling structure established in connection with such development shall be situated on the lot so as to face the rear of another dwelling structure within the development or on adjoining property.

6.7 In no case shall a use be permitted in connection with such development unless the use is permitted by this Ordinance in the district in which the development is to be located. In recommending that such group development projects be allowed, the Village Board shall refer all such proposals to the Village Planning and Zoning Commission which shall report its recommendation to the Village Board within thirty (30) days. The Village Planning and Zoning Commission and the Village Board shall give due consideration to the effects of the proposed group development project on the character of the neighborhood and the effects of the traffic volumes generated by such development projects on the character of the area. The Village Planning and Zoning Commission and the Village Board shall also take into consideration the availability or unavailability of public utilities and public services and facilities. In so doing, the Village Planning and Zoning Commission shall recommend and the Board shall recommend within forty-five (45) days such action or establish such conditions of approval as will accomplish the purposes of this Ordinance. Final action shall be by the Village Board.

**SECTION 7. PUBLIC AND GOVERNMENTAL USES.** Such use shall be established in a manner that will not be injurious to the area in which such use is located and to this end the surrounding area shall be protected from obnoxious noises, odors, traffic hazards or other conditions which might be detrimental to the surrounding area.

**SECTION 8. SCHOOLS, PRIVATE, AND RECREATION CENTERS.** Such use shall be established in a manner that will not be injurious to the area in which such use is located and to this end the surrounding area shall be protected from excessive noises, traffic hazards or other conditions which might be detrimental to the surrounding area.

**SECTION 9. PRIVATE RESIDENTIAL YARD, GARAGE OR RUMMAGE SALES.** Such uses shall be permitted in R-1 Residential Districts, R-2 Residential Districts and AR Agricultural-Residential Districts, provided that there shall be no more than three (3) such sales on any one (1) lot by any one (1) owner or tenant of any lot in each fiscal year (May 1 to May 1); each sale to be no more than three (3) days in length.

**SECTION 10. POLE BARN.** No pole barns may be constructed within a residential area in the Village of Rapids City.

**SECTION 11. CANOPY STRUCTURES.** (Adopted January 9, 2007)

11.1 No person shall use a frame covered with a canopy, tarp, or similar type material as a structure for:

- A. The parking or storing of vehicles, including but not limited to automobiles, trucks, boats, trailers, or recreational vehicles; or
- B. A storage structure.

**SECTION 12. OUTDOOR LIGHTING.** All outdoor lighting on private or commercial property will be subject to the provisions of this ordinance with the following exceptions. (Adopted December 9, 2008)

**ARTICLE 4 - CONDITIONS FOR CERTAIN USES**

12.1 Holiday outdoor lighting displayed from November 15 through January 15.

**SECTION 13.**

**GLARE.** .Any operation or activity (including lighted signage) producing glare will be conducted so that direct, indirect, and reflected illumination from any source of light on any lot will not cause illumination in excess of one-half (1/2) foot candle when measured at any point on any adjoining property. No fluctuating, revolving, flickering, flashing, or other such "non-constant" sources of lighting will be allowed without a variance granted. (Adopted December 9, 2008)



## **ARTICLE 5 - ADMINISTRATION**

**SECTION 1. BUILDING INSPECTOR.** It shall be the duty of the Building Inspector who shall be appointed by the Village Board of the Village of Rapids City, Illinois, to administer and enforce this Ordinance. His duties shall include receiving applications for permits as provided, examining such applications and inspecting premises to determine compliance with the provisions of this Ordinance and issuing permits for uses of land and structures that meet the requirements of this Ordinance.

## **SECTION 2. ZONING PERMITS.**

**2.1 When Required.** Except as provided, a building permit issued by the Building Inspector is required in advance of:

- A. The initiation of construction, erection, moving or alteration of any building or structure.
- B. The development of land for any use which does not require a structure.
- C. Any change in the existing use of any part of a building structure, lot or tract of land to a use not specified on a previously issued permit, including any increase in the number of families occupying a building, structure, lot or tract of land.

**2.2 Application for a Building Permit.**

- A. Form. Each application for a building permit shall be filed with the Building Inspector on a form furnished by him and shall contain a general description of the proposed work and use and its location. The application shall be signed by the owner or his authorized agent.
- B. Information. Each application for a permit shall indicate the proposed use of all parts of building, structure and/or tract of land, and shall contain such other information as may be required by the Building Inspector.
- C. Plat or Plan. Each application for a building permit shall be accompanied by a plat or plan in duplicate, drawn to scale, showing the actual dimensions of the lot or tract to be developed, the size and location of buildings and structures to be erected, if any, the proposed setbacks of any buildings and structures to be erected, if any, the proposed setbacks of any buildings and structures from front, side and rear property lines, the use of adjoining properties, the setback lines of buildings and structures, if any, on adjoining properties, and such other information as may be essential to determine whether or not the provisions of this Ordinance are being observed. All plats or plans shall bear the signature of the owner or agent.

**2.3 Issuance of A Building Permit.** If the proposed development and use described in the application and the accompanying information conform to the requirements of this Ordinance, the Building Inspector shall issue a building permit and shall return a signed copy of the plat or plan to the applicant within thirty (30) days within receipt of the application.

- 2.4 **Building Permit Denied.** If the application for a permit and the plat or plan and accompanying information filed describes a development or a use which does not conform to the requirements of this Ordinance, the Building Inspector shall not issue a permit, but shall, within thirty (30) days of receipt of application, return the plat or plan to the applicant with his denial of the permit. The denial shall state the reasons therefore and shall cite the particular sections of this Ordinance with which the applicant does not comply.
- 2.5 **Conditions of the Permit.** A permit issued shall be construed as authority to proceed with the development and use and shall not be construed as authority to violate, cancel or alter, or set aside any provisions of this Ordinance, nor shall such issuance of a permit prevent the Building Inspector from hereafter requiring a correction of errors in plans or in construction or development, or of violations of this Ordinance. Any permit issued for the construction, erection, moving or alteration of a building or structure or for the development of land, shall become invalid if the development authorized by it is not commenced within sixty (60) days of its issuance, or if work or development authorized by such permit is suspended or abandoned for a period of one (1) year after the work or development is commenced; provided the extension of time for periods not exceeding ninety (90) days each may be allowed in writing by the Building Inspector.
- 2.6 **Exemption of Farm Activities and of Public Utilities.** Nothing contained in this Ordinance shall prevent the use of land for farming or agricultural purposes in any district in which such uses are permitted. No fee shall be charged for any building permit for any main or accessory building located on a farm and used for the usual farming or agricultural purposes; nor shall these regulations have any control over the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility as defined in an Act of the State of Illinois entitled "An Act Concerning Public Utilities."
- 2.7 **Exemption of Certain Activities.** A building permit shall not be required for grading, drainage and the construction of roads and utilities on the site of a proposed residential subdivision which has received preliminary approval from the Village Board in accordance with any subdivision regulations then existing.
- 2.8 **Records of Applications and Permits.** A record of all applications for a building permit and any plats or plans submitted shall be kept by the Building Inspector.

**SECTION 3. REMEDIES AND PENALTIES.**

- 3.1 **Remedies.** In case any building or structure is proposed to be erected, constructed or reconstructed, altered, maintained or used; or any land is proposed to be used in violation of this Ordinance or of a previously issued building permit the Village Board, the Village Attorney, the Building Inspector or any owner of real estate within the district in which such building, structure or land is situated may, in addition to other remedies provided by law, institute an injunction, abatement or any other appropriate action or processing to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction or alteration, maintenance or use.
- 3.2 **Penalties.** In case any building or structure is erected, constructed, reconstructed, altered or repaired, converted or maintained; or any structure or land is used in violation of this Ordinance, such violation in any respect shall be

punishable under the laws of the State of Illinois or the Village of Rapids City, Illinois. Upon conviction any person, firm or corporation violating this Ordinance shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense. Each day that a violation continues shall constitute a separate offense.

**SECTION 4. PLANNING AND ZONING COMMISSION.**

- 4.1 **Creation.** A Planning and Zoning Commission consisting of five (5) members shall be appointed by the Village President upon the adoption of this Ordinance.
- 4.2 **Procedure.** The Commission shall have the power to adopt rules and regulations for its own government not inconsistent with the laws of the State of Illinois or the Village of Rapids City, Illinois, or with the provisions of this Ordinance or any other ordinances of the Village. Meetings shall be held at the call of the Chairman and at such times as the Commission may determine, provided that all such meeting shall be open to the public. Minutes shall be kept of all proceedings showing the action of the Commission and the vote of each member upon each question or, if absent or failing to vote, indicating that fact, and a record shall be made of examinations and all other official actions of the Commission, all of which shall be filed immediately in the office of the Commission and shall be a public record. All testimony taken in connection with any hearing held by the Planning and Zoning Commission shall be taken under oath and to that end the Chairman or the Acting Chairman may administer oaths and compel attendance of witnesses. Three (3) members of the Commission shall constitute a quorum. The Board shall act by resolution and a concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of an applicant any matter upon which it is required to pass under this Ordinance or to affect any variation in the requirements of this Ordinance.
- 4.3 **Powers.** The Planning and Zoning Commission shall have the following powers and duties:
- A. To hear and decide appeals when it is alleged by the appellant that there is an error in any order, requirement, decision or determination made by the Building Inspector.
  - B. To recommend to the Village Board upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest, when, owing to special conditions fully demonstrated on the basis of the facts presented, literal, enforcement of such standards against a particular piece of property would result in great practical difficulty or unnecessary hardship. The following limitations shall apply to the power of the Planning and Zoning Commission to recommend variances:
    - 1. A variance shall only be recommended in an individual case of practical difficulty or unnecessary hardship upon a finding by the Planning and Zoning Commission that:
      - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

## ARTICLE 5 - ADMINISTRATION

- b. Such conditions are peculiar to the particular piece of property in question and not to the block, subdivision or zoning district in which such property is located.
    - c. Because of the extraordinary and exceptional conditions pertaining to the particular piece of property in question, the literal enforcement of particular requirements against such property would result in practical difficulty or unnecessary hardships.
    - d. Relief by variance, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.
  - 2. The Planning and Zoning Commission shall not be empowered to recommend varying any lot area requirements.
  - 3. The Planning and Zoning Commission shall not be empowered to recommend varying any of the use requirements set forth in Article 5 of this Ordinance.
  - 4. The Planning and Zoning Commission shall not be empowered to recommend permitting a use of land, building or structure within any district in which such use is prohibited; provided, however, that the Board of Appeals may, subject to the provisions of this Section, vary the time limit for the discontinuance of a non-conforming use.
  - C. To recommend in appropriate cases, in harmony with the general purposes and intent of such regulations, a building or premises to be erected or used for public utility or public service purposes in any location which is reasonably necessary for public convenience and welfare, subject to the provisions of Article 5.
  - D. To receive a pass on applications for building permits when such is required in connection with certain specified uses listed in this Ordinance. When acting on such applications, the Planning and Zoning Commission shall give consideration to the proposed design and location of the particular development, the possible traffic generating characteristics of the proposed development; and the effects which the proposed development will have on the character of the area in which it proposes to locate. The Commission shall also take into consideration the availability of public utilities, facilities and services. After such considerations, the Commission shall recommend such actions or such reasonable conditions of approval as will accomplish the intents and purposes of this Ordinance.
- 4.4 **Appeals, How Taken.** An appeal to the Village Board may be taken by any property owner or tenant or by any governmental officer, department, board or bureau affected by any ruling of the Building Inspector. The appeal shall be taken within thirty (30) days by filing with the Building Inspector a notice of appeals specifying the grounds thereof. The Building Inspector shall transmit to the Board such notice of appeals, together with all the plans and papers constituting the records upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of an application or of an appeal. It shall give at least fifteen (15) days notice of the time and place of such hearing by inserting in a daily newspaper of general circulation in the

## **ARTICLE 5 - ADMINISTRATION**

Village of Rapids City, Illinois, and shall also give notice, delivered personally or by mail at least five (5) days before the time fixed for such hearing, to the applicant or appellant and to the Building Inspector, and to the respective owners of record or property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent or by attorney. The Board shall decide the application or appeal within forty-five (45) days after the date of the hearing. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board that by reason of fact stated in the certificate, the stay would in his opinion cause eminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, on due cause shown, be granted by the Board on application after notice to the Building Inspector and may make such order, requirement, decision or determination as ought to be made regarding matters referred to it for action. All final administrative decisions of the Board of Appeals shall be subject to judicial review, pursuant to the provisions of the Administrative Review Act, Chapter 110, Sec. 3.1, Illinois Revised Statutes, 1985 and all the amendments and modifications thereof and the rules adopted pursuant thereto.

## **ARTICLE 6 - AMENDMENTS**

**SECTION 1. AMENDMENT BY VILLAGE BOARD.** The Village Board may, from time to time, amend the number, shape, boundary or area of any districts; or may amend any regulation pertaining to any district or may amend any article or section of this Ordinance.

**SECTION 2. PROCEDURE FOR AMENDMENT.** The procedure for amending the ordinance shall be as follows:

**2.1 Initiation of Proposals for Zoning Amendments.** A zoning amendment may be proposed by:

- A. The Village Board.
- B. The Planning and Zoning Commission.
- C. Any individual, corporation or agency wishing to request an amendment shall submit their request in writing to the Village Board.

**2.2 Village Planning and Zoning Commission Study.** Unless proposed by the Village Planning and Zoning Commission, all proposed amendments shall be submitted to the Village Planning and Zoning Commission for study and recommendation. The Village Planning and Zoning Commission shall study such proposals to determine:

- A. The need and justification for the change.
- B. The affect of the change, if any, on the property and surrounding properties when such proposals pertain to a change in the district classification of property.
- C. The relationship that the proposed amendment bears to the purposes of the overall zoning program with due consideration as to whether or not the proposed change would help carry out these purposes as stated in Article 1, Section 2.
- D. When pertaining to a proposed change in the district classification of property, the need for the change in terms of the amount of undeveloped land having the same district classification and the same general area as the property or properties for which the district classification is requested.

**2.3 Report to Village Board.** The Village Planning and Zoning Commission shall submit its report to the Village Board, along with its recommendation of the action which should be taken on the proposal. The recommendation of the Village Planning and Zoning Commission shall have an advisory affect only and shall not be binding on the Village.

- A. Time Limitation. The Planning and Zoning Commission shall submit its report and recommendation to the Village Board within forty-five (45) days from the date that the proposal was submitted to it for study and recommendation. If the Village Planning and Zoning Commission does not submit its report within the prescribed time, the Village Board shall be free to proceed with its own action on the amendment without further awaiting the report of the Village Planning and Zoning Commission.

## **ARTICLE 6 - AMENDMENTS**

- 2.4 **Public Hearing.** Before taking action on any proposed amendment, the Planning and Zoning Commission shall hold a public hearing on the proposed amendment or change. It shall give not less than fifteen (15) days nor more than thirty (30) days notice of the time and place of such hearing by publication in a newspaper of general circulation in the Village of Rapids City, notices to all property owners who in the opinion of the Planning and Zoning Commission may be affected by such amendment, supplement or change and in accordance with such rules or procedure as it may establish. In cases of a written protest against a proposed change in the boundaries of a district signed and acknowledged by the owners of twenty percent (20%) or more of the frontage proposed to be altered or of the frontage immediately adjoining or across an alley or street therefrom or directly opposite the frontage proposed to be altered is filed with the Planning and Zoning Commission, such amendment shall not be passed or become effective except by the favorable vote of two-thirds (2/3) of all the members of the Village Board after hearing and within forty-five (45) days the Planning and Zoning Commission shall make known to the Village Board the results of the hearing and the recommendations of the Planning and Zoning Commission.
- 2.5 **Fee.** Any person, firm or corporation other than a Department or Board of the Village of Rapids City, Illinois, desiring a change in zoning, an amendment or to make application of appeal or request for variance shall submit a petition therefore in accordance with the form furnished by the Building Inspector which petition shall be accompanied by a fee in the amount of One Hundred Dollars (\$100.00) toward the cost of processing the application. In no case shall any fee paid for processing such petition or application be returned or refunded.

## **ARTICLE 7 - LEGAL STATUS PROVISION**

**SECTION 1.       ORDINANCE OF GREATER RESTRICTION GOVERNS.** Whenever the regulations of this Ordinance impose a greater restriction upon property on some other existing statutory requirements than the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance than the provisions of such other statutes shall govern.

**SECTION 2.       SEPARABILITY.** Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, this declaration shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the parts so declared to be unconstitutional or invalid.



## **CHAPTER 2**

### **SUBDIVISION AND OFFICIAL MAP ORDINANCE**

#### **ARTICLE 1 - TITLE, PURPOSE, AUTHORITY, APPROVALS AND EXCEPTIONS, AND DEFINITIONS**

**SECTION 1.       SHORT TITLE.** This Ordinance shall be known as and may be referred to and cited as "Subdivision and Official Map Ordinance for the Village of Rapids City, Illinois and Contiguous Area." It embraces all the lands and properties lying within the Village, and within the areas set forth and described as being contiguous or adjacent to the Village within one and one-half (1-1/2) miles from the Village limits, but outside the Village. The map referred to and identified by the title as "Official Map, Village of Rapids City," is adopted as part, together with all explanatory matters.

**SECTION 2.       PURPOSE.** The Subdivision Regulations and Official Map as set forth and made a part of have been made for these purposes and objectives: to provide for the harmonious development of the Village of Rapids City, and its environs as outlined, and for the coordination of streets and subdivisions with other existing or planned streets, and for the preservation of adequate open spaces for traffic, light and air, and for the distribution of population and traffic to the extent that favorable conditions in regard to health, safety and general welfare are protected or created; to assure that development will follow proposals of the overall Comprehensive Plan for the Village, and the environs embraced; to assure that adjacent developments will properly relate to one another; to assure that a coordinated effort will be made between utilities, services and developers so that streets and other improvements will be properly installed; and to assure that a minimum level of improvement will be required of all subdividers.

**SECTION 3.       AUTHORITY.** This Ordinance is adopted in pursuance of the authority granted by the 1967 Revised Statutes of the State of Illinois, Chapter 24, Section 11, Divisions 12, 14 and 15.

**SECTION 4.       APPROVALS AND EXCEPTIONS.**

- 4.1   No land shall, after the adoption of these regulations, be subdivided or filed for record, nor any street laid out, nor any improvements made to the land, until the plat or plans of the subdivision or street improvements shall have been referred to the Planning and Zoning Commission for review and recommendation and approved by action of the Village Board. This approval must be in writing and placed on the original tracing of the final plats according to the procedure outlined.
- 4.2   No lot, tract or parcel of land within any such subdivision shall be offered for sale nor shall any sale, contract for sale or option be made or given until such subdivision plans have been properly reviewed by the Planning and Zoning Commission and officially approved by the Village Board.
- 4.3   No improvements, such as sidewalks, water supply, storm water drainage, sewer facilities, gas service, electric service or lighting, or grading, paving or surfacing of streets, shall be made within any such subdivision by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent until Preliminary Plats for the subdivision and also the plans for improvements have been formally approved by the Planning and Zoning Commission and Village Board.

**SECTION 5. DEFINITIONS.** For the purposes of this Chapter and in order to carry out the provisions contained, certain words, terms and phrases are to be interpreted as defined.

Words used in the present tense shall include the future tense; and singular number includes the plural, and the plural number includes the singular. The word "lot" includes the word "plot" and "parcel." The word "shall" is mandatory, and the word "may" is permissive.

The following words, terms and phrases are defined as follows and shall be interpreted as such throughout these regulations. Terms not here defined shall have the meaning customarily assigned to them.

<b>Administrative Officer</b>	The person appointed to occupy the office created by this Ordinance, in which office is vested the chief administrative and enforcement duties as outlined in the attached standards.
<b>Alley</b>	A traffic way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street.
<b>Block</b>	A tract of land bound by streets or by a combination of streets, public parks, cemeteries, railroad right-of-way, shorelines of waterways and/or other physical barriers.
<b>Community Sewerage System</b>	A sanitary sewerage system which is owned, operated and maintained by a private corporation or a non-profit property owner's association and is a type which meets the requirements of the Illinois Department of Public Health as property designed to serve one or more subdivisions. A septic tank is not a "community sewerage system." Within the corporate limits of the Village, the "community sewerage system" shall be designed and constructed by the subdivider and shall be dedicated to the Village which shall maintain and operate the system.
<b>Community Water Supply System</b>	A water supply system which is owned, operated and maintained by a private corporation or a non-profit property owners' association and is a type which meets the requirements of the Illinois Department of Public Health as properly designed to serve one or more subdivision. Within the corporate limits of the Village, the "community water supply system" shall be designed and constructed by the developer and be dedicated to the Village which shall maintain and operate the system.
<b>Crosswalk</b>	A strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.
<b>Cul-de-sac</b>	A local street terminated at one end with a permanent turn-around, the open end being the only means of access to another street.
<b>Easement</b>	A grant by a property owner for the use of a strip of land by the general public, a corporation or a certain person or persons for a specific purpose or purposes.

**ARTICLE 1 - TITLE, PURPOSE, AUTHORITY, APPROVALS AND EXCEPTIONS, AND DEFINITIONS**  
**Section 5 - Definitions Continued**

<b>Half Street</b>	A street having a width less than required by these and other appropriate regulations.
<b>Individual Subsurface Sewage Treatment Facility</b>	A sewage disposal system designed to function on an individual lot basis. A septic tank is a type of individual subsurface sewage treatment facility.
<b>Land Remnant or Out lot</b>	Any portion of a tract of land which cannot be developed after the tract has been subdivided.
<b>Lot</b>	A parcel of land which is or may be occupied by a building and its accessory buildings or related use, together with such yards or open spaces within the lot lines as may be required by these regulations.
<b>Lot, Corner</b>	A lot which has at least two (2) adjacent sides abutting for their full length on a street, provided the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135°).
<b>Lot, Double Frontage</b>	A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.
<b>Lot, Reverse Frontage</b>	A double frontage lot which has its vehicular access point limited to the back of the lot, rather than having access on its front.
<b>Lot, Interior</b>	Any lot other than a corner lot with only one (1) frontage street.
<b>Lot Area</b>	The total horizontal area included within lot lines.
<b>Lot Frontage</b>	That dimension of a lot or portion of a lot abutting on a street excluding the side dimension of a corner lot.
<b>Lot Lines</b>	The lines bounding a lot as defined.
<b>Lot Line, Front</b>	In the case of an interior lot, is the line separating the lot from the street. In the case of a corner lot or double frontage lot, the line separating the lot from the street is designated as the front street.
<b>Lot Line, Rear</b>	The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line not less than ten feet (10') long and wholly within the lot.
<b>Lot Line, Side</b>	Any lot boundary line not a front or rear lot line.
<b>Official Map</b>	The map established and on which may be indicated proposed public improvements for the purpose of coordinating construction of public improvements with future community development.
<b>Planning and Zoning Commission</b>	The Planning Commission of the Village of Rapids City, Illinois
<b>Plat, Final</b>	The plan of record of a subdivision, together with accompanying material as required in Article 3, Section 7.

**ARTICLE 1 - TITLE, PURPOSE, AUTHORITY, APPROVALS AND EXCEPTIONS, AND DEFINITIONS**  
**Section 5 - Definitions Continued**

<b>Plat Preliminary</b>	The plan of layout of a proposed subdivision, together with the accompanying material as required in Article 3, Section 3.
<b>Reserve Strip</b>	A narrow parcel of land between a street adjacent to the property line and the adjacent property, the strip being retained in private ownership to prevent access of neighboring property to an improved and dedicated street.
<b>Right-of-Way</b>	A strip of land occupied or intended to be occupied by a road, walkway, crosswalk, railroad or other such use. Every right-of-way established under this resolution and shown on a Final Plat is separate and distinct from the lots and parcels adjoining such right-of-way and not included within the dimension or areas of such lots or parcels.
<b>Roadway</b>	That portion of the street which has or is to be improved and is or will be available for vehicular traffic.
<b>Setback Line</b>	That line denoting the distance required to obtain the minimum front, side and rear yards as required by the appropriate zoning regulations.
<b>Sidewalk</b>	That portion of the street, walkway or crosswalk which is paved and intended for pedestrian use only.
<b>Street</b>	A general term used to describe a public right-of-way which provides a channel for vehicular and pedestrian movement, and may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of utilities (both above and below ground).
<b>Street, Collector</b>	A traffic way which carries traffic between sections of the community or which serves as a connector between rural areas and the community.
<b>Street, Expressway</b>	A limited access traffic way connecting two or more communities.
<b>Street, Local</b>	A traffic way which serves primarily for access to abutting properties.
<b>Street, Major</b>	A traffic way connecting communities or connecting to limited access traffic ways, which in turn connect to other communities.
<b>Street, Marginal Access</b>	A local street which is parallel to and adjacent to primary streets and highways, and which provides access to abutting properties and protection to local traffic from fast through-moving traffic on the primary streets.
<b>Street Pavement Width</b>	The horizontal distance of the roadway measured from back of curb to back of curb.
<b>Subdivider</b>	An individual, partnership, corporation or other legal entity or agent thereof which undertakes the activities covered by these regulations. In as much as the subdivision plan drawings are merely a necessary means to the end of assuring satisfactory development, the term "subdivider" includes "developer," "owner" or "builder," even though the persons and their precise interest may vary at different project stages.

**ARTICLE 1 - TITLE, PURPOSE, AUTHORITY, APPROVALS AND EXCEPTIONS, AND DEFINITIONS**  
**Section 5 - Definitions Continued**

<b>Subdivision</b>	The division of a parcel of land into two (2) or more lots or parcels, any of which is less than five (5) acres, for the purpose of transfer of ownership or development for any future use, whether residential, commercial or industrial. The term includes resubdivision and, when appropriate to context, shall relate to the process of subdividing or to the land subdivided.
<b>Village Engineer</b>	The Village Engineer of Rapids City, Illinois, or person designated to act in the capacity of Village Engineer in the review of engineering data as outlined herein where the services of a Village Engineer are specifically mentioned.

## **ARTICLE 2 - OFFICIAL MAP**

**SECTION 1. OFFICIAL MAP ESTABLISHED.** There is established for the Village a contiguous area on an Official Map which is included and adopted as part of these provisions.

### **SECTION 2. OFFICIAL MAP PROCEDURES.**

- 2.1 **Planned Public Improvements May be Indicated on Official Map.** The Official Map may show indication of sites for planned public facilities. Public facilities sites which may be indicated on the Official Map may include but are not limited to sites for new traffic ways or widening of existing traffic ways, school and recreation sites, public building sites and sites for future storm drainage, electrical or other public service or utility easement.
- 2.2 **Planned Public Facilities on Official Map to be Required on Subdivision Plat.** Whenever the Official Map indicates the necessity for providing a site for a planned public facility, the Village Board may require that the site for the public use be designated on the subdivision plat before granting approval to such plat; and, furthermore, that such site be held for that specific public use for a period of one (1) year from date of Preliminary Plat approval.
- 2.3 **Responsible Agency to Begin Negotiations to Purchase Public Site Within One (1) Year.** Whenever a site for public use shown on the Official Map has been required to be indicated on a Preliminary Plat, the responsible agency having jurisdiction of such use shall acquire the land so designated or commence proceedings to acquire such land by condemnation within one (1) year from date of approval of such plat; and, if it does not do so within such period of one (1) year, the land so designated may then be used by the owners in any other manner consistent with this regulation and the appropriate zoning regulation.

**SECTION 3. AMENDMENTS OR ADDITIONS TO OFFICIAL MAP.** Amendments to the Official Map, including the indication of additional public sites to be shown on the map, shall be considered amendments to these provisions and therefore shall be as specified in Section 2. Any agency requesting the establishment on the Official Map of a future public site or easement which is not included in the Comprehensive Plan shall indicate to the Planning and Zoning Commission the need for site in the particular location specified. The Planning and Zoning Commission, before making a favorable recommendation for the inclusion on the Official Map of such site by the Village Board, shall find that the public site location is consistent with the Comprehensive Plan of the community and shall so indicate in its minutes.

## **ARTICLE 3 - PROCEDURE FOR THE REVIEW OF SUBDIVISIONS**

**SECTION 1. APPROVAL OF SUBDIVISIONS REQUIRED.** It is required that no subdivision or land within the Village of Rapids City or land located within one and one-half (1-1/2) miles of its limits which is not within another municipality shall be entitled to be recorded in Rock Island County or have any validity until it has been approved by the Rapids City Village Board. In the event of overlapping jurisdiction within such one and one-half (1-1/2) miles, the extent of jurisdiction shall be as determined and agreed upon between Rapids City and the other municipality or municipalities concerned. In absence of such agreement, the jurisdiction of these regulations will extend half the distance between the corporate limits of Rapids City and the corporate limits of the municipality nearest to the corporate limits of Rapids City. Each person, firm or corporation seeking the Village Board's approval of a map, plat or subdivision shall follow the procedure outlined.

**SECTION 2. SKETCH PLAN DISCUSSION.** Prior to the filing of a Preliminary Plat, it is recommended that the subdivision shall submit to the Chairman of Planning and Zoning Commission and the Building Inspector, material relating to the proposed subdivision in order to avail himself of the advice and assistance of the Planning and Zoning Commission. This may include information relative to the site and conditions of the site, existing community facilities and utilities on and adjacent to this site, number and size of lots proposed, etc. It is suggested the material shall include as a minimum:

- 2.1 **Location Map.** Location map shall show relationship of the proposed subdivision to the streets and other community facilities serving it.
- 2.2 **Sketch Plan.** The sketch plan shall show in simple sketch form proposed layout of streets, lots and other features in relation to existing conditions.

The sketch plan discussion does not require formal application, fee or filing of the Plat. The Chairman of Planning and Zoning Commission shall submit the sketch plan material to the Planning and Zoning Commission which shall, within one (1) month, make known its comments regarding the proposed subdivision to the subdivider.

**SECTION 3. PRELIMINARY PLAT – PREPARATION AND FILING.** The subdivider shall cause to be prepared a Preliminary Plat and shall file four (4) copies and other required material with the Planning and Zoning Commission in application for preliminary approval. The application for preliminary approval shall include the following:

- 3.1 **Location Map.** Sketch map showing relationship of the proposed subdivision to the streets and other community facilities serving it. Such map shall include:
  - A. Subdivision name.
  - B. Outline of area to be subdivided.
  - C. Existing streets and city utilities on adjoining property.
  - D. North point, scale and date.

- 3.2 **Preliminary Plat.** A Preliminary Plat of the subdivision drawn to the scale of one inch (1") to one hundred feet (100') or larger and including:
- A. Name of the proposed subdivision with the approximate length and bearing of the exterior boundaries, which are to be indicated by a solid heavy line.
  - B. Name and address of owner.
  - C. Names of persons who prepared the Plat and owner's attorney, representative or agent.
  - D. North point, graphic scale and date.
  - E. Location of the proposed subdivision by township, section, town and range, or by other legal description.
  - F. Contours at two foot (2') intervals where ground slope is regular, contours at five foot (5') intervals when ground slope is irregular as determined by the Planning and Zoning Commission.
  - G. Location, widths and names of all existing or prior platted streets or other public ways, lot lines, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, and section and corporation lines within or adjacent to the tract and/or other relevant information required by the Planning and Zoning Commission.
  - H. Existing sewers, water mains, culverts or other underground facilities within the tract or adjacent to the tract indicating pipe size, grades, manholes and approximate location.
  - I. Boundary lines of adjacent tracts of unsubdivided or subdivided land, showing ownership where possible.
  - J. Layout of proposed blocks (if used) and lots, including the dimensions of each, and the lot and block number in numerical order.
  - K. All front setback lines and side setback lines on intersecting street sides of corner lots.
  - L. Location, width, other dimensions and names of existing and proposed streets, alleys and roads (with approximate radii of all curves and length of tangents), utility easements, parks and other open spaces or reserved areas.
  - M. Zoning classification on and adjacent to the subdivision.
  - N. Approximate grades of proposed streets and alleys.
  - O. Typical cross sections of the proposed streets showing roadway locations, type of curb and gutter, surfacing material to be used and sidewalks to be installed.
  - P. The layout of proposed water mains and sanitary sewers.



### **ARTICLE 3 - PROCEDURE FOR THE REVIEW OF SUBDIVISIONS**

- Q. The proposed drainage system of the subdivision, including storm sewers, ditches, culverts, bridges and other structures.
- R. Boundaries of the highest known flood of record affecting the subdivision and the source of information.
- S. If the proposed subdivision borders on a lake or stream, the distances and bearings of a meander line established not less than twenty feet (20') back from the mean high water mark of the lake or stream.
- T. A statement, near the owner's name, to read: PRELIMINARY PLAT, NOT TO BE RECORDED.
- U. A table of the following information: total acreage of subdivision, total number of lots and acreage of public lands to be dedicated other than streets.
- V. A complete listing of all existing covenants which apply to the land to be subdivided, and a complete listing of all covenants which are proposed by the developer to apply to the subdivided land.

- 3.3 **Preliminary Plat Subdivision Fee.** At the time of filing an application for approval of the Preliminary Plat, the application shall be accompanied by a certified check or money order for One Hundred Dollars (\$100.00), plus Two Dollars (\$2.00) for each lot in the proposed subdivision, payable to the Village of Rapids City to cover the cost of reviewing the proposed plat.

### **SECTION 4. PRELIMINARY PLAT – REVIEW AND APPROVAL.**

- 4.1 **Filing and Review.** Immediately upon the filing of four (4) copies of the Preliminary Plat, the Planning and Zoning Commission shall retain one (1) copy of its file (on which copy is to be indicated Planning and Zoning Commission and/or Board action on the Plat) and shall distribute the remaining copies of the Plat as follows: one (1) copy to the Village Engineer; one (1) copy to the Planning and Zoning Commission; one (1) copy to the Building Inspector and where a proposed plat is outside the Village limits but within the area of subdivision jurisdiction, one (1) copy to the Zoning Administrator of Rock Island County.

The Village Engineer, Building Inspector and where concerned, the Zoning Administrator of Rock Island County shall have an opportunity to review the plat and application materials to assure the proposed subdivision complies with applicable regulations and requirements and report upon such to the Planning and Zoning Commission. The Planning and Zoning Commission shall determine if the proposed subdivision complies with the Zoning Ordinance. The Planning and Zoning Commission shall also report upon conditions of the site or adjacent property which, while not evident in the application materials, may affect development upon the site.

- 4.2 **Review of Planning and Zoning Commission.** The Planning Commission shall review the Preliminary Plat and application materials to assure compliance with the Comprehensive Plan and Official Map of the Village. Particular note shall be made that any planned major streets or other planned public facilities of the community falling in the area of the subdivision being reviewed are accommodated in the proposed Plat; they also may review the reports of Village Engineer with regard to the proposed subdivision. Within

### **ARTICLE 3 - PROCEDURE FOR THE REVIEW OF SUBDIVISIONS**

forty-five (45) days of the subdivider's filing for preliminary approval, the Planning and Zoning Commission shall make known to the Village Board and Village Clerk that the Preliminary Plat has been: a) approved, b) approved subject to modification, or c) disapproved. If disapproved, the Planning and Zoning Commission shall submit to the subdivider, with a copy to the Village Clerk, a statement setting forth reasons for disapproval, indicating particularly the aspects in which the proposed Plat fails to conform to Official Map and other ordinance requirements. Failure of the Planning and Zoning Commission to act within forty-five (45) days of filing the Plat shall allow the Village Board to vote on the approval of the Plat unless, however, a written extension of time is mutually agreed upon by the subdivider and Planning and Zoning Commission. The Planning and Zoning Commission action noted upon it.

- 4.3 **Approval or Rejection by Village Board.** Following review and recommendation of the Preliminary Plat by the Planning and Zoning Commission, the Village Board shall approve or reject the plat within thirty (30) days after the first regular Village Board meeting. In the event the Planning and Zoning Commission fails to act within forty-five (45) days per Section 4.2, the Village Board shall approve or reject the Plat within thirty (30) days after the first regular Village Board meeting.
- 4.4 **Action on Preliminary Plat to be Filed with Village Clerk.** A certified copy of the order or resolution approving the Preliminary Plat or disapproving the Preliminary Plat and stating the reasons therefore shall be attached to a copy of the Preliminary Plat by the Village Clerk and filed in the Office of the Village Clerk.
- 4.5 **Platting Procedure for Minor Plats.** The Planning and Zoning Commission may wave any or all of the requirements relating to the Preliminary Plat for subdivisions containing three (3) or fewer lots, provided that: all the lots within the proposed subdivision front on an existing street; no public improvements construction is required; no variation of the requirements of this Ordinance are requested; no site for a public facility, as shown on the Official Map, is covered by any part of the Plat.

**SECTION 5. PRELIMINARY PLAT APPROVAL NOT TO CONSTITUTE SUBDIVISION APPROVAL.** Approval of the Preliminary Plat by the Village Board does not constitute approval of the subdivision, but is merely an authorization to the subdivider to proceed with the preparation of the Final Plat.

**SECTION 6. TIME LIMITATION OF PRELIMINARY APPROVAL.** Approval of the Preliminary Plat shall be effective for twelve (12) months; except, however, the Planning and Zoning Commission upon written request of the subdivider, may grant a written extension of time. If the Final Plat is not filed with the Planning and Zoning Commission within twelve (12) months or authorized written extension, of time. If the Final Plat is not filed with the Planning and Zoning Commission within twelve (12) months or authorized written extension, of Village Board approval of the Preliminary Plat, all previous approvals of the Preliminary Plat shall become null and void.

**SECTION 7. FINAL PLAT – PREPARATION AND FILING.** Following approval of the Preliminary Plat, the subdivider shall cause to be prepared a Final Plat and other material required in filing for final approval. Application for final approval shall consist of filing with the application for final approval shall consist of filing with the Planning and Zoning Commission the reproducible Final Plat and four (4) copies and such additional information outlined here:

### **ARTICLE 3 - PROCEDURE FOR THE REVIEW OF SUBDIVISIONS**

- 7.1 **Final Plat.** The Final Plat may include all or only part of the Preliminary Plat and should include or indicate the following:
- A. Final Plat shall be drawn to the scale of one inch (1") to one hundred feet (100') or longer.
  - B. Accurate tract boundary lines with dimensions and angles which provides a survey tract, closing with an error of not more than one foot (1') in five thousand feet (5,000').
  - C. All monuments, erected corners and other points established in the field on their proper places; the material of which the monuments, corners and other points are made shall be noted at the representation thereof by legend.
  - D. All proposed streets named and listed.
  - E. All curves supplied with complete and accurate curve notes.
  - F. The exact length and bearing of the boundary lines of all blocks, public grounds, streets and alleys and all lot lines, except that when the lines in any tier of lots are parallel it shall be sufficient to mark the bearings of the outer lines on one tier thereof; easements shall be shown by centerline and width when lines are parallel to a boundary; otherwise, boundary bearings and distances shall be shown.
  - G. The exact width of all easements, streets and alleys.
  - H. All blocks consecutively numbered or lettered in alphabetical order; the block in numbered additions to subdivision bearing the same name shall be numbered or lettered consecutively through the several additions.
  - I. All lots in each block, numbered consecutively.
  - J. All lake or stream shore meander lines established by the surveyor in accordance with the Preliminary Plat requirements, the distances and bearings thereof, and the distance between the point of intersection of such meander lines with lot lines and the ordinary high water mark.
  - K. All front setback lines and side setback lines on intersecting street sides of corner lots.
  - L. Areas to be dedicated or reserved for public use and any area to be reserved by deed covenant for the common use of all property owners in the subdivision.
  - M. Where provisions are made for access from any subdivision to any lake or stream, the Plat should show the area over which access is provided to the lake or stream.
  - N. The names of adjoining streets, state highways and subdivisions shown in their proper location.
  - O. Abutting street and state highway lines of adjoining plats shown in their proper location by dotted lines. The width of these streets and highways shall be given also.

### **ARTICLE 3 - PROCEDURE FOR THE REVIEW OF SUBDIVISIONS**

- P. Subdivision name.
- Q. Name of owner(s) of the property.
- R. North point, scale and date.
- S. Certification by a Registered Illinois Land Surveyor indicating that he has surveyed the subdivision and that the Plat confirms to said survey.
- T. Notarized certification by the owner of the dedication of streets and other public areas.
- U. Final approval by the Village Board and Planning and Zoning Commission with signature and date spaces for President of Village Board, Village Clerk and Planning and Zoning Commission Chairman.

#### **7.2 Other Required Documents:**

- A. Restrictive covenants, if any, in form for recording.
- B. Notarized certification of title showing that applicant is the landowner.
- C. Certification showing that all taxes and special assessments due on the property to be subdivided have been paid in full.
- D. Specifications and engineering construction drawings including profiles, cross sections and details as applicable of all public improvements, including streets and alleys, water systems, sanitary sewerage system and storm drainage.
- E. A certification by a Registered Professional Engineer licensed in the State of Illinois indicating that he has prepared the plans for all public improvements proposed to be installed in the subdivision.  
  
A certification by a Registered Professional Engineer licensed in the State of Illinois indicating that he has prepared the plans for all public improvements proposed to be installed in the subdivision.
- F. Subdivider's estimate of cost of minimum improvements required, and acknowledged statement of Village Engineer concurring with the subdivider's estimate.
- G. A security bond, cashier's check or certified check approved in form and type by the Village Attorney, of an amount adequate to cover the estimate of required improvements to be installed by the owner or subdivider within two (2) years of the acceptance of the Plat or by any lesser amount as agreed upon by the Village Board of Rapids City.

#### **SECTION 8.**

**FINAL PLAT – REVIEW AND APPROVAL.** Immediately upon filing of the reproducible Final Plat and four (4) copies, the Planning and Zoning Commission Chairman, maintaining one (1) copy for his own files (on which is to be indicated Village Council action on the Plat), shall distribute the balance of the Final Plats as follows: one (1) copy each to the Village Engineer and Village Clerk; the reproducible plat and one (1) copy to the Planning and Zoning Commission.

### **ARTICLE 3 - PROCEDURE FOR THE REVIEW OF SUBDIVISIONS**

- 8.1 **Review by Planning and Zoning Commission.** The Planning and Zoning Commission shall review the comments of the Village Engineer and make its own study to assure compliance with these regulations and substantial conformity to the approved Preliminary Plat, or conditionally approved Plat subject to modifications requested. The Planning and Zoning Commission shall approve or disapprove the Final Plat within forty-five (45) days after submission of Final Plat materials by the subdivider to the Chairman of the Planning and Zoning Commission; failure of the Planning and Zoning Commission, have mutually agreed to an extension of time. The Planning and Zoning Commission to act within forty-five (45) days shall be deemed to be approval, unless, the subdivider of the Planning and Zoning Commission have mutually agreed to an extension of time. The Planning and Zoning Commission shall make known immediately to the Village Clerk and the Village Board its action upon the Final Plat.
- 8.2 **Approval or Rejection by the Village Board.** The Village Board shall, after being notified of the Planning and Zoning Commission's action on the Plat, approve or reject the Final Plat. In the event the Planning and Zoning Commission fails to act within forty-five (45) days as per Section 8.1, the Village Board shall approve or reject the Final Plat at the next regular meeting of the Village Board after said forty-five (45) day period has expired.
- 8.3 **Action of Final Plat to be Filed in Office of Village Clerk.** A certified copy of the order of resolution of the corporate authorities approving the Final Plat or disapproving the Final Plat and stating the reasons therefore shall be attached to a copy of the Plat by the Village Clerk and filed in the office of the Village Clerk.

**SECTION 9. TIME LIMITATION FOR RECORDING OF PLAT.** The Final Plat shall be filed with the Rock Island County Recorder within sixty (60) days of date of approval by the Village Board, and if not filed within sixty (60) days of date of approval by the Village Board, and if not filed within such time shall have no validity and shall not be recorded without the recertification by the Village Clerk and reapproval by the Village Board.

**SECTION 10. RELEASE, EXPIRATION OR EXTENSION OF BOND.** Prior to the release or expiration of bond, the Village Board will request the Building Inspector to certify that he was notified by the subdivider to witness the installation of required improvements at key times so as to be able to certify that all required improvements were properly installed and that neither the subdivision as built nor improvements installed deviate from the approved Final Plat.

Should the required improvements not be completed within the duration of the bond, the subdivider may request the Village Board for an extension of time for the installation of the balance of improvements. Should such request be granted, the subdivider shall deposit with the Village a surety bond for the length of extension granted. Bond shall be approved as to form and type by the Village Attorney, and as to adequacy of amount by the Village Board.

## **ARTICLE 4 - GENERAL DESIGN REQUIREMENTS**

### **SECTION 1. STREETS.**

- 1.1 **Streets to be Continued.** Streets in new subdivisions shall be designed to provide for the continuation of existing and planned streets. In addition, the Planning and Zoning Commission or the Village Board may require the provision of right-of-way for the connection of a proposed subdivision to any adjoining unsubdivided land.
- 1.2 **Discourage Through Traffic on Minor Streets.** Minor streets shall be so laid out that their use by through traffic will be discouraged.
- 1.3 **Streets to Intersect at Right Angles.** Intersections of streets shall be as nearly right angles as possible. No street shall intersect any other street at less than sixty degrees (60°).
- 1.4 **Not More Than Two (2) Streets to Intersect.** Intersection of more than two (2) streets at a point will be prohibited.
- 1.5 **Intersection Corners to be Rounded.** Property lines at street intersections shall be rounded with a radius of ten feet (10'). Comparable cutoffs or chords in place of such rounded corners are acceptable.
- 1.6 **Obstructions to Visibility at Intersections Prohibited.** There shall be no obstruction of any type to visibility at Street intersections within the sight triangle formed by the center of intersection and two points seventy-five feet (75') distant, each point being on the centerline of an intersecting street.
- 1.7 **Minimum Centerline Offsets.** Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be prohibited.
- 1.8 **Connecting Street Lines to be Joined by Curves.** Connecting street lines deflecting from each other at any one point by more than ten degrees (10°) shall be joined by curves, the inner radius of which shall be not less than three hundred fifty feet (350') from a major street, two hundred fifty feet (250') for a collector street and one hundred feet (100') for a local street.
- 1.9 **Reverse Curves to be Connected by Tangent.** A tangent or portion of street in straight alignment and of not less than one hundred feet (100') in length shall be introduced between reverse curves on major and collector streets.
- 1.10 **Right-of-Way and Pavement Width.** Right-of-way widths and pavement widths measured between back of curbs will be provided as follows:

<u>Street Type</u>	<u>Right-of-Way</u>	<u>Pavement</u>
Expressway	200 feet	2-24 feet lanes with median
Major Street	68 feet	44 feet
Collector Street	60 feet	38 feet
Local Street	50 feet	27 feet

#### ARTICLE 4 - GENERAL DESIGN REQUIREMENTS

- 1.11 **Maximum and Minimum Street Grades.** Street grades as measured along the centerline shall be not less than one-half of one percent (1/2 of 1%) and not greater than:

Expressway	5 percent
Major Streets	6 percent
Collector Streets	8 percent
Local Streets	10 percent

- 1.12 **Cul-De-Sacs or Dead-End Streets.** Cul-de-sacs or dead-end streets shall meet all the requirements for a local street and in addition, shall provide a turn-around with a right-of-way radius of fifty feet (50') and a pavement radius of forty feet (40'). No cul-de-sac shall exceed eight hundred feet (800') in length. The grade of a cul-de-sac turn-around shall not exceed six percent (6%).
- 1.13 **Change in Street Grade.** All changes in street grade shall be connected by vertical curves of minimum length in feet equal to twenty-five (25) times the algebraic difference in percents of grade. In no case shall the vertical curve be less than one hundred feet (100') in length.
- 1.14 **Half Streets.** Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the Planning and Zoning Commission or the Village Board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- 1.15 **"Buffer Treatment" May Be Required Between Proposed Subdivision and Adjacent Uses.** Where a proposed subdivision contains an existing or proposed major street or abuts such a street or land use which may have an adverse effect on the residential subdivision, the Planning and Zoning Commission may require some buffer treatment such as frontage streets, reverse frontage with screen planting along rear lot lines, deep lots or any other such treatment which may protect the proposed residential subdivision from these outside influences.
- 1.16 **Access to Highways Under Jurisdiction of the State.** If the tract of land proposed to be subdivided or any part lies adjacent to a highway over which the Division of Highways of the State of Illinois has jurisdiction with respect to maintenance and upkeep thereof and an entrance or entrances are desired from such highway to lots, streets, roadways or alleys in such proposed subdivision, the subdivider shall submit to the Planning Commission a written permit from the said Division of Highways, granting him permission to obtain and construct such an entrance or entrances.
- 1.17 **Street Names.** No street names shall be used which will duplicate or be confused with names of existing streets. Street names shall be subject to the approval of the Planning and Zoning Commission and the Village Board.
- 1.18 **Sidewalks.** Sidewalks four feet (4') in width shall be provided on both sides of all streets.

**SECTION 2. ALLEYS.**

- 2.1 **Alleys in Commercial and Industrial Districts.** Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading, unloading and parking, consistent with and adequate for the uses proposed.
- 2.2 **Width of Alleys.** Alleys shall have right-of-way and pavement widths of not less than twenty feet (20').
- 2.3 **Alignment of Alleys.** Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- 2.4 **Dead-End Alleys to be Avoided.** Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Planning and Zoning Commission.
- 2.5 **Alleys to be Prohibited in Residential Districts.** Alleys shall be prohibited in residential districts.

**SECTION 3. BLOCKS.**

- 3.1 **Lengths of Blocks.** Block lengths shall not exceed fifteen hundred feet (1500'). Where a subdivision adjoins a major street, the greater dimension of the block shall front or back upon such major street to avoid unnecessary access or egress.
- 3.2 **Pedestrian Cross-Walks.** The Planning and Zoning Commission may require the construction of pedestrian cross-walks in blocks which exceed eight hundred feet (800') in length. Crosswalk easements not less than ten feet (10') in width shall be provided where deemed necessary by the Planning and Zoning Commission at the approximate centers of the blocks. The use of additional cross-walkways in any instance to provide safe and convenient access to schools, parks, or other similar destinations may be required by the Planning and Zoning Commission.
- 3.3 **Width of Blocks.** Blocks shall be of sufficient width to accommodate two (2) tiers of lots.
- 3.4 **Shape of Blocks.** No specific rule concerning the shape of blocks is made, but blocks must fit easily into the overall plan of the subdivision and their design shall show consideration of lot planning, traffic flow and public areas.
- 3.5 **Blocks in Commercial and Industrial Areas.** Blocks intended for commercial and industrial use shall be designated as such, and the plan shall show adequate off-street areas to provide for parking, loading docks and such other facilities that may be required to accommodate motor vehicles.

**SECTION 4. LOTS.**

- 4.1 **Lot Size, Width, Depth, Shape and Orientation.** The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated; providing, however, no



## **ARTICLE 4 - GENERAL DESIGN REQUIREMENTS**

lot size, width or depth shall be less than the applicable requirements of the appropriate zoning ordinance.

- 4.2 **Building Setback Lines to be Established.** Building setback lines, appropriate for the location of the subdivision and the type of development contemplated, shall be established on all lots; providing, however, that such setback lines are not less than the applicable requirements of the appropriate zoning ordinance.
- 4.3 **Lot Lines to be at Right Angles to Street Lines.** Side lot lines shall be substantially at right angles or radial to the centerline of the street or center of a cul-de-sac turn-around.
- 4.4 **Corner Lots to be Extra-Width.** Corner lots for residential use shall have extra width to permit appropriate building setback from both streets.
- 4.5 **Every Lot to Have Frontage on a Public Street.** The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street. No lot shall have a frontage width of less than twenty feet (20').
- 4.6 **Reverse Frontage not Normally Allowed.** Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. The Planning and Zoning Commission may require a planting screen easement of at least ten feet (10') across which there shall be no access.
- 4.7 **Land Remnants.** If remnants of land exist after subdividing with no apparent future use, they shall be incorporated into the lots of the proposed letting scheme.
- 4.8 **Reserve Strips not Allowed.** "Reserve strips," created by the platting of property line streets several feet inside the property line with the objective the receiving of remuneration for access to an improved street, will not be allowed.

## **SECTION 5. EASTMENT.**

- 5.1 **Necessary Utility Easements to be Provided.** Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten feet (10') wide.
- 5.2 **Maintenance Easements to be Provided for Natural Water Courses.** Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way, conforming substantially with the lines of such water course, and additional width or construction as deemed necessary by the Planning and Zoning Commission.
- 5.3 **Free Access of Authorities to Easements.** No tree, shrub or structure shall be placed or erected in any easement for utility or drainage purposes preventing the proper authorities free access to and use of such easements at any time.

## **ARTICLE 5 - MINIMUM IMPROVEMENTS REQUIRED**

### **SECTION 1. GENERAL INFORMATION.**

- 1.1 **Construction Plans to be Prepared by a Registered Engineer.** Construction plans for all public improvements to be installed shall be prepared by a Registered Illinois Professional Engineer as defined by Chapter 48-1/2, Engineering and Engineers, of the "Illinois Revised Statutes" as qualified by experience or education.
- 1.2 **Completion of Improvements.** None of the following public improvements shall be considered as completed until officially approved by the Administrative Officer and accepted by the appropriate government agency.
- 1.3 **Privately Owned Improvement Facilities.** Where a subdivision within the Village limits is to contain sewers, sewage treatment plants, water supply system, park areas or other physical facilities which will not be maintained by existing public agencies, provisions should be made by trust agreement, which is a part of the deed restrictions and which is acceptable to the proper public agencies, for jurisdiction over the continuous maintenance, supervision, operation and reconstruction of such facilities by the lot owners in the subdivision.
- 1.4 **Construction to Village Specifications.** All improvements provided for shall be constructed in accordance with all appropriate Village specifications.

### **SECTION 2. STREET AND ALLEY IMPROVEMENTS.**

- 2.1 **All Streets Constructed to Standards.** The construction of all streets and alleys shall be in accordance with the design standards set forth in Article 4, Section 1 of these regulations.
- 2.2 **Curbs or Gutters.** Curbs and gutters on local streets shall be of the integral rolled type unit, not less than eighteen inches (18") in overall width, and not less than six inches (6") thick where they abut the street pavement.
- 2.3 **Curb Corners.** Curb corners of local streets shall have radii of not less than fifteen feet (15').
- 2.4 **Pavements on Major and Collector Streets.** The subdivider shall be responsible for providing pavement twenty-seven feet (27') in width for major and collector streets.
- 2.5 **Street Surfaces.** Local streets within the Village of Rapids City may also be surfaced with a combination of asphalt (4")/rock base, (8") as a minimum.
- 2.6 **Storm Water Inlets.** Storm water inlets shall be provided within the street improvement at points specified by the Village Engineer or other authorized Village official.
- 2.7 **Sidewalks.** Sidewalks and crosswalks shall be paved and constructed in accordance with the standards set forth in Article 4, Section 1.

- 2.8 **Street Name Signs.** Provision shall be made by the subdivider to furnish street signs for all intersections with the subdivision or as approved by the Planning and Zoning Commission.

**SECTION 3. WATER SUPPLY AND SEWAGE DISPOSAL.**

- 3.1 **Connection to Public Water Supply System and Public Sanitary Sewerage System.** Whenever a public water supply system and/or a public sanitary sewerage system is reasonably available, a subdivision shall be so designed to be served by said systems.
- 3.2 **Connection to Community Water Supply System and Community Sewerage System.** Whenever a subdivision can provide conclusive evidence to the Planning and Zoning Commission that a public water supply system and/or a public sanitary sewerage system is not reasonably available, the subdivider may design the subdivision to be served by a community water supply system and/or community sewerage system.
- 3.3 **Individual Water Supply System and Individual Sewage Treatment.** If the subdivider can provide conclusive evidence to the Planning and Zoning Commission that a public water supply system and/or a public sanitary sewerage system is not reasonably available and further, that a community water supply system and/or a community sewerage system is not feasible the developer may design the subdivision to be served by an individual water supply system and/or an individual subsurface sewage treatment facility, provided that the following conditions are met:
- A. All lots served by an individual water supply and/or an individual subsurface sewage treatment facility shall have a minimum width of one hundred feet (100'), measured at the building line, and a minimum area of twenty thousand (20,000) square feet.
  - B. In the case of unusual soil conditions or other physical factors which may impair the health and safety of the neighborhood in which a subdivision may be located, the Planning and Zoning Commission may increase the lot area requirements enumerated above.

**SECTION 4. STORM DRAINAGE.**

- 4.1 **Land Subject to Flooding or Containing Poor Drainage Facilities.** No plat will be approved of a subdivision which is subject to periodic flooding or which contains extremely poor drainage facilities or where conditions are such that adequate drainage of the streets and the entire subdivision is impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the Planning and Zoning Commission, make the area completely safe for residential occupancy and provide adequate street drainage, the Preliminary and Final Plats of the subdivision may be approved.
- 4.2 **Installation of Storm Drainage Improvements.** When required, storm sewers shall be constructed throughout the entire subdivision which shall be separate and independent of the sanitary sewer system and which shall provide an adequate outlet to other facilities. When storm sewers are not installed, adequate facilities for the removal of surface water shall be provided throughout the entire subdivision.

## **ARTICLE 5 - MINIMUM IMPROVEMENTS REQUIRED**

- 4.3 **Required Water Course Improvement.** Whenever any subdivision is traversed by a water course, drainage-way, channel so that it will properly carry the surface water and shall also provide and dedicate to the Village an easement along each side of the stream, which easement shall be for the purpose of widening, improving or protecting the stream. The width of such easement shall not be less than twenty feet (20'), and the total width of the easement shall be adequate to provide for any necessary channel relocations and straightenings.
- 4.4 **Additional Width of Lots Abutting a Water Course.** Lots abutting a water course, drainage way, channel or stream shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required for front, rear and side yards and not restrict the water course.

### **SECTION 5. PUBLIC UTILITIES.**

- 5.1 **Overhead Utilities Shall be Located Along Rear Lot Lines.** All utility lines for telephone and electrical services shall be placed in rear line easements when carried on overhead poles.
- 5.2 **Underground Utilities.** Where telephone and electric service lines are placed underground entirely throughout a subdivided area, said conduits or cables shall be placed within easements of dedicated public ways in a manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public.

### **SECTION 6. MONUMENTS.**

- 6.1 **Permanent Reference Monuments.** In subdivisions containing ten (10) or fewer lots, two (2) permanent reference monuments shall be installed and in subdivisions containing eleven (11) or more lots, a minimum of four (4) permanent reference monuments shall be installed. The permanent reference monuments shall be of concrete or stone, not less than thirty-six inches (36") in length and have a minimum top surface of at least four inches (4") square and a base of at least six inches (6") square. An iron rod twenty-four inches (24") in length and one-half inch (1/2") square or "surveyor identified" capped iron pipe shall be set flush in the center of the permanent reference monument.
- 6.2 **Permanent Monuments.** In all subdivisions, iron rods twenty-four inches (24") in length and one-half inch (1/2") square or "surveyor identified" capped iron pipe shall be installed at all corners, points where there is a change of direction and points of tangency of curve lines along the boundary of the subdivision, at all lot corners, at each end of all curves, at the point where a curve changes its radius and at the points where street lines intersect the boundary of the subdivision.

## **ARTICLE 6 - ADMINISTRATION AND LEGAL DATA**

### **SECTION 1. VARIATION AND EXCEPTION.**

- 1.1 **Standards are Minimum.** These land subdivision regulations are adopted and enforced only as minimum standards, and all developers may develop their subdivision at higher standards. The subdivider is encouraged at any time to surpass these regulations.
- 1.2 **Variances, General.** The Village Board reserves authority to vary the strict application of the provisions contained, but such variances shall be exercised only upon written recommendation of the Planning and Zoning Commission and only after a written findings of fact is made by the Planning and Zoning Commission that:
  - A. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was adhered to.
  - B. The purpose of the variation is not based exclusively upon a desire for financial gain.
  - C. The conditions creating the need of a variance are unique and are not applicable generally to other property and have not been created by any person having an interest in the property.
  - D. The granting of the variation will not be detrimental to public safety, health or welfare, or injurious to other property or improvements in the area in which the property is located.
- 1.3 **Variances, Large Scale Developments.** The standards and requirements of these regulations may be modified by the Village Board in case of a plan or program for a complete community or neighborhood unit. Such modification shall not be made until after written recommendation of the Planning and Zoning Commission, which recommendation may be given when, in the judgment of the Planning and Zoning Commission, the specific plan or program presented provides adequate public space and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to the achievement of the plan.

**SECTION 2. AMENDMENTS.** Amendments to this subdivision ordinance shall be made by the Village Board as provided by statute; providing, however, that no amendment shall be adopted without first referring the proposed amendment to the Planning and Zoning Commission and receiving a report. However, if no report is received within ninety (90) days, it shall be deemed to be approved by the Planning and Zoning Commission.

**SECTION 3. BUILDING PERMIT.** No building permit shall be issued by any governing official for the construction of any building, structure or improvement to the land or any lot within a subdivision as defined, which has been approved for platting or replatting, until all requirements of this Ordinance have been fully complied with.

**ARTICLE 6 - Administration and Legal Data**

- SECTION 4. OCCUPANCY PERMIT.** No occupancy permit shall be granted by any governing official for the use of any structure within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property, and roadways providing access to the subject lot or lots have been reconstructed or are in the process of construction.
- SECTION 5. REPEALER.** All ordinances and resolutions or any part thereof in conflict with all or any part of this Ordinance are repealed.
- SECTION 6. CONFLICT WITH PRIVATE DEEDS AND COVENANTS.** In case of any conflict between this Ordinance or part thereof and the whole or part of any existing or future private covenants or deeds, the most restrictive shall apply.
- SECTION 7. SEVERABILITY.** If any section or part of this Ordinance shall be held to be unconstitutional by a court of competent jurisdiction, the remainder of the provisions shall be deemed to continue in full force and effect.

## CHAPTER 3 SIGN ORDINANCE

### **ARTICLE 1 - BILLBOARDS, SIGNBOARDS AND MISCELLANEOUS SIGNS**

#### **SECTION 1. DEFINITIONS.**

**Billboards** Shall apply to display boards, screens used as such, having attached thereto or posted thereon, paper or other material with letters or illustrations painted or printed thereon.

**Signboard** Shall apply to display boards, screens used as such, having letters or illustrations painted, written or cut and is fastened flat to the walls of a building made of noncombustible material.

**SECTION 2. PERMITS.** No billboard or signboard or other similar structure shall be constructed, erected, materially altered, removed or repaired unless a permit is first obtained from the Building Inspector by the person to construct, erect, alter, remove or repair the billboard or signboard. The application for a permit shall be accompanied by the plans and specifications of the proposed construction, erection, alteration, removal or repair. No permit shall be required to erect a signboard advertising a property for sale, provided that the sign does not exceed ten (10) square feet.

2.1 **Fees.** The fees to be charged for permits issued for the erection or construction of billboards or signboards, or their alteration, shall be Five Dollars (\$5.00) per lineal foot of billboard or signboard or major fractional part erected or altered, with a minimum fee of Fifty Dollars (\$50.00).

2.2 **Bond and Insurance.** Every person engaged in the business of constructing and erecting billboards or signboards shall first file with the Building Inspector a bond in the penal sum of Two Thousand Dollars (\$2,000.00) with good and sufficient surety to be approved by the Trustees, conditioned upon compliance with this Chapter. Further, every person engaged in the business of constructing and erecting billboards or signboards shall first procure public liability insurance in a company authorized to transact business in the State of Illinois for the principal sum of not less than One Hundred Thousand Dollars (\$100,000.00) liability coverage on account of any one accident, and file a certificate evidencing said insurance annually with the Building Inspector.

## **ARTICLE 2 - GENERAL PROVISIONS**

### **SECTION 1. GENERAL LOCATION.**

- 1.1 **Prohibited Above or On Public Property.** No signboards or billboard shall overhang or be erected upon public property.
- 1.2 **Prohibited on Fire Escapes.** No part of any sign shall be attached to a fire escape or placed to interfere with the ingress or egress from windows in case of fire.
- 1.3 **Swinging Signboards Prohibited.** Swinging signboards are absolutely prohibited.

### **SECTION 2. APPROVAL FOR APPEARANCE.** The Building Inspector may at any time refuse to approve a sign which will not have a neat appearance.

### **SECTION 3. NAME OF OWNER ON SIGNBOARD OR BILLBOARD.** The name of the person owning or being in charge or control of any signboard or billboard shall be placed upon the signboard immediately after erection to be kept there at all times.

### **SECTION 4. PREMISES ABOUT BILLBOARDS AND SIGNBOARDS.** The premises about billboards and signboards shall be kept free of rubbish, junk, weeds and debris by the person owning or having charge or control of the billboard or signboard.

### **SECTION 5. BILLBOARD AND SIGNBOARDS TO BE MAINTAINED.** Billboards and signboards shall be maintained at all times in such a manner as to not be in violation of the standards set forth in this Chapter, and as to not be detrimental to the health, safety and welfare of the community.

### **SECTION 6. LIST OF SIGNBOARDS AND BILLBOARDS FILED WITH THE BUILDING INSPECTOR.** Every person engaged in the business of erecting billboards or signboards for the purpose of displaying advertising shall file with the Building Inspector a full and complete report of the location and size of all existing billboards or signboards maintained by such person.



## **ARTICLE 3 - MATERIALS, ALLOWABLE STRESS AND LOADS**

### **SECTION 1. BILLBOARD/SIGNBOARD.**

- 1.1 **Materials.** Within a fire district, no combustible material shall be used in construction of a billboard or signboard. Outside of a fire district, combustible material may be used in the frames only.
- 1.2 **Stress.** All billboards and signboards shall be constructed, erected and maintained of sufficient strength to withstand a wind pressure of twenty-five (25) pounds per square foot of surface.
- 1.3 **Support and Anchorage.** All billboards and signboards shall be securely supported and anchored or fastened so as to be safe and substantial.

### **SECTION 2. ROOF SIGNS.**

- 2.1 **Materials.** Every roof sign shall be constructed of noncombustible materials, including the uprights, supports and braces, except that the ornamental molding, battens, cappings and nailing strips, platforms and the decorative trimming may be constructed of combustible materials. The height of roof signs above the roof shall not exceed thirty feet (30').
- 2.2 **Projection.**
  - A. No roof sign shall project beyond the exterior wall or walls except by permission of the Building Official, but, if illuminated, lighting reflectors may project beyond the face of the sign.
  - B. When necessary for fire protection, roof signs shall be so constructed as to leave a clear space, except for the supporting structure of not less than four feet (4') between the roof and the lowest part of such sign.
- 2.3 **Supports and Anchorage.**
  - A. Roof signs shall be thoroughly secured and anchored to the building over which they are constructed and erected. The dead and wind load from the sign shall be distributed to the structural elements of the building in such a manner that no element shall be overstressed.
  - B. Uplift due to overturning of roof signs shall be resisted by proper anchorage to the building walls or structure, or by sufficient concrete counter weights to resist uplift. Proper anchorage to the building as may be needed to integrate and adequately interconnect sufficient dead load to equal not less than ten percent (10%) in excess of the computed uplift applied to the building by the sign, uplift weight shall exceed the amount of uplift by ten percent (10%).
- 2.4 **Inspection of Roof.** No sign shall be placed upon a roof unless the roof has been determined by an architectural or structural engineer to have sufficient strength to carry the sign. A statement to the effect that the roof has been inspected and determined to have sufficient strength to safely carry the proposed sign, together with the signature and seal of the architectural or structural engineer making the inspection, shall be placed upon or attached to all plans for proposed roof signs before a permit will be issued.

## **ARTICLE 3 - MATERIALS, ALLOWABLE STRESS AND LOADS**

- 2.5 **Distance From the Exterior Walls of a Building.** Signs erected on the roof of a structure shall not be placed within three feet (3') of the parapet wall or of the plane of the exterior face of walls.

### **SECTION 3. WALL SIGNS.**

- 3.1 **General Location.** Signboards and billboards may be fastened flat against the wall of a building, but shall be located near the top of the first story and when the signs are adjacent to the public sidewalk they shall be located at least nine feet (9') above the sidewalk.
- 3.2 **Construction.** These signboards and billboards shall be of incombustible material approved by the Building Inspector. No wood plugs shall be used to fasten any signboard or billboard to walls.
- 3.3 **Height.** Wall signs shall not be over forty feet (40') in height.

### **SECTION 4. GROUND SIGNS.**

- 4.1 **Height.** No billboard or signboard shall be constructed or erected which shall exceed a height of forty feet (40') above the level of the ground. The base of the billboard or signboard shall in all cases be at least three feet (3') above the level of the ground.
- 4.2 **Size of Posts.** The size of posts used in the erection of billboards and signboards on the ground shall be dependent upon the size of the sign, but no posts shall be less than six inches (6") in its least dimension if built of wood.

### **SECTION 5. MISCELLANEOUS SIGNS.**

- 5.1 **Cloth Banners Over the Street.** Special permits for cloth banners to overhang streets in the Village may be granted with the consent of the Trustees, but only for non-commercial conventions or political candidates.
- 5.2 **Cloth Signs Attached to Buildings.** Cloth signs fastened to a wood frame will be allowed for advertising business sales, etc. Such signs shall be securely fastened and no such signs shall remain in place over two (2) weeks. The same sign shall not be rehung within a period of three (3) months.
- 5.3 **Tacking or Posting of Signs on Fences or Walls.** The tacking, posting or fastening of signs on fences, walls, trees or buildings or other structures is prohibited unless a special permit is issued by the Building Inspector. Such special permit shall only be issued to organizations of a civic nature, non-commercial organizations or for advertising a convention or political candidates.

When such special permit is issued by the Building Inspector, the person or persons holding such permit shall conform to written regulations as set forth by the Building Inspector at the time the special permit is granted.

Fastening of signs, etc., in any manner on telegraph, telephone or light poles is prohibited.

- 5.4 **Barber Shop Signs and Ornamental Lanterns, etc.** Anyone owning or operating a barbershop in the Village shall be allowed to erect and maintain a barbershop sign (barber pole) in front of his place of business, not less than seven feet (7') clear height above the surface of public property. Ornamental lanterns, etc., shall also be seven feet (7') clear height above the sidewalk.

## **ARTICLE 4 - ELECTRIC SIGNS**

### **SECTION 1. DEFINITIONS.**

**Electric Sign** The letters of which are outlines of electric lights, or signs having raised letters of opal glass, illuminated from within the sign the face of which sign is to be completely covered with noncombustible material, except the outline of the letters.

**SECTION 2. PERMIT REQUIRED.** No electric sign as described in Section 1 of this Article, shall be erected, removed or reconstructed unless a permit is first obtained from the Building Inspector by the person, firm or corporation desiring to erect, remove or reconstruct said electric sign. Permits for wiring shall be obtained from the Building Inspector of the Village of Rapids City, Illinois. The application for a permit shall be accompanied by the plans and specifications of the proposed erection, removal or reconstruction.

**SECTION 3. FEES.** A permit fee for each sign erected under this Article, shall be paid to the Village of Rapids City as set forth below. The determination of value or valuation under any of the provisions of this Article, shall be made by the Building Inspector of the Village of Rapids City. Where work for which a permit for a sign is required by this Article and is started or below shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of penalties prescribed.

#### **TABLE OF SIGN PERMIT FEES**

<u>Estimated Costs</u>	<u>Fees</u>
Minimum to and including \$200.00	\$ 25.00
\$201.00 to and including \$500.00	\$ 50.00
\$501.00 to and including \$1,000.00	\$100.00

For each additional \$1,000.00 or fraction thereof to and including \$15,000.00, the fee shall be \$20.00 for each \$1,000.00 in addition to the above fees.

For each additional \$1,000.00 or fraction thereof in excess of \$15,000.00 to and including \$50,000.00, the fee shall be \$10.00 for each \$1,000.00 in addition to the above fees.

**SECTION 4. BOND AND INSURANCE.** Every person engaged in the business of erecting or reconstructing electric signs shall first file with the Building Inspector a bond in the penal sum of Ten Thousand Dollars (\$10,000.00) with good and sufficient surety to be approved by the Trustees, conditioned upon compliance with this Article. Further, every person, firm or corporation engaged in the business of erecting or reconstructing electric signs shall first procure public liability insurance in a company authorized to transact business in the State of Illinois for the principal sum of not less than One Million Dollars (\$1,000,000.00) liability coverage on account of any one accident, and file a certificate evidencing said insurance annually with the Building Inspector.

### **SECTION 5. LIGHTING SHOW WINDOWS AND SIGNBOARDS.**

5.1 Light brackets are to be fastened to the building with Eckerman Johnson expansion bolts or the equivalent. The brackets to light up the sign shall be on non-corrosive material metallic metal and not to extend more than three feet

## ARTICLE 4 - ELECTRIC SIGNS

(3') over public property. The lowest part of the reflectors shall be less than nine feet six inches (9'6") from the grade of walk.

### **SECTION 6. GENERAL LOCATION.**

- 6.1 **Allowed Over Public Property.** Electric signs only will be allowed to overhang public property. A sign shall be considered as overhanging public property when the plane of the sign forms an angle with the plane of the face of the wall of any building, post, etc. Electric signs shall not overhang public property more than nine feet six inches (9'6") or be more than fifty-five feet (55') in height, or have a total area greater than two hundred seventy-five (275) square feet. All electric signs, existing or erected under authority of this Article, overhanging any public property, must be placed at least twelve feet (12') in the clear above the sidewalk or surface except, that if such sign does not overhang public property more than six feet (6'), the clear height above the sidewalk or surface can be ten feet six inches (10' 6").
- 6.2 **Prohibit on Fire Escapes.** No part of an electric sign shall be attached to a fire escape or placed to interfere with the ingress or egress from windows and/or doors in case of fire.
- 6.3 **Swinging Electric Signs Prohibited.** Swinging electric signs are absolutely prohibited.
- 6.4 **Roof Signs.** Electric signs will be allowed on the roofs of buildings, provided they are substantially fastened as provided in Subsection 2.3 of Article 3, are constructed with steel skeleton construction, and the roof is inspected as provided in Subsection 2.4 of Article 3.
- 6.5 **Wall Sign.** Electric signs will be allowed flat against the wall of any building provided they are substantially fastened as provided in Section 7 and Section 8 of this Article.
- 6.6 **Distance From Face of Building or Other Vertical Surface.** The inside edge of electric signs shall not be placed more than two feet (2') from the face of a building or post.
- 6.7 **On or Over Canopy for Marquee.** Electric signs can be fastened on the side or front face of a canopy or marquee and may project the same distance as the canopy or marquee does over the sidewalk, but shall not have a greater height than the faces of the canopy.
- 6.8 **Height.** The height of electric signs shall not exceed forty feet (40') from the roof of a building or structure to which they are anchored or attached.
- 6.9 **Approval of Appearance.** The Building Inspector may at any time refuse to approve an electric sign, which in his opinion will not have a neat appearance.
- 6.10 **Unlighted Letters.** Unlighted letters on electric signs may cover not to exceed fifteen percent (15%) of the sign area.

**SECTION 7. MATERIALS.** The structural frame of all electric signs shall be constructed of noncombustible material. The facing of signs shall be constructed of noncombustible or combustible material, this combustible material being of material approved for use in electric signs by the National Board of Fire Underwriters.

## **ARTICLE 4 - ELECTRIC SIGNS**

**SECTION 8. ANCHORAGE.** All electric signs attached or placed upon a building, shall be thoroughly secured by iron or metal anchors, bolts, supports or braces.

The main supporting cable, chain or rod for all signs shall, for existing and new buildings, be drilled through the wall and fastened on the rear side in a substantial manner. When drilling through walls of an existing building is impossible, other means of supporting cable shall be devised and approved by the Building Inspector. The cable shall be of a size approved by the Building Inspector.

The side guys must be of approved steel cable and not less than one-fourth inch (1/4") in diameter except for signs which extend over Village property, a distance greater than six feet (6'), in which case the side guy cable shall not be less than five-sixteenths inch (5/16") in diameter.

All supporting chains or rods shall be attached to or supported from wooden plugs, and all fastenings other than the main fastenings shall be attached in an approved manner.

No cables, chains or rods shall be attached to or supported from wooden plugs, and all fastenings other than the main fastenings shall be attached in an approved manner.

Whenever, in the opinion of the Building Inspector, the building is not of sufficient strength to properly support any sign or where said signs will interfere in any way with electric power lines or other wires, then no permit shall be issued and in no case shall any sign be permitted to extend beyond the curb line.

## **ARTICLE 5 - ADMINISTRATION**

**SECTION 1. DUTIES OF BUILDING INSPECTOR.** The Building Inspector shall enforce this Chapter. All billboards, signboards and electric signs shall be inspected at least once a year, and more often if deemed necessary. The Building Inspector shall notify the person owning or controlling billboards, signboards and electric signs which are considered to be in violation of this Chapter, directing that alterations, repairs or such things as may seem necessary and advisable be carried out in order to bring said billboards, signboards and electric signs into conformity with the standards set forth in this Chapter.

**SECTION 2. FINAL INSPECTOR OF ELECTRIC SIGNS.** After electric signs have been installed, the owner or contractor shall notify the Building Inspector for final inspection and no electric sign shall be turned on by the electrical contractor until the owner or lessee has the written approval of the Building Inspector.

No final inspection will be given unless the Certificate of Liability Insurance has been filed as provided.

**SECTION 3. ELIMINATION OF SIGNS NOT BROUGHT UP TO STANDARD.** Any billboard, signboard or electric sign which is not brought up to the standards of this Chapter within a reasonable time after being so ordered by the Building Inspector, the time limit razed or removed, the order being given by the Building Inspector. The expense of razing or removal is to be recovered from the person owning or controlling the billboard, signboard or electric sign.

**SECTION 4. APPEALS.** Any person aggrieved by a ruling of the Building Inspector charged with the enforcement of this Chapter may take an appeal to the Village of Rapids City Board. A written request setting forth the grievances shall be filed with the Village Clerk. The Village Board shall act upon an appeal within thirty (30) days after the appeal has been filed. The Village Board will meet at the request of the Building Inspector, the Village Board President or at such times as the Village Board shall determine as being necessary to carry out the intent of this Section. A majority vote of a lawfully constituted quorum shall determine the decision in each case.

## **ARTICLE 6 - PENALTY**

**SECTION 1.** Any person who shall construct, alter or erect a billboard, signboard or electric sign in violation of the provisions of this Chapter shall be subject to a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Seven Hundred Fifth Dollars (\$750.00) for each offense, each day and portion thereof to be considered a separate offense.

## **TITLE X**

### **SOLID WASTE AND YARD WASTE**



# CHAPTER 1

## COLLECTION AND DISPOSAL ORDINANCE

### ARTICLE 1 - GENERAL PROVISIONS

**SECTION 1. PURPOSE.** The purpose of this Ordinance is to provide a safe, sanitary and efficient method for the collection and disposal of all residential solid waste and yard waste to safeguard the citizens of the Village of Rapids City for hazards to their health, safety and welfare that result from the uncontrolled collection and disposal of solid waste.

**SECTION 2. DEFINITIONS.** For the purpose of this Ordinance the following terms are defined:

**Village** Village of Rapids City, Rock Island County, Illinois.

**Garbage** Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

**Commercial Garbage** Garbage produced by any commercial, industrial, institutional, agricultural establishment or multiple-family dwelling of more than three dwelling units.

**Residential Garbage** Garbage produced at residential dwelling units.

**Hazardous Materials** Solid waste material including, but not limited to, explosives, rags, or other waste soaked in volatile and inflammable materials, drugs, poisons, radioactive materials, hot ashes, wastes contaminated by infection or contagious disease, highly combustible materials and other materials which may present a special hazard to collection or disposal personnel, equipment or to the public.

**Rubbish** Non-putrescible solid waste, including yard waste.

**Bulky Rubbish** Rubbish either too large or too heavy to be loaded in solid waste collection vehicles with safety and convenience by solid waste collectors, with the equipment available therefore.

**Commercial Rubbish** Rubbish resulting from the operation of commercial, industrial, institutional, agricultural establishments or multiple-family dwellings of more than three dwelling units.

**Residential Rubbish** Rubbish resulting from the maintenance and operation of residential dwelling units.

**Solid Waste** Unwanted or discarded garbage or rubbish.

**Solid Waste Container** A water resistant receptacle, either disposable or non-disposable, designed for the temporary storage of solid waste.

**Yard Waste** Organic debris (e.g. grass clippings, leaves, flowers, etc.) which is produced as part of yard and garden development and maintenance.

**Residential Dwelling Unit** Any building or buildings used solely for home occupancy and includes single-family and multiple-family dwellings of less than four apartments. Each apartment in a multiple-family dwelling of less than four apartments shall be considered a dwelling unit.

**SECTION 3. COLLECTIONS.**

- 3.1 **Separation of Yard Waste Required.** All yard waste shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises or placed in approved degradable bags and set out for collection.
- 3.2 **Yard Waste Containers.** Persons choosing not to compost yard waste on their own property may place yard waste in specially marked degradable bags for collection. Only bags sold or specifically authorized by the Village and identified as such may be used. The Board of Trustees, by motion, will establish the size, use and cost of the yard waste bags and where the bags will be available for purchase. Yard waste bags containing material other than yard waste shall not be collected.
- 3.3 **Solid Waste Collection.** All residents of the Village shall exclusively use the contractor selected by the Village for the collection of residential solid waste and yard waste in a manner and degree of frequency to be determined by motion of the Board of Trustees, but not less frequently than once a week. The Village shall not provide for the collection of commercial solid waste, hazardous materials or any residential solid waste or yard waste not prepared for disposal pursuant to this Ordinance. Bulky rubbish will be collected by special pickup procedures to be determined by motion of the Board of Trustees. A copy of any and all procedures under the provisions hereof shall be filed in the Office of the Village Clerk and shall be available for public inspection.

**SECTION 4. SOLID WASTE COLLECTION PROCEDURES.**

- 4.1 There is hereby established and the Village shall impose, collect and enforce a schedule of mandatory fees for solid waste collection services, as follows:
- A. Rate. Residential dwelling units of from one to three in number, inclusive, will be charged as single-family rate per dwelling unit per month.
- B. Rendering Bills for Garbage Disposal. Charges for garbage disposal service shall be billed, dated and sent out at the same time as the water and sewer bills, but shall be maintained as a separate invoice.
1. On all garbage disposal service bills not paid within thirty (30) days of date of statement, there shall be a penalty of ten percent (10%) of the amount of garbage disposal service rates. In computing the penalty on all bills containing a fraction of a dollar, the penalty will be imposed as though each fraction were a dollar.
- C. Delinquent Accounts. If an account is delinquent for sixty (60) days, the Village Attorney shall be authorized and directed to institute legal proceedings, in the name of the Village, to collect the delinquent account or place a lien on the premises for non-payment of services or effectuate any other remedy provided by law to collect any such delinquencies.
- D. Change in Occupant or Temporary Discontinuation of Service. Any user requesting a termination of service shall give written notice to the Village ten (10) days prior to the time such termination of service is desired. If the dwelling is vacant more than three (3) months, a temporary discontinuation of service may be applied for if verification in writing is provided to the Village Collector. Responsibility for payment for services

## **ARTICLE 1 - GENERAL PROVISIONS**

prior to the date of termination shall be with the user. No penalty or past bills shall be charged for transferring the service to the subsequent user.

- E. Refunds. The Village Clerk or Village Treasurer is authorized and directed to refund the unused portion of a fee paid in advance.

- SECTION 5. CONTAINERS (NON-DISPOSABLE).** Solid waste shall be placed in suitable containers. Solid waste containers shall be not more than thirty (30) gallons nor less than ten (10) gallons in capacity. Containers shall be waterproof and fitted with a tight lid. The containers shall have handles, bails or other suitable lifting device. The containers shall be of a type originally manufactured for solid waste, with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual containers and contents shall not exceed 50 lbs. Galvanized iron and similar metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used. Oil or grease drums, paint cans and similar containers shall not be acceptable for use as containers.
- SECTION 6. CONTAINERS (DISPOSABLE).** Disposable bags manufactured for solid waste disposal shall be acceptable for solid wastes other than animal or vegetable matter which would be attractive to rats, dogs or other animals. Baskets, boxes and non-complying solid waste containers shall be considered disposable solid waste and shall be removed by collection crews if they are the proper size and otherwise acceptable for collection, or shall be left uncollected if they are other than the allowable size or unacceptable for collection. The size of such containers shall be compatible with the above specifications for non-disposable containers.
- SECTION 7. SOLID WASTE VEHICLES.** Each truck or vehicle used in the collection of solid waste shall be equipped with either an all-metal watertight box or with a box with a metal lining so that there shall be no escape of liquid contents from the box onto the ground or street. All vehicles used for the collection of solid waste shall be kept closed at all times except when stopped to receive solid waste. Any truck, trailer or other vehicle transporting solid waste on the streets and alleys of the Village means to prevent the same from falling or blowing onto the streets or alleys.
- SECTION 8. PENALTIES.** Any person, firm, partnership, or corporation violating any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each separate violation of this Ordinance in addition to any other civil or criminal penalties the Village may choose to pursue according to law.
- SECTION 9. AUDIT.** The Village may conduct an audit annually to insure proper payment and to prevent fraudulent usage.
- SECTION 10. REPEALER.** Any ordinance or parts of ordinances in conflict herewith are hereby repealed.
- SECTION 11. SEVERABILITY CLAUSE.** If any section, provision or part of this Ordinance shall be adjudged invalid, or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
- SECTION 12. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, adoption and publication as provided by law.

## **TITLE XI**

### **OPERATION AND REGULATION OF PARKS AND RECREATIONAL FACILITIES**

# CHAPTER 1

## CREATION OF SYSTEM

### ARTICLE 1 - GENERAL PROVISIONS

**SECTION 1. TITLE.** This Ordinance shall be known, cited and referred to as the Operation and Regulation of Parks and Recreational Facilities Ordinance of the Village of Rapids City.

**SECTION 2. PURPOSE.** This Ordinance is enacted pursuant to the powers granted to this Village by Illinois Revised Statutes, 1991, Chapter 24, in order to control and regulate the Parks and Recreational Facilities of the Village of Rapids City, Illinois.

**SECTION 3. PARK AND RECREATION SYSTEM CREATED.** There is hereby established a park, playground, and recreation system in the Village. Said system shall be maintained and operated for the use and benefit of the citizens of the Village and shall be designed to meet the open space and passive recreational needs, as well as the active recreational needs, of said citizens.

Said system and expenditures for said system constitute a legitimate public purpose in that the public health, safety, and welfare are serviced by developing, within the Village, activities that promote healthy minds and bodies. Physical exercise and quiet retreats and promotion of the aesthetic quality of the Village are such activities and are compatible in nature to rightfully be continued in one unified system.

**SECTION 4. PARK AND RECREATIONAL AREAS DEFINED.**

4.1 The park and recreation system shall consist of such property, facilities and institutions within the corporate limits of the Village that are designated as a park or recreational area, including, but not limited to Shuler's Shady Grove park and bike path, the boat ramp and the Village Hall park and baseball diamonds.

**SECTION 5. RULES OF CONDUCT APPLICABLE TO ALL PARKS.**

5.1 The rules contained in Subsection 5.2 have been adopted by the Village Board. Said rules are applicable to conduct of any person within any park, recreational facility, or other premises under the jurisdiction of the Village Board and are considered supplementary to and not in exclusion of, any other rules, provisions of this Code, or other ordinances of the Village or any provision of state law applicable to such matters.

5.2 No person in any park, playground or other area under the jurisdiction of the Village Board shall:

- A. Cut, mark, break, climb upon, or in any way injure or deface trees, shrubs, plants, buildings, fences, bridges, or other structures or property on the premises.
- B. Remove from the premises sod, trees or plants or other movable property, or to pick flowers or any kind on such premises.
- C. Motor vehicles (including but not limited to snowmobiles, minibikes, motorized skateboards, motorbikes, motorcycles, and all terrain vehicles {ATVs} and cars or trucks) shall not be operated on bicycle paths, fitness

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trails, jogging paths, or park grounds, except park roads and parking lots. The prohibitions of this Section shall not apply to park department or public safety vehicles.

- D. No motor vehicle may be parked in any areas of a park or park facility except in designated parking lots. Any vehicle parked at any location other than a designated parking lot or parked improperly or within no parking areas, driveways, or fire lanes within a designated parking lot, or any vehicle left in a Village park after the park closes, may be ticketed or towed, and the costs of the tow and storage shall be paid by the owner prior to the vehicles' release, pursuant to the same provisions on towing included in the Village's Inoperable Motor Vehicle Ordinance.
- E. Fly, operate, use or control any power driven model aircraft, except when authorized by resolution of the Village Board.
- F. Ride any horse, except on the roads and parking lots.
- G. Sell, be in possession, or be under the influence of any intoxicating beverages, hallucinogenic drugs, or marijuana.
- H. No bicycle shall be ridden or parked by any person within fenced playground areas.
- I. Shall possess, carry or shoot any air-gun, firearm, bow and arrow, dart gun, sling shot, potato gun, or any item designed to shoot, fire, or launch a projectile or projectiles.
- J. Shall damage, destroy, deface, remove any equipment, building, structure, tree, vegetation or machine owned by or under the control of the Village.
- K. Shall camp in any area designated as a recreational area in the Village limits.
- L. Distribute circulars or advertisements, or post notices, bills or other paper upon any structures or trees on any such premises, or to advertise by any other means.
- M. Take any bird eggs or bird nests or kill or disturb any waterfowl, birds or wildlife.
- N. No person shall throw or deposit on any park or public grounds any glass bottles, glass, nails, tacks, wires, cans, trash, garbage, rubbish, litter, offal of any other debris or any substance likely to injure any person, animal, or vehicle, except when placed in the appropriate refuse containers located in the park.
- O. All parks, other than the boat ramp, shall close at 10:00 p.m. each day, and shall reopen at sunrise, unless otherwise directed by the Village Board by resolution. When closed, no person shall remain on park grounds.
- P. The maximum speed limit for vehicles in city parks shall be fifteen (15) miles per hour and such limit shall be posted at the entrance to each park.

## ARTICLE 1 - GENERAL PROVISIONS

- Q. Shall hunt, pursue or take any wild animal, bird or game and no one shall possess or carry firearms, air gun, or bow and arrow thereon, providing, however, that predatory birds and animals may be killed under the authority of the Village Police Department, Animal Control Officer or State Conservation Director.
  - R. Shall place in any trash receptacle or on any public property yard waste or be permitted to bring into or upon park and recreational properties refuse of any kind, including undesirable plant life or discarded appliances.
  - S. Enter any area or portion of any area designated as restricted by signs or notices without the consent of the Village Board.
  - T. Sell or offer to sell to any person food, refreshments, or be a vendor of any saleable products without the approval by written permit or contractual agreement with the Village Board.
  - U. Light any fires on the property, other than in established fireplaces.
  - V. Drive or park automobiles on the grassy areas.
  - W. Swim in any but designated places for swimming, and only during the designated hours.
  - X. Be permitted to call or hold meetings or gatherings on park or recreational property without written consent by permit from the Village Board.
- 5.3 It shall be the responsibility of the owner or keeper of an animal, including but not limited to horses, dogs or cats, to clean up any waste left by that animal in any park or recreational area; at or about the time that said animal deposits said waste.
- 5.4 Violation of said rules shall be a violation of this Ordinance and shall be punishable as provided in Section VII of this Ordinance.

### **SECTION 6. CONDUCT OF PERSONS IN BOAT LAUNCHING OR PIER AREAS.** No person on or about any boat harbor, launching ramp or pier owned, operated or controlled by the Village or any of its agents or agencies shall:

- 6.1 Launch a boat from a trailer on a launching ramp without having first blocked the rear wheels of vehicles pulling the trailer.
- 6.2 Fail to remove trailers and other vehicles from the launching zones and ramps as soon as boat is launched or removed from the water.
- 6.3 Obey all posted parking signs and parking diagrams and shall not park automobiles, trailers or other vehicles in areas other than those areas designated for parking.
- 6.4 Park heavy or large trucks, not to exceed five (5) tons gross weight.
- 6.5 Wash vehicles in parking or launching areas.

## **ARTICLE 1 - GENERAL PROVISIONS**

6.6 Swim in boat ramp areas.

6.7 Light or permit fires to continue to boat launching or pier areas.

6.8 Park or leave unattended any boat in the water within any launching zone and within twenty-five feet (25') of any launching zone.

**SECTION 7. PENALTY.** Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each separate violation of this Ordinance.

**SECTION 8. REPEALER.** Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 9. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid, or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 10. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, adoption and publication as provided by law.



## **TITLE XII**

### **SUBDIVISION ORDINANCE**

# CHAPTER 1

## LAND SUBDIVISION

### ARTICLE 1 - GENERAL PROVISIONS

**SECTION 1. PURPOSE.** In accordance with State law (65 ILCS 5/11-12-8 – 5/11-12-12 et seq.) This Ordinance regulates the subdivision and development of land in order to implement the Village of Rapids City Comprehensive Plan and Official Map. Thus this Ordinance assists in achieving the following specific objectives:

- 1.1 To preserve, protect, and promote the public health, safety, and welfare.
- 1.2 To provide a pleasant living environment by furthering the orderly layout and use of land; and to create an environment conducive to the productive development of the Village.
- 1.3 To avoid legal and other problems by requiring that subdivided land be properly monumented and recorded.
- 1.4 To conserve and increase the value of land, improvements, and buildings.
- 1.5 To preserve the natural beauty and topography to the maximum feasible extent.
- 1.6 To provide adequate light, air, and privacy for all residents of new developments by preventing undue concentration of population.
- 1.7 To protect against injury or damage caused by fire, pollution, flooding, storm water runoff, or erosion and sedimentation.
- 1.8 To provide safe and convenient access to new developments and to avoid traffic congestion by requiring the proper location, design, and construction of streets and sidewalks.
- 1.9 To reduce the cost of installing and maintaining adequate water mains, sanitary sewers, stormwater sewers, and other utilities and services.
- 1.10 To ensure that adequate parks, schools, and similar facilities can be made available to serve the residents of new developments.
- 1.11 To provide for the acceptance of lands for public rights-of-way.

**SECTION 2. JURISDICTION.** This Ordinance shall be applicable within the corporate limits of the Village of Rapids City and within all unincorporated territory located within one and one-half (1-1/2) miles of said limits, provided such territory is not located within the subdivision jurisdiction for another municipality. (See 65 ILCS 5/11-12-9 for State requirements concerning jurisdictional boundary lines.)

**SECTION 3. INTERPRETATION.** Every provision of this Ordinance shall be construed liberally to achieve the purposes outlined in Section 1-1.

**3.1 More Restrictive Requirements Apply:**

## **ARTICLE 1 - GENERAL PROVISIONS**

Whenever the requirements of this Ordinance differ from those of any statute, lawfully adopted ordinance or regulation, easement, covenant, or deed restriction, the more stringent requirement shall prevail. Thus, in accordance with State Law (65 ILCS 5/11-12-11), whenever this Ordinance imposes higher standards than the county subdivision ordinance, said higher standards shall supersede the county regulations in the unincorporated territory located within the Village of Rapids City's subdivision jurisdiction.

This Ordinance is not intended to abrogate any easement, covenant, deed restriction, or any other private agreement or restriction; provided, that, where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, deed restriction, or other private agreement or restriction, the provisions of this Ordinance shall govern. Where the provisions of the easement, covenant, deed restriction, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of this Ordinance or the determinations of the Village in approving a subdivision or in enforcing this Ordinance, and such private provisions are not inconsistent with this Ordinance or determinations thereunder, then such private provisions shall be operative and supplemental to this Ordinance and determinations made thereunder. The Village does not purport to enforce any such private provisions not reflected on the plat and its supporting documents and unless there is expressed in the nature of the document and the approval process an intent to give the Village enforcement rights over same.

### **SECTION 4.       DISCLAIMER OF LIABILITY.**

- 4.1   Except as may be provided otherwise by statute or ordinance, no officer, board member, agent, or employee of the Village of Rapids City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Ordinance. (See "Local Governmental and Governmental Employees Tort Immunity Act," 745 ILCS 10/1-101).
- 4.2   Any suit brought against any officer, board member, agent, or employee of the Village of Rapids City, as a result of any act required or permitted in the discharge of his duties under this Ordinance, shall be defended by the Village Attorney until the final determination of the legal proceedings.

**SECTION 5.       VARIANCES.** When the subdivider can show that a provision of this Ordinance, if strictly adhered to, would cause the unnecessary hardship and when, in the opinion of the Village Plan Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Village Plan Commission may recommend a variance or modification to the Board. The subdivider shall apply in writing for such variance or modification of the action. Any variance or modification thus authorized, shall be attached to and made a part of the final plat.

## **ARTICLE 2 - DEFINITIONS**

**SECTION 1. CONSTRUCTION OF TERMS.** In construing the intended meaning of terminology used in this Ordinance, the following rules shall be observed:

- 1.1 Unless the context clearly indicates otherwise, words and phrases shall have the meanings respectively ascribed to them in Section 2.2; terms not defined in Section 2.2 shall have the meanings respectively ascribed to them in the Zoning Ordinance of the Village of Rapids City; if any term is not defined either in Section 2.2 or in the Zoning Ordinance, said term shall have its standard English dictionary meaning.
- 1.2 Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.
- 1.3 Words used in the present tense shall include the future tense.
- 1.4 Words used in the singular number shall include the plural number, and the plural the singular.
- 1.5 The word "shall" is mandatory; the word "may" is discretionary.
- 1.6 Captions (i.e., titles of sections, subsections, etc.) are intended merely to facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.
- 1.7 References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.
- 1.8 A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

## **SECTION 2. SELECTED DEFINITIONS.**

<b>Administrative Officer</b>	The person appointed to occupy the office created herein, in which office is vested the chief administrative and enforcement duties as outlined in the attached standards.
<b>Alley</b>	A public right-of-way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street.
<b>Amendment</b>	A change in the provisions of this Ordinance, properly effected in accordance with state law and the procedures set forth herein.
<b>Area, Gross</b>	The entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley rights-of-way and for public uses.
<b>Block</b>	An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

## **ARTICLE 2 - DEFINITIONS**

<b>Centerline Offset</b>	The distance between the centerlines of two (2) roughly parallel streets, measured along the third street with which both said "parallel" streets intersect.
<b>Collector Street</b>	A street used primarily to collect limited amounts of residential traffic and for access to abutting properties, and on which the speed limit is low and traffic volume is minimal.
<b>Comprehensive Plan</b>	The plan or any portion thereof adopted by the Village Board to guide and coordinate the physical and economic development of the Village of Rapids City. The Comprehensive Plan includes, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, drainage facilities, etc.
<b>Cross-Slope</b>	The degree of inclination measured across a right-of-way rather than in the direction traffic moves on said right-of-way.
<b>Cul-de-Sac</b>	A street having only one outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles, the term may also be used to refer solely to said turn-around.
<b>Curb and Gutter, Integral</b>	The rim forming the edge of a street plus the channel for leading off surface water, constructed of poured concrete as a single facility.
<b>Dedicate</b>	To transfer the ownership of a right-of-way, parcel of land, or improvement to the Village of Rapids City or other public entity without compensation.
<b>Develop</b>	To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefore.
<b>District, Zoning</b>	A portion of the territory of the Village of Rapids City wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the Zoning Ordinance.
<b>Easement</b>	A right to use a portion of another person's real property for certain limited purposes.
<b>Erosion</b>	The wearing away of the land surface by the action of wind, water or gravity.
<b>Escrow Deposit</b>	A deposit in cash or other approved securities to assure the completion of improvements within a subdivision.
<b>Frontage</b>	The boundary of a lot along a public street.
<b>Frontage Road</b>	A minor street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.
<b>Grade</b>	The degree of inclination of the site or right-of-way, expressed as a percentage. Synonym for "slope."
<b>Improvements</b>	Any street, curb and gutter, sidewalk, drainage ditch, sewer, catchbasin, newly-planted tree, off-street parking area, or other facility necessary for the general use of property owners in a subdivision.
<b>Improvement Plans</b>	The engineering plans showing types of materials and construction details for the structures and facilities to be installed in, or in conjunction with, a subdivision.
<b>Intersection</b>	The point at which two or more public right-of-ways (generally streets) meet.

## **ARTICLE 2 - DEFINITIONS**

<b>Local Street</b>	A street serving limited amounts of residential traffic, and used for access to abutting property.
<b>Lot</b>	A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A "lot" or may not coincide with a "lot of record."
<b>Lot, Corner</b>	A lot having at least two (2) adjacent sides that abut for their full length upon streets.
<b>Lot, Through</b>	A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines.
<b>Lot Area</b>	The area of a horizontal plan bounded by the front, side, and rear lines of a lot.
<b>Lot of Record</b>	An area of land designated as a lot on a plat of subdivision recorded with the Recorder of Deeds of Rock Island County, Illinois in accordance with state law.
<b>Maintenance Bond</b>	A surety bond, posted by the developer and approved by the Village of Rapids City, guaranteeing the satisfactory condition of installed improvements for the one-year period following their dedication.
<b>Marginal Access Street</b>	A local dead end street providing access to ten (10) or fewer dwelling units.
<b>Minor Arterial Street</b>	A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.
<b>Official Map</b>	The official map may show indication of sites for planned public facilities. Public facility sites which may be indicated on the Official Map may include but are not limited to: Sites for new trafficways or widening of existing trafficways; school sites; public building sites; and sites for future storm drainage, electrical or other public service or utility easements.
<b>Performance Bond</b>	A surety bond posted by the developer and approved by the Village of Rapids City, guaranteeing the installation of required improvements within, or in conjunction with, a subdivision.
<b>Plat, Dedication</b>	A plat required for the dedication to the Village of all right-of-way easements, and public improvements outside of a subdivision plat or within a special use classification.
<b>Plat, Final</b>	The subdivider's plan and supporting documentation of the subdivision which, if approved, shall be filed with the Rock Island County Recorder of Deeds.
<b>Plat, Preliminary</b>	Preliminary engineering maps, drawings, and supportive material indicating the proposed layout of a subdivision.
<b>Pre-Filing Conference</b>	A conference held between the developer and appropriate Village staff prior to submission of a Preliminary or Final Plat.
<b>Principal Arterial Street</b>	A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade, and on which traffic control devices are used to expedite the safe movement of through traffic.
<b>Reserve</b>	To set aside a parcel of land in anticipation of its acquisition by the Village of Rapids City (or other government entity) for public purposes.

## **ARTICLE 2 - DEFINITIONS**

<b>Right-of-Way, Public</b>	A strip of land which the owner/subdivider has dedicated to the Village of Rapids City or other unit of government for streets, alleys, and other public improvements.
<b>Sediment</b>	Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.
<b>Setback, Front</b>	The horizontal distance between the street right-of-way line and the building line. Minimum setback requirements are set forth in the Zoning Ordinance.
<b>Sewerage System, Private</b>	A sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.
<b>Sidewalk</b>	A pedestrian way constructed in compliance with the standards of this Ordinance.
<b>Soil</b>	All unconsolidated mineral and organic material of whatever origin that overlies bedrock which can be readily excavated.
<b>Stop Order</b>	An order used by the Administrator to halt work-in-progress that is in violation of this Ordinance.
<b>Street</b>	A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or way for pedestrian use only.
<b>Structure</b>	Anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures but not all structures are buildings.
<b>Stub Street</b>	A street that is temporarily terminated, but that is planned for future continuation.
<b>Subdivider</b>	Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as defined in this Article.
<b>Subdivision</b>	Any division of land into two (2) or more lots, any of which is less than five (5) acres, or any transfer involving an easement of ingress or egress, except as set forth in the Plat Act, 765 ILCS 205/1.
<b>Topography</b>	The relief features or surface configuration of an area of land.
<b>Utility</b>	<p>A business or service which is engaged in regularly supplying the public with some commodity or service which is of consequence and need and which has a duty to serve without discrimination all within its service area. A utility can be publicly or privately owned and includes, without limitation, the following services or commodities:</p> <ul style="list-style-type: none"><li>A. Electricity</li><li>B. Gas, oil, or steam</li><li>C. Water</li><li>D. Sanitary sewerage</li><li>E. Storm sewerage</li><li>F. Telephone or telegraph</li><li>G. Cable television and other communication lines</li><li>H. Transportation lines, such as fixed rail, but only if expressly stated</li></ul>

## **ARTICLE 2 - DEFINITIONS**

<b>Vacate</b>	To terminate the legal existence of right-of-way or subdivision or portion thereof, and to so note on the Final Plat recorded with the Rock Island County Recorder of Deeds (765 ILCS 205/6-205/8).
<b>Variance, Subdivision</b>	A relaxation in the strict application of the design and improvement standards set forth in this Ordinance.
<b>Village Engineer</b>	A professional engineering consultant that will be providing subdivision reviews for the Village of Rapids City.



## **ARTICLE 3 - DESIGN AND IMPROVEMENT STANDARDS**

**SECTION 1.        APPLICABILITY OF ARTICLE.** No land within the subdivision jurisdiction of the Village of Rapids City – other than land that is specifically exempted from the requirements of the Illinois Plat Act (765 ILCS 205/1) – shall be subdivided or developed except in compliance with the regulations of this Article and the applicable provisions of State Law. (See 65 ILCS 5/11-12-8; 765 ILCS 205/1 et seq.) No lot in any subdivision shall be conveyed until:

- 1.1    The Final Plat of said subdivision has been approved by the Village of Rapids City and recorded in the Office of the Rock Island County Recorder of Deeds.
- 1.2    The portion of said subdivision in which the lot is located has been improved in accordance with the requirements of this Article or until a performance bond or other security has been posted to assure the completion of such improvements.

A building permit shall not be issued for any lot conveyed in violation of this Section.

**SECTION 2.        SUITABILITY FOR SUBDIVISION GENERALLY.** Land that is unsuitable for development due to flooding, poor drainage, rough topography, adverse soil conditions, or other features which will be harmful to the health safety, and general welfare of the inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless the subdivider/developer formulates adequate plans/methods to solve the problems caused by the adverse land conditions.

**SECTION 3.        LOT REQUIREMENTS.** All lots in a subdivision shall conform to the minimum lot area and dimension requirements of the zoning district in which said subdivision is located; land that is under water or proposed for street improvements shall not be counted to satisfy these minimum requirements. Every corner and through lot shall be large enough to permit compliance with the district's front setback requirements on every side of the lot that faces a street. All lot remnants shall be added to adjacent lots to avoid the creation of unbuildable parcels.

- 3.1    **Access and Relationship to Street.** Land shall be subdivided in such a way that each lot abuts a street meeting the requirements of Section 3.5. All side lot lines shall be at right angles to straight street right-of-way lines or radial to curved street right-of-way lines except where a deviation from this rule will provide a better street and lot design. Any street that enters a county highway or a state highway must have state or county approval before approval of the Village of Rapids City.

**SECTION 4.        PERMANENT REFERENCE MONUMENTS.**

**4.1    Materials, Size, and Location.**

- A.    Concrete cylinders or rectangular prisms, not less than four inches (4") in diameter or square and forty-two inches (42") long, shall be set at the extreme corners of subdivisions.
- B.    Steel pins, not less than three-fourths (3/4) of an inch in diameter and thirty inches (30") long, with a survey marker cap showing the land surveyor's registration number, shall be set at locations in accordance with the Plat Act.

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- C. The intersection of two (2) right-of-way lines at corner lots shall terminate at a tangent to a curve having a minimum radius of fifteen feet (15').

- 4.2 **Resetting Monuments.** Any monuments disturbed by construction or grading shall be reset by a registered land surveyor.

**SECTION 5. STREET DESIGN STANDARDS.** All streets shall be properly integrated with the existing and proposed street system indicated in the municipal Comprehensive Plan and Official Map, and shall meet the specifications set forth in tabular form below. For divided boulevards, the developer shall submit an acceptable plan for maintenance to the Zoning Board of Appeals.

Type of Street	Permitted On-Street Parking	Required Right-of-Way	Required Pavement Width (B-B)	Maximum/Minimum Grades
Alley	None	20 feet	18 feet	Maximum: 10% Minimum: 0.5%
Marginal Access	None	50 feet	20 feet	Maximum: 10% Minimum: 0.5%
Local Street	One side	50 feet	27 feet	Maximum: 10%
	Two sides	50 feet	31 feet	Minimum: 0.5%
Collectors	Both sides	60 feet	40 feet	Maximum: 10% Minimum: 0.5%
Minor Arterials	None	80 feet	11 feet	Maximum: 5% Minimum: 0.5%
Principal Arterials	None	100 feet	12 feet	Maximum: 5% Minimum: 0.5%
Divided Boulevard	None	70 feet	14 feet	Maximum: 10% Minimum: 0.5%

- 5.1 **Horizontal Curvatures.** All changes in horizontal alignment shall be conducted with a horizontal curve with the following minimum centerline radius, designated "R";

- A. For principal, minor and collector streets (Design speed = 35 MPH), R shall equal five hundred feet (500').
- B. For local streets (Design speed = 30 MPH), R shall equal one hundred twenty-five feet (125').
- C. For alleys, R shall equal one hundred feet (100').

- 5.2 **Through Traffic Discouraged.** Marginal access and local streets shall be laid out so as to discourage use by through traffic. The rigid rectangular gridiron street pattern should be avoided, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged to affect a more desirable street layout.

- 5.3 **Limited Access to Arterials.** Where a subdivision abuts or contains an existing or proposed arterial street, the Zoning Board may recommend to the

Village Board that access to said arterial may be limited by one of the following means:

- A. The subdivision of lots so that they back onto the arterial street and front onto a parallel local street (double frontage lots), coupled with the installation of screening in a reserve (access-restricting) strip along the rear lot lines of such lots.
- B. A series of cul-de-sacs, U-shaped streets, or short loops entered from and generally at right angles to the arterial street.
- C. A frontage road separated from the arterial street by a planting strip, but having access thereto at suitable points.

**5.4 Dead End Streets.**

- A. Temporary Stub Streets. Streets shall be so arranged to provide for the continuation of streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire and police protection, and efficient provision of utilities, and where such continuation comports with the municipal Comprehensive Plan. If the adjacent property is owned by the developer (under the same ownership) and undeveloped and the street must dead-end temporarily, the right-of-way shall be extended to the property line, and no strip that would prevent connections with future streets shall be reserved. A temporary turnaround shall be provided at the terminus of any temporary dead-end street. If the adjacent property is under another ownership there should be a permanent dead end.
- B. Permanent Dead-End Streets. Cul-de-sacs shall have a maximum length of 750 feet. A cul-de-sac turn-around, having a minimum right-of-way diameter of ninety-eight feet (98'), a minimum pavement return radius of twenty-five feet (25'), and a pavement diameter of seventy-five feet (75'), shall be provided at the end of every permanent dead-end street.

**5.5 Alleys.** Alleys shall be prohibited in single-family residence districts. Alleys may be required in multiple-family districts and in commercial/industrial districts unless other adequate provisions for service access are made. Adequate vehicular turnaround space shall be provided at the terminus of any dead-end alley.

**5.6 Intersections.**

- A. Only Two Streets. Not more than two (2) streets shall intersect at any one point.
- B. Right Angles. Streets shall be laid out so as to intersect as nearly as possible at right angles; in no case shall two (2) streets intersect at an angle of less than eighty degrees (80°) or more than one hundred degrees (100°). An oblique street shall be curved approaching an intersection and shall be approximately at right angles with said intersection for at least one hundred feet (100') therefrom.
- C. Alignment. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of

less than one hundred twenty-five feet (125') shall not be permitted, except where the intersected street has divided lanes without median breaks at either intersection. Intersections involving collector or arterial streets shall be at least eight hundred feet (800') apart.

- D. Curb Radii. To permit safe vehicular movement at corners, the minimum curb radius at the intersection of two (2) streets shall be fifteen feet (15') where both streets are marginal access or local and at other intersections, not less than twenty-five feet (25').
- E. Grade. Intersections shall be designed with a minimum grade of 0.5%. In hilly terrain, an area having not greater than a two percent (2%) slope for a distance of sixty feet (60') from the nearest right-of-way line of the intersecting street shall be provided at the approach to an intersection.
- F. Cross-Slope. The cross slopes of all streets, including intersections, shall not exceed three percent (3%).
- G. Adequate Sight Lines. Where any street intersection will involve earth banks or existing vegetation, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide adequate sight distance in accordance with the following chart:

30 MPH 130 feet each way from intersection

35 MPH 155 feet each way from intersection

For design speeds exceeding 35 MPH, sight distance will be determined based upon AASHTOI criteria.

- 5.7 **Reverse Curves.** A tangent at least fifty feet (50') long shall be introduced between reverse curves on local streets and one hundred feet (100') long on collector streets.
- 5.8 **Road Dedications and Reservations and Improvement to Existing Streets.**
  - A. New Perimeter Streets. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.
  - B. Existing Roads. Where a subdivision borders an existing narrow road or when the Comprehensive Plan, Official Map, or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his expense such areas for widening or re-alignment of such roads as are specifically and uniquely attributable to his subdivision and to reserve for public use any portion of the right-of-way determined not to be specifically and uniquely attributable to his subdivision.

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- C. Excess Right-of-Way. Right-of-way in excess of the standards set forth in the Table of Street Design Specifications shall be required to be dedicated when:
  - 1. Due to topography, additional width is necessary to provide adequate earth slopes; or
  - 2. Due to the location of railroad tracks, additional width is needed to construct overpasses, underpasses, and approaches thereto.
- D. "Specifically and Uniquely Attributable" Defined. For purposes of this Section, the phrase "specifically and uniquely attributable" shall mean as a minimum that areas currently zoned or to be zoned single family for residential uses in the Comprehensive Plan shall require marginal access, local, or collector streets, depending on density; that areas currently zoned or to be zoned for multi-family residential uses in the Comprehensive Plan shall require local, boulevard, collector, minor arterial, or principal arterial streets, depending on density; that areas currently zoned or to be zoned for commercial uses in the Comprehensive Plan shall require local, collector, minor arterial, or principal arterial streets, depending on whether same is a neighborhood, community, or regional area; and that areas currently zoned or to be zoned for industrial uses in the Comprehensive Plan shall require collector, minor arterial, or principal arterial streets, depending on the size of the industrial area.

### **SECTION 6.**

**STREET IMPROVEMENTS STANDARDS.** All new streets shall be graded, curbed, and surfaced in accordance with the standards of the Illinois Department of Transportation and the provisions of the subsections below.

- 6.1 **Curb and Gutter.** All streets shall be bounded by concrete curbs and gutters. Rollover Curbs may be allowed on marginal access and local streets pending approval by the Village of Rapids City or the Village Engineer. Definition of a Rollover Curb and Standard Curb are more fully explained in diagram form by Appendix I which is incorporated herein by this reference thereto as if set forth in haec verba.
- 6.2 **Pavement.** All streets and alleys shall be paved in accordance with the minimum standards as indicated below:
  - A. Alleys.
    - 1. Six inch (6") thick non-reinforced concrete.
  - B. Marginal Access, Local.
    - 1. Six inch (6") thick non-reinforced Portland cement concrete.
    - 2. Seven inch (7") thick non-reinforced Portland cement concrete.
    - 3. Asphaltic concrete construction meeting the Illinois Department of Transportation Standard Specifications and satisfactorily meeting the Village Engineer's specifications.
  - C. Collector, Minor Arterial.
    - 1. Seven inch (7") thick reinforced Portland cement concrete.

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2. Eight inch (8") thick non-reinforced Portland cement concrete.
3. Asphaltic concrete construction meeting the Department of Transportation specifications and satisfactorily meeting the Village Engineer's specifications.

### **D. Principal Arterial.**

1. Eight inch (8") thick reinforced Portland cement concrete.
2. Nine inch (9") thick non-reinforced Portland cement concrete.
3. Asphaltic concrete construction meeting the Department of Transportation specifications and satisfactorily meeting the Village Engineer's specifications.

The above thickness requirements shall be increased if traffic volume, subgrade or other conditions show justifications for increased thickness. A sub-base or base shall be constructed in accordance with the appropriate articles of the standard specifications when required by the Village Engineer. A sub-base or base with an underdrain system may be required in areas where a combination or pro-posed street grade and soil type may lead to subgrade erosion and pavement undermining. The Village may require additional engineering documentation to establish that the above standards are appropriate for the reasons stated in this paragraph.

Pavements shall be constructed in accordance with these standard specifications and in conformity with the lines, dimensions and grades shown on the plans and to the form and dimensions shown on the detail drawings included with and being part of these specifications.

## **SECTION 7. BLOCKS.**

- 7.1 **Block Width.** Blocks shall be sufficiently wide to accommodate two (2) tiers of lots having the minimum depth required by the zoning district regulations; provided that this requirement may be waived in blocks adjacent to local collector or collector streets, railroads, or water courses.
- 7.2 **Block Length.** No block shall be longer than one thousand feet (1,000') nor shorter than three hundred feet (300').

## **SECTION 8. SIDEWALKS.** Sidewalks shall be installed on both sides of all streets. Sidewalks shall be installed at the time the lot is developed or prior to issuance of the Occupancy Permit.

### **8.1 Driveway and Sidewalk Construction Standards.**

#### **A. General Instructions.**

1. Any person or persons constructing a driveway or sidewalk within the corporate limits of the Village of Rapids City must comply fully with the current Street Use Ordinance.
2. A permit for sidewalk, driveway, or curb cut placement, must be obtained from the authorized Village official.
3. Inspection of all construction within the Village right-of-way is required. At least one-half day before actual construction is to take

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place, a call must be made to the authorized Village official's office giving the following: a) name and phone number of contractor; b) location of construction; and c) permit number.

4. No more than one driveway access per lot (to the same roadway) shall be allowed unless variance is obtained. (Lot may have additional drive access to different roadways, such as alley, avenue, street.)
5. Unimproved Street (no curb, gutter, sidewalk). If driveway accesses an unimproved street, concrete may not be right-of-way beyond property line. Remainder of driveway into street shall be constructed of asphalt, rock or seal coat.
6. Improved Street (curb, gutter, sidewalk). If driveway accesses an improved street, driveway on Village right-of-way must be constructed of concrete meeting the following relevant specifications.

#### **B. Specific Instructions.**

1. Subgrade must be well compacted and thoroughly wet without ponding before placing the concrete.
2. Concrete must have a minimum compressive strength of not less than 3500 psi after 14 days.
3. Expansion joints must be at least  $\frac{3}{4}$ " thick premolded bituminous filler. It is required that the material extend one inch (1") below the concrete.
4. Curing: a) the concrete must be covered as soon as possible with a polyethylene sheeting and kept in place for 72 hours; or b) the concrete must be sprayed with a white membrane curing compound. Membrane spray will not be allowed if the temperature is below forty degrees F (40° F).
5. Concrete temperature must be between sixty degrees F (60° F) and eighty degrees F (80° F) at time of placement.
6. No concrete may be placed unless the temperature is forty degrees F (40° F) and rising. If the temperature falls below thirty-five degrees F (35° F) at any time during the first three (3) days of curing, not less than six inches (6") of loose dry straw shall be placed on the concrete and a layer of polyethylene placed on top of the straw. This shall remain for seven (7) days.
7. A metal stamp which makes indentation giving the contractor's name, city, state, and year of placement may be used at the contractor's option.
8. Curb cut for new concrete driveway is to be tied into existing pavement or concrete gutter with epoxy coated #6 rebar, 18 inches (18") long. Hole is to be drilled into existing concrete street, 30 inches (30") on center, approximately 9 inches (9") into existing concrete and rebar grouted into hole.

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9. Concrete drives may not be placed on the right-of-way unless street is improved (concrete curb and gutter).
10. Sidewalks are required on all lots where there is an improved street when the lot is improved for use.
11. Width of residential driveways at property line shall not exceed 36 feet (36') or 50 percent (50%) of front footage of lot, whichever is smaller. Driveways shall have a taper of 2 feet (2') from property line to curb.
12. Width of commercial driveway shall be maximum of 36 feet (36') at property line with a 6 foot (6') radius from property line to curb.
13. Only one driveway per lot shall be permitted, unless a variance by Village is granted.
14. Carriage walks may be permitted with permission from the Zoning Board.

#### **SECTION 9.**

**UTILITIES.** All utilities provided as new installations within a subdivision shall be placed in the right of way or in easements, and shall be provided underground, unless an exception or exemption has been granted.

- 9.1 **Responsibility.** For all major subdivisions, the subdivider shall make the necessary arrangements with the appropriate utility companies for the proper installation of utilities to assure that all lots have adequate gas, electrical, and communications service.
- 9.2 **Requirements.** All underground electric distribution circuits installed by the utility company within the Village shall be installed in accordance with the Safety Rules for the Installation and Maintenance of Electric Supply and Communication Lines, U.S. Department of Commerce, National Bureau of Standards, and General Order No. 160, Rules for Construction of Electric Power and Communication Lines, Illinois Commerce Commission.
- 9.3 **Enforcement.** The Building Inspector shall not issue any occupancy permits until all utilities have been installed in the subdivision.
- 9.4 **Exceptions.** The requirements for underground utilities shall not apply in the following instances:
  - A. Principal electric distribution feeder circuits and electric transmission circuits shall not be required to be installed underground.
  - B. Any service which is considered by the utility company to be unfeasible for undergrounding, due to high voltage or inordinately high and unjustified cost, may be provided overhead when authorized by the Village Board.
  - C. When topographic or soil conditions cause the cost of undergrounding to be extremely and unjustifiably high, services may be provided overhead when authorized by the Village Board.
  - D. When a subdivision is developed adjacent to or abutting an existing development in which the primary feeder lines have been installed



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overhead, the new subdivision may use the overhead lines with the following provisions.

1. The service lines to the buildings in the new subdivision shall be installed underground.
  2. All additional necessary feeder lines shall be installed underground.
- E. When a building is constructed on a single unoccupied lot in an area which is fully developed with overhead electric and communication service, the building may use the overhead service line if it completes the development of the area.
- F. Utilities provided as new installations to lots for industrial purposes may be provided overhead.

9.5 **Exemptions.** The following specific facilities shall be exempt from the requirements of the ordinance.

- A. Poles used exclusively for street lighting.
- B. Poles, overhead lines, and associated overhead structures, authorized by the Village Board, crossing or entering any portion of a district from which overhead wires have been prohibited, and originating in an area in which overhead wires are allowed.
- C. Overhead lines attached to the exterior of a building by means of a bracket or similar device, and extending from one location on the building to another on the same building, or to an adjacent building without crossing any public street or right-of-way.
- D. Radio antenna and associated structures and equipment used for furnishing communication service.
- E. Service terminals and necessary pad-mounted electric equipment installed above ground, used to distribute communication and electric service in underground systems.

### **SECTION 10. WATER FACILITIES.**

- 10.1 Every subdivision shall be provided with a complete water distribution system adequate to serve all lots within the subdivision. The water distribution system shall be designed according to standard specifications and shall be approved by the Village Engineer subject to the approval of the Village Board and the Illinois Environmental Protection Agency. Whenever a water main is extended it shall be extended across the entire frontage of the property being subdivided and it shall be connected to any other mains which front on or are adjacent to the subdivision to provide for looping of the water system.
- 10.2 The engineer for the subdivider shall calculate the expected fire flow requirements within the subdivision based upon the intended zoning and expected land use in accordance with the "Uniform Fire Code", latest adopted edition. Also taken into consideration when determining the size of pipe to be installed shall be the anticipated demand for water by "downstream" properties based on anticipated development of such properties based on the Comprehensive Plan for such expansion areas.

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- 10.3 Individual service connections within single family residential subdivisions shall be extended from the main to within one foot (1') of the lot line of each lot with an approved corporation and curb box and clearly marked with a fence post or similar material to facilitate their locations.
- 10.4 Upon written request to the Village Engineer and subject to approval of the Village Board, the Village will perform fire flow tests on the existing water mains to be extended and provide the data to the subdivider's engineer.
- 10.5 **Fire Hydrants.** Fire hydrants of the type approved by the Village Engineer and subject to the approval of the Village Board shall be installed according to standard engineering practices and shall be placed at intervals of not more than four hundred feet (400') for residential and not more than the maximum specified for commercial and industrial use, in accordance with the Uniform Fire Code.

#### **SECTION 11. SANITARY SEWERS.** All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Environmental Protection Agency, and must be approved by the Village Board.

##### **11.1 When Public System Available.**

- A. Whenever the subdivision any point of which is within three hundred feet (300') of an existing publicly owned sewer main or other collection system and who have the right to extend public sewer mains or private sewer laterals from said property to said existing publicly owned sewer main or other collection system either by way of street, alley, public way, public easement, or private easement the subdivider shall construct sewer mains, where technically feasible, which shall be connected to such public sewer and shall provide sewer to all lots within the subdivision.
  - B. All sewer main construction shall be done according to "Standard Specifications for Water and Sewer Main Construction in Illinois."
  - C. Whenever a sanitary sewer system is extended, it shall be extended across the entire frontage or frontages of the property to be improved by the extension unless the Village has determined, because of land contours or the presence of other mains, that no other property can be technically or needs to be served by such an extension.
- 11.2 **Interim Disposal Systems.** Where a sanitary sewer cannot be extended as required by Section 3 through Section 11.1, the developer shall construct a sanitary sewer system to serve all lots within the subdivision and shall provide sewage treatment by means of an approved sewage treatment plant which shall be operated and maintained by the developer until such time as the system can be connected to the publicly owned system. Said system shall be temporarily capped. Where the land covered by the Preliminary Plat contains not more than ten (10) lots, individual sewage disposal systems may be used and must be installed according to applicable laws and regulations of the appropriate approving agency.

#### **SECTION 12. EASEMENTS.**

- 12.1 **Utility Easements.** Easements at least ten feet (10') wide shall be provided for public and private utilities along the front right-of-way lines of the public

streets. Easement located elsewhere shall be at least twenty feet (20') wide and if along lot lines, they shall be centered on the lot lines.

- 12.2 **Drainage Easements.** Adequate easements for storm water drainage shall be established along any natural drainage channel and in any other locations where necessary to provide satisfactory disposal of storm water from streets, alleys, and all other portions of the subdivision. The precise location and minimum widths of said easements shall be determined by the Village Engineer.

**SECTION 13.**

**DRAINAGE AND STORM SEWERS.** The Zoning Board shall not recommend the approval of plat unless the Village Engineer determines that the proposed provisions for storm water drainage are adequate within boundaries of the subdivision. Drainage improvements in the subdivision shall be coordinated with existing and planned drainage improvements elsewhere so as to form an integrated village system. The storm water drainage system shall be separate and independent of the sanitary sewer system and shall meet the following design criteria:

**13.1 Principal and Minor Arterial Streets.**

- A. Flow from a "ten (10)-year storm" shall not inundate the center twenty feet (20') of the pavement.
- B. Flow from a "fifty (50)-year storm" shall be carried without damage to any building.

**13.2 Collector Streets.**

- A. Flow from a "ten (10)-year storm" shall not inundate the center ten feet (10') of the pavement.
- B. Flow from a "fifty (50)-year storm" shall be carried without damage to any building.

**13.3 Local Streets.**

- A. Flow from a "ten (10)-year storm" shall not top the curb.
- B. Flow from a "fifty (50)-year storm" shall be carried without damage to any building.

- 13.4 **Catch Basins or Inlets.** Catch basins or inlets, if required, shall be constructed so that the majority of surface water shall be intercepted before reaching the intersection, and not carried for a distance of more than four hundred feet (400') of the pavement.

- 13.5 **Accommodation of Upstream Drainage Areas.** A culvert or other drainage facility large enough to accommodate potential runoff from the entire drainage area upstream from the proposed subdivision shall be provided in accordance with the City's standard specifications. Potential runoff shall be determined on the basis of the maximum development of the upstream area that is permitted or to be permitted under the Comprehensive Plan.

- 13.6 **Areas Subject to Flooding.** Whenever a plat is submitted for an area that is subject to flooding, the Village Board may require appropriate protective measures, including the filling of the flood prone area to a level equal to the regulatory flood elevation, if any.

**SECTION 14. SOIL EROSION AND SEDIMENTATION CONTROL.** In the development of any subdivision, the following erosion and sedimentation control regulation shall be observed:

- 14.1 The developer shall protect the development site from soil erosion and shall protect downstream property from sedimentation deposits during the construction of the subdivision. Practices contained in "Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois" shall be employed in the preparation of an erosion and sedimentation control plan which shall be approved by the Village Engineer prior to any earth disturbing activity taking place.

**SECTION 15. DEDICATIONS FOR PUBLIC USE.** The Village Board may require the developer to dedicate (i.e., to transfer without compensation) to the Village of Rapids City or other appropriate governmental entity suitable parcel(s) of land within the subdivision for public purposes provided such facilities are otherwise required by this Ordinance. Any such dedicated area shall be shown on the final plat.

- 15.1 **Reservations for Public Use.** Besides requiring the developer to dedicate parcels for public purposes, the Village Board may require that he reserve land for parks, playgrounds, schools, or other public purposes in locations designated in the City's Comprehensive Plan. Since public acquisition of reserved land requires compensation, it is not essential that the need for such land be uniquely and specifically attributable to the subdivision.

- A. Adopted. There is hereby adopted an Official Map dated May 1996 which shall be applicable to all land situated within the City, and shall also be applicable to contiguous territory within one and one-half (1-1/2) miles from the corporate limits of the Village and not included within the corporate limits of any other municipality. The Official Map shall be filed in the Office of the Village Clerk and is made part of this Chapter by reference.
- B. Planned Public Improvements to be Shown on Map. The Official Map may show indication of sites for planned public facilities. Public facility sites which may be indicated on the Official Map may include but are not limited to: sites for new trafficways or widening of existing trafficways; school sites; recreational sites; public building sites; and sites for future storm drainage, electrical or other public service or utility easements.

Availability of Sites for Planned Public Improvements

1. Whenever the official map indicates the necessity for providing a site for a planned public facility, the Board may require that the site for the public use be designated on the subdivision plat before granting approval to such plat; and, furthermore, that the site be held for that specific public use for a period of one (1) year from the date of approval of the Final Plat. When such designation has been required, the Board shall notify the responsible public agency in writing of the designation within ten (10) days.
2. Whenever a site for public use, shown on the Official Map, as been required to be indicated on a subdivision plat, the responsible agency having jurisdiction of such use shall acquire the land so designated by purchase or commence proceedings to acquire the land by condemnation within one (1) year from date of final approval of the plat; and, if it does not do so within such period of

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one (1) year, the land so designated may then be used by the owners in any other manner consistent with this Chapter, the Zoning Ordinance, or any other provision of this Code or other ordinance of the Village.

- C. Amendments or Additions to the Official Map. Amendments to the Official Map, including the indication of additional public sites to be shown on the map, shall be considered amendments to this Chapter and therefore shall be as specified in this Chapter for amendments to this Chapter. Any public agency requesting the establishment of the Official Map of a future public site or easement which is not included in the Comprehensive Plan, shall indicate to the Planning Commission the need for the site in the particular location specified. The Planning Commission, before making a favorable recommendation for the inclusion on the Official Map of such site by the Board, shall find that this public site location is determined to be necessary to provide public service consistent with the Comprehensive Plan of the community and shall so indicate in its minutes.

## **ARTICLE 4 - PLATS AND PLANS**

**SECTION 1. PRE-FILING CONFERENCE.** Prior to the submission of the initial plat, a pre-filing conference may be held between the developer and appropriate Village staff. The developer shall present a concept sketch of the proposed development. Village staff shall use a standardized checklist to review the proposed development for conformance to the subdivision ordinance.

**SECTION 2. PRELIMINARY PLATS.** Except as specifically provided below, every person who proposes to subdivide any land located within the subdivision jurisdiction of the Village of Rapids City shall file six (6) copies of the Preliminary Plat of said subdivision with the Village Engineer at least three (3) weeks prior to a regularly scheduled meeting of the Zoning Board of Appeals.

He shall also file one (1) copy of the Preliminary Plat and supporting data with the appropriate Soil and Water Conservation District. Said district shall have not more than thirty (30) days to submit any comments it might wish to make to the Planning Commission. (70 ILCS 405/22/02A)

Whenever a large tract is to be developed in stages and only a portion of that tract is to be submitted for Final Plat approval, a Preliminary Plat of the entire tract shall be submitted.

All Preliminary Plats shall be reviewed and acted upon in accordance with 65 ILCS 5/11-12-8 and the provisions of the subsections below.

**EXCEPTION:** A Preliminary Plat shall not be required for:

- A. Minor subdivisions.
  - B. Land that is specifically exempted from the Illinois Plats Act as now or hereafter amended (765 ILCS 205/1).
- 2.1 **Information Required.** Every Preliminary Plat shall be prepared by a land surveyor registered in Illinois at a scale of one hundred feet (100') or less to the inch provided the resultant drawing does not exceed thirty-six inches (36") by twenty-four inches (24"). Said Preliminary Plat, together with the supporting data, shall provide all of the following information:
- A. Names and addresses of the owner, subdivider (if not owner), and registered land surveyor.
  - B. Proposed name of the subdivision and all adjoining subdivisions.
  - C. Zoning district classification of the tract to be subdivided and proposed setbacks.
  - D. North arrow, graphic scale, and date of map.
  - E. Dimensions of the tract, and its gross area.
  - F. Topography of the tract to be subdivided as indicated by two foot (2') contour data for land having slopes of zero-four percent (04%), five foot (5') contour data for land having slopes between four - twelve percent (4 - 12%), and ten foot (10') contour data for land having slopes of twelve percent (12%) or more.

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- G. Locations of such features as bodies of water, ponding areas, natural drainageways, railroads, cemeteries, bridges, parks, schools, buildings, areas subject to flooding, etc.
  - H. Locations and right-of-way widths of all existing and proposed streets and alleys.
  - I. Locations, widths, and purposes of all existing and proposed easements.
  - J. All proposed deed restrictions and covenants.
  - K. Location and size of existing and proposed sanitary and storm sewers, water mains, and any appurtenances thereto.
  - L. Locations, types, and approximate sizes of all other existing and proposed utilities.
  - M. Locations, dimensions, and areas of all parcels to be reserved or dedicated for schools, parks/playgrounds, and other public purposes.
  - N. Locations, dimensions, and areas of all proposed or existing lots within the subdivision numbered sequentially.
  - O. For all contiguous holdings of the owner; including land owned by the same person, corporation, firm, entity, partnership, or unincorporated association or owned by different corporations, firms, partnerships, entities, or unincorporated associations in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association; with an indication of the portion proposed for subdivision: an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder of Deed's Office or other official records; the name and address and telephone number of the legal owner of the property, the subdivider, if different from the legal owner, the land surveyor and engineer, and the agents of any of these persons; the name and address and telephone number of the contract owner, if any, of the property and the date the contract of sale was executed; and, if any corporations are involved, a complete list of all directors, officers, and stockholders owning more than five percent (5%) of any class of stock of each corporation; and, if a trust is involved, a complete list of the names of the trustees, and the names and addresses and telephone numbers of all beneficiaries of the trust.
  - P. The location by township, range, section, or by other legal description.
  - Q. A list of requested variances and justifications.
- 2.2 **Utility Company Notification.** It is the subdividers responsibility to notify the appropriate public utilities. Proof of notification shall be submitted with the preliminary plat to the Village for Village approval.
- 2.3 **Zoning Board Action.** The Zoning Board shall either recommend approval, conditional approval, or disapproval of the application for the Preliminary Plat within ninety (90) days from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Zoning Board and the subdivider mutually agree to extend this time limit. (65 ILCS

5/11-12-8.) If the Zoning Board recommends disapproval of the Preliminary Plat, they shall furnish to the applicant within the ninety-day (90) period a written statement specifying the aspects in which the proposed plat fails to conform to this Ordinance and/or the Official Map. If the Zoning Board recommends approval of the Preliminary Plat, it shall promptly so inform the Village Board.

- 2.4 **Appeals Process.** If the Preliminary Plat is not approved, the Village Engineer shall write "Not Approved" and the date of the Planning Commission's action on the prints, and shall transmit to the subdivider one (1) print with a letter stating the reasons for the disapproval. The subdivider may transmit an amended plat to the Zoning Board for consideration.

If the subdivider is not satisfied with the decision of the Planning Commission on the Preliminary Plat, then the subdivider may appeal the decision to the Village Board. An appeal must be made by letter addressed to the Mayor and Village Board, stating the reasons for the appeal. Said letter must be received by the Village Engineer no less than ten (10) days following the date of the Zoning Board's decision. The letter of appeal shall be placed on the next regular Village Board meeting agenda after it is received by the Village Engineer. The Village Engineer shall also provide to the Village Board the Preliminary Plat, the Zoning Board's meeting minutes pertaining to the plat, and the reports and recommendations made to the Zoning Board by the Village Engineer. The Village Board shall have thirty (30) days from the time the appeal is first placed on its agenda either to: a) re-affirm the Zoning Board's decision on the preliminary plat; b) to approve the preliminary plat as submitted by the subdivider; or c) to approve the preliminary plat with modifications.

- 2.5 **Action by the Village Board.** If the Zoning Board has recommended approval of a preliminary plat, the Village Board, by resolution, shall either accept or reject said plat within thirty (30) days after their next regularly scheduled meeting following the Zoning Board's action. If the Village Board rejects the Preliminary Plat, their resolution shall specify the aspects in which the plat fails to comply with this Ordinance. The Village Clerk shall attach a certified copy of the Board's resolution of approval or disapproval to the Preliminary Plat. One (1) copy of the resolution and plat shall be retained by the Clerk, one (1) copy shall be filed with the Village Engineer, and one (1) copy shall be given to the subdivider. Village Board approval shall not qualify a Preliminary Plat for recording.

### **SECTION 3.**

**IMPROVEMENT PLANS.** After the Village Board has approved the Preliminary Plat, but prior to submission of the Final Plat, the subdivider shall furnish four (4) copies of the plans and specifications for all improvements to be installed within or in conjunction with the proposed subdivision to be Village Engineer for review. These plans and specifications shall be signed and sealed by the registered professional engineer responsible for their preparation. Until the Village Engineer certifies in writing that the proposed improvements conform to generally accepted engineering practices and to the standards imposed in this Ordinance:

- A. The Village Engineer shall not issue any permit to allow construction of said improvements.
- B. The Village Board shall not act upon the application for Final Plat approval.

- 3.1 **Information Required.** Improvement plans shall consist of black or blue line prints not larger than thirty-six inches (36") by twenty-four inches (24"). These



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plans and the related specifications shall provide all of the following information:

- A. Topography of the tract, both before and after development at the same scale as required in the preliminary plat.
- B. Existing and proposed elevations along the centerlines of all streets.
- C. Radii of all curves and lengths of tangents on all streets.
- D. Locations and typical cross-section of street pavements including curbs/gutters and catch basins.
- E. Locations and typical cross-section of sidewalks and driveway aprons.
- F. Locations, sizes, and invert elevations of all existing and proposed sanitary sewers, storm sewers, and fire hydrants, showing connections to any existing or proposed utility systems.
- G. Locations and sizes of all water, gas, electric, and other utilities.
- H. Locate area(s) for removal of trees six inches (6") or larger.
- I. All proposed measures to control erosion and sedimentation.
- J. High water elevations of all lakes/streams adjoining or within the tract.
- K. Such other information as the Village Engineer may reasonably require to perform his duties under this Section.

**3.2 Inspections Required.** The subdivider/developer shall notify the Village Engineer of both the start and completion of construction of approved improvements.

- A. The Village Engineer shall inspect said improvements while they are under construction. If he determines that they are being built in violation of this Ordinance, he shall promptly notify the Administrator who, in turn, shall issue a stop order. All public improvements proposed to be made under the provisions of this Article shall be inspected during the course of construction by the Village Engineer or a duly designated deputy selected and retained by the subdivider and approved by the Village. All fees and costs connected with such inspection and in reviewing the plan and specifications for such improvements shall be paid by the subdivider. The fees and cost shall be set at the prevailing rate.
- B. In addition to the detailed requirements listed below, the inspector shall maintain a daily diary in a standard format acceptable to the Village Engineer. Copies of the daily diary entries shall be provided to the Village Engineer on a weekly basis during construction.
  - 1. Content. The daily entries shall include at least the following information:
    - a. Weather conditions.
    - b. Site conditions.

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- c. Contractor's working hours.
  - d. Inspector's hours on the site.
  - e. An explanation of the actual work performed by the contractor that day.
  - f. Specific information about material tests taken.
  - g. Description of any problems.
- 2. Purpose. The purpose of the diary is to provide backup information for the developer's engineer and the Village Engineer to recommend acceptance of the improvements by the Village Board and provide actual construction records of any problems that may develop.
  - 3. Format. The general format of the diary must be approved by the Village Engineer before construction begins.
- C. The inspector shall make and document the following inspections:
- 1. Storm and Sanitary Sewer and Water Main Improvements.
    - a. Inspect all materials and documents pertinent items such as pipe manufacturer, class, and size.
    - b. Reject any defective material and insure that it is not used on the job.
    - c. Observe the actual pipe laying operation to insure that all joints are properly made, the pipes are true to line and grade, and the bedding and backfill are done according to the specifications.
    - d. Document the depth and type of bedding, trench conditions, location of all service laterals, backfilling, and location of all utilities installed and encountered. Location measurements shall be of the accuracy and type required by the Village Engineer.
    - e. Observe and document all final acceptance testing required by the specifications.
  - 2. Street Improvements.
    - a. Perform and document subgrade, subbase, base, and embankment compaction tests.
    - b. Inspect the alignment and condition of the paving forms.
      - 1) Check and document subgrade depth checks.
      - 2) Check and document the paving machine adjustments.
    - c. Furnish the asphalt or PC concrete mix design to the Village Engineer for approval prior to connecting paving operations.

- d. Inspect all concrete pours.
      - 1) Perform and document an appropriate number of air content and slump measurements.
      - 2) Cast compression cylinders or beams and document the results of the tests.
    - e. Inspect the placement of all asphalts.
      - 1) Perform and record asphalt compaction tests.
      - 2) Perform at least one (1) asphalt extraction test and one (1) sieve analysis from an asphalt sample taken on the job site.
  - D. The Village Engineer shall also inspect required improvements upon their completion. The Village of Rapids City shall not accept any improvement until the Village Engineer has certified that it generally complies with this Ordinance.
- 3.3 **Filing "As Built" Records.** The improvements will not be recommended for acceptance until the following is provided for the Village Engineer:
- A. Copies of all daily diary entries.
  - B. Copies of all material test results.
  - C. Detailed reproducible cloth, polyester or computer paper reproducible "as-built" improvements construction plans of all public improvements.
  - D. Certification by the developer's engineer that all construction was accomplished within reasonably close conformance to the plans and specifications, and that the "as-built" plans accurately reflect actual field conditions.
  - E. A Labor and Material Payment and Maintenance Bond posted prior to construction by the contractor of a subdivider for the installation of all public improvements, using forms provided by the Village Engineer.
  - F. Permanent easements or agreements granted to the Village for all public improvements that are not constructed in dedicated right-of-way, using forms provided by the Village Engineer.
  - G. Accurate triangular measurements for sewer and water laterals to permanent items, e.g. fire hydrants or manholes. The sewer and water services shall be marked with a 4" X 4" marking, that stands five (5') or six (6') feet tall including a curb notch.
- 3.4 **Privately Developed and Operated Facilities.** Where the subdivision is to contain sewers, sewage treatment plants, water supply systems, park areas, or other physical facilities which will not be maintained by existing public agencies, provision should be made by trust agreement, which is a part of the deed restrictions and which is acceptable to the proper public agencies, for jurisdiction over the continuous maintenance, supervision, operation and reconstruction of such facilities by the lot owners in the subdivision.

**SECTION 4. ASSURANCE FOR COMPLETION OF REQUIRED IMPROVEMENTS.** The Village Board shall not approve any Final Plat (and, hence, said Final Plat shall not be entitled to recording) until:

- A. All improvements required in the approved improvements plan have been completed by the subdivider/developer at his expense, inspected by the Village Engineer, and dedicated to the Village of Rapids City or other appropriate entity.
- B. In accordance with the subsections below, the subdivider/developer has provided the Village of Rapids City with legal assurance to guarantee the satisfactory completion and dedication of all required improvements.
- C. Necessary title assurances have been given.

4.1 **Forms of Assurance.** The required legal assurance may be a performance bond, an escrow deposit or a letter of credit. Every performance bond shall be approved as to form by the Village Attorney, and posted with the Village Clerk. Any funds held in escrow shall be deposited with an approved Escrow Agent. (See Appendix 2, 3 and 4 for suggested language.)

4.2 **Amount of Bond or Deposit.** The amount of the legal assurance shall be equal to the Village Engineer's estimate of the costs of constructing the uncompleted portion of the required improvements plus all required inspections fees. Any escrow deposit may be in the form of:

- A. An irrevocable letter of credit or commitment from a lending institution guaranteeing to the Village of Rapids City the availability of the escrow funds from time to time upon demand.
- B. Interest bearing accounts with a financial institution authorized to serve as an Escrow Agent.

4.3 **Eligible Sureties.** No person shall be eligible to act as surety unless he has been approved by the State of Illinois to act as a surety on public works improvements.

4.4 **Term of Assurance, Extension.** The initial term of any performance bond or escrow agreement shall not exceed two (2) years. If all the required improvements have not been completed by the end of the two (2)-year period, the Village Engineer, with the advice and consent of the Village Board may extend said bond/escrow agreement for one (1) year only.

4.5 **Release of Bond/Escrow Deposit.**

- A. The Village Attorney may release up to ninety percent (90%) of the amount of the performance bond/escrow deposit upon receipt of written authorization from the Village Engineer. The amount which the Village Engineer authorizes to be released shall be equal to the value of improvements actually completed in accordance with approved plans.
- B. The balance of the amount of the performance bond/escrow deposit shall not be released until:
  - 1. The Village Engineer has certified in writing that all required improvements have been satisfactorily completed.

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2. Said improvements and corresponding right-of-way have been accepted by and dedicated to the Village of Rapids City or other appropriate entity.

4.6 **Failure to Complete Improvements.** If all the required improvements have not been completed by the end of the two (2)-year period (or three {3}-year period, in the case of an extension), the Village Engineer, with the assistance of the Village Attorney, may:

- A. Require the surety to perform on the bond, and to pay to the Village of Rapids City an equal amount to the cost of completing the required improvements (as estimated by the Village Engineer) or the amount of the bond not theretofore released, whichever is less.
- B. Order the Escrow Agent to retain all escrowed funds needed to complete the required improvements, and to return the balance (if any) of such funds to the subdivider/developer.

## **SECTION 5.**

**FINAL PLATS.** The Rock Island County Recorder of Deeds shall not record any final plat of a subdivision located within the subdivision jurisdiction of the Village of Rapids City until said final plat has been approved by the Village Board. The Village Board shall not approve any final plat unless they determine that it is in compliance with all pertinent requirements of this Ordinance including those set forth in the subsections below.

5.1 **Filing, Time Limits.** The subdivider of every subdivision, who desires Final Plat approval shall file six (6) black or blue line prints of the Final Plat and supporting data with the Village Engineer not later than one (1) year after Preliminary Plat approval has been granted.

5.2 **Information Required.** Every Final Plat shall be prepared by a land surveyor authorized to practice land surveying in the State of Illinois on new linen tracing cloth- or polyester-based film with waterproof black ink at a scale not greater than one hundred feet (100') equals one inch (1"), provided that the resultant drawing shall not be less than 8-1/2 X 14 and shall not exceed twenty-four (24") by thirty-six inches (36") square. The Final Plat and supporting data shall portray/provide all of the following information.

- A. North arrow, graphic scale, and data.
- B. Name of subdivider and subdivision.
- C. Accurate metes and bounds or other adequate legal description of the tract tied to section or ¼ section corner.
- D. Accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than one foot (1') in fifteen thousand feet (15,000') and provide a copy of the closure calculations.
- E. Reference to recorded plats of adjoining platted land by record name, plat book, and page number.
- F. Accurate locations of all existing streets intersecting the boundaries of the subdivision.

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- G. Right-of-way lines of all streets, other rights-of-way, easements, areas to be reserved, and lot lines with accurate dimensions, angles, or bearings and curve data, including radii, arcs or chords, points of tangency, central angles, and accompanying legal descriptions.
  - H. Name and right-of-way width of every proposed street.
  - I. Location, width and purpose of any existing or proposed easement.
  - J. Number of each lot, lot dimensions, and (in a separate list) lot areas.
  - K. Purpose(s) for which sites, other than private lots, are reserved.
  - L. Building or setback lines with accurate dimensions.
  - M. Restrictions of all types which will run with the land and become covenants in the deeds of lots.
  - N. The names of all legal owners and other parties with an interest, whether recorded or not, in the property being subdivided, together with formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, signed by all parties of interest or their authorized agents, in a form approved by the Village Attorney, if the plat is proposed for final approval without improvements in place and accepted with a deed of dedication to the public in fee simple absolute unless otherwise called for on the plat of such lands; and with a commitment for title insurance policy or title opinion from a licensed attorney showing that those signing the plat are necessary and sufficient to create the subdivision and, prior to signing the plat, a title policy for the local government in the sum of Ten Thousand Dollars (\$10,000.00) for any lands or interests to be dedicated to the public.
  - O. Monument identification.
  - P. Notification approval of easements by appropriate utilities. This approval will not be noted in Final Plat.
  - Q. "As built" plans of all water and sewer mains.
- 5.3 **Modifications and Exceptions.** If the Final Plat is under one (1) ownership and is no more than five (5) lots, no formal Commission approval is needed and the plans can go directly to the Village Board unless there are new streets, other public improvements, or easements of egress or ingress.
- 5.4 **Certificates Required.** As required by State law (765 ILCS 205), the following certificates shall be accompanied with the final plat;

A. Owner's Certificate.

The following is an example of the Owner's Certificate:

State of Illinois            )  
Rock Island County       ) SS  
Village of Rapids City    )

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Know all men by these presents, that I/we, (name(s) of owner(s), owner(s) and proprietor(s) of the land shown on the accompanying plat and described in the accompanying certificate of the surveyor do hereby certify that I/we have caused said survey to be made and acknowledge the said plat as correct, and do hereby adopt and accept the same and cause it to be known as (name of subdivision).

Easements are hereby dedicated for the use of the Village of Rapids City, and public facilities franchise to do business within the Village of Rapids City, as indicated on that plat and marked drainage and utility easement to install, lay, construct, renew, operate and maintain drainage ways, drainage structures, gas, water, sewer pipes, conduits, cable, poles and wires, overhead and underground, with all necessary braces, guys, anchors and other appliances for the purpose of serving the subdivision and other property with gas, water, sewer, electric and telephone service and to overhang all lots with aerial service wires to serve adjacent lots, together with the right to enter upon lots at all times to install, lay, construct, renew, operate and maintain said gas, water and sewer pipes, conduits, cables, poles, wires, braces, guys, anchors and other appliances, and to trim and keep trimmed any trees, shrubs or saplings that interfere or threaten to interfere with said public utility equipment, but same may be used for gardens, shrubs, landscaping and other purposes that do not interfere with the use of said easement for public utility purposes.

(Additional dedications and protective covenants, or private restrictions would be inserted here upon the subdivider's initiative or the recommendation of the Village Plan Commission or the Board; important provisions are those specifying the use to made of the property and, in the case of residential use, the minimum habitable floor area.)

Sidewalks shall be constructed at the time the structure is constructed or at the direction of the Zoning Board recommended to the Village Board of Rapids City.

All streets, alleys, and public open spaces shown and not heretofore dedicated, are hereby dedicated to the public. Building setback lines are hereby established as shown on this plat, between which lines and the property lines of the streets there shall be erected or maintained no building structure.

The foregoing covenants (or restrictions), are to run with the land and shall be binding on all parties and all persons claiming under them until (25 year period is suggested), at which time said covenants (or restrictions) shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the then owners of the building sites covered by these covenants (or restrictions), in whole or in part. Invalidation of any one of the foregoing covenants (or restrictions), by judgment or court order, shall in no way affect any of the other covenants (or restrictions), which shall remain in full force and effect.

In witness whereof, we hereunto affix our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

\_\_\_\_\_  
(Seal)

\_\_\_\_\_  
(Seal)

#### **B. Irrevocable Offers of Dedication Forms.**

1. The following form shall be placed upon a Final Plat of a subdivision whenever said plat is approved upon submission of a subdivider's bond or escrow agreement as provided for in Section \_\_\_\_\_.

The owner, or his representative, hereby irrevocably offers for dedication to the Village of Rapids City, in fee simple absolute unless otherwise called for on the plat all the streets, local government uses, easements, parks, and required utilities shown with the subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated \_\_\_\_\_ and recorded in the Office of the Recorder of Deeds of Rock Island County, Illinois.

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By \_\_\_\_\_

Date \_\_\_\_\_

2. The following form shall accompany any Final Plat set forth in (1) above and shall be presented for recording simultaneously with such plat, but shall be recorded immediately prior to the recording of the plat.

**OFFER OF IRREVOCABLE DEDICATION**

Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, having \_\_\_\_\_ office and place of business at \_\_\_\_\_, hereinafter referred to as "Developer", and the Village of Rapids City, a municipal corporation, having its principal office at 1528 Third Avenue, hereinafter designated as "Village;"

WHEREAS, THE Village is in the process of approving a subdivision plat entitled \_\_\_\_\_, dated \_\_\_\_\_, and made by \_\_\_\_\_; and

WHEREAS, said plat and the construction plans associated therewith designated certain property interests and public improvements consisting of

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

to be dedicated to the Village free and clear of all encumbrances and liens, pursuant to the provisions of Appendix B of the Rapids City Code of Ordinances; and

WHEREAS, the Developer, simultaneously with Final Plat approval or before, shall post a subdivider's bond with the Village for the construction and payment therefore, maintenance, and dedication of said interests and improvements; and

WHEREAS, the Developer is desirous of offering for dedication the said improvements and interests in land to the Village as more particularly described in Schedule \_\_\_\_\_ attached hereto; and

WHEREAS, the Developer has delivered deed of dedication to the Village to be held in trust by it for the said improvements and interests inland as described herein;

NOW, THEREFORE, IN CONSIDERATION OF THE Village's approval of said subdivision plat, it is mutually agreed as follows:

- (a) The Developer herewith delivers to the Village deed of dedication in fee simple absolute unless otherwise called for on the plat for the premises and improvements described in Schedule \_\_\_\_\_ attached hereto, said delivery being a formal offer of dedication to the Village to be held by the Village in trust until the acceptance or rejection of such offer of dedication by the Village Board.
- (b) The Developer agrees that said formal offer of dedication is irrevocable and can be accepted by the local government at any time.



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- (c) The Developer agrees to complete the construction and maintenance of the land and improvements pursuant to the Subdivider's Bond and the provisions of Appendix B of the Rapids City Code of Ordinances and any conditions of approval of said subdivision and upon acceptance by the Village of the offer of dedication shall furnish, within thirty (30) days after written notice from the Village of said acceptance of the offer of dedication, to the Village a title insurance policy issued by a licensed title insurance company authorized to do business in the State of Illinois in the amount of Ten Thousand Dollars (\$10,000.00), certifying that the premises are free and clear of all liens and encumbrances and that fee simple title or other specific interest reposes in the Village and shall furnish to the Village a check for all necessary fees and taxes to record the deed(s) heretofore delivered.
- (d) That this irrevocable offer of dedication shall run with the land and shall be binding on all assigns, grantees, successors, or heirs of the Developer.

Village of \_\_\_\_\_  
\_\_\_\_\_  
Mayor

(Seal)

Attest: \_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Attorney

DEVELOPER

Attest: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Seal)

\_\_\_\_\_

**C. Notary Public's Certificate.**

State of Illinois )  
 ) SS  
County of \_\_\_\_\_)

I, \_\_\_\_\_, a Notary Public in and for the County aforesaid, do hereby certify that \_\_\_\_\_ (owners) \_\_\_\_\_ are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and that they appear before me this day in person and acknowledge that they signed and sealed the same as their free and voluntary act for the uses and purposes therein set forth, including the release waiver of the right of homestead.

Given under by hand and Notarial Seal \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

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**D. Surveyor's Certificate.**

The following Surveyor's Certificate shall accompany or be placed on the Final Plat:

State of Illinois            )  
                                      ) SS  
Rock Island County        )

I, \_\_\_\_\_, an Illinois Registered Land Surveyor, hereby certify that the annexed plat is a true and correct representation of a survey made by me or under my direction according to the surveying laws of the State of Illinois and the \_\_\_\_\_ Subdivision Ordinance, or the following described property to wit:

Monuments as shown on the plat are set or will be set within thirty (30) days after the completion of the required improvements and their acceptance by the Village, and such monuments are or will be sufficient to enable the survey to be retraced and will occupy the positions shown thereon.

- (1) (No) part of the property covered by this plat of subdivision is located within a special flood hazard area as identified by the Federal Emergency Management Agency.

In witness I hereunto set by hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

**E. County Clerk's Certificate.**

I, \_\_\_\_\_, County Clerk of Rock Island County, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Date

**F. Certificate of Village Board.**

I, \_\_\_\_\_, Mayor of the Village of \_\_\_\_\_, do hereby certify that the plat shown hereon was duly presented to the Village Board and approved at a meeting of same held on \_\_date\_\_.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Village Clerk

**G. Village Clerk's Certificate.**

The following form shall be used for certification by the Village Clerk:

I, \_\_\_\_\_, Village Clerk in and for the said Village of \_\_\_\_\_, do hereby certify that all due assessments have been paid upon the real estate described on the accompanying plat.

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In witness whereof, I hereunto set by hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

\_\_\_\_\_  
Village Clerk

H. Engineers Certificate.

The following form shall be used for certification by the Village Engineer:

The design of the accompanying plat has been examined and found to my best belief and knowledge to meet the requirements of the Subdivision Ordinance.

\_\_\_\_\_  
Village Engineer

I. Certificate to Approve Subdivisions of Five Lots or Less.

The following form shall be used for the approval of subdivisions of five (5) lots or less by the Village Engineer in accordance with Section 4 through Section 5.3.

We, the undersigned Village Engineer, do hereby certify that the accompanying plat has been examined and found to be in compliance with the requirements of the Subdivision Ordinance and recommend approval of this plat by the Village of Rapids City.

\_\_\_\_\_  
Village Engineer

J. Roadway Access and Sewage Disposal Systems.

1. The following form shall be required on the face of the plat where roadway access is to a highway under the jurisdiction of the Illinois Department of Transportation or another relevant local highway authority.

This plat approved with respect to roadway access under provisions of 765 ILCS 205/2.

\_\_\_\_\_  
Agency

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

2. The following form shall be required on the face of the plat where any part of the platted land will not be served by a public sewer system.

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This plat is approved with respect to sewage disposal systems under provisions of 765 ILCS 205/2.

\_\_\_\_\_  
Agency

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**K. Required Disclosures to be on Face of Final Plat.**

The following disclosures are to be placed on the face of the Final Plat:

1. Either of the following, depending upon which is the most appropriate, shall be placed upon the face of the Final Plat by a registered professional engineer and the owner or his duly authorized attorney.

To be best of our knowledge and belief the drainage of surface waters both within and around this subdivision will not be changed by the construction of same or any part thereof.

(seal)

\_\_\_\_\_  
Registered Professional Engineer  
Registration No. \_\_\_\_\_

\_\_\_\_\_  
Owner or Attorney

To the best of our knowledge and belief the drainage of surface waters wither within or around this subdivision will be changed by the construction of same or parts thereof but adequate provision has been made to collect and divert said surface waters to public drains or private drains to which the owner has legal access and said provisions are such that the capacity of no natural or man-made drain will be exceeded and no damage to adjoining properties will incur because of said provisions.

(seal)

\_\_\_\_\_  
Registered Professional Engineer  
Registration No. \_\_\_\_\_

\_\_\_\_\_  
Owner or Attorney

2. In addition to one of the above, the owner or subdivider shall disclose on the face of said subdivision Final Plat the following if a bond or escrow agreement is provided:

I hereby disclose and give notice to all that this subdivision has been approved by the Village upon the condition that I post bond or enter into an escrow agreement to secure installation of all improvements required by said Village. The terms of same allow me a period of two (2) years to install said improvements or provide the Village the right to install same to the extent of funds provided by such

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security. Village ordinances do not permit, however, occupancy of any premises until adequate provision for access for water and sanitary sewerage are made.

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Owner or Subdivider

3. Also, any disclosure required by state or federal statute shall be displayed upon said plat.

5.5 **Action by Village Board.** The Village Board shall either approve or disapprove the application for Final Plat approval by resolution within sixty (60) days from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Village Board and the subdivider mutually agree to extend this time limit. (65 ILCS 5/11-12-8) The Village Board shall not approve any Final Plat unless:

- A. The final plat substantially conforms to the approved Preliminary Plat if required.
- B. The Final Plat manifests substantial compliance with the design and improvements standards of this Ordinance and the Official Map.
- C. To the Village Board's knowledge and belief, the Final Plat complies with all pertinent statutory requirements.
- D. Either of the following has been met:
  1. All required improvements have been completed, inspected, accepted, and dedicated.
  2. The subdivider/developer has posted an acceptable form of assurance as stated in Section 4.1.

If the Village Board disapproves the Final Plat, their resolution shall specify the aspects in which the plat fails to meet the above conditions for approval.

**SECTION 6. MAINTENANCE OF IMPROVEMENTS.** The subdivider/developer shall provide all the improvements in the subdivision for a period of one (1) year and provide a one (1) year maintenance bond prior to acceptance and dedication to the Village of Rapids City or other appropriate entity. Said bond shall be in the amount determined by the Village Engineer to be sufficient to guarantee the satisfactory condition of the required improvements for a period of one (1) year from the date of their acceptance and dedication. If at any time during the one (1)-year period the improvements are found to be defective, they shall be repaired/replaced at the subdivider/developer's expense. If the subdivider/developer refuses to pay such costs within ninety (90) days after demand is made upon him by the Village Engineer, the Village of Rapids City shall use the maintenance bond to make the necessary repairs/replacement. If the cost of repairs/replacement exceeds the bond amount, the subdivider/developer shall be liable for the excess. At the end of the one (1)-year period, the maintenance bond shall be released.

## **ARTICLE 5 - OTHER ADMINISTRATIVE MATTERS**

**SECTION 1. ENFORCEMENT OFFICER, DUTIES.** The Village Engineer, referred to herein as the Administrator, is hereby authorized and directed to administer and enforce the provisions of this Ordinance.

**SECTION 2. AMENDMENTS.** Amendments to this Ordinance may be proposed by any member of the Village Board, any Zoning Board member, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the Administrator's Office. The Village Engineer shall promptly transmit each proposal, together with any comments or recommendations he may wish to make, to the Village Zoning Board for a public hearing.

2.1 **Public Hearing, Notice.** The Zoning Board shall hold a public hearing on every amendment proposal within a reasonable time after said proposal is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing by publication in a newspaper of general circulation within the Village of Rapids City.

2.2 **Advisory Report, Action by Village Board.** Within a reasonable time after the public hearing, the Planning Commission shall submit an advisory report to the Village Board. The Village Board shall act on the proposed amendment at a regularly scheduled meeting following submission of this report. Without another public hearing, the Village Board may either pass, modify or reject the proposed amendment or may refer it back to the Zoning Board for further consideration.

**SECTION 3. PENALTIES.**

3.1 Any person who is convicted of a violation of this Ordinance shall be guilty of a petty offense and shall be fined not more than Seven Hundred Fifty Dollars (\$750.00). Each day that a violation continues shall be considered a separate offense.

3.2 Nothing contained in this Section shall prevent this municipality from taking any other lawful action that may be necessary to secure compliance with this Ordinance.

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

**SECTION 5. SEPARABILITY.** If any section, subsection, sentence, clause, phrase, or word of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. The Village Board hereby declares that it would have adopted the article and each section, subsection, sentence, clause, phrase, or word thereof without incorporation in this Article of any such invalid section, subsection, clause, phrase or word.

**SECTION 6. PUBLICATION.** This Ordinance shall be in full force and effect from and after passage; approval; and, if required by law, publication in the manner provided by law.

**SECTION 7. WHEN EFFECTIVE.** This Ordinance shall take effect ten (10) days after its final passage, approval, and publication as provided by law. (See ILL. Rev. Stats., Chap 24, Sec 1-2-4).

**ARTICLE 5 - OTHER ADMINISTRATIVE MATTERS**

Passed by the Village Board of Rapids City this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Aye \_\_\_\_\_

Nay \_\_\_\_\_

\_\_\_\_\_  
Village Clerk

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_ Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Village Clerk

\_\_\_\_\_, 20\_\_\_\_.

Approved as to form by Village Attorney.

## **APPENDIX 1**



## LETTER OF CREDIT

(name of bank)

(City bank's located) , (State)

Irrevocable Credit No. \_\_\_\_\_ Date: \_\_\_\_\_, 20

Village of Rapids City, Illinois

All drafts must be marked:

"Drawn under Credit No. \_\_\_\_\_,  
dated \_\_\_\_\_, 20\_\_\_\_."

Gentlemen:

We hereby open an Irrevocable Letter of Credit in the amount of \_\_\_\_\_ (\$\_\_\_\_\_) in your favor for the account of \_\_\_\_\_ (Developer), the developer of \_\_\_\_\_ (name of subdivision), a subdivision proposed for final plat in the Village of Rapids City, Illinois, or within its territorial jurisdiction, for the benefit of the Village of \_\_\_\_\_. Said money hereunder shall be available by your drafts at sight drawn on us drawn in the name of the Village of Rapids City, Illinois. All drafts so drawn must be marked "Drawn under \_\_\_\_\_ (name of bank) \_\_\_\_\_, Credit No. \_\_\_\_\_ dated \_\_\_\_\_, 20\_\_\_\_."

Drafts must be accompanied by a signed statement by the Village President of the Village of Rapids City, Illinois, that the request is for the installation or construction of improvements required pursuant to the plans, specifications, and cost estimates dated \_\_\_\_\_, 20\_\_\_\_, and approved by the Village of Rapids City, Illinois, and on file with the Village President. Further, all requests for disbursements under this Letter of Credit made prior to (must be 2 years after filing), 20\_\_\_\_, shall be submitted by developer and accompanied by a certified estimate of units and value of work completed with contractor's sworn statement and waiver of mechanics' liens, all approved by the Developer's engineer and the Village President of the Village of Rapids City, Illinois. It is understood as to all disbursements that the Village President shall approve partial drawings only as long as there remains a sufficient balance to the Credit to cover his then current estimate of costs for the required improvements which at that time remain to be completed but in no case shall his approval exceed ninety percent (90%) of the value of work completed.

In the event that all of the work for the improvements is not completed to the satisfaction of the Village on or before (1 day short of 2 years after filing), 20\_\_\_\_, the funds remaining under this Letter of Credit shall be available to the Village of Rapids City, Illinois upon presentation of their draft at sight drawn on us in the name of the Village of Rapids City, Illinois. This draft so drawn must be marked "Drawn under name of bank \_\_\_\_\_ Credit No. \_\_\_\_\_, dated \_\_\_\_\_, 20\_\_\_\_." Further, such draft shall be accompanied by a signed statement by the Village President of the Village of Rapids City, Illinois as follows: "I, name, Village President for the Village of Rapids City, Illinois, do hereby certify that work on required improvements in the subdivision named \_\_\_\_\_ has not been completed to the satisfaction of the Village of Rapids City on or before (one day short of two years after filing), 20\_\_\_\_."

This Credit shall expire on (2 years after filing), 20\_\_\_\_; provided, however, the undersigned shall notify the Village President, by certified mail, return receipt requested, at least 90 days prior to expiration date that this Letter of Credit is about to expire and provided, however, in no event shall this Credit expire except upon prior written notice, it being expressly agreed by the undersigned that the above expiration date shall be extended as shall be required to comply with this notice provision.

The undersigned further agrees that this Credit shall remain in full force and effect and pertain to any and all amendments or modifications which may be made from time to time to the specifications, and agreements for the subdivision, without notice from the Village of the amendments or modifications.

All acts, requirements and other preconditions for the issuance of this Irrevocable Letter of Credit have been completed.

We hereby engage with the drawers, endorsers, and bona fide holders of drafts, drawn under and in compliance with the terms of this Credit, that same shall be honored upon presentation to the drawer. This Credit must accompany any draft which exhausts the Credit and must be surrendered concurrently with the presentation of such draft.

We hereby undertake and engage that all demands made in conformity with this Credit will be honored upon presentation. If, within ten (10) days of the date any demand made in conformity with this Credit is presented, we fail to honor same, we agree to pay all attorneys' fees, court costs, and other expenses incurred by the Village of Rapids City in enforcing the terms of this Credit.

Dated: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(name of bank)

\_\_\_\_\_

By \_\_\_\_\_  
(Title)

Attest:

\_\_\_\_\_  
(Title)

## **APPENDIX 2**

SUBDIVISION PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that \_\_\_\_\_, as  
 PRINCIPAL, \_\_\_\_\_, as SURETY, and \_\_\_\_\_,  
 as ADDITIONAL SURETY, are held and firmly bound unto the Village of Rapids City,  
 ILLINOIS, as OBLIGE, in the sum of

(\_\_\_\_\_) lawful money of the United States, for the payment whereof to the Oblige, the Principal and the Surety, and Additional Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly to these presents:

SIGNED, SEALED AND DATED, THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WHEREAS, application was made to the Oblige for approval of a subdivision shown on plat entitled "\_\_\_\_\_", a subdivision to the Village of Rapids City, County of Rock Island, Illinois, filed with the Village President to the Zoning Board of the Village of Rapids City, Illinois, on \_\_\_\_\_, 20\_\_\_\_, said final plat may be approved upon certain conditions, one of which is that a performance bond in the amount of \_\_\_\_\_ (\_\_\_\_\_), to be filed with the Village Clerk to guarantee certain improvements in said subdivision;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the above named Principal shall within two (2) years from the date hereof will and truly make and perform the required improvements and construction of public improvements in and adjacent to said subdivision in accordance with the specifications of the Village of Rapids City and the Subdivision Regulations of the Village of Rapids City, then this obligation to be void; otherwise to remain in full force and effect.

It is hereby understood and agreed that in the event that any required improvements have not been installed as provided aforesaid within the term of this Performance Bond, the Governing Body may thereupon declare this bond to be in default and collect the sum remaining payable thereunder and upon receipt of the proceeds thereof, the Village of Rapids City shall install such improvements as are covered by this bond and commensurate with the extent of building development that has taken place in said subdivision but not exceeding the amount of such proceeds.

\_\_\_\_\_Principal

By \_\_\_\_\_Principal

\_\_\_\_\_Surety

By \_\_\_\_\_  
 Attorney in Fact

Additional Surety

Approved as to Form:

By \_\_\_\_\_

\_\_\_\_\_



## **APPENDIX 3**

ESCROW AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_ hereinafter called "DEVELOPER"; the VILLAGE OF Rapids City, ILLINOIS, hereinafter called "VILLAGE"; and the \_\_\_\_\_ hereinafter called "ESCROW HOLDER."

WITNESSETH:

WHEREAS, Developer has submitted a proposed plat of a subdivision within the Village and said Developer is required by Chapter 34, "Subdivision Regulations" of the Code of Ordinances of said Village either to make certain improvements in said subdivision, or to guarantee that said improvements will be made within a period of two years from the date of the filing of the plat of said subdivision, or to petition the Board of Local Improvements for construction of said improvements, which requirements must be met prior to acceptance of the subdivision by the Village; and

WHEREAS, under the terms of the subdivision regulations of the Village, Developer may deposit the estimated cost of the required improvements in escrow with the Village as one method of insuring to said Village that the required improvements will be completed and Developer has elected to do so;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and the mutual benefits to be derived therefrom, it is hereby agreed and understood by and between the parties hereto as follows:

1. Developer has this date deposited the sum of \$\_\_\_\_\_ with the Escrow Holder, which sum is composed of the following sums for the noted improvements, to-wit:

the receipt of which is hereby acknowledged, said sum being the estimated cost of the required improvements for the development of the proposed subdivision to be known as

2. Whenever the Developer shall complete any required improvement and said improvement shall be approved and accepted by the Village of Rapids City within a period of \_\_\_\_\_ from the recording of said subdivision plat, then in such event the Escrow Holder shall return to Developer upon the approval and acceptance of said improvement by the Village of Rapids City, such portion of the sum of money deposited herewith as shall have been deposited for the particular improvement completed, so that upon the completion by Developer and approval by Village of all required improvements, all the money deposited shall be returned to Developer.

3. In the event Developer shall fail to complete any portion of the required improvements within the period of \_\_\_\_\_ from the recording of said subdivision plat, then Escrow Holder is hereby expressly authorized to disburse such portion of the money deposited herewith as shall be required to complete the required improvements for said subdivision plat. In the event Developer shall notify Village of his inability to complete said improvements within said \_\_\_\_\_ period,

then in such event Escrow Holder may also expend such sums as necessary to complete said improvements. Upon the completion of all said required improvements, then Escrow Holder shall return to Developer any unexpended balance of the sum deposited herewith, less any other charges which may be outstanding against Developer in connection with said subdivision.

4. In the event Escrow Holder shall use the sum deposited herewith for the construction or completion of the construction of any or all of the required improvements, the construction of said improvements may be done by the Village of \_\_\_\_\_ under the direction of its Engineering Department and at its actual cost including a reasonable charge for engineering and supervision; or may be done by contract between the Village of \_\_\_\_\_ and some responsible contractor or contractors, after sufficient opportunity has been given for competitive bidding, in accordance with the normal practices of the Village, and in such event the cost of construction shall be based upon the actual contract amount or amounts plus a reasonable charge for engineering and inspection by the Village of Rapids City.

5. The deposit of said sum with the Escrow Holder is in an interest bearing account, the interest from which shall be the property of the Village. But if no claim is made for non-performance hereunder within two (2) years from the date hereof for the construction of said improvements, the escrow account shall be released to the Developer and the interest from which shall revert to the Developer upon the failure of said condition; neither the Village nor the Developer shall have the right to withdraw interest from said account during the term thereof.

6. The Village shall allow substitution of Escrow Holder and Developer, and it shall allow this instrument to be substituted by a bond with adequate surety which guarantees payment under the terms hereof. Said substitution shall be by filing with the Village an assignment, replacement instrument, or bond and upon said filing the Village Attorney shall execute the necessary release.

7. By execution of these presents and for valuable consideration paid to it by Developer, the Escrow Holder consents and agrees to meet the obligations imposed upon it hereby.

8. The parties hereto agree that should any litigation arise out of this Escrow Agreement, the venue for such litigation shall be in the Circuit Court of the Fourteenth Judicial Circuit, Rock Island County, Illinois, and the parties hereto expressly waive all rights to venue inconsistent herewith.

9. This Agreement shall be binding upon the heirs, assigns, administrators, executors and successors of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed on the date first above mentioned.

\_\_\_\_\_

\_\_\_\_\_  
Developer

VILLAGE OF \_\_\_\_\_, ILLINOIS

By \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Village Clerk



Approved as to Form:

"Village"

\_\_\_\_\_  
Village Attorney

\_\_\_\_\_

Attest: \_\_\_\_\_  
"ESCROW HOLDER"

\_\_\_\_\_