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TITLE I: GENERAL PROVISIONS

Chapter 10: General Provisions

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S 10.01 Short Titles.

(A) All ordinances of a permanent and general nature of the village as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections shall be known and designated as the Mt. Zion Code of 1999, for which designation “codified ordinances” or “code” may be substituted. Code, title, chapter, and section headings do not constitute any part of the law as contained in the code.

(B) All references to codes, titles, chapters, and sections are to such components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “traffic code.” Sections may be referred to and cited by the designation “S: followed by the number, such as “S 10.01.” Headings and captions used in this code, other than the title, chapter, and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.

S 10.02 Definitions.

For purposes of this code the following words and phrases shall have the following meanings ascribed to the respectively.

“AND.” “AND” is the conjunctive.

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

“BOARD OF TRUSTEES.” The legislative authority of the village.

“CORPORATE AUTHORITY.” The president and the board of trustees of the village.

“COUNTY.” Macon County, Illinois.

“COURT.” All courts of record

“IN THE VILLAGE.” All territory over which the village now has or shall hereafter acquire jurisdiction for the exercise of its police or other regulatory powers.

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

“MAY.” Is permissive.

“MONTH.” Calendar month.

“MUNICIPALITY” or “VILLAGE.” The Village of Mt. Zion, Illinois.

“OATH.” Includes affirmation and “SWORN” includes affirm.

“OCCUPANT” or “TENANT.” Any person who holds a written or oral lease of or actually occupies the whole or part of a building or land, either alone or with others.

“OR.” “OR” is the disjunctive.

“OWNER.” When applied to property, includes any part owner, joint owner, or tenant in common of the whole or part of such property.

“PERSON.” May extend and be applied to bodies politic and corporate as well as individuals.

“PERSONAL PROPERTY.” Includes all property except real.

“PLAN OF SEWERAGE,” “SYSTEM OF SEWERAGE,” “SEWER,” and “SEWERS.” Includes sewers, sewage disposal works and treatment plants, and sewage pumping stations, together with facilities and appurtenances necessary and proper therefore.

“PREMISES.” As applied to property, includes land and building.

“PROPERTY.” Includes real, personal, mixed estates and interests.

“PUBLIC AUTHORITY.” Includes boards of education; the municipal, county, state, or federal government, its officers or an agency thereof; or any duly authorized public official.

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

“REAL PROPERTY.” Land and real estate, including rights and easements of incorporeal rights and structures, and tenements thereon.

“REGISTERED MAIL.” Includes certified mail and ‘CERTIFIED MAIL” includes registered mail.

“SHALL.” Is mandatory.

“SIDEWALK.” That portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

“STATE.” The State of Illinois.

“STREET.” The municipal street system includes existing streets and streets hereafter established which are not a part of the state highway system or county highway system, together with roads outside their corporate limits over which they have jurisdiction pursuant to state law, including any access road constructed which connects school grounds with such a street or road.

“VILLAGE,” “MUNICIPAL CORPORATION,” or “MUNICIPALITY.” When used in this code shall denote the Village of Mt. Zion irrespective of its population or legal classification.

“WEEK.” Seven consecutive days.

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

“WRITTEN” or “IN WRITING.” Includes printing and any representation of words, letters, symbols, or figures; this provision does not affect any law relating to signatures.

“YEAR.” A calendar year unless otherwise expressed; the word “YEAR” alone is equivalent to the expression “year of our Ordinance”

S 10.03 Rules of Construction.

(A) All general provisions, terms, phrases, and expressions shall be liberally construed in order to carry out the true legislative intent and meaning.

(B) Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

(C) As used in the code, unless the context otherwise requires:

(1) The singular includes the plural, and the plural includes the singular.

(2) Words of one gender include the other genders.

(3) Words in the present tense include the future.

(D) Computation of time.

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

(2) In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

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

(F) Joint authority. All words purporting to give joint authority to 3 or more municipal officers or other persons shall be construed as giving such

authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority or inconsistent with state statute or other provisions.

(G) Exceptions. The rules of construction shall not apply to any law which shall contain any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

S 10.04 Severability.

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

S 10.05 Construction of Revised Ordinances.

The provisions of any ordinance, so far as consistent with any prior ordinance, shall be construed as a continuation of the prior provisions and not as a new enactment.

S 10.06 Repeal of Repealing Act; Rights Saved.

(A) No act or part of an act expressly repealed by the village board shall be deemed to be revived by the repeal of the repealing act.

(B) Whether the former law is expressly repealed or not, no new law shall be construed to repeal a former law as to any offense committed against the former law, any act done or penalty, forfeiture, or punishment incurred, any right accrued, or claim arising under the former law, except that the proceedings shall, as far as practicable, conform to the law in force at the time of the proceeding.

(C) If any penalty, forfeiture, or punishment is mitigated by any provision of a new law, the provision may, by the consent of the party affected, be applied to any judgment pronounced after the new law takes effect. This extends to all repeals, either by express words or by implication, whether the repeal is in the act making any new provision on the same subject or in any other act.

S 10.07 Construction of Section References

(A) Wherever in a penalty section reference is made to a violation of a section or any inclusive group of sections, such reference shall be construed to

mean a violation of any provision of the section or sections included in such reference.

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

(C) Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter be changed or materially altered by the amendment or revision.

S 10.08 Conflicting Provisions.

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

S 10.09 Reference to Offices.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the village exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

S 10.10 Errors and Omissions.

If a manifest error be discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provision affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected, and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published. No such alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

S 10.11 Ordinances Repealed.

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

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

S 10.12 Ordinances Unaffected.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not enumerated and embraced in this code of ordinances shall remain in full force and effect unless herein repealed expressly or by necessary implication.

S 10.13 Ordinances Saved.

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

S 10.14 Section Headings.

The section headings of this code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of sections, nor as any part of the section, nor, unless expressly provided, shall they be so deemed when any of the sections, including the catch lines, are amended or reenacted.

S 10.15 Duplication of Ordinances; Effective Date of Ordinances.

(A) All ordinances which impose any fine, penalty, imprisonment, or forfeiture, or which make any appropriation, shall be published in pamphlet form and shall promptly be duplicated and at least 3 copies of the ordinance shall be made available for public inspection at the office of the village clerk.

(B) No ordinance, shall take effect until 10 days after it has been so published in pamphlet form; except that an ordinance which imposes or changes the rate of a municipal retailer's occupation tax, tourism, convention, and other special events promotion tax shall take effect on the first day of the month following the expiration of the 10-day inspection period.

(C) All other ordinances, resolution, and motions shall take effect upon passage unless otherwise provided.

(D) Any ordinance which contains a statement of its urgency in the preamble or body may take effect immediately upon passage; provided, the corporate authorities so direct by a vote of 2/3 of the members then holding office.

(E) The village clerk may impose a reasonable price, commensurate with the cost of the printing, for the distribution of ordinances to the public. (Amend Ordinance 1979-90-13, passed 10/15/79)

S 10.16 Recording of Ordinances.

The village clerk shall record, in a book used exclusively for that purpose, all ordinances passed by the village board. Immediately following each ordinance, the village clerk shall make a memorandum of the date of the passage of the ordinance and date of publication, where required.

S 10.17 Recordation as Prima Facie Evidence.

The record and memorandum or a certified copy thereof, shall be prima facie evidence of the contents, passage, and of the publication or posting of ordinances.

S 10.18 Proof of Ordinances.

(A) The contents of all village ordinances, the date of passage, and the date of publication or posting, where required, may be proved by the certificate of the village clerk, under the seal of the village.

(B) Whenever village ordinances are printed in book or pamphlet form, and purport to be published by authority of the village board, the book or pamphlet shall be prima facie evidence of the contents, passage, and legal publication of the ordinances, as of the dates mentioned in the book or pamphlet, in all courts and administrative tribunals.

S 10.19 Enacting Style or Ordinances.

The enacting style of all ordinances shall be: “Be it ordained by the President and Board of Trustees of the Village of Mt. Zion, Macon County, Illinois.”

S 10.20 Signing of Ordinances.

All ordinances passed by the village board of trustees must be signed by the president or two commissioners.

S 10.21 Corporate Seal.

The village seal shall be circular in form and shall have engraved the words “The Village of Mt. Zion, Illinois” in the outer circle, and the words “Incorporated May 25, 1881) in the inner circle. (Ordinance 2, passed 5/16/87)

S 10.22 Official Time.

(A) The Central Standard Time shall be the official time within the village for the transaction of all village business, except that from 2:00 a.m. on the first Sunday in April, the official time for the village shall be advanced one hour. At 2:00 a.m. on the last Sunday in October the official time, by the retarding of one hour, shall be returned to Central Standard Time.

(B) All legal or official proceedings of the village board and all official business of the village shall be regulated as to time in accordance with the provisions of this section. (Ordinance. 202, passed 4/6/53)

S 10.99 General Penalty.

Where an act or omission is prohibited or declared unlawful in this code of ordinances, and no penalty or fine or imprisonment is otherwise provided, the offender shall be fined not more than $500 for each offense or violation. Each day a violation continues shall be considered a separate offense.

TITLE III: ADMINISTRATION

Chapter 30: General Provisions

Section

30.01 Qualification of officers
30.02 Certificate of appointment
30.03 Oath; bond
30.04 (Reserved)
30.05 Misconduct of municipal officers

Elections

30.10 Qualification of electors
30.11 (Reserved)
30.12 Special elections
30.13 Conduct of elections
30.14 Tie vote
30.15 Notice to party elected
30.16 New elections

General Duties of Officers

30.20 Additional duties
30.21 Appointment of subordinates
30.22 Administering oaths

Finances

30.30 Compensation of village officers
30.31 Participation in Illinois Municipal Retirement Fund
30.32 Public benefit fund

Indemnification of Officers and Employees

30.40 Village trustees, mayor and clerk
30.41 Members of boards, commissions and committees
30.42 Village staff and employees
30.43 Notice to village of suit or claim; village investigation and settlement

S 30.01 Qualification of Officers.

No person shall be eligible for village office unless he is a qualified elector of the village and has resided at least one year preceding his election or appointment. These requirements shall not apply to the village attorney or to those officers who require technical training or knowledge. No person shall be eligible for any office if he is in default to the village.

S 30.02 Certificate of Appointment.

Whenever a person has been appointed or elected to office, the president shall issue a certificate of appointment or election, under the corporate seal to the clerk. All officers elected or appointed except the clerk, trustees, and president, shall be commissioned by warrant, under the corporate seal signed by the clerk and the presiding officer of the board of trustees. Within 5 days after notification and request, any person who has been an officer shall deliver to his successor in office all property, books and effects in his possession, belonging to the village or appertaining to the office he held. On his refusal to do so, he shall be liable for all the damages and whatever penalty may be prescribed by ordinance.

S 30.03 Oath; Bond.

(A) Before entering on the duties of their respective offices, all municipal officers, whether elected or appointed, shall take and subscribe the following oath: I do solemnly swear 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 _____ according to the best of my ability. This oath, so subscribed, shall be filed in the office of the clerk.

(B) Before entering on the duties of their respective offices, all officers, except trustees, shall execute a bond with security, to be approved by the corporate authorities. The bond shall be payable to the village in whatever penal sum may be directed by resolution or ordinance, conditioned on the faithful performance of the duties of the office and the payment of all money received by the officer, according to the law and the ordinances of the village. The bond may provide that the obligation of the sureties shall not extend to any loss sustained by the insolvency, failure, or closing of any bank organized and operating either under the laws of the state or the United States wherein the officer has placed funds in his custody, if the bank has been approved by the corporate authorities as a depository for these funds. In no case, however, shall the president'' bond be fixed at less than $3,000. The treasurer's bond shall be an amount of money that is not less than 3 times the latest federal census population or any subsequent census figure used for motor fuel tax purposes. These bonds shall be filed with the clerk, except the bond of the clerk, which shall be filed with the treasurer.

S 30.04 Reserved. (Repealed by Ordinance 1982-83-2, passed 5/17/82)

S 30.05 Misconduct of Municipal Officers.

Every municipal officer who is guilty of an omission of duty, or who is guilty of willful and corrupt oppression, misconduct, or misfeasance in the discharge of the duties

of his office, shall be guilty of a business offense and, on conviction, shall be fined not exceeding $1,000. The court in which the conviction is had shall enter an order removing the convicted officer from office.

Elections

S 30.10 Qualification of Electors.

A general election for Village Officers shall be held pursuant to the State of Illinois Election Code. All persons entitled to vote at any general election must be qualified pursuant to the State of Illinois Election Code. (Ordinance 1996-97-29)

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Statutory reference:
Election Code

S 30.11 Reserved. (Repealed by Ordinance 1985-86-10, passed 5/20/85)

S 30.12 Special Elections.

(A) Except as otherwise provided, whenever a vacancy in the office of a trustee occurs during his term, the vacancy shall be filled for the remainder of the term at the next election of trustees, unless such vacancy is filled by a special election. During the period from the time that the vacancy occurs until a trustee is elected, as provided in this section, and has qualified, the vacancy may be filled by the appointment of a trustee by the president and remaining trustees, voting jointly.

(B) If there is a vacancy in an elective office, and if, for any reason, there is not a quorum in office of the corporate authorities, appointments to fill vacancies may be made or confirmed by a majority of the corporate authorities holding office at the time of confirmation. (Ordinance 11, passed 5/17/1887)

S 30.13 Conduct of Elections.

(A) If not otherwise provided in this code, the manner of conducting, voting at, and contesting village elections shall be the same, as nearly as may be, as that set out in The Election Code. The authorities charged with the printing and distributing of the ballots to be used at a village election, in one or more newspapers published in the village, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the village.

(B) The judges of election shall take the same oath and have the same powers and authority, as nearly as may be, as judges of election. After the

closing of the polls, the ballots shall be counted and the returns made out and delivered, under seal, to the clerk, within 2 days after the election. Thereupon, the corporate authorities shall examine and canvass the returns, declare the result of the election, and transcribe a statement of the result upon their records.

(C) The provisions of S.H.A. shall be applicable, as nearly as may be, to elections for village officers, except that the petition for discovery shall be filed with the village clerk, or with the board of election commissioner in case the village is under the jurisdiction of such a board, and shall be accompanied by a fee of $10 per precinct specified. (Ordinance 11, passed 5/17/1887)

S 30.14 Tie Vote.

The person having the highest number of votes for any office shall be declared elected. In case of a tie in the election for any village officer, which candidate shall hold the office shall be determined by lot in the presence of the board of trustees in a manner which they shall direct. (Ordinance 11, passed 5/17/1887)

S 30.15 Notice to Party Elected.

The clerk shall, within 5 days after any person is declared elected to any office, notify him in writing of his election, naming the office to which he has been elected and requesting him to qualify within 10 days after the notice. If the person fails to qualify within 10 days, the office shall become vacant. (Ordinance 11, passed 5/17/1887)

S 30.16 New Elections.

If at any election there is a failure to elect any officer required to be elected, or if the person elected should fail to qualify or should be ineligible because of any disqualifications, the office shall be filled in accordance with S 30.13. (Ordinance. 11, passed 5/17/1887)

General Duties of Officers

S 30.20 Additional Duties.

Every officer shall perform duties, in addition to those which may be prescribed by law, and be subject to other rules and regulations as the board of trustees may provide by ordinance.

S 30.21 Appointment of Subordinates.

The village clerk and village treasurer shall appoint the various clerks and subordinates in their respective offices which the board of trustees may authorize, and shall be held responsible for the fidelity of all persons appointed by them. This power is subject to the provisions of S.H.A. The power of village clerks is subject to the provisions of S.H.A.

S 30.22 Administering Oaths.

The president and the clerk of the village shall have power to administer oaths and affirmations on all lawful occasions.

Finances

S 30.30 Compensation of Village Officers and Employees

The board of trustees shall establish a salary plan with salary ranges for all employees annually.

Salaries for elected officials who are elected for definite term shall neither be increased nor diminished during that term of office.

S 30.31 Participation in Illinois Municipal Retirement Fund.

(A) The village elects to participate in the Illinois Municipal Retirement Fund, effective January 1, 1972.

(B) The clerk is directed to promptly file a certified copy of the ordinance with the board of trustees of the Illinois Municipal Retirement Fund. (Ordinance 1971-72-3, passed 9/13/71)

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Statutory reference:

Illinois Pension Code, see S.H.A.

S 30.32 Public Benefit Fund.

(A) That it is determined that the village requires a public benefit fund and the levy of a tax to provide therefore.

(B) A tax of .05% of the value as equalized or assessed by the department of local government affairs on all taxable property in the village is levied. (Ordinance 1972-73-6, passed 8/21/72)

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Statutory reference: Public benefit tax and fund

Indemnification of Officers and Employees

S 30.40 Mayor, Trustees, Treasurer, Clerk and Treasurer.

The Village of Mt. Zion does hereby bind itself to defend, indemnify and keep and hold harmless Village Mayor, Trustees, Village Clerk, Village Treasurer and Village Administrator against suits, claims, damages, losses and expenses arising out of any act or failure to act for which they may be liable while acting as Mayor, Trustee, Clerk, Treasurer or Administrator.

S 30.41 Members of Boards, Commissions and Committees.

The Village of Mt. Zion does hereby bind itself to defend, indemnify and keep and hold harmless members of any board, commission or committee appointed by the mayor or village board of trustees against suits, claims, damages, losses and expenses arising out of any act or failure to act while acting within the scope of their duties as a member of such board, commission or committee. (Ordinance 1984-85-14, passed 10/15/84)

S 30.42 Village Staff and Employees.

The Village of Mt. Zion does hereby bind itself to defend, indemnify and keep and hold harmless village staff and employees against suits, claims, damages, losses and expenses arising out of any act or failure to act within the scope of their employment. (Ordinance 1984-85-14, passed 10/15/84)

S 30.43 Notice to Village of Suit or Claim: Village Investigation and Settlement.

A party receiving any summons or notice of suit or claim shall give notice to the village within 20 days of the receipt of such summons or notice. In any suit or claim for which the village is providing defense and indemnity, the party being defended shall cooperate in the defense of such suit or claim and the village may make such investigation and settlement, as it deems expedient. (Ordinance 1984-85-14, passed 10/15/84)

Chapter 31: President

Section

31.01 Chief executive officer
31.02 Election; term
31.03 Powers and duties
31.04 Appointments; resignations
31.05 Supervision of village clerk and other officers
31.06 Emergency powers
31.07 Compensation
31.08 President pro tem

S 31.01 Chief Executive Officer.

(A) The president of the village shall be the president of the board of trustees and the chief executive officer of the village. He shall preside at all meetings of the board, preserve order and decorum and generally do and perform all acts which are imposed on him by the general laws of the state relating to villages and the ordinances of the Village of Mt. Zion.

(B) It shall be the special duty of the president to be active and vigilant in enforcing the laws and ordinances of the village and to take care that the criminal laws of the state are faithfully enforced within the village limits.

(C) He shall devote to his office whatever time is necessary for the faithful discharge of his duties. (Ordinance 3, passed 5/16/1887)

S 31.02 Election; Term.

A president shall be elected by the electors of the village at a general municipal election. The president shall hold his office for a term of 4 years and until his successor is elected and has qualified. Whenever a vacancy in the office of a president occurs during his term, the vacancy shall be filled for the remainder of the term in the manner provided in S.H.A. During the period from the time that the vacancy occurs until a president is elected and has qualified, the vacancy may be filled by the election of an acting president by the board of trustees.

S 31.03 Powers and Duties.

(A) The president shall from time to time give to the board information relating to the affairs of the village and recommend for their consideration measures which he may deem expedient for the improvement of the finances, credit, health, security, well-being, comfort, and beautification of the village.

(B) The president shall perform the duties and exercise the powers conferred on mayors of cities, including the power of veto.

(C) (1) All resolutions and motions which create any liability against the village, or which provide for the expenditure or appropriation of its money, or which sell any village or school property, and all ordinances passed by the board shall be deposited with the village clerk. If the president approves of them, he shall sign them. Those of which he disapproves he shall return to the board, with his written objections, at the next regular meeting of the board, occurring not less than 5 days after their passage. The president may disapprove of any one or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the president may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the president fails to return any ordinance or any specified resolution or motion with his written objections, within the designated time, it shall become effective despite the absence of his signature. Every resolution and motion specified in (C) (1) above and every ordinance which is returned to the board by the president shall be reconsidered by the board. If, after such reconsideration, two-thirds of all the trustees then holding office on the board shall agree to pass an ordinance, resolution, or motion, notwithstanding the president's refusal to approve it, then it shall be effective. The vote on the question of passage over the president's veto shall be by yeas and nays and shall be recorded in the journal.

(2) The president may designate another to affix the signature of the president to any written instrument which is required to be signed by the president. The president shall send written notice of this designation to the board of trustees, stating the name of the person whom he has selected and what instrument the person will have authority to sign. A written signature of the president executed by the person designated, with the signature of the person so designated underneath, shall be attached to the notice. The notice, with the signatures attached, shall be recorded in the journal of the board of trustees and then filed with the village clerk. When the signature of the president is placed on a written instrument at the direction of the president in the specified manner, the instrument, in all respects, shall be as binding on the village as if signed by the president in person.

(D) The president shall preside at all meetings of the board of trustees. He shall not vote on any ordinance, resolution, or motion except where the vote of the trustees has resulted in a tie; or where one half of the trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or where a

Vote greater than a majority of the corporate authorities is required by this code to adopt an ordinance, resolution, or motion. In each instance specified, the president shall vote. Nothing in this section shall deprive an acting president or president pro tem from voting in his capacity as trustee, but he shall not be entitled to another vote in his capacity as acting president or president pro tem.

(E) The president shall sign all warrants or orders drawn by order of the board on the village treasury. He shall examine all bonds required by law and pass on the sufficiency thereof, and in all contracts where the village is a party, he shall sign the same on behalf of the village and it shall be his special duty to see that the other contracting party faithfully complies with the contract.

(F) The president and board of trustees may prescribe the duties and fees of the officers appointed, and may require them to execute whatever bonds are prescribed by ordinance.

(G) Except where otherwise provided, the president may remove any officer appointed by him, under this code, on any formal charge, whenever he is of the opinion that the interests of the village demand removal, but he shall report the reasons for the removal to the board of trustees at a meeting to be held not less than 5 nor more than 10 days after the removal. If the president fails or refuses to report the reasons for the removal to the board of trustees, or if the board of trustees by a two-thirds vote of all its members authorized by law to be elected disapproves of at its next session.

(H)

(H) The president at all times may examine and inspect the books, records, and papers of any agent, employee, or officer of the village.

(I) When necessary, the president may call on every male inhabitant of the village over the age of 18 years to aid in enforcing laws and ordinances. Subject to the authority of the governor as commander-in-chief of the militia, the president may call out the militia to aid in suppressing riots and other disorderly conduct, or to aid in carrying into effect any law or ordinance.

(J) The president shall perform further duties as required of him by law or the ordinances and resolutions passed by the board of trustees. (Ordinance 3, passed 5/16/1887)

S 31.04 Appointments; Resignations.

(A) The president, by and with the advice and consent of the board of trustees, may appoint the following officers:

(1) A village treasurer
(2) A director of public works
(3) A chief of police
(4) A village clerk
(5) A village administrator
(6) A village attorney
(7) A village engineer
(8) Other officers as necessary to carry into effect the powers conferred on villages.

(B) Any officer of the village may resign from his office. If the officer resigns he shall continue in office until his successor has been chosen and has qualified. If there is a failure to appoint a village officer, or the person appointed fails to qualify, the person filling the office shall continue in office until his successor has been chosen and has qualified. (Ordinance 1985-86-10, passed 5/20/85)

S 31.05 Supervision of Village Clerk.

(A) The president shall see that the village clerk keeps a full, true, and correct record of all the proceedings of the board of trustees and that the clerk records in full all ordinances, rules, regulations, and resolutions adopted and passed by the board.

(B) The president shall have and exercise a general supervision over all officers of the village, inspect their conduct, examine into the condition of their respective offices and the manner of conducting their business, and whenever he deems it necessary may call on and receive information of any officer of the village in relation to any matter pertaining to the functions of his office and shall report any neglect of duty on the part of any officer to the board of trustees for its action. (Ordinance 3, passed 5/16/1887)

S 31.06 Emergency Powers.

The board of trustees may by ordinance grant to the president the extraordinary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the corporate authorities as may be reasonably necessary to respond to the emergency. Such ordinance shall establish standards for the determination by the president of when a state of emergency exists, and shall provide that the president shall not exercise such extraordinary power and authority except after his signing, under oath, facts to substantiate such findings, describing the nature of the emergency exists. Such statement shall be filed with the clerk of the municipality as soon as practicable. A state of emergency, declared as provided in this section, shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared.

S 31.07 Compensation.

The president of a village shall receive compensation as established by the board of trustees. An increase or decrease in the salary of the president of a village shall not take effect during the term for which that president is elected.

S 31.08 President Pro Tem.

If a temporary absence or disability of the president incapacitates him from the performance of his duties but does not create a vacancy in the office, the board of trustees shall elect one of its members to act as president pro tem. The president pro tem, during this absence or disability, shall perform the duties and possess all the rights and powers of the president.

Chapter 32: Board of Trustees

Section

32.01 Composition
32.02 Meetings
32.03 Public notice of meetings
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S 32.01 Composition.

The board of trustees shall consist of the president and six trustees who shall hold their respective offices for 4 years and until their successors are elected and qualified. Three of the trustees shall be elected at each bi-annual municipal election. The board shall be the judge of the election and the qualification of its members. Whenever a vacancy in the office of a trustee occurs during his term, the vacancy shall be filled for the remainder of the term at the next consolidated election as provided in S.H.A. During the period from the time that the vacancy occurs until a trustee is elected, as provided in this section, and has qualified, the vacancy may be filled by the appointment of a trustee by the president and remaining trustees, voting jointly. If there is a failure to elect any village officer, or the person elected fails to qualify, the person filling the office shall continue in office until his successor has been elected and has qualified. (Ordinance 4, passed 5/16/1887; Ordinance 1985-86-10, passed 5/20/85)

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Cross-reference: Vacancies, see S 30.13

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Statutory reference: Board of trustees, see S.H.A.

and Composition of board of trustees, see S.H.A.

S 32.02 Meetings.

(A) The regular meetings of the board shall be held on the first and third Monday of each month. All regular meetings shall be held at 5:15 P.M. at the Village Municipal Center. Adjourned meetings may be held for the purpose of completing unfinished business at a time determined by the board. (2003-2004-10, passed 9/2/03)

(B) Special meetings of the board may be called by the president or any three trustees whenever in their discretion it is deemed necessary. The meetings shall be called in the following manner: The president or three trustees, as the case may be, shall file with the village clerk a statement in writing setting forth the purpose of the special meeting and directing the clerk to give notice. On the filing of the statement, the clerk shall personally serve on each member of the board or leave at his usual place of residence notice of the special meeting. It shall set forth the purpose of the meeting and the time of the meeting. No business other than that mentioned in the notice shall be transacted unless 2/3 of the trustees are present. (Ordinance 4, passed 5/16/1887; amend. Ordinance 1980-81-1, passed 5/19/80)

S 32.03 Public Notice of Meetings.

(A) Public notice shall be given of the schedule of regular meetings at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of the meetings. Public notice of any special meeting, any rescheduled regular meeting, or any reconvened meeting, shall be given at least 24 hours before the meeting. However, this requirement of public notice of reconvened meetings does not apply to any case where the meeting is to be reconvened within 24 hours nor to any case where announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda.

(B) Public notice shall be given by posting a copy of the notice at the building in which the meeting is to be held. The board shall supply copies of the notice of its regular meetings, and of the notice of any special, rescheduled, or reconvened meeting, to any local newspaper of general circulation or any local radio or television station that has filed an annual request for this notice. News media shall also be given the same notice of all special, rescheduled, or reconvened meetings in the same manner as is given to members of the board, provided the news medium has given the board an address within the territorial jurisdiction of the board at which notice may be given.

S 32.04 Schedule of Meetings.

In addition to the notice required by S 32.03 at the beginning of each calendar or fiscal year, the board of trustees shall prepare an make available a schedule of all its regular meetings for the calendar or fiscal year, listing the times and places of meetings. If a change is made in regular meeting dates, at least 10 days' notice of the change shall be given by publication in a newspaper of general circulation. Notice of the change shall also be posted at the building in which the meeting is to be held. Notice of the change shall be supplied to those news media which have filed an annual request for notice as provided in S 32.02 (B).

S 32.05 Quorum.

A majority of the corporate authorities elected shall constitute a quorum to do business. A smaller number, however, may adjourn from time to time, and may compel the attendance of absentees; under whatever penalty the board may prescribe. (Ordinance 4, passed 5/16/1887)

S 32.06 Compensation.

Trustees shall receive the compensation that is fixed by ordinance. The ordinance shall specify whether trustees are to be compensated at an annual rate or for each meeting of the board of trustees actually attended. Each trustee may receive reimbursement from the municipality for expenses incurred by him in attending meetings of the board of trustees or for other expenses as may be incurred by the trustee when in the course of his duties.

S 32.07 Expulsion of Members.

The board of trustees shall determine its own rules of proceeding and punish its members for disorderly conduct. With the concurrence of 2/3 of the trustees elected, it may expel a trustee, but not a second time for the same offense.

S 32.08 (Reserved)

S 32.09 Voting.

(A) The yeas and nays shall be taken on the passage of all ordinances and resolution creating any liability against the village or for the expenditure or appropriation of money, and in all other cases at the request of any member. The vote shall be entered on the journal of the proceedings and the concurrence of a majority of all the members shall be necessary for the passage of any ordinance or resolution.

(B) No vote of the board shall be reconsidered or rescinded at any special meeting unless there are as many trustees present as there was when the

vote was taken. (Ordinance 4, passed 5/16/1887; Ordinance 1985-86-10, passed 5/20/85)

S 32.10 Fiscal Year.

The fiscal year of the village shall begin on January 1 and end on December 31 of each year.(Ordinance 4, passed 5/16/1887; Ordinance 2015-16-31, 4/4/16)

S 32.11 (Reserved).

S 32.12 President as Presiding Officer.

The president shall preside at all meetings of the board of trustees. He shall not vote on any ordinance, resolution, or motion except:

(A) Where the vote of the trustees has resulted in a tie; or

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

(C) Where a vote greater than a majority of the corporate authorities is required by state statute to adopt an ordinance, resolution, or motion. In each instance specified, the president shall vote. Nothing in this section shall deprive an acting president or president pro tem from voting in his capacity as trustee, but he shall not be entitled to another vote in his capacity as acting president or president pro tem.

S 32.13 Chairman Pro Tem.

In the absence of the president, acting president, or president pro tem, the board of trustees may elect a trustee to act as a temporary chairman. He shall have only the powers of a presiding officer and a right to vote in his capacity as trustee on any ordinance, resolution, or motion.

S 32.14 Ordinances; Approval; Veto.

(A) All ordinances are subject to veto.

(B) The following resolutions and motions are subject to veto:

(1) which create any liability against the village,

(2) which provide for the expenditure or appropriation of its money or,

(3) to sell any village or school property, and

(4) all ordinances, passed by the board of trustees shall be deposited with the village clerk.

(C) If the president approves of them, he shall sign them. Those of which he disapproves he shall return to the board of trustees, with his written objections, at the next regular meeting of the board occurring not less than 5 days after passage. The president may disapprove of any one or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and if so, the remainder shall be effective. However, the president may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the president fails to return any ordinance or any specified resolution or motion with his written objections within the designated time, it shall become effective despite the absence of his signature. (Ordinance 3, passed 5/16/1887)

S 32.15 Passing Ordinances Over the Veto.

Every resolution and motion, as specified in S 32.14, and every ordinance, which is returned to the board of trustees by the president, shall be reconsidered by the board. If, after reconsideration, 2/3 of all the trustees then holding office shall agree to pass an ordinance, resolution, or motion, notwithstanding the president's refusal to approve it, then it shall be effective. The vote on the question of passage over the president's veto shall be yeas and nays, and shall be recorded in the journal. (Ordinance passed 5/16/1887)

S 32.16 Power to Borrow Money; Limitations.

The village board may, whenever the interests of the village require, borrow money for corporate purposes on the credit of the village and issue bonds in such amounts and from and on such conditions, as it shall prescribe. The village shall not become indebted, in any manner or for any purpose, for an amount, including existing indebtedness, in the aggregate exceeding 5% on the value of the taxable property in the village to be ascertained by the last assessment for state and county taxes prior to incurring any indebtedness. The board shall provide for the collection of a direct annual tax sufficient to pay the interest on the debt as it falls due and also to pay and discharge the principal within 20 years after contracting. (Ordinance 4, passed 5/16/1887)

S 32.17 Annual Municipal Budget; Budget Officer.

(A) The Village of Mt. Zion, Illinois, adopts Section 8-2-9.1 through and including Section 8-2-9.10 of the Illinois Municipal Code providing for an Annual Municipal Budget. (Ordinance 1986-87-25)

(B) The mayor, with the approval of the board of trustees, shall appoint a Budget Officer who shall have the powers, duties and responsibilities provided by Sections 8-2-9.1 through 8-2-9.10. (Ordinance 1986-87-25)

(C) The budget officer shall prepare a budget annually in accordance with above cited sections of the Illinois Municipal Code. (Ordinance 1986-87-25)

S 32.18 Limitation on Expenditures.

(A) Neither the board of trustees nor any department or office of the Village shall expend more than provided for in his/her departmental budget.

(B) However, nothing shall prevent the board from revising the approved budget in accordance with Illinois Municipal Code as long as sufficient revenue is available to cover any new expenditures.

(C) Should a judgment be obtained against the Village, the president, with the approval of the board may borrow, for a period of time not exceeding the close of the next fiscal year, a sufficient amount to pay the judgment. This sum and interest shall in like manner be added to the amount authorized to be raised in the general tax levy of the next year.

S 32.19 Contractual Liabilities; Limitation.

No contract shall be made by the board of trustees and no expense shall be incurred by any of the officers or departments of the village, whether the object of the expenditure has been ordered by the board or not, unless an appropriation has been previously made concerning that contract or expense. Any contract made, or any expense otherwise incurred, in violation of the provisions of this section shall be null and void as to the village, and no money belonging to it shall be paid on account of the contract. However, if it is determined, at a regularly scheduled meeting, by 2/3 vote of the board then holding office that it is expedient and in the best public interest to begin proceedings for the construction of a needed public work, then the provisions of this section shall not apply to the extent that the board may employ or contract for professional services necessary for the planning and financing of the public work. (Ordinance 4, passed 5/16/1887)

S 32.20 Annual Tax Levy.

(A) The board of trustees shall, on or before the second Tuesday in December in each year, ascertain the total amount of appropriations for all corporate purposes legally made and to be collected from the tax levy of that fiscal year. By an ordinance specifying in detail the purposes for which these appropriations are made and the sum or amount appropriated for each purpose respectively, the board shall levy the amount ascertained on all the property subject to taxation within the village, as the same is assessed and equalized for state and county purposes for the current year.

(B) A certified copy of the ordinance shall be filed with the county clerk. He shall ascertain the rate percent which, on the total valuation of all the property subject to taxation within the village, as it is assessed and equalized for state and county purposes, will produce a net amount not less than the amount directed to be levied. It shall be the duty of the county clerk to extend this tax in a separate column on the books of the collector of the state and county taxes within the village.

(C) The aggregate amount of taxes levied for any one year, exclusive of the amount levied for the payment of bonded indebtedness or the interest, exclusive of taxes levied pursuant to S 13 of The Illinois Civil Defense Act of 1951, and exclusive of taxes authorized by state statutes or other acts which by their terms provide that the taxes shall be in addition to taxes for general purposes authorized under this section, shall not exceed the rate of 2% on the aggregate valuation of all the property within the village subject to taxation as the property was equalized for state and county taxes for the preceding year. (Ordinance 4, passed 5/16/1887)

S 32.21 Collection and Payment of Tax.

The tax levied under S 32.20 shall be collected and enforced in the same manner and by the same officer as state and county taxes, and shall be paid over to the village treasurer by the officers collecting the tax. (Ordinance 4, passed 5/16/1887)

S 32.22 Collector to Pay Treasurer.

It shall be the duty of the officer collecting the tax to settle with and pay over to the village treasurer, as often as once in 2 weeks from the time he commences collection, all taxes he has collected until the whole tax collected has been paid over. (Ordinance 4, passed 5/16/1887)

Chapter 33: Other Village Officers

Section

Police Department

33.01 Creation
33.02 Composition
33.03 Supervision and control
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Village Clerk

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Village Administrator

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Police Department

S 33.01 Creation.

There is created for the village, pursuant to state law, a police department. The department shall preserve the public peace and maintain order within the village. It shall respect and enforce the laws of the state and the village prevents and detects crime, apprehend violators of the law, and protect persons and property. It shall fulfill its responsibilities in conformity with the provisions of the Constitution of the United States and the Constitution of the State of Illinois.

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Statutory reference;
Duties and powers of police officers,

S 33.02 Composition.

The Police Department of the Village of Mt. Zion shall consist of one Chief of Police, and such Captains, Lieutenants, Sergeants, Patrol Officers, Investigators, Crossing Guards, Communications Personnel, Secretary, Clerks, Matrons, Reserves, and other employees as may be created by the Board of Trustees from time to time.

The Police Department may also create a division of auxiliary policemen. The auxiliary policemen shall be formed pursuant to the Illinois Municipal Code, 65 ILCS 5/3.1-30-20.
(Ordinance 1995-96-15, passed 11/6/1995)

S 33.03 Supervision and Control.

The general management, administration, supervision, and control of the police department shall be vested in the chief of police who shall be responsible for the facilities, equipment, personnel, and operations of the department. The chief of police shall be directly answerable to the president, through the village administrator, for the government, efficiency, effectiveness, and general good conduct of the department. The village administrator shall be the immediate supervisor of the chief of police, and all policies, directives and orders of the village government to the chief of police shall be made by the president as the executive head of the village government and transmitted through the village administrator. The chief of police shall have the authority to adopt such rules and regulations, policies and procedures, and to issue such written or verbal orders necessary for the chief to fulfill his responsibilities under this section.

S 33.04 Selection and Appointment of Police Department Members.

Members of the Police Department shall be appointed by the police chief with approval by the village administrator. Members will be selected by use of a merit system involving competitive selection procedures including, but not limited to, written tests, oral interviews and background and reference checks.

Promotions within the department shall be based on merit, utilizing written tests, oral interviews, seniority and departmental records relating to performance and professional conduct as a police officer.

Village Clerk

S 33.10 Appointment.

The village clerk shall be appointed by the village president with the concurrence of the village board, and may be removed from office by majority vote of the board of trustees. (Ordinance 5, passed 5/16/1887; Ordinance 1986-87-13, passed 9/2/86, effective 4/15/86)

S 33.11 Oath; Bond.

The village clerk, before entering on the duties of his office, shall take the oath prescribed by law for all village officers. He shall execute a bond in the penal sum of $3,000 with sureties as may be approved by the board, conditioned on the faithful performance of the duties of his office and the payment of all moneys received by him according to the laws of the village. The bonds shall be filed with the village treasurer. (Ordinance 5, passed 5/16/1887)

S 33.12 Duties.

(A) The clerk shall attend all meetings of the board of trustees and he shall keep, in a legible and intelligent manner in a suitable book to be provided for that purpose, a faithful record of all the proceedings of the board. He shall be the keeper of the corporate seal and all papers and documents belonging to the village. Copies of all papers duly filed in his office, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were provided.

(B) The clerk shall record and properly index, in a book kept for that purpose, all ordinances passed by the board. At the bottom of the record of each ordinance, he shall make a memorandum of the date of passage and of the publication of the ordinance. The record and memorandum, or a certified copy, shall be prima facie evidence of the passage and legal publication of the ordinance for all purposes.

(C) The clerk shall cause all ordinances passed by the board imposing any fine, penalty, imprisonment, or forfeiture, or making any appropriation, to be published according to state law. No ordinance shall take effect until 10 days after publication unless designated an emergency.

(D) In addition to the foregoing duties, the clerk shall perform all other duties as imposed on him by law or by the ordinances or resolution of the board of trustees. (Ordinance 5, passed 5/16/1887)

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Statutory reference:
Publication of ordinances, see S.H.A. Ch. 24, S 1-2-4

S 33.13 Notice and Record of Election or Appointment of Officers.

(A) Within 5 days after the result of any election is declared or any appointment is made, the clerk shall notify all persons elected or appointed to office of their election or appointment and, unless these persons shall qualify in 10 days after notice, the office shall become vacant.

(B) The clerk shall keep a record of the election or appointment and confirmation of all officers of the village. The record shall be ruled and headed to exhibit the name of the officer, the office to which he was elected or appointed, the date of election or appointment, and the date of all deaths, resignations, removals, or expiration of term of office. There shall also be a column for remarks. (Ordinance 5, passed 5/16/1887)

Village Treasurer

S 33.17 Creation of Office; Term.

There is created the office of village treasurer. The treasurer shall be appointed by the village president, by and with the advice of the board of trustees. (Ordinance 6, passed 5/16/1887 Ordinance 1985-86-10, passed 5/20/85)

S 33.18 Oath; Bond.

The treasurer shall, before entering on the duties of his office, take the oath prescribed for village officers. He shall execute a bond to the village in a penal sum not less than the amount of the village tax and special assessments for the current year, with at least 2 good and sufficient sureties to be approved by the board, conditioned on the faithful performance of the duties of his office and the payment of all money received by him according to law and the ordinances of the village. (Ordinance 6, passed 5/16/1887)

S 33.19 Duties.

(A) The treasurer shall receive all moneys belonging to the village.

(1) He shall keep a separate account of each fund or appropriation and its debits and credits. He shall keep his books and accounts in a manner which will accurately show all moneys received and disbursed by him, stating from whom and on what account received, and to whom and on what account paid out. These books shall be kept in a manner which will allow the true financial condition of the

village to be readily investigated and understood. The books and all the papers pertaining to his office shall be subject to examination by the president and members of the board or any committee.

(2) The treasurer shall give every person paying money into the treasury a receipt, specifying the date of payment, and on what account paid. He shall file copies of these receipts with the clerk when he files his monthly reports. If he has in his possession money properly appropriated to the payment of any warrant lawfully drawn on him he shall pay the money specified in this warrant to the person designated by the warrant.

(B) The treasurer shall keep all money which belongs to the village separate and distinct from his/her money. He she is expressly prohibited from using the village money which is in his/her custody, either directly or indirectly, for his/her own use or benefit or for that of any other person. Any violation of this provision shall subject him/her to immediate removal from office.

(C) At each monthly meeting of the board, the treasurer shall render an account under oath showing the state of the treasury at the date of the account, and the balance of money in the treasury. He shall accompany the account with a statement of all money received into the treasury, and on what account, together with all warrants redeemed and paid by him. On the day he renders an account, these warrants, with all vouchers held by him, shall be delivered to the clerk and filed, together with the account, in the clerk's office. He shall return all warrants paid by him marked "paid." He shall keep a register of all warrants, which shall describe each warrant, showing its date, amount, and number, the fund from which paid, the name of the person to whom paid, and when paid. (Ordinance 6, passed 5/16/1887); (Ordinance 1985-86-10, passed 5/20/85)

S 33.20 Annual Accounts

(A) Within 6 months after the end of each fiscal year the treasurer shall annually prepare and file with the clerk an account of monies received and expenditures incurred during the preceding fiscal year. The Treasurer shall show in such account;

(1) All monies received by the village, indicating the total amounts, in the aggregate, received in each account of the village with a general statement concerning the source of such receipts. The term "account" shall not be construed to mean each individual taxpayer, householder, licensee, utility user, or such other persons whose payments to the village are credited to a general account.

(2) Except as provided in Section 3 of this Section, all monies paid out by the village where the total amount paid during the fiscal year

exceeds $1,000.00 in the aggregate, giving the name of each person to whom paid and the total paid to each person.

(3) All monies paid out by the village as compensation for personal services, giving the name of each person to who paid and the total amount paid to each person from each such account (payroll).

(4) A summary statement of operations for all funds and account groups of the village, as excerpted from the annual financial report as filed with the appropriate State agency of the State of Illinois.

(B) Upon receipt of such account from the municipal treasurer, the municipal clerk shall publish the account at least once in one or more newspapers published in the municipality, or, if no newspaper is published therein, then in one or more newspapers having a general circulation within the municipality

S 33.21 Copy of Annual Accounts.

Within 6 months after the end of each fiscal year the treasurer shall file with the County Collector of Taxes who collects taxes levied by the village, a copy of the annual account which is required to be filed with and published by the clerk, as provided in Section 33.20, together with an affidavit of the clerk stating that such copy is a true and accurate copy of such annual account filed with him, that it was published or posted as required, the date of such filing and publication or posting, and, if published, the newspaper in which it was published.

S 33.22 Failure to File Account.

In the event the treasurer fails to file the annual account and affidavit with the county collector, within 6 months after the end of any fiscal year, as required by Section 33.21, the county collector shall withhold payment to the treasurer of the village of any and all funds due after the expiration of such 6 month period and until the annual account and affidavit are received by him. The failure of the treasurer or clerk to comply with said provisions within 6 months after the end of any fiscal year, shall not preclude such offices or the other officers of the village from preparing, publishing or posting and filing the annual account and affidavit after the expiration of said 6 month period; and if the clerk, treasurer or other officers thereafter comply with the provisions, the county collector shall pay to the treasurer of the village the funds withheld by him immediately upon the filing of the annual account and affidavit with him.

Village Administrator

S 33.31 Confirmation of Establishment of Office.

The office of village administrator, which was previously established for the village, is confirmed as an administrative office of the village. (Ordinance 1974-75-22, passed 1/20/75)

S 33.32 Appointment.

The village administrator shall be appointed by the president, by and with the advice and consent of the village board of trustees. At the time of his appointment he need not be a resident of the village or of the state, but during his tenure of office he shall reside within the village. Neither the president nor a trustee shall be appointed to this office during, or within one year after, the term for which he has been elected or appointed. During the absence or disability of the village administrator, the president, with the advice and consent of the board of trustees, may designate some properly qualified person who is eligible to serve, to act as village administrator pro tempore. (Ordinance 1974-75-22, passed 1/20/75)

S 33.33 Term.

The term of office of the village administrator shall be at least one year unless he resigns or is removed from office at an earlier time. The village administrator may resign or may be removed from office only in accordance with state statutes that pertain to the resignation or removal of appointed officers. (Ordinance 1974-75-22, passed 1/20/75)

S 33.34 Oath; Bond.

Before entering on the duties of his office, the village administrator shall take and subscribe the oath of office and shall furnish a surety bond in the amount of $5,000 to be approved by the board of trustees. The bond shall be conditioned on the faithful performance by him of his duties and responsibilities, and the premium for the bond shall be paid by the village. (Ordinance 1974-75-22, passed 1/20/75)

S 33.35 Compensation.

The village administrator shall receive compensation, as the board of trustees shall specify from time to time by ordinance or resolution. (Ordinance 1974-75-22, passed 1/20/75)

S 33.36 Duties.

The village administrator shall have custody and control of all documents belonging or pertaining to the village, including debts, mortgages, leases, contracts, judgment orders, notes, bonds and other evidences of indebtedness, except those documents directed by law or ordinance to be deposited elsewhere. He shall have supervision of the issuance and sale of bonds, warrants and other obligations. He shall supervise the accounting work of the village. Specifically, but not in limitation of the above, he shall have the following powers and duties:

(A) Village administrator shall prepare a budget annually and submit it to the village board for review and adoption prior to April 30.

(B) He shall recommend to the president and board of trustees salary ranges annually for each employee classification. The board shall approve by ordinance any revision to the salary plan.

(C) With the approval of the board of trustees, he shall consolidate, combine, or reorganize positions or units under his jurisdiction.

(D) He shall purchase all materials, supplies, or equipment subject to and pursuant to directives and appropriations made and provided by the president and board of trustees, and subject also to the state statutes pertaining to creation of liabilities against the village and to the expenditures or appropriations of the village's money.

(E) Each month he shall cause a statement to be prepared which he shall present to the board of trustees showing the exact financial condition of the village as of the end of the preceding month.

(F) In case of an accident, disaster, or other circumstances creating a public emergency, the village administrator may make expenditures or incur obligations as necessary to meet the emergency, and he shall promptly file a report of the expenditures or obligations with the board of trustees.

(G) He shall give additional reports and information concerning the fiscal matters or other matters pertaining to the village as may be required from time to time by the board of trustees.

(H) The village administrator shall be the chief administrative officer of the village and shall be responsible to the president and board of trustees for the administration and operation of all of the affairs and departments of the village. As administrative officer, he shall have the administration and control of all matters pertaining to the operation and maintenance of the properties of the village and of all of the departments of the village and the

general offices of the village. He shall have supervision of other administrative agencies and departments and officers as may be created by the board of trustees, unless the administration and control of these departments and officers is expressly delegated elsewhere.

(I) He may recommend to the president and board of trustees the appointment of all officers of the village who are required by law to be appointed by the president with the advice and consent of the board of trustees. He may recommend to the president the appointment of employees and officers who are required to be appointed by the president. He shall further recommend the removal or suspension of any offices or employees when removal or suspension shall be consistent with the best interests of the village. All recommendations for appointment or removal shall be based on merit and on the qualifications or disqualification's of the officers and employees, without regard to political belief or affiliation.

(J) He shall be responsible for procurement of commodities and services for all village departments. He shall promulgate purchasing rules which shall be followed by employees in the procurement of goods and services.

(K) He shall attend all meetings of the board of trustees, unless excused by the board of trustees, except when his removal is under consideration. He shall have the privilege of taking part in the discussion of all matters coming before the board of trustees and shall be entitled to notice of all meetings, regular and special, of the board of trustees.

(L) He shall make all investigations into the affairs of the village or any department or division, and shall investigate all complaints in relation to matters concerning village services and village administration.

(M) He shall have the power to appoint and to discharge any employee of the village, exclusive of those officers appointed by the president and approved by the board of trustees and deputies appointed by the clerk. On discharge of any employee, he shall submit to the board of trustees, at its next meeting following the removal, a statement concerning the removal and the reasons.

Discharge of uniformed police officers shall be subjected to Chapter 34, Sections 15-23.

(N) He shall devote his entire time to the discharge of official duties.

(O) He shall perform other duties as may be required of him by the board of trustees, consistent with the village ordinances or the state statutes. (Ordinance 1974-75-22, passed 1/20/75)

S 33.37 Appointments by Village Administrator.

No officer of the village shall dictate the appointment of any person to, or his removal from, office by the village administrator or by any of his subordinates. Except for the purpose of inquiry, officers shall deal with the administrative service through the village administrator. An officer shall not give orders to any subordinates of the village administrator, either publicly or privately. (Ordinance 1974-75-22, passed 1/20/75)

Chapter 34: Boards and Commissions

Section

Board of Local Improvements

34.01 Board of local improvements

Board of Police and Fire Commissioners

34.02 Creation
34.03 Membership
34.04 Qualifications
34.05 Terms of Office
34.06 Oath/Affirmation of Office
34.07 Fidelity Bond Required
34.08 No Compensation
34.09 Adoption of Rules
34.10 Discharge of Duties
34.11 Exclusion from Jurisdiction

Parks and Recreation Commission

34.25 Establishment of parks and recreation commission

Tax Increment Financing and Economic Development Commission

34.26 Establishment of tax increment financing and economic development commission
34.27 Powers of commission
34.28 Membership; vacancies
34.29 Meetings of commission; quorum
34.30 Terms of bonds restricted
34.31 Publication of redevelopment plan or funding request required
34.32 Additional conditions

Police Pension Fund

34.33 Police Pension Fund

S 34.01 Board of Local Improvements.

A board of local improvements is created in the village. It shall consist of the president of the village and two members of the board of trustees. The president of the village shall be the president of the board of local improvements and the board shall elect a vice-president and secretary from its members. (Ordinance 1972-73-2, passed 6/19/72)

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Statutory reference:

Local improvements

Board of Police and Fire Commissioners

S 34.02 Creation.

The Board of Fire and Police Commissioners of the Village of Mt. Zion, Illinois hereinafter referred to as the Board, is hereby established

S 34.03 Membership.

The Board shall consist of three members.

S 34.04 Qualifications.

(A) No person holding an office of any municipality can be a member of the Board or secretary of the Board.

(B) No person shall be appointed to the Board who is related by blood or marriage to any elected official of the municipality, within the degree of kinship of first cousin or closer, can be appointed as a member of the Board.

(C) No person shall be appointed to the Board who has been convicted of a felony under the laws of the State of Illinois or comparable laws of any other state or the United States.

(D) No more than two members of the Board may belong to the same political party. Membership shall be determined by looking first to the municipality party affiliations and then to state or national party affiliations. Affiliations are determined by affidavit of each member.

(E) A member of the Board must also reside within the corporate limits of the Village.

S 34.05 Terms of Office.

(A) Terms of office of the initial three appointees. Once of the initial members of the Board shall be appointed to serve until the end of the then current fiscal year of the village. Another of the initial members shall be appointed to serve until the end of the fiscal year of the village next ensuing. The third member of the Board shall be appointed to serve until the end of the fiscal year of the village, second next ensuing. Regardless of these provisions, however, every member of the Board shall serve until his or her successor is appointed and has qualified.

(B) Terms of office of successor members of the Board. The terms of the office of successive members of the Board shall be three years and until the respective successors are appointed and have qualified.

S 34.06 Oath/Affirmation of Office.

Before entering into the performance of the duties of a member of the Board, each person appointed to that office shall first sign and file with the Village Clerk and oath or affirmation that he or she will discharge faithfully the duties of the office. The oath or affirmation shall be in the following form:

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 member of the Village of Mt. Zion Board of Fire and Police Commissioners according to the best of my ability.

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S 34.07 Fidelity Bond Requirement.

Before entering into the performance of the duties of a member of the Board, each person appointed to that office shall first execute a fidelity bond, in the penal sum of $100.00 payable to the Person of the Village of Mt. Zion, Illinois guaranteeing his or her faithful performance of his or her duties as a member of the Board.

S 34.08 No compensation.

The members and the secretary of the Board shall not receive any compensation from the Village

S 34.09 Adoption of Rules

The Board shall adopt the rules required by 65 ILCS 5/10-2. 1-5. The Board shall not make any rule, however, which governs the operation of the village's Police Departments or the conduct of its members.

S 34.10 Discharge of Duties

The Board shall perform all the duties imposed on it by 65 ILCS 5/10-2. 1-1 et. Seq.

S 34.11 Exclusion from Jurisdiction

The position of Chief of Police of the Police Department and the position of Chief of the Fire Department of the village are hereby excluded from the jurisdiction of the Board of Commissioners. (Ordinance 2012-2013-27, passed 2/19/13)

Parks and Recreation Commission

S 34.25 Establishment of Parks and Recreation Commission.

(A) A parks and recreation commission is created in the village. The parks and recreation commission shall initiate studies, issue reports, hear public comments and advise village elected and appointed officials on matters related to park planning and development, park management, and recreational programs in the village. The parks and recreation commission shall advise and recommend to the board of trustees action regarding the expenditure of funds for parks and recreation activities.

(B) The parks and recreation commission shall consist of 6 members plus a chairman appointed by the president of the village board, and confirmed by the board of trustees. The terms of office of each member shall be 4 years. Three members shall be appointed every 2 years. The chairman will be appointed by the village president every 2 years. (Ordinance 1985-86-9, passed 5/20/85)

Tax Increment Financing and Economic Development Commission

S 34.26 Establishment of Tax Increment Financing and Economic Development Commission.

A tax increment financing and economic development commission is hereby established for the Village of Mt. Zion. The commission shall consist of 7 members appointed by the president of the village with the consent of the majority of the trustees. Three members shall be nominated by the board of education of the school district, one member shall be nominated by the governing board of the Mt. Zion Fire Protection District and one member shall be nominated by the Mt. Zion Township Supervisor. Two members, including the chairman of the commission, shall be named by the village without nomination by any other entity. The 5 members nominated by the school district, the fire protection district and the township supervisor, as indicated above, shall be appointed by the village, except that if the village has a reasonable objection to any nominee, the entity nominating that body shall be so advised and that body shall then

nominate a replacement who shall be named by the village unless there is reasonable objection and this procedure shall be followed until the nominees are appointed as described. (Ordinance 1986-87-28)

S 34.27 Powers of Commission.

Subject to the approval of the board of trustees of the village, the commission may exercise the powers enumerated in Section 11/74.4-4 of the Illinois Municipal Code and implement that exercise by recommendations to the board. Recommendations of the commission to the board shall be implemented by the board unless a recommendation is rejected by 5 members of the board. In the event of such rejection by 5 members of the board, the village shall then be free to act with reference to the subject matter of the rejected recommendation in the ordinary manner provided by law. (Ordinance 1986-87-28)

S 34.28 Membership; Vacancies.

Members appointed to the commission shall be residents of the Village of Mt. Zion and shall serve for terms of 4 years, or until a successor is appointed, approved and qualified. Vacancies occurring on the commission shall be filled by appointment by the village president with the consent of the majority of the board of trustees. If the vacancy involves a member nominated by the board of education, the fire protection district or the township supervisor, the procedure set forth above in section 34.26 shall be followed in selection the successor.
(Ordinance 1986-87-28)

S 34.29 Meetings of Commission; Quorum.

The tax increment financing and economic development commission shall meet as needed and as called by the chairman or a majority of its members. A quorum shall consist of 5 members of the commission. (Ordinance 1986-87-28)

S 34.30 Terms of Bonds Restricted.

The commission will not recommend nor may the trustee approve bonds, which are issued under the authority of the Tax Increment Allocation Redevelopment Act, for terms greater than 12 years. (Ordinance 1986-87-28)

S 34.31 Publication of Redevelopment Plan or Funding Request Required.

Prior to commission consideration of any redevelopment plan or funding request involving the special tax allocation fund, notice of such consideration shall be published not less than 15 days nor more than 30 days before such consideration, in a newspaper of general circulation within the taxing districts having property in the redevelopment area. (Ordinance 1986-87-28)

S 34.32 Additional Conditions.

The provisions of these Sections 34.26 through 34.32 are subject to any limitations, restrictions or conditions imposed by either the Tax Increment Allocation Redevelopment Act or the Illinois Municipal Code. (Ordinance 1986-8728)

Police Pension Fund

S 34.33 Police Pension Fund.

A. That there is hereby created and established a Police Pension Fund in and for the Village of Mt. Zion, Macon Country, Illinois, in accordance with 40 ILCS5/3-101 et. Al. (Article 3 of the Illinois Pension Code)

B. That for the purpose of this ordinance the term “police” and “Board” or “Board of Trustees” are defined , respectively, as full-time police officers or full time police officers are entitled to participate in the benefits of said Pension Fund as provided by said Article 3 of said Illinois Police Pension Code and the Board of Trustees of said Pension Fund.

C. That the rights, powers, duties and functions of the said Board and the members thereof, as such, and the rights and benefits of the various beneficiaries of the Pension Fund shall be and are hereby declare to be in accordance with the law and particularly of Article 3 of the Illinois Pension Code and all amendments thereof.

D. OPERATION. Such Board shall be appointed and elected as therein provided; shall exercise such powers and perform such duties that shall be required of them by law. All monies and securities belonging to said fund shall be held by the Municipal Treasurer subject to the order of the Board of Trustees of the Pension Fund. AN annual list of beneficiaries and report shall be made as required by law. Members of said Board of Trustees of the Pension Fund shall serve without compensation.

Chapter 35: Emergency Services and Disaster Agencies

Section

35.01 Establishment
35.02 Coordinator
35.03 Functions
35.04 Service as mobile support team
35.05 Agreements with other political subdivisions
35.06 Emergency action
35.07 Compensation
35.08 Reimbursement by state
35.09 Purchases and expenditures
35.10 Oath
35.11 Office
35.12 Appropriation; levy of taxes

S 35.01 Establishment.

There is created the Mt. Zion ESDA to prevent, minimize, repair, and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with the Illinois Emergency Services and Disaster Act of 1975. This ESDA shall consist of the coordinator and such additional members as may be selected by the coordinator. (Ordinance 1978-79-20, passed 8/21/78)

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Statutory reference:

Illinois Emergency Services and Disaster Act of 1975, see S.H.A.

S 35.02 Coordinator.

(A) The coordinator of the village ESDA shall be appointed by the president and shall serve until removed by same.

(B) The coordinator shall have direct responsibility for the organization, administration, training, and operation of the ESDA, subject to the direction and control of the president as provided by statute.

(C) In the event of the absence, resignation, death, or inability to serve as the coordinator, the president or any person designated by him shall be and act as coordinator until a new appointment is made as provided in this chapter. (Ordinance 1978-79-20, passed 8/21/78)

S 35.03 Functions.

The village ESDA shall perform such ESDA functions within the village as shall be prescribed in and by the state ESDA plan and program prepared by the governor,

and such orders, rules, and regulations as may be promulgated by the governor. In addition, he shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided by the state ESDA act. (Ordinance 1978-79-20, passed 8/21/78)

S 35.04 Service as Mobile Support Team.

(A) All or any of the village ESDA organization may be designated as members of a mobile support team created by the director of the state ESDA as provided by law. The leader of such mobile support team shall be designated by the coordinator of the village ESDA organization.

(B) Any member of a mobile support team who is a village employee or officer, while serving on call to duty by the governor, or the state director, shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the village, while so serving, shall receive from the state reasonable compensation as provided by law. (Ordinance 1978-79-20, passed 8/21/78)

S 35.05 Agreements With Other Political Subdivisions.

The coordinator of ESDA may negotiate mutual aid agreements with other cities or political subdivisions of the state, but no such agreement shall be effective until it has been approved by the president and by the state director of ESDA. (Ordinance 1978-79-20, passed 8/21/78)

S 35.06 Emergency Action.

If the governor proclaims that a disaster emergency exists in the event of actual enemy attach on the United States or the occurrence within the state of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the village ESDA to cooperate fully with the state ESDA and with the governor in the exercise of emergency powers as provided by law. (Ordinance 1978-79-20, passed 8/21/78)

S 35.07 Compensation.

Members of the ESDA who are paid employees or officers of the village, if called for training by the state director of ESDA, shall receive for the time spent in such training, the same rate of pay as is attached to the position held; members who are not village employees or officers shall receive for such training time compensation as may be established by the president.
(Ordinance 1978-79-20, passed 8/21/78)

S 35.08 Reimbursement by State.

The state treasurer may receive and allocate to the appropriate fund any reimbursement by the state to the village for expenses incident to training members of the ESDA as prescribed by the state director of ESDA, compensation for services and expenses of members of a mobile support team while serving outside the village in response to a call by the governor or state director of ESDA, as provided by law, and any other reimbursement made by the state incident to ESDA activities as provided by law. (Ordinance 1978-79-20, passed 8/21/78)

S 35.09 Purchases and Expenditures.

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

(B) In the event of enemy-caused or other disaster, the village coordinator of ESDA is authorized, on behalf of the village, to procure such services, supplies, equipment, or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to village contracts or obligations, as authorized by the state ESDA act. However, if the president meets with the village board as such time he shall act subject to the directions and restrictions imposed by that body. (Ordinance 1978-79-20, passed 8/21/78)

S 35.10 Oath.

Every person appointed to serve in any capacity in the village ESDA organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the coordinator: “I, _____, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions, and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the Mt. Zion ESDA organization I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.” (Ordinance 1978-79-20, passed 8/21/78)

S 35.11 Office.

The president is authorized to designate space in a village building, or elsewhere, for the village ESDA as its office. (Ordinance 1978-79-20, passed 8/21/78(

S 35.12 Appropriation; Levy of Taxes.

The president may make an appropriation for ESDA purposes in the manner provided by law, and may levy in addition, for ESDA purposes only, a tax not to exceed $.05 per $100 of the assessed value of all taxable property in addition to all other taxes, as provided by the state ESDA act. However, the amount collectible under such levy shall in no event exceed $.25 per capita. (Ordinance 1978-79-20, passed 8/21/78)

Chapter 36: Employment and Personnel

Section

36.01 Salaries

S 36.01 Salaries.

(A) General provisions

(1) Scale classification. All full-time positions in the service of the Village of Mt. Zion shall be placed on this salary scale in accordance with those positions similar in respect to duties, responsibilities, experience, training, knowledge and skill required.

(2) Evaluation and salary determination. The determination of any employee's salary within the scale shall be made using performance appraisal methods developed and implemented by the Village Administrator in accordance with the provisions of the "Personnel Policies and Procedures Manual."

(3) Maintenance of plan. The village president and board of trustees shall be responsible for the maintenance of the salary scale plan as provided by state statute and village ordinance.

(4) Compensation limited by appropriations. No provisions of this section shall be construed as authorizing any increase in salary or wage during a fiscal year which would result in exceeding appropriations made for such purpose.

(5) Other personnel provisions. Where this section is silent on matters of employee conduct, recruitment, methods of compensation, employment regulations, employee benefits, grievances and merit evaluation, and other personnel matters, the rules set forth in the "Personnel Policy and Procedures Manual" shall apply.

(6) Effective date. The provisions of this section shall be effective May 1, 1988.

(B) Employee participation.

(1) The employee's council shall continue and shall consist of 3 non-supervisory village employees, one elected from the department of public works, one elected from the police department, and one elected to represent all other non-supervisory village employees.

(2) Additions, deletions and other amendments to the Mt. Zion Personnel Policies and Procedures Manual, and all proposed changes of employee evaluation/performance appraisal methods, criteria and forms, will first be submitted to the employee's council for their study, input and recommendations.

(3) Meetings of the employee's council shall be called by the village administrator as often as there are policy changes to review. Scheduled work time will be provided for such meetings.

(C) Scale classification *. Salary ranges and position-range designations are authorized by ordinance. (Ordinance 1983-84-29, passed 4/2/84; Ordinance 1987-88-14, passed 2/16/88)

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*Editor's Note: Salary ranges are reviewed and revised annually by the Board of Trustees. A current copy of the ordinance establishing the salary ranges can be found on file in the office of the Village Administrator.

Chapter 37: Ethics Act

S 37.01 Ethics Act

SECTION 1: The Code of Ordinances of Village of Mt. Zion is hereby amended by the addition of the following provisions:

ARTICLE 1

DEFINITIONS

Section 1-1. For purposes of this ordinance, the following terms shall be given these definitions:

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

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

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

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

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

"Contribution" has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

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

"Employer" means the Village of Mt. Zion.

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

"Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

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

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

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

"Prohibited political activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

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

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

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

(6) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election.

"Prohibited source" means any person or entity who:

(1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

ARTICLE 5

PROHIBITED POLITICAL ACTIVITIES

Section 5-1. Prohibited political activities. (a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Village of Mt. Zion in connection with any prohibited political activity.

(b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.

(e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of

Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

ARTICLE 10

GIFT BAN

Section 10-1. Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 10-2. Exceptions. Section 10-1 is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.

(3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials and missions.

(5) Travel expenses for a meeting to discuss business.

(6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the

gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(8) Food or refreshments not exceeding $75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than $100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

Section 10-3. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

ARTICLE 15

PENALTIES

Section 15-1. Penalties. (a) A person who intentionally violates any provision of Article 5 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed $2,500.

(b) A person who intentionally violates any provision of Article 10 of this Ordinance is subject to a fine in an amount of not less than $1,001 and not more than $5,000.

(c) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed $2,500.

(d) A violation of Article 5 of this Ordinance shall be prosecuted as a criminal offense by an attorney for the Village of Mt. Zion by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

A violation of Article 10 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the Village of Mt. Zion, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(e) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article 5 or Article 10 of this Ordinance is subject to discipline or discharge.

SECTION 2: This Ordinance shall be in effect upon its passage, approval and publication as provided by law. (2004-05-2, passed 5/17/04)

TITLE V: PUBLIC WORKS

Chapter 50: Water

Section

General Provisions

50.01 Application for service
50.02 Separate meters; when required
50.03 Payment; when due; shutoff of service for nonpayment
50.04 Turn-off of service for repairs; by request
50.05 Notice required to terminate liability for service
50.06 Village and employees not liable
50.07 Responsibility for service line maintenance
50.08 Tapping of water mains prohibited
50.09 Tampering with fixtures prohibited
50.10 Construction standards

Rates and Charges

50.15 Water service rates; penalty; discount
50.16 Water service connection charge
50.17 Estimated meter readings
50.18 Prohibited water use
50.99 Penalty

General Provisions

S 50.01 Application For Service.

Application for water service must be made in the village offices in writing by the owner or his agent for the premises to be served, and it shall contain an agreement by the applicant to abide by and accept all the provisions of this chapter relating to water supply by the village
(Ordinance 272, passed 1/8/62)

S 50.02 Separate Meters; When Required.

Where 2 or more buildings are located on one lot, piece, or parcel of ground, all occupied or used by the same person, business, or industrial institution, all water purchased or used in such buildings may be measured through one meter if such purchaser or user so desires. Where 2 or more buildings are located on separate lots, pieces, or plots of ground, all water purchased and used in each of such buildings shall be measured through a separate meter for each of the buildings; where 2 or more buildings or dwellings are located on one lot, piece, or plot of ground, and are occupied by different families or users of such water, all water delivered through the water system of the village to each of such buildings or dwellings shall be measured through a

separate meter for each of the buildings or dwellings. However, this section shall not be construed to require the installation of any additional meters or the changing of any meters until a change occurs in the ownership or title to some part of such lot, piece, or plot of ground; but immediately upon any change in the ownership or title to any portion of any such lot, piece, or parcel of ground, no water shall be furnished to any portion of any such lot, piece, or parcel of ground or to any building or dwelling thereon, until a separate meter is installed in compliance with the provisions hereof, to measure the water purchased or used by such portion of any such lot, piece, or parcel of ground, to which the ownership or title has been changed.
(Ordinance 272, passed 1/8/62)

S 50.03 Payment; When Due; Shutoff of Service For Nonpayment.

All water bills shall be mailed to users on or before the first day of each month and shall be due and payable on the fifteenth day of such month; however, in the event that such bills are not deposited in the mail by the first day of such month, then they shall be due and payable 15 days after date of postmark. There shall be added to all water bills not paid on or before the due date a penalty of 10 percent. Water service shall be shut-off 30 days after due date when payment is not made. In the event a disconnection notice has been mailed along with the water bill, both the delinquent portion and current portion of the bill must be paid to avoid having water service terminated. The fee payable in advance for reconnection of service (turn-on) after water has been shut-off for nonpayment of bills shall be $30.00 during working hours and $40.00 after working hours. (Ordinance 272, passed 1/8/62; amended by Ordinance 1976-77-11; Ordinance 1983-84-15, passed 11/21/83; Ordinance 1984-85-25, passed 2/4/85; Ordinance 2003-04-1, passed 5/19/03)

S 50.04 Turn-Off of Service For Repairs; By Request.

Water service will be turned off free of charge for necessary repairs upon the lines from the meter to and within the building where the service is used, and in such event there shall be no fee for reconnection (turn-on) of service. Upon written request by the periods without charge, but there shall be a $30.00 charge for reconnection of service (turn-on). (Ordinance 272, passed 1/8/62, Ordinance 2012-13-9)

S 50.05 Notice Required to Terminate Liability For Service.

All persons who have applied for and are receiving water service shall remain liable to pay all billings for water furnished to the premises in question regardless of any change in ownership of such premises unless such persons shall make written request to the village offices to turn off the water at such premises at a date named, in which event the public works department shall disconnect the service on such date unless the new owner or his agent makes written application for such service on or before such date. In the event that such written application by the new owner or his agent is received after the date of the turn-off, there shall be no charge for reconnection of service. The owner of the premise to be served shall be responsible for the payment of

all charges for water service thereto and said owners, and the person or entity in possession of the premises, if other than the owner, severally and jointly, shall abide by provisions of Chapter 50 and applicable rules and regulations.
(Ordinance 272, passed 1/8/62 and Ordinance 92-93-5, passed 5/18/92)

S 50.06 Village and Employees Not Liable.

Neither the village nor any of its officers or employees shall be liable for or on account of the breaking of any water main or service pipe, nor stoppage of flow by reason of accident to the pumping machinery, water tower, or mains, or for the necessary alteration or repair of the same. (Ordinance 272, passed 1/8/62)

S 50.07 Responsibility For Service Line Maintenance.

(A) From the curb cock across private property, more particularly described as the private property service line, shall be the responsibility of the owner for all maintenance with respect to freezing and any other repairs.

(B) From the private owner property line curb cock to and including the main shall be the responsibility of the village for all maintenance with respect to freezing and any other repairs.

(C) In event of freezing or any other blockage, the private owner shall attempt to locate the blockage on the private part of the line, and shall be responsible for any maintenance that is necessary with respect to his own private line. Upon proof that the freeze or blockage is from the curb cock to and including the main, the village shall be responsible for the maintenance and any repairs and shall reimburse the property owner for reasonable expenses incurred in locating the blockage or freezing of the line. (Res. 1977-78-214, passed 2/14/78)

S 50.08 Tapping of Water Mains Prohibited.

Taps to water mains shall be made only by, or under the direct supervision of, the Director of Public Works or his duly authorized agent. Any person who taps or in any way assists in tapping any water main without authorization shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed $500.00.

S 50.09 Tampering With Fixtures Prohibited.

Any person who tampers with or assists in tampering with any fireplug, meter, water main, water tower, or any other part of the municipal water system shall be, upon conviction, subject to a fine not to exceed $500.00 plus all damages resulting wherefrom, all to be recovered in a civil action. (Ordinance 272, passed 1/8/62)

S 50.10 Construction Standards.

Construction standards outlined in Subdivision Ordinance shall be followed when water mains and water services are installed. (Ordinance 91-92-6)

S 50.11 Second Water Meter

Customers may install a second water meter. Said second meter shall be used exclusively for an outdoor water system, including without limitation, an underground irrigation system and pools, and shall only be permitted on the following terms and conditions:

(1) The standard water usage rates shall apply. The gallons used by the second meter will be combined with the first meter for purposes of billing. There will be no minimum usage charge for the second meter;

(2) Any and all use of the system is confined to outdoor use only, and at no time will any water be discharged into the sanitary system. Runoff into storm sewer system should be limited as much as possible;

(3) Any and all costs, including without limitation, additional water meter, materials and private contractor charges, shall be the responsibility of the customer. The Village shall not be responsible for the installation of the second metering system;

(4) An approved backflow device shall be installed;

(5) Readings from the second meter will be added to the usage of the main meter reading, and will not be assessed sewer charges;

(6) Customers may have the meter turned off for a specified number of months (i.e., winter months). There shall be no fee to reestablish service.

(7) The installation must be installed pursuant to all applicable codes and inspections by the Village of Mt. Zion inspectors. (Ordinance 2014-2015-12, passed 7/21/14)

Rates and Charges

S 50.15 Water Service Rates; Penalty; Discounts.

(A) Each water meter shall pay therefore on the basis of gallons of water used per month, beginning June 1st, 2013, according to the following scale of rates:

First 2000 gal. or part thereof 19.67/month (minimum)
Next 2000 gal. or part thereof 8.95/1000 gallons
Next 2000 gal. or part thereof 7.86/1000 gallons
Next 4000 gal. or part thereof 7.01/1000 gallons
In excess of 10,000 gal. or part thereof 6.03/1000 gallons

Beginning June 1st, 2014, according to the following scale of rates:
First 2000 gal. or part thereof 25.57/month (minimum)
Next 2000 gal. or part thereof 11.64/1000 gallons
Next 2000 gal. or part thereof 10.22/1000 gallons
Next 4000 gal. or part thereof 9.11/1000 gallons
In excess of 10,000 gal. or part thereof 7.84/1000 gallons

Beginning June 1st, 2015, according to the following scale of rates:
First 2000 gal. or part thereof 31.96/month (minimum)
Next 2000 gal. or part thereof 14.55/1000 gallons
Next 2000 gal. or part thereof 12.78/1000 gallons
Next 4000 gal. or part thereof 11.39/1000 gallons
In excess of 10,000 gal. or part thereof 9.80/1000 gallons

Beginning June 1st, 2016, an additional 2.5% annual increase will be added to the previous year's scale of rates.

Water Users at property located outside of the corporate limits of the Village of Mt. Zion:
First 2000 gal. or part thereof 29.51/month (minimum)
Next 2000 gal. or part thereof 13.43/1000 gallons
Next 2000 gal. or part thereof 11.79/1000 gallons
Next 4000 gal. or part thereof 10.52/1000 gallons
In excess of 10,000 gal. or part thereof 9.06/1000 gallons

Beginning June 1st, 2014, according to the following scale of rates:
First 2000 gal. or part thereof 38.36/month (minimum)
Next 2000 gal. or part thereof 17.46/1000 gallons
Next 2000 gal. or part thereof 15.33/1000 gallons
Next 4000 gal. or part thereof 13.68/1000 gallons
In excess of 10,000 gal. or part thereof 11.78/1000 gallons

Beginning June 1st, 2015, according to the following scale of rates:
First 2000 gal. or part thereof 47.95/month (minimum)
Next 2000 gal. or part thereof 21.83/1000 gallons
Next 2000 gal. or part thereof 19.16/1000 gallons
Next 4000 gal. or part thereof 17.10/1000 gallons
In excess of 10,000 gal. or part thereof 14.73/1000 gallons

Beginning June 1, 2016, an additional 2.5% annual increase will be added to the previous year's scale of rates.

(B) Mt. Zion Community Unit School District #3 in Macon and Moultrie Counties, Illinois, shall be considered one user regardless of the number of schools which may be connected to the water system.

(C) Ten percent shall be added to all bills not paid on or before the fifteenth day of the month following receipt of the bill. The due date for each bill shall be the fifteenth day of the month. (Ordinance 243, passed 3/23/59; amended by Ordinance 245, passed 4/13/59; Ordinance 280, passed 6/17/63; Ordinance 301, passed 7/11/66; Ordinance 1976-77-11, passed 6/21/76; Ordinance 1977-78-1, passed 5/2/77; Ordinance 1979-80-8, passed 9/17/79; Ordinance 93-94-29, passed 4/4/94) (Ordinance 2004-05-12, passed 11/1/04)

(D) A monthly manual meter reading fee shall be imposed on each account that refuses or denies access to the property for installation of a AMI meter. The monthly manual reading fee shall go into effect June 1, 2013. The fee shall be $50.00 per month. (Ordinance 2012-13-28, Passed 3-18-13)

S 50.16 Water Service Connection Charge.

(A) The fee for meter installation and connection to the water system shall be the cost of the meter plus a $100.00 fee. The cost of the meter and $100 feet must be paid in advance prior to the connection to the water system.

The Village will furnish the meter, meter coupling or flange for each original water service. The applicant will be responsible for the expense to tap the water main, lay the service line, and install the meter.

All service meter installations shall have their own separate water shut-off valve located at the property line.

The tap shall be made under the direct supervision of the Director of Public Works, or his representative, and shall be inspected before the excavation for tap and service line are covered.

Second service meter installations intended for non-sewer charges shall be connected only to lawn sprinkler systems and the outside spickets.

Service lines in excess of two inches shall be charged on a time and material basis for the actual costs of installation.

In the event that two or more services are run to the same building, all connections to each service shall be kept separate from other services in that building.

(Ordinance 96-97-25, passed 12/16/96, Ordinance 2003-04-1, passed 5/19/03)

(B) In addition to the meter installation and connection fees required by Section 50.16(B), properties fronting on east side of S.H. 121 between the northern boundary of Section 4 of Mt. Zion Township, Range 3E and East Woodland Lane shall be charged an additional tapping fee of $9.00 per lineal foot of lot frontage on Route 121 to defray village expenses of installing water main in this location. (Ordinance 1986-87-3, passed 7/7/86)

(C) In addition to the meter installation and connection fees required in Section 50.16 (B), properties contained within the legal description attached hereto marked Exhibit A and made a part of this Ordinance, shall be charged an additional tap fee of $3,000.00 to defray the Village of Mt. Zion expenses of installing water mains in this location. (See Exhibit A) (Ordinance 94-95-31, passed 4/3/95)

(D) In addition to the meter installation and connection fees required in Section 50.16 (B), properties not within the corporate limits of the Village of Mt. Zion on the effective date of this Ordinance shall be charged an additional tap fee as follows:

Single-family dwellings: The lesser of $1000 per residential single-family dwelling or $1000 per acre;
Multi-family dwellings: The lesser of $1000 per meter or $1000 per unit;
Commercial development: The lesser of $1000 per meter or $1000 per unit;

The foregoing tap fees are in effect as follows:

For all residential dwellings and commercial development, the construction of which has been commenced and/or been completed prior to the effective date of this Ordinance, the foregoing tap fees shall be paid in connection with all applications submitted on or after May 1, 2005;

For all residential dwellings and commercial development, the construction of which has been commenced on or after the effective date of this Ordinance, the tap fee shall be paid at the time of making application. (Ordinance 2004-05-16, passed 1/17/05)

S 50.17 Estimated Meter Readings.

If weather or other natural causes prohibit the reading of meters, an estimated reading will be made based upon the previous 3 months (Ordinance 1982-83-3, passed 6/28/82)

S 50.18 Prohibited Water Use.

The Village Administrator is hereby authorized and empowered to issue and promulgate rules and regulations to limit the amount of water that may be consumed by the various water classifications within the Village of Mt. Zion, said rules and regulations to be in compliance with the Village's contractual responsibility with the City of Decatur. Said rules and regulations shall be publicized through public notice, copies of which will be available for public inspection at the office of the Village Administrator.

S 50.99 Penalty.

(A) Any person who violates S 50.18 shall, upon conviction be fined not more than $500.00

(B) In lieu of service of a notice to appear to answer charges of violating this chapter, any law enforcement officer may serve a citation on anyone who is accused of violating this chapter. Such citation shall allow the person served the opportunity to pay to the Village Treasurer the sum specified below, within 15 days following the date of service thereof as a penalty for violating this chapter instead of facing arrest or formal written charges in a notice to appear. Failure to timely pay the amount specified may result in the issuance of a warrant for arrest or notice to appear to answer such charge.

(C) Any violation of Section 50.18 will result in a fine of $250.00.

(D) The Village of Mt. Zion may terminate the water service for repeat offenders.

(E) Any water service with an automated meter (AMI) will be charged $50.00 for a leak check. The $50.00 fee will be added to the customer's bill the following bill cycle and will be due with the water and/or sewer charges. Failure to pay the fee will result in shutoff of the service for nonpayment. (Ordinance 2012-13-9, passed 9-17-13)

Chapter 51: Sewers

Section

General Provisions

51.01 Definitions

Private Sewage Disposal

51.10 Required use of public sewers
51.20 Private sewage disposal

Building Sewers and Connections

51.30 Building sewers and connections

Use of Public Sewers

51.40 Use of public sewers
51.50 Protection of sewage works
51.60 Powers and authority of inspectors
51.70 Penalties

S 51.01 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(A) Federal Government

(1) “Federal Act” means the Federal Clean Water Act (33 U.S.C. 466 et seq) as amended, (Pub. L. 95-217).

(2) “Administrator” means the Administrator of the U.S. Environmental Protection Agency.

(3) “Federal Grant” shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

(B) State Government

(1) “State Act” means the Illinois Anti-Pollution Bond Act of 1970.

(2) “Director” means the Director of the Illinois Environmental Protection Agency.

(3) “State Grant” shall mean the State of Illinois Participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

(C) Local Government

(1) “Ordinance” means this ordinance.

(2) “Village” means the Village of Mt. Zion.

(3) “Approving Authority” means the Director of the Public Works Department.

(D) “Person” shall mean any and all persons, natural or artificial including any individual, form, company, municipal, or Private Corporation, association, society, institution, enterprise, governmental agency or other entity.

(E) “NPDES Permit” means any permit or equivalent document or requirements issued by Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

(F) Clarification of word usage: “Shall” is mandatory; “may” is permissible.

(G) Wastewater and its characteristics:

(1) “Wastewater” shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

(2) “Sewage” is used interchangeably with “wastewater”.

(3) “Effluent Criteria” are defined in any applicable “NPDES Permit”.

(4) “Water Quality Standards” are defined in the Water Pollution Regulations of Illinois.

(5) “Unpolluted Water” is water quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by

discharge to the sanitary sewers and wastewater treatment facilities provided.

(6) “ppm” shall mean parts per million by weight.

(7) “Milligrams per liter” shall mean a unit of concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

(8) “Suspended Solids” (SS) shall mean solids that either float on the surface of, or are in suspension in water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the IEPA Division of Laboratories Manual of Laboratory Methods.

(9) “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standards laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

(10) “PH” shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

(11) “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

(12) “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.

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

(14) “Population Equivalent” is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

(15) “Slug” shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of low exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(16) “Industrial Waste” shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

(17) “Major Contributing Industry” shall mean an industrial user of the publicly owned treatment works that: (1) has a flow of 50,000 gallons or more per average work day; or (2) has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or (3) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or (4) is found by the permit issuant 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 the treatment works.

(H) Sewer types, and appurtenances

(1) “Sewer” shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

(2) “Public Sewer” shall mean a sewer provided by or subject to the jurisdiction of the Village of Mt. Zion. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary sewer system, even though those sewers may not have been constructed with Village funds.

(3) “Sanitary Sewer” shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm,

surface, and groundwater or polluted industrial wastes are not intentionally admitted.

(4) “Storm Sewer” shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

(5) “Combined Sewer” shall mean a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

(6) “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

(7) “Building Drain” shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(8) “Stormwater Runoff” shall mean that portion of the precipitation that is drained into the sewers.

(9) “Sewerage” shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

(10) “Easement” shall mean an acquired legal right for the specific use of land owned by others.

(I) Treatment

(1) “Pretreatment” shall mean the treatment of wastewater from sources before introduction into the wastewater treatment works.

(2) “Wastewater Treatment Works” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “pollution control plant”.

(J) “Wastewater Facilities” shall mean the structures, equipment, and processes required to collect, carry away and treat domestic and industrial wastes and transport effluent to a watercourse.

(K) Watercourse and connections:

(1) “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(2) “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(L) User types:

(1) “User Class” shall mean the type of user “residential, institutional/governmental, commercial” or “Industrial” as defined herein.

(2) “Residential User” shall mean all dwelling units such as houses, mobile homes, apartments, and permanent multi-family dwellings.

(3) “Commercial User” shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.

(4) “Special User” shall include bakeries, car washes, grocery supermarkets, restaurants, and social clubs.

(5) “Industrial/Governmental User” shall include schools, churches, penal institutions, and users associated with Federal, State and local governments.

(6) “Industrial Users” shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

(7) “Control Manhole” shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a “control manhole” is to provide access for the Village of Mt. Zion representative to sample and/or measure discharges.

(M) Types of charges:

(1) “Wastewater Service Charge” shall be the charge per month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Chapter 52, Section 52.20 and shall consist of the total or the Basic User Charge, the Local Capital Cost and a Surcharge, if applicable.

(2) “User Charge” shall mean a charge levied on users of treatment facilities for the cost of operation, maintenance and replacement.

(3) “Basic User Charge” shall mean the basic assessment levied on all users of the public sewer system.

(4) “Unit Service Charge” shall be the amount to be paid each billing period for ongoing fixed cost associated to each separate residential, commercial or industrial user, including reading, billing and administration.

(5) “Capital Improvement Charge” shall mean a charge levied on users to improve, extend or reconstruct the sewage treatment works.

(6) “Local Capital Cost Charge” shall mean charges for costs other than the Operation, Maintenance and Replacement costs, i.e. debt service and capital improvement costs.

(7) “Surcharge” shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Chapter 52, Section 52.10, Article B.

(8) “Replacement” shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term “operation and maintenance” includes replacement.

(9) “Useful Life” shall mean the estimated period during which the collection system and/or treatment works will be operated.

(10) “Sewerage Fund” is the principal accounting designation for all revenues received in the operation of the sewerage system. (Ordinance 98-99, passed 11/16/98)

Private Sewage Disposal

S 51.10 Required Use of Public Sewers.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village of Mt. Zion or in any area under the jurisdiction of said Village of Mt. Zion, any human or animal excrement, garbage or other waste.

(B) It shall be unlawful to discharge to any natural outlet within the Village of Mt. Zion, or in any area under the jurisdiction of said Village of Mt. Zion, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(D) The owner of all the houses, building, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village of Mt. Zion 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 of Mt. Zion, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

S 51.20 Private Sewage Disposal.

(A) Where a public sanitary sewer is not available under the provisions of Section 51.10 Article D, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section 51.20.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by authorized staff of the Village of Mt. Zion. The application for such permit shall be made on a form furnished by the Village of Mt. Zion, (reference Appendix #1) which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Director of Public Works. A permit and inspection fee of Two Hundred Fifty-Five and No Cents Dollars ($255.00) shall be paid to the Village of Mt. Zion at the time the application is filed.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Director of Public Works or representative. The inspector shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Director of Public Works when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within two (2) business days of the receipt of written notice by the Director of Public Works.

(D) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 51.10 Article D, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(E) 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 of Mt. Zion.

(F) No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Macon County Health Department.

(G) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

Building Sewers and Connections

S 51.30 Building Sewers and Connections.

(A) No person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village of Mt. Zion.

(B) All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

(C) There shall be two (2) classes of building sewer permits: 9a) for residential, wastewater service, and (b) to commercial, institutional/governmental or industrial wastewater service. In either case, the owner or his agent shall make application on a special form furnished by the Village of Mt. Zion (reference Appendix #1).

The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director of Public Works. A permit and inspection fee of Three Hundred Dollars and No Cents ($300.00) for a residential or commercial building sewer permit, One Hundred Twenty-five Dollars and No Cents ($125.00) for each unit in multi-family dwellings and Five Hundred Dollars and No Cents ($500.00) for an industrial building sewer permit shall be paid to the Village of Mt. Zion at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

A permit and inspection fee of Fifty Dollars ($50.00) for any residential, commercial or industrial sewer permit to re-tap an existing sewer service shall be paid to the Village of Mt. Zion at the time the application is filed.

In addition to the sewer connection fees required, an additional a tap fee shall be required for sewers built following the completion of the Wildwood East Special Assessment Sewer project, which connect to the lift station and force main constructed in conjunction with the Wildwood East Sewer project. This additional tap fee shall be Two Hundred Fifty Dollars and No cents ($250.00) per single- family residential structure, One Hundred Twenty-five Dollars and No Cents ($125.00) for each unit in multi-family dwellings and One Thousand Dollars and No Cents ($1,000.00) per acre for commercial and residential developments. (Ordinance 323; amended by Ordinance 1982-83-5; Ordinance 1986-87-3; Ordinance 2015-16-17).

(D) A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

(E) All costs and expense incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the Village of Mt. Zion from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(F) A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(G) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director of Public Works, to meet all requirements of this ordinance.

(H) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village of Mt. Zion. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

(I) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with Section 51.30 Article B and discharged to the building sewer.

(J) No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

(K) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village of Mt. Zion, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director of Public Works before installation.

(L) The applicant for the building sewer permit shall notify the Director of Public Works when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director of Public Works or representative.

(M) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village of Mt. Zion. (Ordinance 98-99-28, passed 11/16/98)

S 51.40 Use of Public Sewers.

(A) 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.

(B) 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 Director of Public Works. Industrial cooling water or unpolluted process waters may be discharged on approval of the Director of Public Works, to a storm sewer or natural outlet.

(C) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, features, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(D) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Director of Public Works 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 the opinion as to the acceptability of these wastes, the Director of Public Works 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 treat ability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65°C).

(2) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees Fahrenheit (150°) (1 and 65°C).

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (¾) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director of Public Works.

(4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village of Mt. Zion for such materials.

(6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Village of Mt. Zion as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village of Mt. Zion in compliance with applicable State or Federal regulations.

(8) Any wastes or waters having a pH in excess of 9.5.

(9) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Village of Mt. Zion in compliance with applicable State and Federal regulations.

(10) Any cyanide in excess of 2.0 mg/l at any time except as permitted by the Village of Mt. Zion in compliance with applicable State and Federal regulations.

(11) Materials which exert or cause:

(a) unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(b) excessive discoloration (such as, but not limited to, dye wastes and
vegetable tanning solutions;

(c) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

(d) unusual volume of flow or concentrations of wastes constituting “slugs” as defined herein.

(12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(E) 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 51.40, Article D of this Article, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the Village of Mt. Zion 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 of Mt. Zion may:

(1) reject the wastes;

(2) require pretreatment to an acceptable condition for discharge to the public sewers;

(3) require control over the quantities and rates of discharge; and/or

(4) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 51.40, Article K of this Article.

If the Village of Mt. Zion 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 Director of Public Works, and subject to the requirements of all applicable codes, ordinances and laws.

(F) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director of Public Works they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director of Public Works, and shall be located as to be readily and easily accessible for cleaning and inspection.

(G) 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.

(H) Each industry shall be required to install a control manhole and, when required by the Director of Public Works, 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 Director of Public Works. 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.

(I) The owner of the 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 ordinance and any special conditions for discharge established by the Village of Mt. Zion 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 of Mt. Zion, 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 of Mt. Zion at such times and in such a manner as prescribed by the Village of Mt. Zion. The owner shall bear the expense of all measurements, analyses, and reporting required by the Village of Mt. Zion. At such times as deemed necessary the Village of Mt. Zion reserves the right to take measurements and samples for analysis by an outside laboratory service.

(J) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of IEPA Division of Laboratories Manual of Laboratory Methods, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which 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 analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

(K) No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Village of Mt. Zion and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village of Mt. Zion for treatment, subject to payment therefore, in accordance with Chapter 52, Section 52.10 hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System. (Ordinance 98-99, passed 11/16/98)

S 51.50 Protection of Sewage Works.

(A) No person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ordinance 98-99, passed 11/16/98)

S 51.60 Powers and Authority of Inspectors.

(A) The Director of Public Works and other duly authorized employees of the Village of Mt. Zion, 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 ordinance.

The Director of Public Works or representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct

bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in Section 51.60 Article A above, the Director of Public Works or duly authorized employees of the Village of Mt. Zion, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village of Mt. Zion employees and the Village of Mt. Zion shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company growing out of gauging and sampling operating, except as such may be caused by negligence or failure of the company to maintain conditions as required in Section Article I.

(C) The Director of Public Works and other duly authorized employees of the Village of Mt. Zion bearing proper credentials and identification shall be permitted to enter all private properties through which the Village of Mt. Zion holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

S 51.70 Penalties.

(A) Any person found to be violating any provision of this ordinance except Section 51.50 shall be served by the Village of Mt. Zion 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 of Mt. Zion may revoke any permit for sewage disposal as a result of any violation of any provision of this Ordinance.

(B) Any person who shall continue any violation beyond the time limit provided for in Section 51.70 Article A, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding $500.00 dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(C) Any person violating any provisions of this ordinance shall become liable to the Village of Mt. Zion by reasons of such violation.
(Ordinance 98-99-28, passed 11/16/98)

Chapter 51: Wastewater Service Charges

Section

52.10 Wastewater Service Charges
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S 52.10 Wastewater Service Charges.

(A) **Basis for wastewater service charges:** The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village of Mt. Zion shall consist of a basic user charge, a debt service charge, a capital improvement charge and applicable surcharges.

(B) The **basic user charge** is levied on all users to recover the operation, maintenance plus replacement (O, M & R) costs and shall be based on water usage as recorded by water meters or sewage meters for wastes having the following normal domestic concentrations:

(1) A five day, 20 degree centigrade biochemical oxygen demand (BOD) of 200 mg/l.

(2) A suspended solids content of 250 mg/l.

The basis user charge shall be computed as follows:

(1) Estimate the annual wastewater volume to be treated.

(2) Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund for the year, for all works categories.

(3) Proportion the estimated O, M & R costs to each user class by volume.

(4) Compute costs per 1,000 gallons for normal domestic strength sewage.

(C) The **debt service charge** is computed by apportioning the annual debt service as a fixed charge per billing period.

(D) The **capital improvement charge** is levied on users to provide for capital improvements, extensions or reconstruction of the sewage treatment

works. The capital improvement charge is computed by apportioning the annual amount to be accrued as a charge per 1,000 gallons.

(E) The **surcharge** for all non-domestic users connected to a village sanitary sewer shall be levied by the Sanitary District of Decatur in accordance with the District's User Charge System.

(F) The adequacy of the wastewater service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the Village of Mt. Zion in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in local capital costs, O, M & R costs or Sanitary District of Decatur treatment charges.

(G) The users of the wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges, which are attributable to the wastewater operation, maintenance and replacement.

(H) **Measurement of flow:** The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 100 gallons.

(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, the person shall install and maintain, at his expense, water meters of a type approved by the Village of Mt. Zion for the purpose of determining the volume of water obtained from these other sources.

(2) Devices for measuring the volume of waste discharged may be required by the Village of Mt. Zion if these volumes cannot otherwise be determined from the metered water consumption records.

(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 canceled, without the consent of the Village of Mt. Zion.

(I) **Basic User Charge:** There shall be and there is hereby established a basic user charge of $.93 per 1,000 gallons of metered water consumption to be applied to all users to recover O, M & R costs. An additional 1.3% annual increase will be added at the beginning of each fiscal year.

(J) **Unit Service Charge:** There shall be and there is hereby established an administrative service charge of $2.50 per month to each separate residential, commercial or industrial user of the wastewater facilities attributed to the cost of readings, billings and administration.

(L) **Capital Improvement Charge:** There shall be and there is hereby established a capital improvement charge of $0.42 per 1,000 gallons to each user of the wastewater facilities.

(M) **Sanitary District of Decatur Treatment Charge:** There shall be and there is hereby established a Sanitary District of Decatur treatment charge of $1.07 per 1,000 gallons to each user of the wastewater facilities for all users except "Special Users." An additional 1.3% annual increase will be added at the beginning of each fiscal year to recover cost increases from the Sanitary District of Decatur.

(N) **Sanitary District of Decatur Treatment Charge for Special Users:** There shall be and there is hereby established a Sanitary District of Decatur treatment charge of $2.83 per 1,000 gallons to each Special User of the wastewater facilities. An additional 1.3% annual increase will be added at the beginning of each fiscal year to recover cost increases from the Sanitary District of Decatur.

(O) All non-metered residential users of the wastewater facilities shall pay a flat rate charge of $7.95 per month. The flat rate charge consists of $4.03 for), O, M & R costs, $2.66 for Sanitary District of Decatur treatment charges and $1.26 for capital improvement costs. The flat rate charge will allow a maximum of 3,000 gallons per month.

In the event use of the wastewater facilities is determined by the Village of Mt. Zion to be in excess of 3,000 gallons per month, the Village of Mt. Zion may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied. (Ordinance 98-99-28, passed 11/16/98)

S 52.20 General Provisions.

(A) **Bills:** Said rates or charges for service shall be payable monthly. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village of Mt. Zion 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 of Mt. Zion.

Bills for sewer service shall be sent out by the Village Clerk on the first day of the month succeeding the period for which the service is billed.

All sewer bills are due and payable 15 days after being sent out. A penalty of 10 percent shall be added to the bills not paid by the 15th day after they have been rendered.

(B) **Delinquent Bills:** If the charges for such services are not paid within 60 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.

(C) **Lien-Notice of Delinquency:** Whenever a bill for sewer service remains unpaid for 60 days for monthly service after it has been rendered, the Village Treasurer shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that 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 Treasurer has notice of this, notice shall be mailed to the owner of the premises if his address be known to the Treasurer, when such bill remains unpaid for the forty-five days for a monthly bill after it has been rendered.

The failure of the Village Treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

(D) **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 hereby authorized and directed to institute such proceedings in the name of the Village of Mt. Zion in any court having jurisdiction over such matters against any property for which the bill has remained unpaid 45 days in the case of a monthly bill after it has been rendered.

(E) **Revenues:** All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village of Mt. Zion and all of said sum,

without any deductions whatever, shall be delivered to the Village Treasurer not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees.

The Village Treasurer shall receive all such revenues from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the “Sewerage Fund of the Village of Mt. Zion”.
Said Treasurer shall administer such fund in every respect in the manner provided by statute of the “Revised Cities and Villages Act,” effective January 1942.

(F) **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 the treasurer 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 costs 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:

(1) Billing data to show total number of gallons billed per fiscal year.

(2) Debt service for the next succeeding fiscal year.

(3) Number of users connected to the system.

(4) Number of non-metered users.

(5) A list of users discharging non-domestic and industrial wastes and volume of waste discharged.

(G) **Penalty:** Any person, firm or corporation violating any provisions of this article shall be fined not less than $10.00 dollars or more than $500.00 dollars for each offense. Each day any violation continues shall constitute a separate offense.

(H) **Access to Records:** The IEPA or its authorized representative shall access to any books, documents, papers and records of the Village of Mt.

Zion which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Loan Agreement and rules of any State loan. (Ordinance 98-99-28, passed 11/16/98)

S 52.30 Effective Date of Rates.

The rates and service charges established for user charges in Article I shall be effective as of December 7 and on bills to be rendered for the next succeeding month being January, 1999 for monthly users.

S 52.40 Validity.

That is any section, paragraph, clause or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

S 52.50 Appeals.

The method for computation of rates and service charges established for user charges in Section 52.10 shall be made available to a user within 30 days of receipt of a written request for such. Any disagreement over the method used or in the computations there of shall be remedied by Village of Mt. Zion within 60 days after notification of a formal written appeal outlining the discrepancies. (Ordinance 98-99-28, passed 11/16/98)

Chapter 53: Municipal Telecommunications Infrastructure Maintenance Fee

Section

53.01 Definitions
53.02 Registration of telecommunication providers
53.03 Municipal telecommunication infrastructure maintenance fee
53.04 Collection; enforcement and administration of fee
53.05 Compliance with other laws
53.06 Existing franchises and licenses
53.07 Penalties
53.08 Enforcement
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53.10 Conflict
53.11 Waiver and fee implementation

S 53.01 Definitions.

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

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

(1) any amounts added to a purchaser's bill because of a charge made under: (i) the fee imposed by this Section, (ii) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act, (iii) amounts collected under Section 8-11-17 of the Illinois Municipal Code, (iv) the tax imposed by the Telecommunications Excise Tax Act, (v) 911 surcharges, or (vi) the tax imposed by Section 4251 of the Internal Revenue Code;

(2) charges for a sent collect telecommunication received outside the village;

(3) charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(5) charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the village.

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expenses allocation between the corporations and not the generation of profit other than a regulatory profit for the corporation rendering such services;

(7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or un-collectible, 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);

(8) charges paid by inserting in coin-operated telecommunications devices; or

(9) charges for telecommunications and all services and equipment provided to the village.

(B) "Public Right-of-Way" means any municipal street, alley, water or public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein the village has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. "Public Right-of-Way" shall not include any real or personal village property that is not specifically described in the

previous sentence and shall not include village buildings and other structures or improvements, regardless of whether they are situated in the public right-of-way.

(C) "Retailer maintaining a place of business in this State", or any like term, means and 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.

"Sale of telecommunications at retail" means the transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

(D) "Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications 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.

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

"Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end inter-company 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.

(F) “Telecommunications provider” means (1) any telecommunications retailer; and (2) any person that is not a telecommunications retailer that installs, owns, operates or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form.

(G) “Telecommunications retailer” or “retailer” or “carrier” means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this Section. The village may, in its discretion, upon application, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the village, furnishes adequate security to ensure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within the village.

(H) “Wireless telecommunications” includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104), 42 U.S.C. S 332(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services.

S 53.02 Registration of Telecommunications Providers.

(A) Every telecommunications provider as defined by this Chapter shall register with the village within 30 days after the effective date of this Chapter or becoming a telecommunications provider, whichever is later, on a form to be provided by the village, provided, however, that any telecommunications retailer that has filed a return pursuant to 53.04(C) of this chapter shall be deemed to have registered in accordance with this Section.

(B) Every telecommunications provider who has registered with the village pursuant to 53.02 (A) has an affirmative duty to submit an amended registration form or current return as required by 53.04(C), as the case may be, to the village within 30 days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file with the village.

S 53.03 Municipal Telecommunications Infrastructure Maintenance Fee.

(A) A village telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of .25% of all gross charges charged by the telecommunications retailer to service addresses within the village for telecommunications originating or received in the village.

(B) Upon the effective date of the infrastructure maintenance fee authorized in this Chapter, the village infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the village by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this Chapter does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.

(C) The village telecommunications infrastructure maintenance fee authorized by this Section shall be collected, enforced, and administered as set forth in Section 53.04 of this Chapter.

S 53.04 Collection, Enforcement, and Administration of Telecommunications Infrastructure Maintenance Fees.

(A) A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the village infrastructure maintenance fee attributable to that customer's service address.

(B) Unless otherwise approved by the village the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the village not later than the last day of the month subsequent to the month in which a bill is issued to the customer, provided, however, that the telecommunications retailer may retain an amount not to exceed 2% of the village infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee.

(C) Remittance of the municipal infrastructure fee to the village shall be accompanied by a return, in a form to be prescribed by the Village

Administrator, which shall contain such information as the Village Administrator may reasonably require.

(D) Any infrastructure maintenance fee required to be collected pursuant to this Chapter and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the village. The charge imposed under 53.04(A) by the telecommunications retailer pursuant to this Chapter shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.

(E) If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this Chapter, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under this Chapter, from the telecommunications retailer who made the erroneous payment; provided, however, the Village Administrator may request, the telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than three years after the date of the erroneous payment unless, (1) the credit is used only to offset a claim of underpayment made by the village within the applicable statutory period of limitations, and (2) the credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.

(F) Amounts paid under this Chapter by telecommunications retailers shall not be included in the tax base under any of the following acts as described immediately below:

(1) “gross charges” for purposes of the Telecommunications Excise Tax Act;

(2) “gross receipts” for purposes of the municipal utility tax as prescribed in Section 8-11-2 of the Illinois Municipal Code;

(3) “gross charges” for purposes of the municipal telecommunications tax as prescribed in Section 8-11-17 of the Illinois Municipal Code;

(4) “gross revenue” for purposes of the tax on annual gross revenue of public utilities prescribed in Section 2-202 of the Public Utilities Act.

(G) The village shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this Chapter to determine whether the telecommunications retailer has properly

accounted to the village for the village infrastructure maintenance fee. Any underpayment of the amount of the village infrastructure maintenance fee due to the village by the telecommunications retailer shall be paid to the village plus five 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.

(H) The Village Administrator, or his or her designee, may promulgate such further or additional regulations concerning the administration and enforcement of this Chapter, consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to 53.02 of this Chapter of such regulations.

S 53.05 Compliance With Other Laws.

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

(A) generally applicable taxes; and

(B) standards for construction on, over, under, or within, use of or repair of the public rights-of-way, including standards relating to free standing towers and other structures upon the public right-of-way, as provided; and

(C) any liability imposed for the failure to comply with such generally applicable taxes or standards governing constructing on, over, under, or within, use of or repair of the public rights-of-way; and

(D) compliance with any ordinance or provision of this Code concerning uses or structures not located on, over, or within the right-of-way.

S 53.06 Existing Franchises and Licenses.

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

S 53.07 Penalties.

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

S 53.08 Enforcement.

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

S 53.09 Severability.

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

S 53.10 Conflict.

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

S 53.11 Waiver and Fee Implementation.

(A) The village hereby waives all fees, charges, and other compensation that may accrue, after the effective date of the waiver, to the village by a telecommunications retailer pursuant to any existing village franchise, license, or similar agreement with a telecommunications retailer during the time the village imposes the Telecommunications Infrastructure Maintenance Fee. This waiver shall only be effective during the time the Infrastructure Maintenance Fee provided in this Ordinance is subject to being lawfully imposed on the telecommunications retailer and collected by the telecommunications retailer from the customer.

(B) 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.

(C) The village infrastructure maintenance fee provided for in this Ordinance shall become effective and imposed on the first day of the month not less than ninety (90) days after the village provides written notice by certified mail to each telecommunications retailer with whom the village has an existing franchise, license, or similar agreement that the village waives all compensation under such existing franchise, license, or similar agreement during such time as the fee is subject to being lawfully imposed and collected by the retailer and remitted to the village. The infrastructure maintenance fee shall apply to gross charges billed on or after the effective date as established in the preceding sentence. (Ordinance 97-98-23)

TITLE VII: TRAFFIC CODE

Chapter 70: Traffic Rules

Section

General Provisions

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70.02 Signs

Parking Rules

70.05 Signs prohibiting parking
70.06 Stopping or parking on streets and in alleys
70.07 Parking prohibited by ordinance
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Operation and Speed of Vehicles

70.15 Reckless or negligent operation of a vehicle
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70.23 Load limit
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70.25 Violations

Penalty

70.99 Penalty

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*Ordinance No. 1985-86-1 repealed the previous Title VII, Traffic Code, adopted by Ordinance No. 1978-79-41, as amended. The repeal provided that any offense committed against the Traffic Code as in force at the time of repeal, or any act done, any penalty, forfeiture or punishment incurred, or any right accrued or claim arising under the Traffic Code as in

force at the time of repeal, shall not be affected or abated in any way by reason of the repeal.

General Provisions

S 70.01 Definitions.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

(A) "Driver." Every person who drives or is in actual physical control of a vehicle.

(B) "Motor vehicle," "Truck," "Road tractor," "Semi-trailer," "Truck tractor" and "Trailer" shall be as defined in the Illinois Vehicle Code, as amended from time to time.

(C) "Park." When prohibited, means the standing of a vehicle whether occupied or not, other than temporarily for the purpose of loading or unloading.

(D) "Police officer." Every officer of the police department, and any officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

(E) "Recreational vehicle," and "Watercraft," shall be as defined in the Illinois Vehicle Code, as amended from time to time.

(F) "Roadway." That portion of a street improved, designed or ordinarily used for vehicular travel.

(G) "Stop, stopping, or standing." When prohibited, means any stopping or standing on a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

(H) "Street or highway." The entire width between property lines of every way or place when any part is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(I) "Traffic." Pedestrians, ridden or herded animals, vehicles, and other conveyances traveling singly or together while using any street for purposes of travel.

(J) "Vehicle." Every device in, on, or by which any person or property is or may be transported or drawn on a highway, including bicycles, except

equipment used exclusively on stationary rails or tracks. (Ordinance 1985-85-5, passed 5/6/85)

S 70.02 Signs.

No provisions of this chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, the section shall be effective even though no signs are erected or in place. (Ordinance 1985-86-5, passed 5/6/85)

Parking Rules

S 70.05 Signs Prohibiting Parking.

When official signs prohibiting parking are erected on any street or portion thereof, it shall be unlawful to park a vehicle in such designated place. (Ordinance 1985-86-5, passed 5/6/85)

S 70.06 Stopping or Parking On Streets And In Alleys.

(A) No person shall stop, stand, or park any vehicle on any street, other than an alley, in a manner or under conditions which leaves less than 10 feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations, traffic signs, or signals of a police officer.

(B) No person shall park a vehicle within an alley in a manner or under conditions, which leaves less than 10 feet of the width of the roadway for the free movement of vehicular traffic. (Ordinance 1985-86-5, passed 5/6/85)

S 70.07 Parking Prohibited By Ordinance.

Temporary Regulations: The Police Chief is hereby empowered to make, suspend and enforce temporary regulation to cover emergencies or special conditions. Such temporary regulations shall remain in effect only during the period of such emergencies or special conditions. The Chief of Police is further authorized to make, and cause to be enforced, temporary traffic or parking rules, regulations or restrictions or test traffic control devices or to test prospective rules regulations or restrictions under actual traffic conditions. No such temporary rule, regulations or restriction shall remain in effect more than (90) days. The police Chief shall, within 72 hours of the time the same becomes effective, file a report thereof with the Village Clerk.

(A) When signs are erected giving notice, no person shall park a vehicle at any time on any of the streets or portions of streets designated by ordinance.

(B) When signs are erected giving notice, no person shall park a vehicle within that block for longer than the time designated by ordinance for the street or area described. (Ordinance 1985-86-5, passed 5/6/85)

(C) Any person who owns and/or operates a vehicle in violation of the provisions of this ordinance shall be subject to penalties of the provisions of this ordinance and shall be subject to penalties of the Village of Mt. Zion Code of Ordinances, however, the applicable fine schedule for violation of this section shall be as follows:

1 – 10 days	$25.00
11– 15 days	$30.00

This ordinance shall be in full force and effect from and after its passage and publication. (Ordinance 2012-13-2, 6/4/2012)

S 70.08 Loading or Unloading Passengers.

No person shall stop, stand, or park a vehicle for any purpose or period of time other than loading or unloading passengers, not to exceed 3 minutes at any place having signs posted prohibiting parking. (Ordinance 1985-86-5, passed 5/6/85)

S 70.09 Parallel and Angle Parking.

No person shall stand or park a vehicle in a roadway in any other manner than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within 12 inches of the edge of the regularly established curb line, or outside edge of the roadway, except that on those streets which have been marked or have signs posted for angle parking, vehicles shall be parked at the angle to the curb indicated by the marks or signs.
(Ordinance 1985-86-5, passed 5/6/85)

S 70.10 Parking Prohibited.

It shall be unlawful to permit at any time any vehicle to park or stand in the following places, except when necessary to avoid conflict with other traffic, when an emergency exists, or when in compliance with the directions of a police officer or traffic-control device:

(A) On a sidewalk or parkway.

(B) In front of a public or private driveway.

(C) Within an intersection.

(D) Within 15 feet of a fire hydrant.

(E) On a crosswalk.

(F) Within 20 feet of any intersection or crosswalk.

(G) Within 30 feet on the approach to any flashing beacon or traffic-control signal located at the side of a roadway.

(H) Within 50 feet of the nearest rail of a railroad grade crossing.

(I) Within 20 feet of the driveway entrance to any fire department station and on the side of the street opposite the entrance to any station within 75 feet of the entrance when properly sign-posted.

(J) Along or opposite any street excavation or obstruction when parking would obstruct traffic.

(K) On the roadway side of any vehicle parked at the edge or curb of a street or highway.

(L) At any place where official signs prohibit parking.

(M) In an alley except for loading and unloading goods, supplies, and merchandise.

(N) Within 15 feet of a stop sign.

(Ordinance 1985-86-5, passed 5/6/85)

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Statutory reference:

Power of Village to prohibit parking on private property without consent of owner.

S 70.11 Snow Emergencies.

(A) Whenever, during any period of 24 hours or less, snow falls in the village or in any section thereof, to a depth of 2 inches or more, an emergency is declared to exist as such a heavy snow storm constitutes a serious public hazard impairing transportation, the movement of food and fuel supplies, medical care, fire, health, and police protection, and other vital facilities of the village. The emergency shall continue until an announcement by the village administrator that snow-plowing operations have been completed, which shall be made in the same manner as outlined in division (B) below.

(B) Whenever a snow emergency exists, the village administrator shall request the cooperation of the local press and radio and television stations to announce the emergency and the time that emergency parking regulations will become effective, which shall be no sooner than one hour after the first announcement. The announcement by one local or area radio station, or one local or area television station, or in a newspaper of general circulation shall constitute notice to the general public of the existence of the emergency. However, the owners and operators of motor vehicles shall have full responsibility to determine existing weather conditions and to comply with the emergency parking regulations.

(C) During the period of the emergency, the village administrator may prohibit the parking of any vehicles on any or all of the village streets. During the emergency, no person shall park, or cause or permit to be parked, abandon, or leave unattended, any vehicle of any kind or description on those specified streets. However, vehicles may be parked for a period of not longer than 3 minutes for actual loading or unloading of passengers or 30 minutes for actual loading or unloading of property provided no other ordinance restricting parking as to place or time is violated thereby.

(D) Where the village administrator deems it necessary, he shall cause appropriate signs to be posted accordingly as herein designated and shall make any other necessary changes not inconsistent with this section to provide notice or warning to the public of an existing snowfall emergency. (Ordinance 1985-86-5, passed 5/6/85)

S 70.12 Certain Vehicles Prohibited.

(A) Watercraft, recreational vehicles or trailers. It shall be unlawful for any person to park a watercraft, a recreational vehicle or a trailer on any public street within the village for longer than any consecutive 24-hour period, except as otherwise provided or prohibited by this chapter. A watercraft and a recreational vehicle shall be defined as any vehicle without motive power and operation, other than a pole trailer, designated for carrying persons or property and for being drawn by a motor vehicle.

(B) Eight thousand pound limit. The parking of motor vehicle trucks, road tractors, semi-trailers, truck tractors, trailers, and any other vehicle having a gross weight of 8,000 pounds or greater on or along any public highways, streets, alleys, or public places within the village is hereby prohibited; except on non-thoroughfare streets in areas zoned for commercial or business use.

(C) The parking of semi-trailers and trailers having a gross weight of 8,000 pounds or greater in any area within the village which is zoned R-1, R-2, or R-3 pursuant to the Mt. Zion Zoning Code is hereby prohibited.

(D) Nothing herein contained shall be construed as prohibiting the temporary parking of such vehicles in prohibited areas for the purpose of loading, unloading, or making emergency repairs, nor shall anything herein contained be construed as prohibiting the parking of truck tractors or cabs on driveways and other places off public right-of-way. (Ordinance 1985-86-5, passed 5/6/85)

S 70.13 Handicapped Parking.

(A) The Village Board may, by ordinance, designate spaces both on-street and in off-street parking facilities owned by the village, as reserved for parking for handicapped persons or disabled veterans as defined and determined by applicable provisions of the Illinois Vehicle Code.

(B) It is hereby prohibited to park any motor vehicle which is not bearing registration or decals issued to handicapped persons or disabled veterans pursuant to applicable provisions of the Illinois Vehicle Code in any parking space, including private or public off-street parking facility, which is specifically reserved by the posting of official signs for motor vehicles bearing such plates or decals in accordance with law or ordinance.

(C) Any person found guilty of violating the provisions of this Section shall be fined One Hundred Dollars ($100.00) in addition to any costs or ch(Irarges connected with the removal or storage of any vehicle as authorized by law or ordinance. (Ordinance #91-92-26)

S 70.14 Parking Restriction Fletcher Park

(A) It shall be unlawful for any motor vehicle to park or stand at Fletcher Park for a period of time in excess of two (2) hours except those:

1. Utilizing the park playground or facilities
2. Who work for the Village of Mt. Zin who are engaged in their duties
3. Who work for any catering service, entertainer, or anyone renting any Fletcher Park Facility
(Ordinance 2015-16-11; passed 9/8/15)

Operation and Speed of Vehicles

S 70.15 Reckless or Negligent Operation of a Vehicle.

It shall be unlawful to operate any vehicle in the village in a reckless, wanton, dangerous, careless, or negligent manner, which could unnecessarily endanger life or property. (Ordinance 1985-86-5, passed 5/6/85)

S 70.16 Obstructing Traffic.

No vehicle, or train, shall be operated or allowed to remain on any street in a manner, which poses an unreasonable obstruction to traffic. (Ordinance 1985-86-5, passed 5/6/85)

S 70.17 Driving on Sidewalk.

No person shall drive any vehicle on a sidewalk or sidewalk area except on a permanent or duly authorized temporary driveway. Ordinance 1985-86-5, passed 5/6/85)

S 70.18 Mufflers.

Every motor vehicle driven or operated on the streets of this village shall at all times be equipped with an adequate muffler or exhaust system properly maintained to prevent any excessive or unusual noise. No muffler or exhaust system shall be equipped with a cutout, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner, which will amplify or increase the noise of the vehicle above that emitted by the muffler originally installed on the vehicle, and the original muffler shall comply with all the requirements of this section. Ordinance 1985-86-5, passed 5/6/85)

S 70.19 Speed Limits.

It shall be unlawful to drive any motor vehicle on any street or highway that is not under the jurisdiction of the state or county department of public works and buildings, or in an urban district within the village, at a speed in excess of 30 miles per hour, or in an alley at a speed in excess of 15 miles per hour. Where the president and board of trustees, by ordinance, set other limits as provided by statute after an engineering or traffic survey, these limits shall govern the rate of speed on the streets or highways indicated in the ordinances; provided the prescribed speed limits shall be reflected in appropriate signs posted along the streets or highways where different limits have been determined. (Ordinance 1985-86-5, passed 5/6/85)

The current speed limit for Southbrooke Drive is 55 miles an hour; and the Village Board of Trustees, based upon the recommendation of the Village of Mt. Zion Police Department Traffic Investigation, believes that the speed limit should be reduced to 35 miles an hour to enhance the reasonable safety upon Southbrooke Drive. (Ordinance 2003-04-11, passed 10/20/03)

S 70.20 Duty to Use Care in Specified Situations.

The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an Intersection, when approaching and going around a curve, when approaching a hillcrest, when traveling on any narrow or winding roadway, or when special hazards exist with respect to pedestrians or other traffic by reason of weather or highway conditions. Speed shall be decreased as 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. (Ordinance 1985-86-5, passed 5/6/85)

S 70.21 Exceeding Speed Limits.

It shall be unlawful to drive any vehicle on any street or highway within the village under the jurisdiction of the state or county department of public works and buildings at a speed exceeding that lawfully set for the street or highway. (Ordinance 1985-86-5, passed 5/6/85)

S 70.22 Tandem Wheel Trucks.

On streets where appropriate signs are erected giving notice, it shall be unlawful for any tandem wheel truck to travel upon that street. (Ordinance 1985-86-5, passed 5/6/85)

S 70.23 Limited Load.

On streets where appropriate signs are erected giving notice, it shall be unlawful for any vehicle the gross weight of which, including the weight of the vehicle, exceeds 8,000 pounds, to be operated upon that street, or streets. (Ordinance 1985-86-5, passed 5/6/85)

S 70.24 Yield.

On streets where appropriate signs are erected giving notice, drivers shall yield the right-of-way. (Ordinance 1985-86-5, passed 5/6/85)

S 70.25 Violations.

A notice shall be attached to or placed on any vehicle parked in violation of any of the provisions of this chapter. Notice shall be prepared in duplicate, and the duplicate can be a carbon impression of the original. Notice shall be prepared by the police officer. The notice shall contain information as to the vehicle's location at the time of the offense, and shall appropriately indicate that the vehicle is illegally parked. The notice shall direct the operator of the vehicle to report to the village treasurer's office in regard to the violation, and shall indicate the penalty for the violation and the time and manner of payment. The police office shall give the original of the notice to the village treasurer, who shall file it. (Ordinance 1985-86-5, passed 5/6/85)

Penalty

S 70.99 Penalty.

(A) Unless another penalty is expressly provided by law, or this chapter, any person who violates any provisions of this chapter shall, on conviction, be fined not less than $10.00 nor more than $500.00 for each offense.

(B) Any person arrested for a violation of any provision of this chapter shall be released on proper bail being furnished as required by law.

(C) For offenses violating the provisions of this chapter, a police officer, after making note of the license number of the vehicle, and the name of the offender where possible, may issue a traffic violation ticket notifying the offender to appear in court at the time designated for hearing these cases. The police officer may sign a complaint for the issuance of a warrant if the offender does not appear at the time and place so specified.

(D) The fact that an automobile that is illegally parked is registered in the name of a person shall be considered prima facie proof that the person was in control of the automobile at the time of parking.

(E) In lieu of service of a notice to appear to answer charges of violating this chapter, any law enforcement officer may serve a citation on anyone who is accused of violating this chapter. A citation issued as above provided shall allow the person served the opportunity to pay the village treasurer the appropriate sum from the Fine Schedule within 15 days following the date of service thereof as a penalty for violating this chapter, instead of facing arrest or formal written charges in a notice to appear. Failure to timely pay the amount specified in the fine schedule may result in the issuance of a warrant for arrest or of a notice to appear to answer such charges. The Fine Schedule listed below is hereby made a part of this section.

Fine Schedule

Section	Fine	After 7 Days	After 21 Days
70.06	$ 10.00	$ 20.00	$ 40.00
70.07	$ 10.00	$ 20.00	$ 40.00
70.08	$ 10.00	$ 20.00	$ 40.00
70.09	$ 10.00	$ 20.00	$ 40.00
70.10	$ 10.00	$ 20.00	$ 40.00
70.11	$ 25.00	$ 35.00	$ 45.00
70.12 A	$ 25.00	$ 35.00	$ 45.00
70.12 B	$ 50.00	$ 60.00	$ 70.00
70.15	$ 25.00	$ 35.00	$ 45.00
70.16	$ 25.00	$ 35.00	$ 45.00
70.17	$ 25.00	$ 35.00	$ 45.00
70.18	$ 25.00	$ 35.00	$ 45.00
70.19	$ 25.00	$ 35.00	$ 45.00
70.20	$ 25.00	$ 35.00	$ 45.00
70.21	$ 25.00	$ 35.00	$ 45.00
70.22	$ 25.00	$ 35.00	$ 45.00
70.23	$ 25.00	$ 35.00	$ 45.00
70.24	$ 25.00	$ 35.00	$ 45.00

(Ordinance 1985-86-5, passed 5/6/85; Ordinance 2015-2016-9, passed 8/17/15)

Chapter 71: Traffic Schedules

Schedule

I. Stop streets
II. Limited load streets
III. Speed regulations
IV. One-way streets
V. Parking Code
VI. Yield streets

Schedule I: Stop Streets

When appropriate signs are erected giving notice, drivers approaching the following intersections shall stop and yield the right-of-way as indicated:

Intersection

Fletcher Park Boulevard at Henderson Street

Fletcher Park Boulevard at Braves Parkway (2-way stop)

Braves Parkway at Main

Braves Parkway at Fletcher Park Boulevard (2-way stop)

South Whitetail Circle and North Whitetail Circle (2-way stop)

Fawn Court and North Whitetail Circle (2-way stop)

Westside Drive and Florian Avenue (2-way stop)

Florian Avenue and Baltimore Avenue (1-way stop)

Wildwood Drive and Brierwood Drive (2-way stop)

Kirk Drive and Roberts Street (2-way stop)

Broadway Street at Illinois Central Gulf Railroad and Penn Central Transportation Company
(2-way stop)

Woodland Drive and Wildwood Drive (4-way stop)

Antler Drive and Woodland Drive (2-way stop)

Buck's Lair Drive and Woodland Drive (2-way stop)

Woodland Court and Woodland Drive (2-way stop)

Rosewood Drive and Baltimore Avenue (1-way stop)

Rosewood Drive and Westside Drive (4-way stop)

Powers Court and Baltimore Avenue (1-way stop)

Linda Court and Burgener Drive

McGaughey Drive and Burgener Drive

Shonna Court and Burgener Drive

Rolling Green Drive and McGaughey Drive

Cheryl Drive and McGaughey Drive

Kirk Drive and McGaughey Drive (2-way stop)

Woodland Drive and Bell Street (3-way stop)

West Main Street and Bell Street (4-way stop)

East Village Parkway and Mt. Zion Parkway (3-way stop)

Pearl Court at Burgener Street

Street Name	**Direction of Travel**	**Prior to Intersection With**
On Bell Street	Southward	Woodland Drive
On Henderson Street	Northward	West Main Street
On Henderson Street	Northward	Elm Street
On Elm Street	Eastward or Westward	Bell Street
On Bell Street	Northward/Southward	Elm Street
On Mill Street	Eastward	Bell Street
On Westland	Southward	West Main Street
On Crestview Drive	Southward	West Main Street
On Westside Drive	Southward	West Main Street
On Traughber Road	Northward	West Main Street
On North main Street	Southward	West Main Street
On West Main Street (145)	Eastward	West Main Street
On Maple Street	Eastward	Woodland Drive
On West Walnut	Westward	Bell Street
On Sunset Drive	Westward	Bell Street

On Sunset Drive	Southward	Broadway Street
On South Drive	Westward	Woodland Drive
On North Drive	Eastward/Westward	Woodland Drive
On Debby Drive	Westward	Woodland Drive

Street Name	Prior to Direction of Travel	Intersection With
On Woodland Drive	Northward/Southward	Woodland Lane
On Woodland Lane	Westward	Woodland Drive
On North Whitetail Circle	Eastward/Westward	Woodland Drive
On Mintler Drive	Northward	Spitler Park Drive
On Kirk Drive	Northward	Spitler Park Drive
On Mintler Drive	Northward/Southward	East Roberts Drive
On Mintler Drive	Northward/Southward	McGaughey Drive
On Kirk Drive	Northward/Southward	East Roberts Drive
On Kirk Drive	Northward/Southward	McGaughey Drive
On Maddox Drive	4-way	Burgener Drive
On Wildwood Drive	Westward	Westside Drive
On Del Scott	Westward	Westside Drive
On Nottingham Court	Westward	Westside Drive
On Harry Land Road	Eastward	Baltimore Avenue
On Westside Drive	Westward	Baltimore Avenue
On Burgener Drive	Southward	State Highway #121
On West Main Street	South Eastward	State Highway #121
On West Main Street	Northward	State Highway #121
On East Drive	Eastward	State Highway #121
On North Drive	Eastward	State Highway #121
On Spitler Park Drive	Westward	State Highway #121
On Debby Drive	Eastward/Westward	State Highway #121
On West Woodland Lane	Eastward	State Highway #121
On East Woodland Lane	Westward	State Highway #121
On Wildwood Drive	Eastward	State Highway #121
On Brentwood Drive	Southward	Wildwood Drive
On Brentwood Court	Northward	Wildwood Drive
On Ashland Avenue	Eastward	State Highway #121
On Douglas Drive	Southward	Spitler Park Drive
On Broadway Street	South Westward	West Main Street
Baltimore Avenue	North	Main Street
Carrington Avenue	North	Main Street
CASA Park Drive	West	State Highway 121
Craycroft Parkway	North	South Lake Court
Lake Reunion Parkway	North	South Lake Court
Meadow Court	South	Meadow Lake Drive
Meadow Park Drive	North	South Lake Court
Meadow Park Drive Parkway	East	South Lake

Secretariat Place	East	Henderson Street
Southbrooke Place	North	Harry Land Road
South Lake Parkway	North	South Lake Court
Sundance Drive	East	Baltimore Avenue
Hunter's Pointe Boulevard	Northward	Harry Land Road

(Ordinance 1985-86-5, passed 5/6/85; Ordinance 1985-86-8, passed 5/20/85; Ordinance #1989-90-7, 2003-04-8, passed 8/4/03, 2005-06-18, passed 1/3/06

On Ashland Avenue	Westward	State Highway #121
On Blakeridge	Westward	Baltimore
Woodland Shores	Southward	Harry Land Road
Rosewood Drive	Eastward	Briarwood Drive
Buttonridge Ridge	Southward	Westside Drive
Henderson Street	Southward	Elm Street
Elm Street	Eastward	Henderson Street
Elm Street	Westward	Henderson Street
Sundance Drive	Northward	Harry Land Road
Green Valley Drive	Southward	State Highway #121
Country Manor	Southward	Florian Avenue
Southbrooke Place	Northward	Harry Land Road
Pearl Court	Eastward	Burgener Road
Village Parkway	Eastward	State Highway 121

(Ordinance 85-86-5, Ordinance 85-8, Ordinance 89-90-7, Ordinance 93-94-4, Ordinance 94-95-10, Ordinance 95-96-13, Ordinance 96-97-8, Ordinance 96-97-28, Ordinance 97-98-13, Ordinance 97-98-14, Ordinance 98-99-8, Ordinance 98-99-12)

Schedule II: Limited Load Streets.

(A) It shall be unlawful for any tandem wheel truck to use the following streets:

Street

Broadway Street between Main Street and Illinois Route #121, no thru traffic.

(B) When appropriate signs are erected giving notice, it shall be unlawful for any vehicle the gross weight of which, including the weight of the vehicle, exceeds 8,000 pounds to be operated on the following streets:

Street

Harry Land Road

(Ordinance 1985-86-5, passed 5/6/85)

Schedule III: Speed Regulations.

(A) When appropriate signs are erected, it shall be unlawful to drive any motor vehicle on the following streets at a speed in excess of 20 miles per hour.

Street

South Whitetail Circle and North Whitetail Circle

(B) That when appropriate signs have been erected giving notice thereof, it shall thereafter be unlawful to drive any motor vehicle on any of the streets listed below at a speed in excess of the speed limit shown below:

Street	Portion or Section	Speed Limit
Fletcher Park Boulevard	Between Braves Parkway And Henderson	30 m.p.h.
Braves Parkway	Between Henderson and Fletcher park Boulevard	30 m.p.h.
Spitler Park Road	Between State Highway #121 and Douglas Drive	30 m.p.h.

Street	Portion or Section	Speed Limit
Burgener Drive	Between State Highway #121 and Maddox Drive	30 m.p.h.
Woodland Drive	Between Maple Street to Debby Drive	30 m.p.h.
South Henderson	Between Elm Street to the South edge of the village limits Ordinance 1985-86-5)	35 m.p.h.
Harry Land Road	Between Baltimore Avenue And West edge of Village limits (Ordinance 94-95-15)	40 m.p.h.
Sulphur Springs Road	Between Traughber Road & Kraft Road (Ordinance 2015-16-14)	35 m.p.h.

Schedule IV: One-Way Streets.

When appropriate signs are erected giving notice, the following streets shall be established as one-way streets:

Street
Elm Street between South Main and Henderson Streets

Alley between Broadway and Bell Streets

Dogwood Drive (circle only)

(Ordinance 1985-86-5, passed 5/6/85)

Schedule V: Parking Code.

(A) When appropriate signs are erected, giving notice, the following parking prohibitions shall apply along the portions or sections of the following streets within the village:

Street	Side of Street	Portion or Section	Prohibitions
Braves Parkway	Both sides	From Main St. to Fletcher park Boul.	No parking
Fletcher Park Boul.	Both sides	From Braves Parkway To Henderson	No parking
West Main Street	North side	77 feet southeast From Bell Street	No parking to corner
North Drive	both sides	Bell to Broadway	no parking
Bell Street	East side	Southwest 120 feet From West Main Street	No parking to corner
Bell Street	West side	From West Main Street Southwest to Elm Street	No parking any time
Elm Street	South side	Between Bell and North Henderson	No parking
Powers Court	East side And all of Court	Between the intersection of Powers Court and Baltimore Avenue, South And including the Court	No parking

Bell Street	Both sides	From West Main Street Northeast 60 feet	No parking
West Main Street	Both sides	From Bell Street Northwest 44 feet	No parking to corner
North Whitetail Circle	Both sides	From the south side of 860 North Whitetail Circle to the east Side of 745 North Whitetail Circle, Excluding the ½-Circle turnout portion Of the street directly In front of 810, 820 And 860 North White-Tail Circle	No parking any time
North Whitetail Circle	North side	From the east side of 760 Whitetail Circle To Woodland Drive	No parking any time
South Whitetail Circle	Both Sides	From the west side of 795 South White-Tail to the east Side of 775 South Whitetail Circle; And from the west Side of 665 South Whitetail to the North side of 605 South Whitetail Circle, excluding The ½-circle turn-Out portion of the Street directly in Front of 785 and 795 South Whitetail Circle	No parking any time
South Whitetail Circle	South side	From the east side of 775 South White-Tail Circle to the West side of 655	No parking any time

		South Whitetail Circle	
Antler Drive	South side	Between intersection Of Woodland Drive And Lot 126 of Antler Forest Fifth Addition	No parking
Broadway	Both sides	Sunset to IL Rt. #121	No parking
IL Rt. #121	Both sides	Southerly corporate Village limits to Northerly corporate Village limits	No parking
Broadway Street	Both sides	From West Main Street To North Street, with The exception of the Designated spaces on The west side of Broadway Street	No parking
Antler Drive West to the end of	West, north And east Sides	From Lot 126 of Antler Forest Fifth Addition north and Antler Forest Fifth Addition	No parking where posted
Buck's Lair Court	North side	150 feet west from Center of Woodland Drive	No parking
Whitetail Circle	South side	East of Woodland Drive	No parking
Spitler Park Drive	Both sides	Between Rt. 121 and East Corporate Limits	No parking
Woodland Drive	Both sides	Bell Street Woodland Intersection, north to Wildwood Drive	No parking
West Main	South side	600 feet west from west Property line of 645 Main Street	No parking

East Woodland Lane		Both sides From Illinois Rt. #121 East to Corporate Limits	No parking
Bell Street	West side	West Main Street north To Woodland Drive	No parking to corner
Bell Street	East side	West Main Street To woodland drive	No parking
West Main Street	South side	Broadway to a point 74 ft. S.E. of Bell Street	8 Hour Parking
West Main Street	North side	Broadway N.W. to a Point 77 ft. S.E. of Bell Street	2 Hour Parking 8:30 a.m. to 5:30 p.m. Mon.-Sat.
Whitetail Circle	Both sides	Fawn Court to Woodland Drive	No parking
W. Main St.	Both sides	From Crestview Dr. West To Traughber Rd.	No parking
Harry Land Road	Both sides	From Baltimore Ave. West to Southbrooke Drive	No parking
Florian Avenue	Both sides	From its intersections with Woodland Drive west to 1075 Florian Avenue	No parking
Westside Drive	Both sides	From its intersection with Florian Avenue, South to 200 feet north of the railroad tracks	No parking
Buck's Lair Court	North Side	West from Woodland Dr. to West property line of 712 Buck's Lair Court	No parking
Florian Avenue	Both Sides	Westside Dr. to Baltimore	No Parking
Harry Land Rd.	Both Sides	Westside Dr. to Baltimore	No Parking
Rosewood Drive	Both Sides	Rich Lane to Baltimore	No Parking
Westside Drive	East Side	Florian Ave. south 150 ft.	No Parking

(B) Municipal Parking Lot. It shall be unlawful for any person to park a motor vehicle in the parking lot immediately north of the Village Municipal Center except the said parking lot may be used by the following in the areas designated by posted signs:

(1) Persons visiting the municipal center on municipal business.

(2) Village employees, Mayor, Trustees, and members of Village boards and commissions. (Ordinance 1985-86-5, passed 5/6/85; Ordinance 1985-86-28, passed 10/21/85; Ordinance 1986-87-4, passed 7/21/86) (Amended by Ordinance 1988-89-3) (Ordinance #91-92-5, passed 1/6/92) (Ordinance 91-92-35, Ordinance 94-95-13)

(C) Penalty.

(1) Unless another penalty is expressly provided by law any person who violates any provision of this section (Parking Code) shall, on conviction, be fined not less than $1.00 nor more than $500.00 for each offense.

(2) Any person arrested for a violation of any provision of this section shall be released on proper bail being furnished as required by law.

(3) In lieu of service of notice to appear to answer charges of violating this section, any law enforcement officer may serve a citation on anyone accused of violating this section. A citation issued as above provided shall allow the person served the opportunity to pay the Village Treasurer the appropriate sum from the fine schedule within 15 days following the date of service thereof as a penalty for violating this section, instead of facing arrest or formal written charges in a notice to appear. Failure to timely pay the amount specified in the fine schedule may result in the issuance of a warrant for arrest or a notice to appear to answer such charges. The fine schedule listed below is hereby made part of this section.

Fine Schedule

	Fine	**After 7 days**	**After 21 days**
Schedule V – Parking Code	$10.00	$20.00	$40.00

(Ordinance 1991-92-25, passed 1/6/92, Ordinance 2015-2016-9, passed 8/17/15)

Schedule VI: Yield Streets.

When appropriate signs are erected, giving notice, drivers on the following streets shall yield the right-of-way.

Streets

On Florian Avenue when westbound approaching the intersection with Nolan Avenue
On Dee Lee Lane at Nolan Avenue
On North Antler Drive approaching the Buck's Lair Court intersection
On Walnut at Kirk Drive
On Benton at Walnut
(Ordinance 1985-86-5, passed 5/6/85; Ordinance 1987-88-2, passed 5/18/87; Ordinance 1990-91-1)
On Wagoner at Burgener Drive
On Park at Burgener Drive
(Ordinance 91-92-24)
On Maddox at Mintler Drive
(Ordinance 85-86-5, 87-88-2, Ordinance 1990-91-1, Ordinance 91-92-24)
On Maddox Drive at Kirk Drive
(Ordinance 2006-2007-14)

Schedule VII: No Passing Zones.

Street	**Direction**	**From**	**To**
Henderson St.	Either	Main Street	Elm Street

(Ordinance 93-94-2)

Chapter 72: Bicycle Safety

Section

General Provisions

72.01 Definition
72.02 Lights required at night
72.03 Traffic laws apply to bicycles
72.04 Special bicycle regulations
72.05 Responsibility for minors
72.06 Reserved
72.99 Penalty

General Provisions

S 72.01 Definition.

The word “bicycle” as used in this chapter shall mean every device propelled by human power upon which any person may ride, having at least 2 tandem wheels either of which is over 20 inches in diameter. (Ordinance 1987-88-3, passed 6/1/87)

S 72.02 Lights Required at Night.

No bicycle shall be driven upon any street or public way from one-half hour after sunset to one-half hour before sunrise without displaying a white light attached to the front of the bicycle, and visible for a distance of at least 500 feet to the front, and a red light attached to the rear of the bicycle, visible for a distance of at least 300 feet to the rear, except that rear red reflector of not less than 1-1/2 inches in diameter may be used instead of a rear light. (Ordinance 1987-88-3, passed 6/1/87)

S 72.03 Traffic Laws Apply to Bicycles.

Bicycles and persons riding them shall be subject to all applicable traffic laws of the city and the state, including particularly:

(A) Reasonable speed,

(B) Proper parking,

(C) Observing stop signs,

(D) Obeying traffic signals, police officers and school patrols,

(E) Driving on the right side of the street,

(F) Giving proper hand signals and,

(G) Neither driving recklessly nor weaving in and out of traffic.

(Ordinance 1987-88-3, passed 6/1/87)

S 72.04 Special Bicycle Regulations.

Bicycles and persons riding them shall be subject to the following special regulations:

(A) No bicycle shall be ridden at any time in any place in such a manner as to be dangerous to any person or property.

(B) No person riding upon any bicycle shall attach himself or his bicycle in any manner to any moving vehicle or other bicycle nor shall he hook anything on to or tow anything from his bicycle.

(C) Persons riding bicycles shall not ride more than 2 abreast at any time.

(D) No bicycle shall carry more than one person for each permanent and regular seat attached thereto.

(E) No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a supporting rack or against a building, in such a manner as to afford the least obstruction to pedestrian traffic.

(F) No person riding bicycle shall carry any package or article which prevents him from keeping at least one hand upon the handlebar.

(G) Pedestrians shall have the right of way at all times over bicycles and a person riding a bicycle upon a sidewalk crossing shall either turn off the sidewalk when meeting or passing pedestrians or shall dismount until the pedestrians have passed.

(H) No person of the age of 12 years or older shall ride a bicycle at any time on a public sidewalk in front of a private residence except those persons actually delivering messages, mail, newspapers, magazines, advertising matter or merchandise.

(Ordinance 1987-88-3, passed 6/1/87)

S 72.05 Responsibility for Minors.

It shall be unlawful for the parent or guardian of any minor to authorize or knowingly permit any such minor to violate any of the provisions of this chapter. (Ordinance 1987-88-3, passed 6/1/87)

S 72.06 Reserved.

(Repealed by Ordinance 1987-88-6, passed 9/21/87)

S 72.99 Penalty.

(A) Any person who violates any provision of this chapter shall, on conviction, be fined not less than $1.00 nor more than $500.00 for each offense.

(B) Any person arrested for a violation of any provision of this chapter shall be released on proper bail being furnished as required by law.

(C) In the case of persons under 17 years of age, the arresting officer shall release the minor to the custody of his or her parent, guardian, custodian or other responsible person and shall set an appointment with a designated juvenile officer.

(D) In lieu of service of a notice to appear to answer charges of violating this chapter, any law enforcement officer may serve a citation on anyone who is accused of violating this chapter. A citation issued as above provided shall allow the person served the opportunity to pay the village treasurer the appropriate sum from the fine schedule within 15 days following the date of service thereof as a penalty for violating this chapter, instead of facing arrest or formal written charges in a notice to appear. Failure to timely pay the amount specified in the fine schedule may result in the issuance of a warrant for arrest or of a notice to appear to answer such charges. The fine schedule listed below is hereby made part of this section.

Fine Schedule

Section	1 – 10 Days	11 – 15 Days
72.02	$25.00	$30.00
72.03	$25.00	$30.00
72.04	$25.00	$30.00
72.05	$25.00	$30.00

(Ordinance 1987-88-3, passed 6/1/87; Ordinance 1987-88-6, passed 9/21/87)

TITLE IX: GENERAL REGULATIONS

Chapter 90: Animals

Section

General Regulations

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90.05 Keeping barking dogs and crying cats
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Vicious and Dangerous Dogs

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90.83 Feed and water
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GENERAL REGULATIONS

S 90.01 SHORT TITLE.

This subchapter shall be known and may be cited as the Animal Control Code.

S 90.02 DEFINITIONS.

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

ADMINISTRATOR. The veterinarian licensed by the state and appointed pursuant to this code or his or her duly authorized representative.

ANIMAL. Any animal, other than humans, which may be affected by rabies.

ANIMAL CONTROL WARDEN. Any person appointed by the Village Administrator to perform duties enforcing this chapter or any animal control official appointed and acting under authority of the County Board.

AT LARGE. Any dog shall be deemed to be **AT LARGE** when it is off the property of its owner and not under the control of a responsible person.

CAT. Any feline, regardless of age or sex.

CONFINED. Restriction of an animal at all times by the owner, or his or her agent, to an escape-proof building or other enclosure away from other animals and the public.

DANGEROUS DOG. Any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe possesses a serious and unjustified imminent threat of serious physical injury or death to a person or companion animal or a dog that, without justification, bites a person and does not cause serious physical injury.

DOG. All members of the family Canidae.

HAS BEEN BITTEN. Has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded or pierced, and further includes contact of saliva with any break or abrasion of the skin.

INOCULATION AGAINST RABIES. The injection of an anti-rabies vaccine approved by the Department.

KENNEL. Any establishment wherein any person engaged in the business of Boarding, building, buying, grooming, letting for hire, training for a fee or selling dogs; provided, however, that the ownership of dogs which are a part of the household shall not constitute the operation of a kennel. **KENNEL** shall not include any animal control facility, any kennel, pound or training facility operated by any subdivision of local, state or federal government, any humane society or veterinary hospital.

LEASH. A cord, rope, strap or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep the dog or other animal under control.

LICENSED VETERINARIAN. A veterinarian licensed by the state in which he or she engages in the practice of veterinary medicine.

OWNER. A person having a right of property in a dog or who keeps or harbors a dog, or who has a dog in his or her care, or who acts as its custodian, or who knowingly permits a dog to remain on or about any premises occupied by him or her.

POUND. Any facility approved by the Administrator and licensed as such by the Department of Agriculture for the purpose of enforcing this chapter and used as a shelter for seized, stray, homeless, abandoned or unwanted dogs or other animals.

REGISTRATION CERTIFICATE. A printed form prescribed by the local laws and/or ordinances for the purpose of recording pertinent information as required by the Department under this code.

RESTRAINT. A dog is under **RESTRAINT** within the meaning of this code if he or she is controlled by a leash; at "heel" beside a responsible person; within a vehicle being driven or parked on the streets; or within the property limits of his or her owner or keeper.

SHADE. Protection from the direct rays of the sun during the months of June through September.

SHELTER. As it applies to dogs, a moisture-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least two inches from the ground and with the entrance covered by a flexible, wind-proof material. The structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

UNOWNED STRAY DOG. Any dog not on the premises of the owner or keeper or under control by leash or other recognized control methods, and which does not, at that time and place, bear a current rabies inoculation tag issued pursuant to the provisions of this chapter, by means of which, by reference to records of current registration certificates, the Administrator or his or her deputies or assistants may determine the name and address of the owner or keeper thereof, or some other means of identification from which the Administrator or his or her deputies or assistants may directly determine the name and address of the owner or keeper thereof.

VICIOUS ANIMAL. Any animal which has previously attacked or bitten any person or which has behaved in such a manner that the person who harbors the animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.

WILD ANIMAL. Any live monkey or ape, raccoon, skunk, fox, snake or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state.

Statutory reference:
Similar provisions, see ILCS Ch. 510, Act 5, SS 1-100 et seq.

S 90.03 INJURY TO PROPERTY.

(A) *Unlawful*. It shall be unlawful for any person to permit the dog or cat to go upon any sidewalk, parkway or private lands or premises without the permission of the owner of the premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon, and the owner thereof shall be liable.

(B) *Waste products; accumulations*. It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by that person unless the person has in his or her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by that person. This section shall not apply to a person who is visually or physically handicapped. Penalty, see S

S 90.04 MANNER OF KEEPING.

(A) *Pens, yards or runs*. All pens, yards, runs or other structures wherein any animal is kept shall be of a construction so as to be easily cleaned and kept in good repair.

(B) *Fences*. Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly. Penalty, see S 90.99

S 90.05 KEEPING BARKING DOGS AND CRYING CATS.

(A) *Harboring*. It shall be unlawful for any person to knowingly keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in a manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Those dogs and cats are hereby declared to be a public nuisance.

(B) *Petitions of complaint*. Whenever any person shall complain to the Police Department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the village, the Police Department shall notify the owner of the dog or cat that a complaint has been received and that the person should take whatever steps are necessary to alleviate the howling, yelping or crying. Penalty, see S 90.99

S 90.06 CRUELTY TO ANIMALS PROHIBITED.

(A) *Cruelty to animals prohibited*. It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, whether the animal belongs to that person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals should be delivered to the County Animal Control Facility for proper disposal.

(B) *Food and shelter*.

(1) It shall be unlawful for any person in charge of any animal to fail, refuse or neglect to provide the animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner.

(2) The terms used in this section shall comply with S 90.02 above.
Penalty, see S 90.99

S 90.07 EXHIBITING WILD OR VICIOUS ANIMALS.

(A) It shall be unlawful for any person to keep or permit to be kept on his or her premises any wild or vicious animal as described in this chapter for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.

(B) It shall be unlawful for any person to keep or permit to be kept any wild animal as a pet, unless a permit is granted by the Department of Natural Resources of the state.

(C) It shall be unlawful for any person to harbor or keep a vicious animal within the village. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and upon establishment to the satisfaction of any court of competent jurisdiction of the vicious character of the animal, it may be killed by a police officer or humane officer; provided, however, that this section shall not apply to animals under the control of a law enforcement or military agency nor to animals which are kept for the protection of property, provided that the animals are restrained by a leash or chain, cage, fence or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(D) The licensing authority may issue a temporary permit for the keeping, care and protection of any infant animal native to this area which has been deemed to be homeless. Penalty, see S 90.99

S 90.08 HEALTH HAZARD.

The Mayor shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to be a nuisance or pose a health hazard to the general public. Penalty, see S 90.99

S 90.09 LIMITATION ON NUMBER OF DOGS AND CATS KEPT.

(A) *Nuisance*.

(1) The keeping of an unlimited number of dogs and cats in the village for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which those areas were created.

(2) The keeping of an unlimited number of dogs and cats is, therefore, declared to be a public nuisance. The terms "dog" and "cat" shall be construed as provided in S 90.02 above.

(B) *Limitation; exception*.

(1) It shall be unlawful for any person or persons to keep more than five dogs and/or five cats within the village, with the exception that a litter of pups, a litter of

kittens or a portion of a litter may be kept for a period of time not exceeding five months from birth.

(2) The provisions of this section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding.

(C) *Kennels*. In the areas where kennels are permitted, no kennel shall be located closer than 200 feet to the boundary of the nearest adjacent residential lot. Penalty, see S 90.99

S 90.10 ANIMALS IN THE VILLAGE.

(A) *Certain prohibitions*. Except as otherwise provided in this chapter no person shall keep within the village any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or other livestock.

(B) *Exceptions*. This section shall not apply in areas of the village that are zoned agricultural in nature, nor shall this section apply to livestock brought in to the village for the purpose of being shipped out of the village.

(C) *Powers of Police Chief*. The Police Chief shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to pose a health hazard to the general public.

(D) *Rabbits*. No more than two rabbits may be kept per household, providing the rabbits are properly housed in a suitable cage and are not allowed to run at large. Penalty, see S 90.99

Statutory reference:
Similar provisions, see ILCS Ch. 65, Act 5

DOGS

S 90.25 DEFINITIONS.

The terms used in this subchapter shall comply with S 90.02 above, unless otherwise provided in this subchapter.

S 90.26 DOGS TO BE INOCULATED; TAGS AFFIXED TO COLLARS.

(A) (1) Each calendar year or at intervals as may hereafter be promulgated by the laws and ordinances in Macon County, Illinois, every owner or keeper of a dog four months or more of age shall cause the dog to be inoculated against rabies.

(2) The owner or keeper of the dog shall cause a tag evidencing the inoculation to be attached to a collar or harness worn by the dog.

S 90.27 INOCULATION PERFORMED BY LICENSED VETERINARIAN; ISSUANCE.

(A) The inoculation of dogs required by S 90.26(A) above shall be performed by a veterinarian duly licensed to practice his or her profession in this state.

(B) Upon performing the inoculation, the veterinarian shall issue to the owner or keeper a certificate showing that fact and shall also deliver to the owner or keeper a metallic or other suitable tag to be attached to the collar or harness of the dog, which tag shall also certify to the fact of the inoculation against rabies.

S 90.28 DURATION OF INOCULATION.

The inoculation performed under the provisions of S 90.27 above shall be effective until the expiration of the calendar year in which the vaccination was performed or the expiration of that period of time as may be promulgated by the local laws and/or ordinances.

S 90.29 SPECIFICATIONS FOR TAG.

The tag issued under the provisions of S 90.27 above shall be in a form as shall be determined by the County of Macon, Illinois.

S 90.30 EXHIBITION OF CERTIFICATE UPON REQUEST.

At any reasonable time upon request of any member of the Police Department or village employee, the owner or keeper of any unmuzzled dog shall exhibit his or her certificate issued under the provisions of S 90.27 above, showing the inoculation against rabies of any dog owned or controlled by him or her.

S 90.31 STRAYS.

It shall be unlawful for any animal to run at large in the village at any time and the owner of the animal shall be subject to a penalty as provided in S 10.99. Any animal running at large may be impounded as hereinafter provided.
Penalty, see S 90.99

S 90.32 IMPOUNDMENT OF DOGS RUNNING AT LARGE OR UNLICENSED DOGS; CITATION OF OWNER OR KEEPER.

(A) It shall be the duty of the employees and officers of the Police Department as shall be designated for that purpose by the Mayor to take up and impound in a place as may be designated and set apart for that purpose, any dog found running at large or unlicensed in the village, contrary to any of the provisions of this chapter or other regulations of the village.

(B) When dogs are found running at large or unlicensed and their ownership is known to the designated employee(s), the dogs may be impounded at the discretion of the employee(s), but the employee(s) may cite the owner of the dogs to answer charges of violation of this chapter.

(C) Any dog permitted to run at large within the village is hereby declared to be a nuisance.

(D) Any impounded dog which shall not be redeemed within seven days shall be humanely destroyed or otherwise disposed of by the pound keeper.

(E) Impoundment terms are set forth in S90.79 herein.

S 90.33 NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDMENT.

In case of impounding and where the owner or keeper of the dog is disclosed by any tax or license tag worn by it or is otherwise known to the officers impounding the same, the designated official shall make reasonable attempts to contact the owner, informing him or her of the impounding of his or her dog and shall cite the owner or keeper of the dog to answer charges of violation of this chapter.

S 90.34 OBSTRUCTING ANIMAL CONTROL WARDEN.

Any person(s) who shall bring any dog into the village for the purpose of causing the same to be impounded or any person who shall resist, hinder or molest the Animal Control Warden or police officer while engaged upon the duties imposed upon them by this chapter or any person who shall break into the dog pound and release or deliver any dog therefrom without having first paid the fees herein specified, upon conviction of any part of this chapter shall be fined according to S 10.99.

S 90.35 IMPOUNDMENT OF DOGS WHICH HAVE BITTEN PERSONS.

Any dog which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin shall be immediately taken, impounded and kept separated from other dogs for ten days. If, during that period, the dog develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms disclosed are such as to indicate the presence of rabies, the dog shall be destroyed in such a manner, however, as to preserve intact the head, which shall thereupon be detached and immediately sent to a diagnostic laboratory. In case the dog cannot be safely taken up and impounded, it may be shot, care being taken to preserve the head intact which shall thereupon be immediately detached and be delivered to a diagnostic laboratory.

(B) If, at the expiration of the ten days, no symptoms of rabies have developed in the dog so impounded, the same may be redeemed by the owner upon payment of the redemption fees and charges specified by this chapter; provided, however, that in case any dog so impounded for biting a person shall have previously bitten any person, the

dog shall be humanely destroyed by the pound keeper. After having been notified that his or her dog has bitten or otherwise injured any person, the owner or keeper thereof shall not, under any circumstances, permit the animal to be at large unless securely muzzled.

S 90.36 IMPOUNDMENT.

Those persons charged with the duty of enforcing this chapter may employ any method found practical and humane in capturing and impounding any dog found running at large.

S 90.37 CHARGES FOR IMPOUNDMENT.

Prior to the release of an impounded animal the owner of any animal impounded under the provisions of this subchapter must pay in full all charges, costs and expenses incurred by the village or by any person or organization which keeps the animal during the period it is impounded, in addition to any fine or penalty assessed by reason of a violation of this chapter and pursuant to SS 90.55 through 90.61 below.

S 90.38 VILLAGE POUND DESIGNATED.

The Village Board designates the county pound as the official village pound.

S 90.39 DISPOSITION OF DOGS DEEMED NUISANCES.

Any dog which may, in any manner, continually disturb the quiet of any person or neighborhood or shall destroy or in any manner injure any animal, plant, shrub or other property not on the premises of its owner or keeper is hereby declared to be a nuisance, and the dog shall be taken up and impounded and may be redeemed or disposed of in the manner provided for under this code.

S 90.40 FEMALE DOG WITH OTHER DOGS.

It shall be unlawful for any female dog, while in heat, to consort with any other dog or dogs in an indecent manner in any place of public view within the village and the owner of the animal shall be subject to a penalty as provided in S 10.99. Penalty, see S 90.99

VICIOUS AND DANGEROUS DOGS

S 90.55 DEFINITIONS.

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

DANGEROUS DOG. Any individual dog which when either unmuzzled, unleashed or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks or any public grounds or places.

ENCLOSURE.

(1) A fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure.

(2) The ***ENCLOSURE*** shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

FOUND TO BE VICIOUS DOG.

(1) The county veterinarian, Animal Control Warden or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined below and, based on that finding, the county veterinarian or an Animal Control Warden has declared in writing that the dog is a vicious dog; or

(2) The circuit court has found the dog to be a vicious dog as defined below and has entered an order based on that finding.

IMPOUNDED. Taken into the custody of the public pound in the village or town where the vicious dog is found.

VICIOUS DOG.

(1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.

(2) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(3) Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.

(4) Any individual dog which attacks a human being or domestic animal without provocation.

(5) Any individual dog which has been found to be a "dangerous dog" upon three separate occasions.

(6) No dog shall be deemed ***VICIOUS*** if it bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties. ***VICIOUS DOGS*** shall not be classified in a manner that is specific as to breed.

(7) If a dog is found to be a ***VICIOUS DOG,*** the dog shall be subject to enclosure.
Penalty, see S 90.99

S 90.56 UNLAWFUL TO MAINTAIN.

(A) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is at all times kept in an enclosure.

(B) The only times that a vicious dog may be allowed out of the enclosure are:

(1) If it is necessary for the owner or keeper to obtain veterinary care for the dog; or

(2) To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of 300 pounds and not exceeding three feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog.

(C) Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Animal Control Warden, any authorized Village representative, or the police and shall be turned over to a licensed veterinarian for destruction by lethal injection.
Penalty, see S 90.99

S 90.57 OWNER'S RESPONSIBILITY.

(A) If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within seven working days, the dog may be humanely dispatched. A dog found to be a vicious dog shall not be released to the owner until an Animal Control Warden approves the enclosure as defined in this section.

(B) No owner or keeper of a vicious dog shall sell or give away the dog.
Penalty, see S 90.99

S 90.58 DOG PERMITTED TO LEAVE PREMISES.

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. 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 dog shall be currently inoculated against rabies in accordance with this chapter. It shall be the duty of the owner of the exempted dog to notify the village of changes of address. In the case of a sentry or guard dog, the owner shall keep the village advised of the location where the dog will be stationed. The Animal Control Warden may provide Police and Fire Departments with a categorized list of the exempted dogs, and shall promptly notify the departments of any address changes reported to him or her.
Penalty, see S 90.99

S 90.59 INJUNCTION.

(A) The Village Attorney, or any citizen of the village in which a dangerous dog or other animal exists, may file a complaint to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of the dog or other animal from permitting same to leave his or her premises when not under control by leash or other recognized control methods.

(B) Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in an amount as the court may determine enjoining the defendant from maintaining the nuisance. If the existence of the nuisance is established, the owner of the dog or other animal shall be in violation of this subchapter, and in addition the court shall enter an order restraining the owner from maintaining the nuisance and may order that the dog or other animal be humanely dispatched.
Penalty, see S 90.99

S 90.60 LIABILITY OF OWNER OR DOG ATTACKING OR INJURING PERSON.

If a dog, or other animal, without provocation, attacks or injures any person who is peaceably conducting himself or herself in any place where he or she may lawfully be, the owner of the dog or other animal is liable in damages to the person for the full amount of the injury sustained.
Penalty, see S 90.99

S 90.61 RIGHT OF ENTRY; INSPECTIONS.

For the purpose of carrying out the provisions of this chapter and making inspections hereunder, the Animal Control Warden, or an authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of the dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this subchapter. Penalty, see S 90.99

URBAN CHICKENS

S 90.75 DEFINITIONS.

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

CHICKEN. A member of the subspecies gallus gallus domesticus, a domesticated fowl.

PERMITTED TRACT OF LAND. The tract of land as identified by the application upon which a permit is granted for keeping chickens pursuant to this subchapter.

PERMITEE. An applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this subchapter.

PERMITTING OFFICER. The Mayor or his or her designee.

SINGLE FAMILY DWELLING. Any building that contains only one dwelling unit used, intended, rented, leased, let or hired to be occupied for living purposes.

TRACT OF LAND. A property or a zoned lot that has one single family dwelling located on that property or zoned lot; and is comprised of at least one acre of ground.

URBAN CHICKEN. A chicken kept on a permitted tract of land pursuant to a permit issued under this subchapter.

S 90.76 PERMIT REQUIRED.

(A) *Permit required.* No person shall raise, harbor or keep chickens within the Village of Mt. Zion limits without a valid permit obtained from the Permitting Officer under the provisions of this subchapter.

(B) *Application.* In order to obtain a permit, an applicant must submit a completed application on forms provided by the Permitting Officer, and pay all fees required by this subchapter. The application fee is a one-time fee of $25.00.

(C) *Requirements.* The requirements to the receipt of a permit include:

(1) All requirements of this subchapter are met;

(2) All fees, as may be provided for from time to time the Board of Trustee resolution, for the permit are paid in full;

(3) All judgments in the village's favor and against the applicant have been paid in full;

(4) The tract of land to be permitted shall contain on one single family dwelling occupied and used as such by the permittee; and

(5) The applicant has provided notice to the residents of all immediately adjacent dwellings of the applicant's intent to obtain a permit.

(D) *Issuance of permit.* If the Permitting Officer concludes as a result of the information contained in the application that the requirements for a permit have been met, then the Officer shall issue the permit.

(E) *Denial, suspension, revocation, non-renewal.* The Permitting Officer may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:

(1) False statements on any application or other information or report required by this section to be given by the applicant;

(2) Failure to pay any application, penalty, reinspection or reinstatement fee required by this section or Board of Trustee resolution;

(3) Failure to correct deficiencies noted in notices of violation in the time specified in the notice;

(4) Failure to comply with the provisions of an approved mitigation/remediation plan by the Permitting Officer, or designee; or

(5) Failure to comply with any provision of this subchapter.

(F) *Notification.* A decision to revoke, suspend, deny or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for the action.

(G) *Effect of revocation, and the like.* When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of one year from the date of the denial or revocation.

(H) *Appeals.* No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard is given the applicant or holder of the permit. In any instance where the Permitting Officer has denied, revoked, suspended, or not renewed a permit, the applicant or holder of urban chickens may appeal the decision to the Mayor, or designee other than the Permitting Officer within ten business days of receipt by the applicant or holder of the permit of the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing. The decision of the officer hearing the appeal, or any decision by the Permitting Officer which is not appealed in accordance with this subchapter shall be deemed final action.
Penalty, see S 90.99

S 90.77 NUMBER AND TYPE OF CHICKENS ALLOWED.

(A) The maximum number of chickens allowed is six per tract of land regardless of how many dwelling units are on the tract.

(B) Only female chickens (hens) are allowed.

S 90.78 ZONING DISTRICTS ALLOWED.

Permits will be granted only for tracts of land located in residential (R1) districts as identified on the current Zoning Map on file with the Village of Mt. Zion.

S 90.79 NON-COMMERCIAL USE ONLY.

A permit shall not allow the permittee to engage in chicken breeding or fertilizer production for commercial purposes.

S 90.80 ENCLOSURES.

(A) Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a henhouse during non-daylight hours.

(B) Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.

(C) Henhouses and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.

(D) *Henhouses and chicken tractors.*

(1) Henhouses shall be designed to provide safe and healthy living condition for the chickens with a minimum of four square feet per bird while minimizing adverse impacts to other residents in the neighborhood.

(a) A henhouse shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire with less than a one inch opening.

(b) The materials used in making a henhouse shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouses and chicken tractors shall be well maintained.

(2) Henhouses and chicken pens shall only be located in the rear yard or side yard and within the required setbacks as required by the Zoning Code.

(3) Henhouses and chicken pens must be located at least ten feet from the property line and at least 25 feet from any adjacent residential dwelling, church, school or place of business.

(E) Any enclosed chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.
Penalty, see S 90.99

S 90.81 ODOR AND NOISE IMPACTS.

(A) Odors from chickens, chicken manure or other chicken related disturbances shall not be perceptible beyond the boundaries of the permitted tract of land.

(B) Noise from chickens shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity. Penalty, see S 90.99

S 90.82 PREDATORS, RODENTS, INSECTS AND PARASITES.

The permittee shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by an Animal Control officer.

S 90.83 FEED AND WATER.

Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.

S 90.84 WASTE STORAGE AND REMOVAL.

All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three cubic feet of manure shall be stored on the permitted tract of land. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

S 90.85 CHICKENS AT LARGE.

The permittee shall not allow the permittee’s chickens to roam off the permitted tract of land. No dog or cat or other domesticated animal which kills a chicken off the permitted tract of land will, for that reason alone, not be considered a dangerous or aggressive animal or the village’s responsibility to enforce its animal control provisions.

S 90.86 UNLAWFUL ACTS.

(A) It shall be unlawful for any person to keep chickens in violation of any provision of this subchapter or any other provision of the Village of Mt. Zion Municipal Code.
(B) It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this subchapter.
(C) No person shall keep chickens inside a single family dwelling unit, multi-family dwelling unit(s) or rental unit.
(D) No person shall keep a rooster.
(E) No person shall keep chickens on a vacant or uninhabited tract of land.
Penalty, see S 90.99

S 90.87 NUISANCES.

Any violation of the terms of this subchapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions of the Village of Mt. Zion Code S 92.03.

S 90.99 PENALTY.

(A) *Settlement of fines*. Notwithstanding any other provisions of this code, citations issued for violations of the following sections of this chapter may be settled as follows:

	First Offense (if paid prior to court appearance)	***Second Offense (if paid prior to court appearance)***	***Third Offense***
Running at large/returned to owner; S 90.31	$75	$100	Impoundment
Running at large/not returned to owner /impounded; S 90.31	County animal control fines apply		
Running at large/dangerous or vicious dog; S90.31	Impounded, with running at large fees and county animal control fines to apply		
No rabies tag/name tag; S 90.26	$25	$30	$50
No rabies vaccination/registration; S 90.26	$50	$75	Impoundment
Noise nuisances; S 90.05	Verbal warning	$25	$40
Bite or bite report; 90.35	Veterinarian or	Veterinarian or	Impoundment/

	impoundment if no vaccination; see above (other fines may apply as consistent with the provisions of this code)	impoundment if no vaccination: see above (other fines may apply as consistent with the provisions of this code)	other fines and penalties as provided by this code
Transport/handling for impoundment	$25 per trip		
Injury to property/nuisance; S 90.03	Verbal warning	$25	$75
Improper enclosure for dangerous/vicious dog SS 90.55 through 90.61	Verbal warning with appropriate offense fees if applicable	$100	$150
Husbandry; S 90.06	Verbal warning or impoundment	$50 + possible impoundment	$100+ possible impoundment and court case with fees
Unsanitary pet area/excess amount of fecal material in area; S 90.03	Verbal warning	$25	$75
Impoundment by Village	$50.00 a day		
*Settlement of any fine is contingent upon vaccination and registration being obtained within 48 hours of the time the citation is issued. Failure to obtain a vaccination and registration within 48 hours constitutes non-compliance and subjects violator to second offense and $75 fine. Failure to obtain a vaccination and registration within 48 hours of the second offense constitutes a third offense and will result in impoundment.			

(B) *Enforcement through legal action*.

(1) Any person, firm or corporation in whose name a citation alleging a violation enumerated in this code is issued, and who shall neglect or refuse to pay the citation after written notice, shall be indebted to the village in the amount specified herein, unless and until a complaint is filed in circuit court.

(2) In the event the village brings legal action for the enforcement of any provision herein, the village may assess a legal fee not to exceed the maximum amount permitted by law; plus court costs.

Chapter 91: Fireworks

Section

91.01 Definition
91.02 Sale, possession, or display of fireworks restricted
91.03 Hazardous display prohibited
91.04 Permit required for sale, distribution, or display
91.05 Fireworks sale regulations
91.06 Application; forms
91.07 Permitted use restricted; permit not transferable
91.99 Penalty

S 91.01 Definition.

For the purpose of this chapter, the following definition shall apply

"Fireworks." Any explosive composition, or any substance, or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibition nature by explosion, combustion, deflagration, or detonation, including blank cartridges, toy cannons in which explosives are used, balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, sparklers, bombs, or other fireworks of like construction, and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects. However, "Fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing .25 grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper or plastic caps which contain less than .20 grains of explosive mixture, the sale and use of which shall be permitted at all times. (Ordinance 1976-77-8, passed 6/21/76)

S 91.02 Sale, Possession, or Display of Fireworks Restricted.

Except as hereinafter provided, it shall be unlawful for any person, corporation, partnership, or association to offer for sale, sell, possess, distribute, or publicly display fireworks or other pyrotechnic displays within the corporate limits of the village. (Ordinance 1976-77-8, passed 6/21/76)

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Statutory reference: Power of cities to regulate fireworks. Illinois Fireworks Regulation Act

S 91.03 Hazardous Display Prohibited.

Every public display shall be handled by a competent individual designated by the village administrator, and shall be of such a character and so located, discharged, or fired as not to be hazardous to property or endanger any person. (Ordinance 1976-77-8, passed 6/21/76) Penalty, see #91.99.

S 91.04 Permit Required For Sale, Distribution, or Display.

(A) Any person, corporation, partnership or association wishing to offer for sale, sell, distribute, whether at retail or wholesale, or display fireworks or other pyrotechnic displays publicly shall first obtain a permit from office of village administrator. The fee for the permit to display fireworks shall be $25.00. The fee for the permit to sell or distribute fireworks shall be $100.00.

(B) Permits issued by the Macon County Board of Supervisors for the sale, distribution, or public display of fireworks or other pyrotechnic displays shall not be valid within the corporate limits of the village. (Ordinance 1976-77-8, passed 6/21/76; amended by Ordinance 1976-77-9, passed 6/21/76; Ordinance 1980-81-2, passed 5/19/80; Ordinance 95-96-5; Ordinance 2003-04-1, passed 5/19/03)

S 91.05 Fireworks Sale Regulations.

(A) **Types of Fireworks Sales Allowed.** Only Class C fireworks may be sold in the village. Class A & B fireworks may not be sold or stored in the village.

(B) **Location of Fireworks Sale Sites.** All fireworks sale sites shall be located in the highway commercial zone as established under the zoning code of the village.

(C) **Building Code Standards for the Fireworks Sale Sites.** Fireworks sale sites premises shall be in a permanent structure that is kept in a clean and sanitary condition and in full compliance with the building code of the Village of Mt. Zion Code of Ordinances. No fireworks sale sites shall be permitted on any premises, which is within 100 feet from the nearest point to the property line of a church or school.

(D) **Inspection of Fireworks Sale Sites.** The permitee must open the fireworks sale sites at any time for inspection by the Chief of Police and/or other authorized officials of the village. Fireworks sale sites must be inspected and approved by the Chief of Police and/or other authorized officials of the Village before fireworks sales may commence.

(E) **Qualifications of Applicant for Fireworks Permit.** Applications for Fireworks Sale permit shall be submitted in writing on the forms provided by the village administrator signed by the applicant, if an individual, or by the duly authorized officer, if the applicant is a corporation, or by a partner, if the applicant is a partnership. All applications shall be verified by oath and shall contain the following information and statements:

(1) The age, resident's address of the applicant if the person applying is an individual. The name, age and resident's address of all partners if the applicant is a partnership. If the applicant is a corporation, the corporate name, date of incorporation, state of incorporation, date when the corporation was authorized to do business in the state of Illinois, the names of the officers and directors of the corporation.

(2) The length of time the applicant has been in the fireworks business.

(3) The quantity of fireworks, goods and merchandise the applicant intends to store upon the premises.

(4) The location, street address and full legal description of the premises where fireworks sales shall take place.

(5) A statement from the applicant that the applicant has never been convicted of a felony, and that the applicant will not violate any of the ordinances of the village or any of the laws of the state of Illinois in the conduct of the sale of fireworks.

(6) Two personal and two business references.

(7) A verified financial statement showing the assets and liabilities of the person applying a certificate of insurance verifying that the applicant's fireworks business is covered by commercial general liability insurance with limits not less than $500,000.00 general aggregate limit. (Ordinance 1995-96-5)

(F) **Persons ineligible for license and/or employment at the fireworks sale sites.** The following individuals may not be employed at the fireworks sale sites and/or shall not be issued a fireworks sale permit:

(1) A person who is not over 21 years of age.

(2) A person who is not a citizen of the United States.

(3) A person who has been convicted of a felony under any federal or state law.

(4) A person whose license under this Chapter has been previously revoked.

(5) A partnership, unless all of the members of the partnership are qualified to obtain a license.

S 91.06 Application; Forms.

(A) Application for permits shall be made in writing at least 15 days in advance of the date of the display, and action shall be taken on such application within 48 hours after such application is made.

S 91.07 Permitted Use Restricted; Permit Not Transferable.

After such permit has been granted, offers-for-sale, possession, use, distribution, and public display of fireworks shall be lawful only according to the terms of the permit. No permit granted hereunder shall be transferable. (Ordinance 1976-77-8, passed 6/21/76) Penalty, see S 91.99

S 91.99 Penalty.

Any person, corporation, partnership, or association found to have violated any of the provisions of this chapter shall be fined not less than $25 and not more than $500.

Chapter 92: Nuisances

Section

92.01 Nuisance defined; scope of chapter
92.02 Notice; failure to abate; costs assessed against owner
92.03 Abandoned excavation declared nuisance
92.04 Open well declared nuisance
92.05 Tall weeds declared nuisance
92.06 Dumping of noxious substances prohibited; other nuisances
92.07 (Reserved)
92.08 (Reserved)
92.09 Use of available sanitary sewers required
92.10 Nuisance noises
92.11 Drainage Ditches, waterways and creeks

92.99 Penalty

S 92.01 Nuisance Defined; Scope of Character.

Where no provision is made defining nuisances and how they may be abated, removed, or prevented, those offenses known to the common law and to the Statutes of Illinois as nuisances, in addition to those declared herein, may, in case they exist within the jurisdiction of the village, be treated as such and proceeded against as provided in this chapter or any other provision of law applicable thereto. (Ordinance 309, passed 6/5/67)

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Statutory reference:

Power of cities to define and abate, see S.H.A. Nuisances generally see S.H.A.

S 92.02 Notice; Failure to Abate; Costs Assessed Against Owner.

In all cases where a nuisance shall be found in any building or premises within the jurisdiction of the village, the village clerk shall cause a written notice to be served on the owner or occupant or person in charge thereof, if he can be found, requiring him to abate the same within a reasonable time. Such notice may, but need not specify the manner of abatement. If the person notified neglects or refuses to comply with such notice, whatever the owner, occupant, or person in charge is unknown or cannot be found, the village administrator shall proceed to cause the nuisance to be abated without notice and the expense thereof shall be collected from the person who may have created, continued, or suffered the nuisance to exist, in addition to any fine or penalty. (Ordinance 1991-92-2)

S 92.03 Abandoned Excavation Declared Nuisance.

(A) Any abandoned excavation or excavation no longer in use, which is open and undrained, is declared to be a nuisance.

(B) Such excavation must be filled or drained so that water will not stand therein and it shall be the duty of the owner, occupant or agent of any property on which such excavation is located to fill or drain the excavation. (Ordinance 309, passed 6/5/67)

S 92.04 Open Well Declared Nuisance.

Any open well, cistern, hole, or pit is declared to be a nuisance. Such open well, cistern, hole, or pit must be filled or securely and tightly covered, and it shall be the duty of the owner, occupant, or agent of any property on which such open well, cistern, hole, or pit is located to fill or keep it securely and tightly covered. (Ordinance 309, passed 6/5/67)

S 92.05 Tall Weeds Declared Nuisance.

Weeds, grass or other vegetation growth which has grown to a height of 10 inches or more are hereby declared to be a nuisance and any owner, lessee, occupant, or agent having control of any lot of ground or any part thereof within the Village shall cut and cause the same to be cut within five (5) days after being notified by the Village. Such owner, lessee, occupant or agent of any lot of ground, or part thereof shall also cut or cause to be cut, upon notice as provided in this Section, any weeds, grass or vegetation growth as described herein which are growing or located between the prolongation of the side lot lines thereof, and between the rear and front lines thereof, as the case may be and the edge of the roadway or alley under the jurisdiction or control of the Village or the edge of the roadway or alley located within the Village limits, and abutting such lot of ground, or part thereof; provided, however, that no such owner, lessee, occupant or agent shall be responsible for cutting any weeds, grass or vegetation on any public right of way if such weeds, grass, or vegetation is growing or located

(a) on ground which has a slope greater than one to one and a height which exceeds three feet from the bottom of the slope to the top of the slope, or

(b) on ground which is inaccessible to ground maintenance equipment customarily used by residential households due to unusual topographical conditions or structures. If such person shall fail to comply with said notice, such weeds, grass or other vegetation may be cut or caused to be cut by the Village and the expense thereof shall be repaid to the Village by the owner or persons in control of said premises. Charges for weeds, grass or vegetation cutting on private property shall be a lien on the premises. Notice shall be given in the following manner:

(1) For lots with an occupied structure as determined by act of water service or investigation, the notice to abate the violation of growth of weeds, grass or vegetation which have grown to a height often (10) inches or more may be given to the owner, lessee, occupant or agent having control of the lot of ground or any part thereof including the prolongation of the lot lines by personal service or by posting a sign on the premises of the property in question regarding the violation. The sign shall be posted in a conspicuous place near the front of the lot or near the main entrance to the structure. The posted sign shall be at least fourteen (14) inches in height and eight (8) inches in width and at the top thereof in large letters shall state the words, "Notice to Abate." The text of the notice shall contain a reference to the provisions of this Code violated, the address of the property, the date of posting, and such other information respecting the nature advisable. It shall be unlawful for anyone to deface, tamper with, or remove the ".Notice to Abate" sign from the property where it is posted unless authorized by the Village. All notices shall state that the removal of the weeds shall be performed within the time specified from the date of the notice. The time limit to abate the growth of the weeds or other vegetation which have grown to a height often (10) inches or more or allowed to flower shall be no less than five (5) days after personal delivery for the notice or the posting of the "Notice to Abate" sign on the property.

(2) For vacant lots with an unoccupied structure, as determined by active water service, the notice to abate the violation of the growth of weeds, grass or other vegetation which have grown to a height often (10) inches or more shall be published by the Village in a newspaper of general circulation with the Village limits once a week for two consecutive weeks for each year a notice informing all owners, lessees, occupants or agents having control of any vacant lot or a lot with an unoccupied structure or any part thereof and including the prolongation of the lot lines within the Village and the growth of weeds, grass or vegetation which have grown to a height often (10) inches or more and the existence on any such lot is contrary to the ordinance of the Village of Mt. Zion. The notice shall further inform the public that should the weeds, grass or vegetation grow to more than ten (10) inches in height, the Village may cut or cause to be cut the weeds without further notice and the owner, lessee, occupant or agent having control of said lot shall be liable to the Village for its costs and shall be a lien against the property. This Notice shall be a display advertisement.

Penalty, see S 92.99

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Statutory reference:

Powers of cities to abate weeds; lien procedure, see S.H.A.

S 92.06 Dumping of Noxious Substances Prohibited; Other Nuisances.

(A) No person, firm, or corporation shall dump or deposit anywhere within the village any garbage, ashes, miscellaneous waste, manure, or other substances which may contain disease germs, be scattered by the wind, decompose, or become filthy, noxious, or unhealthy; and such dumping is declared to be a nuisance. No person, firm, or corporation shall dump or deposit any waste matter upon private property within the village except upon written consent of the owner or his authorized agent.

(B) No person shall cause to be deposited, sort, scatter, or leave any waste, rubbish, or garbage on any public or private place in the village.

(C) The storing of junk, trash and refuse on public or private property within the village is hereby declared a nuisance.

(D) Junk, trash and refuse are defined herein to include any and all waste matter, whether reusable or not, which is offensive to the public health, safety or to the aesthetics of the neighborhood, and is specifically intended to include, but not limited to, worn-out, wrecked, abandoned, apparently inoperable or unlicensed vehicles, machinery of any kind and any parts thereof, refrigerators, stoves, metal drums or other containers, and discarded building materials. (Ordinance 91-92-17, passed 10/7/91)

(E) The storage of trucks, tractors, and related machinery when kept in functional, operational use for agricultural purposes is exempt from the provisions of this section providing:

(1) The zoning lot on which said storage exists is zoned VA-1 Agricultural; and

(2) Said zoning lot is used principally for agricultural purposes; and,

(3) Said machinery, or the like, is used principally for agricultural purposes.

(Ordinance 309, passed 6/5/67; Ordinance 1984-85-11, passed 8/20/84; Ordinance 1985-86-2, passed 5/6/85) Penalty, see S 92.99.

(F) When a vehicle defined in Paragraph D of this Section is being stored on village property, including village streets, a police officer shall ten days after notice have the vehicle removed by a towing agency by following

departmental guidelines for removal. (Ordinance 91-92-17, passed 10/7/91)

S 92.07 Reserved. (Supplanted by Ordinance 1985-86-2, passed 5/6/85)

S 92.08 Reserved. (Repealed by Ordinance 1983-84-26, passed 2/20/84)

S 92.09 Use of Available Sanitary Sewers Required.

Where a sanitary sewer is available, all sewerage from any premises must be discharged into such sewer. A sewer is declared to be available as to any premises abutting any street, alley, or other public way or sewer right-of-way in which any line of the sewerage system of the village exists. Where a sanitary sewer is made available to areas not heretofore served by a sanitary sewer, connection with the sewer must be made within one year after such sewer is available for use. The use of any premises in such a manner as to create sewerage not discharged into a sewer, when available, is declared to be a nuisance. Any water closet, privy, or cesspool connected and used in any building not connected with a sewer, when available, is declared to be a nuisance. (Ordinance 332, passed 5/69) Penalty, see S 92.99.

S 92.10 Nuisance Noises.

(A) Definitions. For the purpose of this section, the following words shall have the meaning ascribed to them as follows:

(1) "Muffler." Every device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine or turbine wheels for the purpose of receiving exhaust gas from a diesel engine, both of which are effective in reducing noise.

(2) "Motor Vehicle." Every vehicle that is self-propelled.

(B) Mufflers – prevention of noise. Every motor vehicle driven or operated within the village limits shall at all times be equipped with an adequate muffler or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cutout, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise of such vehicle above that emitted by the muffler originally installed on the vehicle and such original muffler shall comply with all the requirements of this section.

(C) Excessive noise prohibited. It shall be unlawful for any person to make, continue, or cause 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, within the limits of the village.

S 92.11 Drainage Ditches, Waterways and Creeks.

(A) It shall be unlawful to dump or place tree limbs, brush, debris, trash and other items defined in Section 92.06 within the limits of any drainage ditch, waterway or creek located within the corporate limits of the village of Mt. Zion.

(B) It shall be unlawful to block any drainage ditch, waterway or creek by filling or building a dam, depositing building materials or debris, installing an inadequate size culvert or installing any other type structure, which will cause flooding of properties adjacent to or up-stream of the drainage ditch, waterway or creek.

S 92.99 Penalty.

Any person, firm or corporation who shall violate any provision of this chapter, shall upon conviction be fined not less than $50 nor more than $500 for each offense and each day on which a violation occurs or continues shall be considered a separate offense.

Chapter 93: Streets and Sidewalks

Section

Streets

93.01 Definitions
93.02 Encroachments restricted
93.03 Opening and Excavating of public streets

Sidewalks

93.05 Policy regarding sidewalk costs
93.06 Procedure for project requests by abutting owners
93.07 Minimum project size
93.08 Projects to conform to subdivision regulations
93.09 Approval required for right-of-way
93.10 Depositing snow in public right-of-way prohibited; notice to remove
93.99 Penalty

Streets

S 93.01 Definitions.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

(A) "Construction Easement Area." The area lying between the project right-of-way limits and the platted street limits within the right-of-way lines, will permit the state to enter to perform all necessary construction operations.

(B) "Encroachment." Any building fence, sign, or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located, or maintained in, on, under, or over any portion of the project right-of-way or the roadway right-of-way where no project right-of-way has been established.

(C) "Project Right-Of-Way." Those areas within the project right-of-way lines established jointly by the village, state, and the Federal Highway Administration that will be free of encroachments except as hereinafter defined.

(D) "Roadway Right-Of-Way." Those areas existing or acquired by dedication or by fee simple for highway purposes; also, the area acquired by

temporary easement during the time the easement is in effect. (Ordinance 1972-73-11, passed 4/2/73)

S 93.02 Encroachments Restricted.

(A) It shall be unlawful for any person, firm, or corporation to erect or cause to be erected, or to retain or cause to be retained, any encroachment within the limits of the project right-of-way or roadway right-of-way where no project right-of-way lines have been established.

(B) This section shall be in addition to all other ordinances, rules, and regulations concerning encroachments, and shall not be construed as repealing or rescinding any other ordinance or part of any ordinance unless in direct conflict therewith. (Ordinance 1972-73-11, passed 4/2/73) Penalty, see S 93.99

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Statutory reference:

Power of cities to regulate street encroachments, see S.H.A.

S 93.03 Opening and Excavating of Public Streets.

(A) No person, firm or corporation, other than employees of the village or entities performing work for the village by contract, shall make any opening, make any excavation, or construct anything in, on or under any street, alley easement, right-of-way or public place of the village, without first having obtained a permit from the village, and all work and material for such opening, excavation or construction shall be in compliance with the Village Regulations for Opening and Excavating of Public Streets, and be subject to the supervision and approval of the village.

(B) Street opening permits shall be issued only for the following purposes by the village clerk of the village upon the payment of an appropriate fee in advance as herein set forth:

(1) Opening and closing for the purpose of reaching watermain, sewer main or drainage pipe, the fee shall be $20.00.

(2) For opening and closing of village streets, alleys, easements or right-of-way by a company holding a utility or CATV franchise with the village or their contractors no permit fee shall be required unless provided for in their franchise. (Ordinance 91-92-11)

(C) All applications for permits required by this division shall describe the location of the intended excavation, the size thereof, the purpose therefore, and the person doing the actual excavating work and the name of the person for whom or which the work is being done and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done.

(D) Prior to the issuance of any permit under this section by the village, the applicant for such permit shall make, or have made, proof that the applicant, his agents and employees, are fully protected by insurance or bond covering public liability, property damage and workmen's compensation claims arising out of the issuance of such permit.

(E) Any person, firm, corporation or other entity violating any provision of this section or the Village Regulations for Opening and Excavating of Public Streets shall upon conviction be fined not to exceed $500.00. (Ordinance 1981-82-9, passed 11/16/81)

Sidewalks

S 93.05 Policy Regarding Sidewalk Costs.

(A) It is the policy of the village to pay 100% of the cost related to construction of sidewalks in high hazard areas as defined by the village board of trustees, provided that there are adequate funds available for such projects.

(B) It is also the policy of the village to split the cost of constructing and maintaining sidewalks equally (fifty-fifty) with the property owners requesting such improvements, subject to the availability of funds and approval of the village board, provided that such sidewalks are constructed or maintained on a village right-of-way. (Resolution Passed 11/7/77)

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Statutory reference:

Power of cities to regulate sidewalk construction, see S.H.A.

S 93.06 Procedure For Project Requests By Abutting Owners.

(A) All requests for construction, reconstruction, maintenance, or repair of sidewalks must be made by the property owner upon the request form supplied by the village.

(B) All property owners must pay their share of the sidewalk improvements within 15 days of notification of bid costs or their project will be eliminated.

(C) Sidewalk projects will be bid once each year, and requests for such improvements must be made by March 15 of each year. (Resolution Passed 11/7/77)

S 93.07 Minimum Project Size.

No new construction project of less than 4 consecutive lots or 1 block will be considered by the village. (Resolution Passed 11/7/77)

S 93.08 Projects To Conform To Subdivision Regulations.

All construction and repair projects shall comply with the village sidewalk standards as defined in Subdivision Regulations. (Resolution Passed 11/7/77)

S 93.09 Approval Required For Right-Of-Way Construction.

(A) No construction of a new driveway or modification in any manner of an existing driveway which will cross or crosses the public right-of-way serving as any part of the drainage system in the village shall be made unless prior approval of the construction and design therefore is obtained from the village director of public works.

(B) No replacement or installation or culverts or replacement or installation of any part of the existing drainage facilities in the public right-of-way shall be made unless prior approval of the construction and design therefore is obtained from the village director of public works.

(C) No construction of any kind in the public right-of-way, which will or might affect the drainage system of the village, shall be made unless prior approval of the construction and design therefore is obtained from the village director of public works. (Ordinance 1983-84-2, passed 5/2/83)

S 93.99 Penalty.

Any person, firm, or corporation violating sections 93.02, 93.03 or 93.09 shall be fined not less than $5.00 nor more than $200.00 for each offense and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.
(Ordinance 1983-84-2, passed 5/2/83)

S 93.100 Depositing Snow In Public Right-Of-Way Prohibited; Notice To Remove.

If any owner or occupant of property shall deposit snow on the right-of-way abutting or adjacent to his premises, the village may, by oral or written notice, advise the owner or occupant to remove said snow. If the owner or occupant fails to remove the snow within 24 hours of receipt of the said notice, the village may remove the snow and charge the owner or occupant for all costs incurred in said removal. (Ordinance 1981-82-15, passed 1/18/82)

Chapter 94: Taxation

Section

94.01 Municipal service occupation tax
94.02 Municipal retailers' occupation tax
94.03 Municipal utility tax
94.04 Municipal amusement tax
94.05 Locally Imposed and Administered Tax Rights and Responsibility Ordinance
94.06 Notices
94.07 Late Payment
94.08 Payment
94.09 Certain Credits and Refunds
94.10 Audit Procedure
94.11 Appeal
94.12 Hearing
94.13 Interest and Penalties
94.14 Abatement
94.15 Installment Contracts
94.16 Statute of Limitations
94.17 Voluntary Disclosure
94.18 Publication of Tax Ordinance
94.19 Internal Review Procedure
94.20 Application
94.21 Severability
94.22 Effective Date

S 94.01 Municipal Service Occupation Tax.

(A) A tax is imposed upon all persons engaged in this village in the business of making sales of service at the rate of 1% of the gross receipts received from such business, in accordance with the provisions of the Municipal Service Occupation Tax Act, S.H.A. .

(B) Every serviceman required to account for municipal service occupation tax for the benefit of this village shall file, on or before the last day of each calendar month, the report to the state department of revenue required by the Municipal Service Occupation Tax Act.

(C) At the time such report is filed, there shall be paid to the state department of revenue the amount of tax imposed. (Ordinance 316, passed 8/21/67)

S 94.02 Municipal Retailers' Occupation Tax.

(A) A tax is imposed upon all persons engaged in the business of selling tangible personal property at retail in this village at the rate of 1% of the gross receipts from such sales made in the course of such business while this ordinance is in effect, in accordance with the provisions of the Municipal Retailers' Occupation Tax Act, S.H.A.

(B) Every such person engaged in such business in the village shall file, on or before the last day of each calendar month, the report to the state department of revenue required by S 3 of "An Act in Relation to a Tax upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption," approved June 28, 1933, as amended.

(C) At the time such report is filed, there shall be paid to the state department of revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month. (Ordinance 312, passed 8/17/67)

S 94.03 Municipal Utility Tax.

(A) **Tax Imposed.** A tax is imposed on all persons engaged in the following occupations or privileges:

(1) The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality at the following rates, calculated on a monthly basis for each purchaser:

(i) For the first 2000 kilowatt-hours used or consumed in a month; .3014 cents per kilowatt-hour;

(ii) For the next 48,000 kilowatt-hours used or consumed in a month; .2369 cents per kilowatt-hour;

(iii) For the next 50,000 kilowatt-hours used or consumed in a month; .2368 cents per kilowatt-hour;

(iv) For the next 400,000 kilowatt-hours used or consumed in a month; .2367 cents per kilowatt hour;

(v) For the next 500,000 kilowatt-hours used or consumed in a month; .2366 cents per kilowatt-hour;

(vi) For the next 2,000,000 kilowatt-hours used or consumed in a month; .2365 cents per kilowatt-hour;

(vii) For the next 2,000,000 kilowatt-hours used or consumed in a month; .2364 cents per kilowatt-hour;

(viii) For the next 5,000,000 kilowatt-hours used or consumed in a month; .2363 cents per kilowatt-hour;

(ix) For the next 10,000,000 kilowatt-hours used or consumed in a month; .2362 cents per kilowatt-hour;

(x) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month; .2361 cents per kilowatt-hour.

(a) The tax rates set forth in the preceding table will be used at least through December 31, 2008, and do not exceed the revenue that

(b) could have been collected during 1997 using the rates enumerated in 65 ILCS Section 5/8-11-2 (as modified by Public Act 90-561).

(c) Pursuant to 65 ILCS Section 5/8-11-2, the rates set forth in subsection (a) above shall be effective: (A) on August 1, 1998 for residential customers; and (B) of the earlier of (1) the last bill issued prior to December 31, 2000, or (2) the date of the first bill issued pursuant to 220 ILCS Section 5/16-104, for nonresidential customers.

(d) This ordinance is being implemented in conjunction with and under the authorization of the Illinois Customer Choice and Rate Relief Act of 1997.

(2) Persons engaged in the business of transmitting messages by means of electricity, at the rate of 3 percent of the gross receipts from such business originating within the corporate limits of the Village of Mt. Zion.

(3) Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of the village, and not for resale, at the rate of 3 percent of the gross receipts there from.

(B) **Exceptions.** None of the taxes authorized by this Ordinance may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under

the Constitution and statutes of the United States, be made the subject of taxation of this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Ordinance for those transactions that are or may become subject to taxation under the provisions of "Municipal Retailers' Occupation Tax Act" authorized by Section 8-11-1, nor shall any tax authorized by this Ordinance be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality.

Any account(s) of the Village of Mt. Zion shall be exempt from the taxes imposed by this Ordinance(s). (Amended by Ordinance 2015-16-20; passed December 7, 2015)

(C) **Additional Taxes.** Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

(D) **Collection.** The tax authorized by this Ordinance shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is collected pursuant to this Ordinance and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering electricity who file returns pursuant to this paragraph (c) shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to this Ordinance.

(E) **Reports To Municipality.** On or before the last day of each month, each taxpayer shall make a return to the City for the preceding month stating:

(1) His name.

(2) His principal place of business.

(3) His gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed.

(4) Amount of tax.

(5) Such other reasonable and related information as the corporate authorities may require.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the Village of Mt. Zion, 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 billings, and the taxable gross receipts.

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

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

(G) **Penalty.** Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars ($100.00) nor more than two hundred dollars ($200.00) in addition, shall be liable in a civil action for the amount of tax due. (See 65ILCS 5/8-11-2) (Ordinance 98-99-17)

S 94.04 Municipal Amusement Taxation.

(A) Definitions:

“Amusement.” Any exhibition, motion picture show, flower, poultry or animal show, animal act, circus, rodeo, athletic contest, sport, game or similar exhibition such as boxing, wrestling, skating, dancing, swimming,

racing or riding on animals or vehicles, any entertainment or recreational activity offered for public participation, or on a membership or other basis including but not limited to games, bowling, billiards, bingo, and pool. Exceptions to this definition include events sponsored by Mt. Zion Community Unit School District #3.

"Owner." The owner of a place where amusement is being held, is any person with an ownership of leasehold interest in the building, structure, or area or other person who presents, conducts or operates an amusement and who allows by agreement or otherwise any person, business or entity to present, conduct or operate an amusement in such place.

(B) License: Every person, entity or organization that operates, organizes, conducts or presents a place of amusement shall obtain from the village clerk a license. An Amusement License must be obtained at least seven (7) days prior to the beginning of the amusement event. Any individual, entity, organization, or persons responsible for organizing, operating or presenting a place of amusement that fails to obtain a license is in violation of this ordinance.

(C) Tax Imposed: A Municipal Amusement Tax is imposed upon the patrons of any amusements within the village, of an amount equal to zero percent (0%) of the admission fees or other charges paid for the privilege to enter.

(D) Collection Payment and Accounting of Municipal Amusement Tax: It shall be the duty of every owner, manager or operator of an amusement, or of a place where an amusement is being held to secure said tax from the patron and remit said tax to the Village of Mt. Zion not later than 30 days after the receipt of amusement revenues and taxes. A verified statement of such amusement fees and taxation and amusement taxes in the form prescribed from time to time by the village shall accompany the remittance. Acceptance by the village of any amount tendered in payment of the tax shall be without prejudice to any claim, demand or right to account for any deficiency of taxes paid and/or owed by the owner, manager or operator.

Cancelled admission tickets, and complete accurate records, books and accounts in detail of all such receipts shall be kept at the place of amusement or at such other place within the village limits as may be designated in writing by the person liable for the collection of the Municipal Amusement Tax. The village shall have access to the place of amusement and to the cancelled admission tickets, records, books and accounts at all reasonable times for an audit. Every owner, manager or operator referred to herein, who is required to collect the tax imposed by this article, shall be considered a tax collector for the village. All municipal amusement taxes collected shall be held by such tax collector as trustee for and on behalf of

the village. Failure of the tax collector to collect the tax herein imposed shall not excuse or release the patron and/or the owner, manager or operator from obligation to pay the Municipal Amusement Tax.

(E) Violation – Penalty: Any person violating any of the provisions of this Ordinance shall be fined not less than $500.00 for each offense. Each day such violation occurs shall be regarded as a separate offense. (Ordinance 93-94-11; Ordinance 93-94-21)

S 94.05 Locally Imposed and Administered Tax Rights and Responsibility

(A) Definitions:

Act – Means the "Local Government Taxpayers' Bill of Rights Act"

Corporate Authorities - Means the Village's President and Board of Trustees Locally imposed and administered tax or tax – Means each tax improved by the Village 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 Administrator, 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 effects to this ordinance. The exercise of such authority by the local tax administrator shall not be inconsistent with this ordinance and the Act.

Village – Means the Village of Mt. Zion, Illinois.

Notice – Means each audit notice, collection notice or other similar notice or communication in connection with each of the Village's locally imposed and administered taxes.

Tax Ordinance – Means each ordinance adopted by the Village that imposes any locally imposed and administered tax.

Taxpayer – Means any person 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.

S 94.06 **Notices**: Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed within 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:

a) First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or
b) Personal service or delivery.

S 94.07 **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.

S 94.08 **Payment:** Any payment or remittance received for a tax period shall be applied in the following order: (1) first to the tax due for the applicable period; (2) second to the interest due for the applicable period; and (3) third to the penalty for the applicable period.

S 94.09 **Certain Credits and Refunds:**

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

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

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

(1) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:

(i) The name of the locally imposed and administered tax subject to the claim;
(ii) The tax period for the locally imposed and administered tax subject to the claim;
(iii) The date of the tax payment subject to the claim and the cancelled check or receipt for the payment;
(iv)The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and
(v) 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, there shall be no refund and only a credit given in the event the taxpayer owes any monies to the Village.

(3) Within fourteen (14) days of receipt of the local tax administrator of any claim or refund or credit, the local tax administrator shall either:

(i) Grant the claim; or
(ii) 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.

(4) 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 (specify rate percentage) 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 or a refund check or the grant of a credit.

S 94.10 Audit Procedure. Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this ordinance.

(A) Each notice of audit shall contain the following information:
(i) The tax;
(ii) The time period of the audit; and
(iii) A brief description of the books and records to be made available for the auditor.

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

(C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted no less than seven days nor more than thirty days from the date the notice is given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the thirty days, approved in writing that is convenient to the taxpayer and the local tax administrator.

Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given

rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the Village.

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

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

(G) In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local government entity imposing such tax.

S 94.11 Appeal

(A) The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protest able 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:

i. The reason for the assessment;
ii. The amount of the tax liability proposed;
iii. The procedure for appealing the assessment; and
iv. The obligations of the Village during the audit, appeal, refund and collection process.

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

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

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

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

S 94.12 Hearing

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under Section Nine, above, the local tax administrator shall conduct a hearing regarding any appeal.

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

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

(D) 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.

S 94.13 Interest and Penalties. In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(A) Interest. The Village hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, to be 9.0% per annum, based on a year of 365 days and the number of days elapsed.

(C) 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, or 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 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 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.

S 94.14 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.

S. 94.15 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) day period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be cancelled without further notice to the taxpayer.

S 94.16 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.

No determination of tax due and owing may be issued more than 2 years after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

If any tax return is not filed or if during any 4-year period for which a notice of tax determination or assessment may be issued by the Village, the tax paid was less than 75% of the tax due, the statute of limitations shall be two (2) 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.

No statute of limitations shall no apply if a fraudulent tax return was filed by the taxpayer.

S 94.17 Voluntary Disclosures. For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or

assessment for 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 appli8cation. 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 the 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.

S 94.18 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 of the Village Clerk's office.

S 94.19 Internal Review Procedure. The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

(a) Timely remove the lien at the Village's expense;
(b) Correct the taxpayer's credit record; and
(c) Correct any public disclosure of the improperly imposed lien.

S 94.20 Application. This ordinance shall be liberally construed and administered to supplement all of the Village's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this ordinance, this ordinance shall be controlling.

S 94.21 Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

S 94.22 Effective Date. This ordinance shall be in full force and effect, after passage, approval and publication as required by law. (Ordinance 2000-01-17, 1/15/01)

Chapter 95: Fire Hydrant Access and Emergency Vehicles

Section

95.01 Title
95.02 Unlawful to obstruct or tamper with fire hydrants or fire apparatus
95.03 Access to fire hydrants and water connection required
95.04 Construction of fences near hydrants restricted
95.05 Obstructing or interfering with emergency vehicles prohibited
95.06 Penalty

S 95.01 Title.

This Chapter is hereby designated as Chapter 95, Fire Hydrant Access and Emergency Vehicles. (Ordinance 1984-85-10, passed 8/20/84)

S 95.02 Unlawful To Obstruct Or Tamper With Fire Hydrants Or Fire Apparatus.

It shall be unlawful to obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance except for the purpose of extinguishing fires, training or testing purposes, recharging, or making necessary repairs, or when permitted by the Mt. Zion Fire Protection District or the Village of Mt. Zion. (Ordinance 1984-85-10, passed 8/20/84)

S 95.03 Access To Fire Hydrants And Water Connections Required.

It shall be unlawful to obscure the view, damage, deface, obstruct or restrict the access to any fire hydrant or any water connection used for the pressurization of a fire suppression system, including fire hydrants and water connections that are located on public or private streets and access lanes, or on private property. (Ordinance 1984-85-10, passed 8/20/84)

S 95.04 Construction Of Fences Near Hydrants Restricted.

Fences and other structures shall not be constructed within 3 feet of the center of any fire hydrant. (Ordinance 1984-85-10, passed 8/20/84)

S 95.05 Obstructing Or Interfering With Emergency Vehicles Prohibited.

It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of any emergency vehicle in any way, or to interfere with, attempt to interfere with, obstruct or hamper any fire suppression operation. (Ordinance 1984-85-10, passed 8/20/84)

S 95.06 Penalty.

Any person, firm, or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be fined not less than $25.00 nor more than $500.00 for each offense, and each day on which a violation occurs or continues shall be considered a separate offense. (Ordinance 1984-85-10, passed 8/20/84)

Chapter 96: Recyclable Materials

Section

96.01 Definitions
96.02 Recycling program
96.03 Recycling contract
96.04 Service charge
96.05 Charge mandatory
96.06 Billing
96.07 No scavenging
96.08 Penalty

S 96.01 Definitions.

As used in this Chapter, unless the context requires otherwise, the singular shall include the plural and the plural shall include the singular, and the following phrases shall mean:

"Dwelling." Any occupied single-family residence and any duplex residence containing not more than two units.

"Hauler." The entity authorized by contract to collect the recyclable materials.

"Recyclable Materials." All newspapers, food product glass, aluminum, tin and bimetal cans, plastic milk jugs and high-density polyethylene (HDPE).

"Recycle." To process used and discarded objects and materials into objects or materials that may be reused for ultimate consumption and manufacturing and/or remarketed for value.

"Recycling Program." A comprehensive program in which citizens are provided with the opportunity to have recyclable materials collected from their dwellings and recycled.

S 96.02 Recycling Program.

The Village Administrator may, by appropriate action, institute a recycling program for the Village of Mt. Zion subject to village board of trustee authorization as required herein. The village administrator is authorized and directed to prepare the rules and regulations of the recycling program.

S 96.03 Recycling Contract.

The village may, by action of the village board of trustee, contract with, or authorize a contract with, any person, firm or corporation (Hauler) for the collection of recyclable materials from all dwellings within the village pursuant to a recycling program. The village at their option may authorize and direct the entity responsible for collection of recyclable materials to collect the recycling service charge.

S 96.04 Service Charge.

To provide for the expense of providing a recycling program for the citizens of the Village of Mt. Zion, the village may, by action of the trustees, levy a charge on the owners and/or residents of all dwellings within the village from which recyclable materials must be collected under the provisions of any contract as provided herein. Such charge may only be in such amount as will meet the contractual obligations of the village and/or to provide for other administrative expenses of the village related to the collection of recyclable materials. The owners and/or residents of such dwellings shall be responsible for the payment of all charges levied under the provisions hereof.

S 96.05 Charge Mandatory.

Any charge levied by the Trustees on any owner and/or residents of a dwelling pursuant to this Chapter shall be fully due and owing to the village, or the hauler regardless of whether such owner, or any occupant, of such dwelling provides recyclable materials to such contractor for collection.

S 96.06 Billing.

The village, or the hauler, shall be responsible for the billing and collection of any charges levied pursuant to this Chapter.

S 96.07 No Scavenging.

It shall be unlawful for any person, firm or corporation to collect, obtain, possess or pick up any recyclable material placed for collection in front of a residence as a part of, and in accordance with, the village's recycling program, unless such person, firm or corporation has a valid and current contract with the village to collect recyclable material as authorized by this Chapter.

S 96.08 Penalty.

Any person, firm, corporation or entity, which violates this ordinance, shall upon conviction be fined not to exceed Five Hundred Dollars ($500.00) for each separate violation of the provisions herein. Each day a violation occurs shall be considered a separate offense.
(Ordinance 96-97-15)

Chapter 97: Refuse Removal

Section

97.01 Policy
97.02 Definitions
97.03 Rules and regulations
97.04 Accumulation of refuse
97.05 Temporary storage of refuse
97.06 Manner of storage
97.07 Clean containers
97.08 Approved containers
97.09 Container weight
97.10 Bulk container
97.11 Location of container
97.12 Spillage
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97.17 Use of other container
97.18 Service required
97.19 Commercial premises
97.20 Vehicles
97.21 Scavenging
97.22 Application
97.23 Number of licenses and license fee
97.24 License meeting
97.25 Report of license meeting
97.26 Review by board of trustees
97.27 Requirement for license
97.28 Closed vehicles
97.29 Inspection of vehicles
97.30 Collection of refuse
97.31 Licensee telephone
97.32 Billing
97.33 Unique services
97.34 Annexation
97.35 Revocation of license
97.36 Penalty

S 97.01 Policy.

It is the policy and purpose of the provisions of this Chapter, and it is hereby determined to be necessary thereto, in order to protect the health, safety and welfare of the people of the village, to provide a coordinated village-wide program for the safe, economical

and efficient storage, collection and removal of refuse, and to insure adequate standards of basic service for the same, and this Chapter shall be liberally construed for accomplishing these purposes.

S 97.02 Definitions.

As used in this Chapter, unless context otherwise requires, the following words or phrases shall mean:

"Basic Removal Service." Twice weekly refuse removal other than landscape waste, with one weekly removal of landscape waste.

"Commercial." All that which is not residential.

"Garbage." Refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products.

"Landscape Waste." All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

"Refuse." Any discarded matter, including but not limited to garbage, sweepings, landscape waste, paper, cardboard, tin cans, ashes, bottles and similar other accumulations, but excluding special waste as defined by the Illinois Pollution Control and waste from the construction or demolition of structures.

"Residential." Premises occupied by six or fewer living units. Routes predominantly serving residential premises. Areas prominently consisting of residential premises. Refuse produced on residential premises.

S 97.03 Rules and Regulations.

(A) The provisions hereof shall be administered under the supervision of the village administrator who is hereby authorized and directed to promulgate reasonable rules and regulations to facilitate the administration of refuse removal and to carry out the intent and purpose thereof.

(B) The village administrator is further authorized to modify the terms and conditions of removal service for licenses in residential areas. Such modifications may require the separation of refuse by the producer thereof, and may vary the placement of container for said refuse and the frequency of collection thereof, but no such modification may reduce the number of refuse collections to fewer than one per week.

S 97.04 Accumulation of Refuse.

Refuse shall not be allowed to accumulate on any premises in the village.

S 97.05 Temporary Storage of Refuse.

Refuse may be temporarily stored at the premises where produced only while awaiting the normally scheduled periodic removal.

S 97.06 Manner of Storage.

Storage and removal of refuse shall be in such manner as to not create vector production or sustenance, or conditions for transmission of disease to man or animal, fire hazards, litter or hazards to service or disposal workers or the public.

S 97.07 Clean Containers.

Garbage temporarily stored shall be kept only in approved containers kept clean and closed.

S 97.08 Approved Containers.

(A) Approved containers for refuse other than landscape waste are the following:

(1) Metal or impact resistant plastic water-tight cans of not less than 15 or more than 50 gallon capacity with tight fitting lids and at least two opposing exterior handles; or,

(2) Water-tight bulk containers with tight fitting covers.

(B) Approved containers for landscape waste, other than limbs, branches and wood, are the following:

(1) 33 gallon paper bags designed for composting purposes; or,

(2) Metal or impact resistant plastic water-tight cans of not less than 15 or more than 50 gallon capacity with tight fitting lids and at least two opposing exterior handles marked with an approved yard waste only sticker.

S 97.09 Container Weight.

Approved containers, except bulk containers, shall be so filled as not to exceed 60 pounds total weight.

S 97.10 Bulk Containers.

All bulk containers and detachable units shall be at all times kept in a place easily accessible to private contractors and shall at all times be kept clean, neat, painted and in a good state of repair. However, no bulk container or detachable unit shall be stored in front of a business, residence, in front of the building line closest to the street or on a public right-of-way. Commercial establishments leasing said containers or units shall be responsible for notifying the company from whom they are leasing said containers or units that they are in need of repair. Owners or lessees of bulk containers or portable packing units shall be responsible for notifying their service contractor of any damaged conditions. Said containers and units shall at all times be kept in a place safely accessible to collection personnel and shall at all times be kept clean, neat, painted and in a good state of repair. All doors and lid springs must be in working condition. Container lids must be kept closed at all times. Cleaning up spilled materials shall be the responsibility of the property owner or occupant.

S 97.11 Location of Container.

Refuse containers on private property, for other than landscape waste, shall be placed and kept at all times either within or adjacent to a building at a location which does not front or face any public street, but which location may front or face an alley.

S 97.12 Spillage.

To avoid spillage, all garbage shall be thoroughly drained of surplus liquid before being placed in containers.

S 97.13 Ashes.

All ashes, chips and briquettes shall be thoroughly extinguished before being placed in containers.

S 97.14 Limbs and Branches.

Limbs, branches and wood which are set out for removal shall be tied securely in bundles not to exceed 48 inches in length or 35 pounds in weight. Such approved bundles shall be placed within three feet of the curb or alley line, dependent on the nearest location to the established removal route, no earlier than 24 hours before the established removal time.

S 97.15 Grass Clippings.

Landscape waste, other than limbs, branches and wood, shall be placed in approved containers within three feet of the curb or alley line, dependent on the nearest location to the established removal route. Such approved containers may be so placed no earlier than 24 hours before the established removal time.

S 97.16 Tampering With Container.

No person, firm or corporation, except the owner or occupant of the premises whereon the same is produced, or a licensee hereunder authorized so to do, shall take, tamper with or remove the contents of any refuse container awaiting removal or any receptacle provided for the disposal of refuse by the public generally.

S 97.17 Use of Other Container.

No person, firm or corporation shall use receptacles of another producer or those provided for the disposal of refuse by the public generally as a primary means of refuse removal.

S 97.18 Service Required.

Each licensee shall provide service to all residential producers in each residential area served under such license unless said producers are delinquent in the payment of any fees for such service, as authorized hereby, or are otherwise in material breach of the provisions of this Chapter or any other applicable law or ordinance or are in material breach of any lawful agreement between said owner and licensee and/or said owner has materially breached the refuse removal rules and regulations.

(A) Payment Required

All owners of residential premises in the village shall subscribe to, and be a customer of, the licensee for refuse removal for the residential area containing said premises, as described herein, and it shall be unlawful, and a violation of this section, for any such owner to fail at any time to be fully and lawfully entitled to receive refuse removal service from such licensee. It shall be a defense to any prosecution for a violation hereof that the licensee from whom the property owner is required to receive service has failed to provide such service in material breach of the provisions of this Chapter or any other applicable law or ordinance, or in material breach of any lawful agreement between said owner and licensee.

S 97.19 Commercial Premises.

Basic removal service shall be provided, either by the owner or occupant thereof, or by a licensee hereunder, at all commercial premises in the village where refuse is produced.

S 97.20 Vehicles.

No vehicles used in and on the streets of the village for the removal of refuse shall be overloaded nor shall such vehicles be parked in any one place while fully or

partially loaded for any longer than is necessary to collect the refuse of the person being served. All such vehicles shall be so covered as not to permit the sifting out or spilling or scattering by the wind or leakage of any refuse hauled or transported, and such vehicles shall be kept thoroughly cleaned so that when empty they will give off no offensive or obnoxious odors.

S 97.21 Scavenging.

(A) Except as provided in subparagraph B hereof, no person, firm or corporation shall remove refuse from any premises within the Village without a current license issued pursuant to the provisions of this Chapter, provided that the owner or occupant of commercial premises whereon such refuse was produced may remove the same.

(B) It shall not be a violation of any provision of this Chapter for any person, firm or corporation to remove recyclable materials from any premises within the corporate limits of the Village of Mt. Zion if such person, firm or corporation is the owner of said recyclable materials or does so pursuant to a contract with said village, as provided in Chapter 96 of the Village Code; for the purpose hereof, “recyclable materials” shall be those materials defined as such in said Chapter 96.

S 97.22 Application.

Application for a license and renewals thereof shall be made upon forms prescribed by the village administrator. The applications shall contain:

(A) The name and address of the applicant;

(B) The trade or other fictitious name, if any, under which the applicant does business or proposes to do business;

(C) The location of the place or places from which the removal service operates or is intended to operate, and a description, in such form and with such reasonable detail as may be prescribed by the village administrator, of the boundaries of any residential area in the village to be served under such license, or, if only commercial producers will be served, a statement to that effect.

(D) A description of each vehicle which the applicant operates or intends to operate within the license year, including the make, model, year of manufacture, serial number, and the length of time the vehicle has been in use.

(E) Such other information as the village administrator may reasonably require in the administration of the provisions of this Chapter.

S 97.23 Number of Licenses and License Fee.

The village shall issue three licenses. The Administrator my issue additional licenses for commercial basic removal service only, after the applicant has shown that they can comply with all regulations within this chapter. All applications for licenses or renewals thereof shall be accompanied by an annual fee of $250.00, which license year shall commence January 1, and end the following December 31. Where the Village Administrator approves the transfer of a license under S 97.35, the new licensee shall submit a transfer fee, which shall be calculated by pro rating the annual fee of $250.00 as of the date the Village Administrator approves the transfer. (Ordinance 2004-05-9, passed 9/20/04, 2009-10- passed August 09)

S 97.24 License Meeting.

Within a reasonable time after an application for original license is filed with the village, the village administrator shall hold a license meeting to determine that the applicant is ready, willing and able to fulfill the terms of this ordinance and the associated rules and regulations.

S 97.25 Report of License Meeting.

The village administrator may consider that which is submitted concerning any item contained within such applications; the experience and responsibility of the applicant; the effect the proposed service may have on the general health, safety and welfare of the community; and such other matters as may appear to the village administrator to be germane. Following the meeting, the village administrator shall grant or deny the license request in writing. The written findings shall state:

(A) Whether or not the public is at the time reasonably adequately served.

(B) Whether or not the proposed service, location, personnel, equipment, vehicles and operation comply with the provisions of this Chapter.

(C) Whether or not the license applied for should be granted or denied.

S 97.26 Review By Board of Trustees.

Any party aggrieved by the conclusions of the village administrator as to whether or not a license should be granted may within ten days from the date of such report is filed with the Village Board of Trustees, file a request with the board of trustees to review findings in said report, thereafter the board of trustees shall consider the report

and may make or cause to be made such additional investigation or inquiry as it deems advisable, where after the board of trustees may make such determination in the matter as appears to it to be in the best interest of the general health, safety and welfare of the community.

S 97.27 Requirements For License.

A license for the removal of refuse shall not be issued unless the applicant for the same shall have and own proper and necessary vehicles, machinery and appliances for transporting and disposing of refuse in conformity with the provisions hereof and with all applicable traffic, health and sanitary ordinance, statutes, regulations or rules of the State of Illinois, the County of Macon and the Village of Mt. Zion. Such a license shall not be issued to any applicant who has been convicted of the violation of any health or sanitary rule, regulation, ordinance or statute of said State, County or Village.

S 97.28 Closed Vehicles.

All vehicles used by licensees hereunder to collect and haul refuse shall be closed, non-leak able packer-type motor trucks, equipped with a mechanism that is designed in such a way that the entry of refuse into the vehicle'' body will be exposed only for the time actually required to deposit the refuse. The exterior of such vehicles shall at all times be kept neatly painted and the exterior and interior of such vehicles shall be kept thoroughly washed and cleansed with a suitable deodorant at all times.

S 97.29 Inspection of Vehicles.

All vehicles used by licensee hereunder to remove refuse are subject to inspection at the discretion of the village administrator and at reasonable hours to assure conformance to the requirements hereof.

S 97.30 Collection of Refuse.

Licensees hereunder shall make collections with a minimum of noise and disturbance to the customer. Refuse containers shall be handled carefully and shall be thoroughly emptied and then left where they were placed for collection. Any refuse spilled by the licensee shall be picked up immediately and the area left clean. In those areas of the village in residential zoning districts as established and provided by the Zoning Ordinance, or upon streets and alleys lying within said districts or next and adjacent thereto refuse shall be collected by licensees hereunder between the hours of 6:00 a.m. and 6:00 p.m.; no refuse shall be collected between the hours of 6:00 p.m. and 6:00 a.m.

S 97.31 Licensee Telephone.

Each licensee hereunder shall maintain an office and telephone service, which telephone number shall be plainly denoted on all vehicles required to be tagged under

the provisions hereof and in the local yellow pages. Such licensee shall maintain reasonable office hours.

S 97.32 Billing.

Licensees hereunder shall bill their customers on a regular and consistent basis, but not more frequently than once every month. The rates charged may not exceed the rates set by the village administrator.

S 97.33 Unique Services.

Nothing in this Chapter shall prohibit a licensee from, by agreement with a party served, establishing a price for unique or unusual, other than regular haulage of things other than refuse or for customized removal of refuse in amounts greater than, or at frequencies more often than, that included in regular service for which rates are established hereunder.

S 97.34 Annexation.

Territory annexed to the village shall be added to the area of the then current licensee that can more conveniently and efficiently serve such territory, the determination of which, if not reached by agreement, shall be made by the village administrator.

S 97.35 Revocation of License.

(A) The Village Administrator shall have the authority to approve or disapprove the transfer of a license issued under this chapter. To initiate a transfer, the proposed new licensee shall complete and submit to the Village Administrator an application in conformance with S 97.22 of this chapter. In addition to the application, the existing license holder must submit a written agreement whereby the existing license holder agrees to either transfer the license to the applicant or terminate the existing license. Thereafter, a license meeting shall be held pursuant to S97.24 and a report issued by the Village Administrator pursuant to S97.25. The decision of the Village Administrator is final and subject to review only by the Village Board of Trustees. An appeal may be obtained by filing a petition with the Village Administrator if a majority of the Village Board of Trustees determine that the Village Administrator acted in bad faith in approving or denying the transfer. A proposed new license shall satisfy all prerequisites and requirements necessary to be licensed under this chapter. The license year of the transferred license shall expire on the following December 31.

(B) A license does not constitute property and shall not be encumbered or hypothecated. A license shall not descend by the laws of testate or intestate succession, but shall cease upon the death of the individual licensee unless the executor or administrator of any deceased license whose estate consists,

in part, of the business of refuse removal, may, under order of the appropriate court, continue the business of refuse removal under the license until the earlier to occur of the passage of 6 months after the death of the licensee, or the expiration of the license year. Likewise, in the event that a partnership which is a licensee is terminated by reason of the death, insolvency, removal, adjudication of bankruptcy, or mental in competency of a partner, the surviving or remaining partners, as agents then qualified to become a licensee under this chapter, may apply for the transfer of the license held by the former partnership to a new partnership in which they are the only partners, or to one or more of the partners as individuals, or to a corporation as the transferee, if otherwise qualified, as required under this chapter. If a corporation is a license, its president or chief executive officer is obligated to report any changes in the officers, directors or in the ownership by any person or more than 5% of the corporation's issued and outstanding shares. Likewise, the corporate officer shall promptly report any change in the operative control, through change in the ownership of stock, or otherwise, of the corporation. The report shall be transmitted in writing and shall be filed in the office of the Village Administrator, who shall consider the information disclosed, and shall make such further investigation in order to determine whether or not the change in the ownership or control of corporate licensee may affect the quality, makeup, financial responsibility, accountability, or performance of the licensee under the covenants, representations, and conditions of its license and its application for the license, or renewal thereof.

(C) An attempted transfer in violation of the provisions of this section may result in an immediate forfeiture of the license. (Ordinance 2004-05-9, passed 9/20/05)

S 97.36 Penalty.

A person, firm or corporation upon conviction for violation of any of the provisions herein shall be fined not to exceed Five Hundred Dollars ($500.00) for each offense, and each day of a continuing violation shall be deemed a separate offense. The penalties or remedies provided herein shall be cumulative and resort to any one or more shall be no defense to prosecution of another. (Ordinance 96-97-14)

Chapter 98: Open Burning

S 98.01 Definitions

Garbage	Refuse resulting from the handling, processing, preparation, packaging, cooling, and consumption of food and food products.
Landscape Waste	Any vegetable or plant refuse including but not limited to tree trimmings, weeds, leaves, grass, yard trimmings, and crop residues.
Open Burning Products	The combustion of any matter in such a way that products of the combustion is emitted to the open air.

S 98.02 General

The burning of any garbage, waste, refuse, rubbish or substance of any kind other than Landscape Waste, within the Village limits is hereby declared a nuisance and prohibited.

The terms of this ordinance shall not be construed to prohibit the burning of fuels for cooking purposes, fuels in a domestic fireplace, campfires, ceremonial bonfires authorized by the Village Administration, and any fire authorized by the Village Administration, and any fire authorized by a valid IEPA permit, provided however that no garbage shall be burned in such cases.

Open burning shall be prohibited within the corporate limits of the Village except as permitted under the following conditions and subject to any other laws adopted by the Village.

S 98.03 Exceptions to Provisions

The following activities shall be permitted:

The open burning of landscape waste, but only:

1. Between the hours of nine o'clock (9:00) A.M., prevailing time and sunset daily, and

2. When there is sufficient air movement to dissipate the contaminants, but not when winds are of such velocity to constitute a hazard of airborne sparks or embers which could spread fires, and

3. When the landscape waste has a moisture content sufficiently low enough to

allow an open and visible flame to burn, and

4. On the premises on which such waste is generated, and

5. When the burning is constantly attended by a competent and responsible person until such burning is extinguished. Such person shall have fire extinguishing equipment readily available to use as deemed necessary by the enforcing party, and

6. When the burning does not become or create a safety hazard, nuisance, annoyance or discomfort to any person by reason of the flames, emission of smoke, fumes, fly ash, dust, soot or noxious odor, and

7. When such burning does not create a visibility hazard on streets, roadways, alleys, public sidewalks, railroad tracks, or air fields, and

8. When crop residues are ignited and burned more than 305 meter (1000 feet) from residential or other populated areas.

Notwithstanding the above, no fire may be ignited or burned if prohibited by the local enforcing party or the material being or to be burned has been chemically treated.

S 98.04 Penalties, Fines, and Enforcement

Any person, firm or corporation who shall violate any of the provisions of this Ordinance shall, upon conviction, be fined not less than Twenty Five Dollars, ($25.00) nor more than Five Hundred Dollars, ($500.00) for each offense, and each day on which such a violation occurs or continues shall be considered to be a separate offense. In addition, the Village may, at its sole discretion seek any other remedy at law or in equity to restrain or enjoin violations of this Ordinance.

The enforcement of this ordinance shall be at the discretion of the Mt. Zion Police Department. (Ordinance No. 2000-01 passed 3 6/5/2000)

Chapter 99: Parades and Other Gatherings on Roadways

S 99.01 Permit

Any person, group or organization conducting or participating in any parade, march, assembly or meeting on roadways within the Village must first obtain a permit. Applications for permits shall be made available at the Mt. Zion Police Department. Only the person, group, or organization responsible for organizing the parade, march, assembly or meeting is required to obtain a permit, which shall be sufficient to encompass all participants. If a parade, march, assembly or meeting on roadways involves the act of crossing or traversing over or upon active railroad tracks, such portion of the route that involves the act of crossing or traversing over or upon active railroad tracks may be prohibited. This Chapter shall not apply to funeral processions.

S 99.02 Application for Permit

An application for a permit shall be submitted to the Mt. Zion Police Department at least fourteen (14) days prior to the event by a representative of the group conducting any parade, march, assembly or meeting on roadways within the Village. No fee is required for a permit. The application shall set forth the following information regarding the parade, march, assembly or meeting:

(A) Names and addresses of the organizers;

(B) The date, time and location of inception;

(C) The route to be traveled, the starting point, the termination point, and the total time and distance expected;

(D) The approximate number of persons participating and the approximate number and type of vehicles and/or animals participating.

S 99.03 Action on Permits

(A) Following receipt of an application or reapplication by the Mt. Zion Police Department, the Chief of Police shall either, within forty eight (48) hours, recommend issuance of a permit for the holding of a parade or demonstration or recommend rejection of the application.

(B) Permits may be rejected on the basis of incomplete application. Permits may also be rejected if not in compliance with this Chapter, or any other applicable ordinance or law. The reasons for rejection shall be made known to applicant, in writing, at the time of rejection.

(C) The applicant shall be allowed to correct or complete a rejected application and resubmit it to the Police Department for referral to the Chief of Police; the original fourteen (14) day required advance notification time being still valid if a corrected

application is resubmitted within twenty four (24) hours prior to the time of the event. If a corrected application is not received within twenty four (24) hours prior to the time of the event, a new period of forty eight (48) hours will be imposed prior to which the event may not be held. Such forty eight (48) hour period shall commence upon receipt of the corrected application.

S 99.04 Time Limit for Conducting

Unless otherwise authorized by the Chief of Police, all parades and other gatherings on roadways allowed under this Chapter shall be held during daylight hours at times other than peak traffic periods (7:30 A.M. to 9:00 A.M.) and (4:30 P.M. to 6:00 P.M.) Monday through Saturday, except State and National holidays.

S 99.05 Traffic Limitations

(A) Any parade, march, assembly or meeting on roadways within the Village shall be limited to such numbers as will not obstruct traffic, either vehicular or pedestrian, in an unreasonable manner.

(B) The Chief of Police may request reasonable regulations as to spacing of paraders, length of parade, duration of time so police manpower will not be diverted for too long a period of time from its other duties giving consideration to the day of the week, the expected amount of vehicle and pedestrian traffic, weather conditions, and the holiday conditions, if any.

(C) The time requested may be rescheduled or diminished if necessary to avoid relocating or rerouting substantial volumes of vehicle or pedestrian traffic.

(D) The Chief of Police may issue a permit subject to the foregoing conditions.

S 99.06 Penalties, Fines and Enforcement

Any person, firm or corporation who shall violate any of the provisions of this Chapter shall, upon conviction, be fined not less than Twenty Five Dollars, ($25.00) nor more than Five Hundred Dollars, ($500.00) for each offense, and each day on which such a violation occurs or continues shall be considered to be a separate offense. In addition, the Village may, at its sole discretion, seek any other remedy at law or in equity to restrain or enjoin violations of this Chapter.

Chapter 110: Alcoholic Liquor Control

Section

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S 110.01 Definitions.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

(A) "Alcohol." The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol. (S.H.A. Ch. 43, S 95.01)

(B) "Alcoholic Liquor." Includes 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 a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of

Congress and regulations promulgated hereunder, nor to any liquid or solid containing ½ of 1%, or less, of alcohol by volume.

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

(D) "Bowling Alley." Every establishment or building, or part of an establishment or building, as the case may be, wherein the game of bowling, played with composition balls and ten wooden pins, is played.

(E) "Club." A corporation organized under the laws of this 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 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; provided, that such club files with the local liquor control commissioner at the time of its application for a license under this chapter 2 copies of a list of names and residences of its members, and similarly files within 10 days of the election of any additional member his name and address; and provided, further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, 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.

(F) "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 25 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

(G) “Licensee.” Any person receiving a license under this chapter.

(H) “Licensed Premises.” The premises described in the license.

(I) “Local Liquor Control Commissioner.” The president of the village board.

(J) “Motel.” Every building or other structure kept, used, maintained, advertised, and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which 25 rooms or more are used for the sleeping accommodations of guests, and having one or more public dining rooms where meals are served to guests, such sleeping and dining room accommodations being conducted in the same building or buildings in connection therewith, and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

(K) “Original Package.” Any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container whatsoever, used, corked, or capped, and sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

(L) “Owner” or “Proprietor.” All persons who are owners or are in control of any place where the sale or distribution of alcoholic liquor is carried on, whether they be individuals, a partnership, corporation, joint stock company, fiduciary, officers or directors of either, or otherwise.

(M) “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, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity, and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.

(N) “Retailer.” A person who sells, or offers for sale, alcoholic liquor for use or consumption, and not for resale in any form.

(O) “Sale.” Any transfer, exchange, or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant, or employee.

(P) “Sell at Retail” and “Sale at Retail.” Sales for use or consumption and not for resale in any form.

(Q) “Spirits.” Any beverage, which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes randy, rum whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances.

(R) “State Commission.” The Illinois Liquor Control Commission.

(S) “To Sell.” To keep or expose for sale and to keep with intent to sell.

(T) “Village Liquor Control Commission.” The commission established by appointment of the president of the board of trustees, and as provided in S 110.05 hereof.

(U) “Wine.” Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined. (Ordinance 1975-76-1, passed 5/8/75)

S 110.02 Liquor Control Commissioner.

(A) The president of the village board shall be the local liquor control commissioner, and shall be charged with the administration of the village of the appropriate provisions of the state dram shop law, S.H.A. Ch. 43, and of such ordinances and resolution relating to alcoholic liquor as may be enacted.

(B) However, the president of the village board may appoint a person or persons to assist him in the exercise of the powers and the performance of the duties herein provided for the liquor control commissioner. (Ordinance 1975-76-1, passed 5/8/75)

S 110.03 Compensation of Liquor Control Commissioner and Assistants.

The president and the village board are authorized to fix and pay compensation to the local liquor control commissioner and compensation to such deputies, assistants, or employees as may be deemed necessary for the proper performance of the duties vested in him.

S 110.04 Powers of Liquor Control Commissioner.

The liquor control commissioner has the following powers, functions, and duties with respect to licenses, other than licenses to manufacturers, importing distributors, distributors, non-beverage users, railroads, airplanes, and boats.

(A) To grant or suspend for not more than 30 days, or revoke for cause, all local licenses issued to persons for premises within his jurisdiction;

(B) To enter or to authorize any law enforcing officer to enter at any time on any premises licensed hereunder to determine whether any of the provisions of S.H.A. Ch. 43 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;

(C) To receive complaint from any citizen within his jurisdiction that any of the provisions of S.H.A. Ch. 43, or any rules or regulations adopted pursuant hereto, have been or are being violated, and to act on such complaints in the manner hereinafter provided;

(D) To receive local license fees and pay the same to the village treasurer. (Ordinance 1975-76-1, passed 5/8/75)

S 110.05 Village Liquor Control Commission.

(A) The village liquor control commission shall consist of the president of the village board and such other person or persons as he may from time to time appoint, with the advice and consent of the village board, to assist him in his exercise of the powers and in the performance of his duties that are specified in the statutes or in this chapter.

(B) The village clerk shall be clerk of the village commission, and shall keep a record of all of its proceedings, transactions, communications, and official acts. The clerk shall be custodian of all records for the village commission, and shall perform such other duties as it may prescribe.

(C) The village commission shall have the following powers, functions, and duties with respect to licenses and procedures under this chapter.

(1) To receive complaints from any citizen within its jurisdiction that any provisions of S.H.A. Ch. 43, or of this chapter, or of such other ordinances of the village pertinent thereto have been or are being violated, and to act on such complaints in the proper manner;

(2) When appointed or designated as agent for the local commissioner, to examine or cause to be examined, under oath, any person applying for a license or for a renewal thereof or licensee upon whom notice of revocation or suspension has been served, or the officers or other agents or managers of such person who has applied for a license, or is a licensee; also, to examine or cause to be examined the books and records of any applicant or licensee, to hear testimony and take proof for its information in the performance of its duties, and for such purpose, it shall have the power to issue subpoenas effective in any part of the State of Illinois;

(3) To adopt reasonable rules and regulations as it deems necessary for the performance of the duties herein provided;

(4) To require the filing of plans and drawings or sketches with it showing the design, layout, and specifications for any building or structure to be erected or adapted for use as the licenses premises in connection with any application for license or for change of location of license;

(5) To perform such other duties and functions including assistance with the promulgation and enforcement of such procedures, regulations, or rules as it may be called upon to do, from time to time, by the local commissioner or by the village board. (Ordinance 1975-76-1, passed 5/8/75)

S 110.06 License Required.

(A) It shall be unlawful for any person, either by himself or agent, or any person acting as an agent, barkeeper, clerk, or servant of another to sell or offer for sale at retail, in the village, any alcoholic liquor without first having obtained a license to do so, as is hereinafter provided.

(B) It shall be unlawful for any person himself, or acting through the agency of another person, to sell or offer any alcoholic liquor for sale at retail in the village in violation of the terms and conditions of the license, or of the provisions of this chapter. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

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Statutory reference;
General licensing powers,

S 110.07 Classifications of Licenses.

(A) Licenses for the sale of alcoholic liquor at retail in the village shall be classified as follows:

(1) Class A. A class A license shall authorize the licensee to sell alcoholic liquor by the drink at retail for consumption on the licensed premises on which food is also sold for consumption. In order to qualify for a license of this class, and in order to remain qualified for any subsequent renewal of this license, the person applying, or the licensee, must prove to the satisfaction of the village commission that more than ½ of the gross revenue of the person's business on the licensed premises has resulted from the sale of food. A licensee shall be required to maintain such major percentage of gross revenue from food sales, and his business records may be subjected to audit from time to time for verification of the maintenance of such major percentage of gross income from food.

(2) Class B. A class B license shall authorize the licensee to sell alcoholic liquor at retail in packages or containers not for consumption on the licensed premises.

(3) Class C. A class C license shall authorize a bowling alley having not less than 12 regulation lanes to sell alcoholic liquor by the drink for consumption on the licensed premises. The principal purpose of such establishment shall be the operation of a bowling alley.

(4) Class D. A class D license shall authorize the licensee to sell alcoholic liquor at retail in packages or containers not for consumption on the licensed premises. In order to qualify for a license of this class, and in order to remain qualified for any subsequent renewal of this license, the person applying, or the licensee, must prove to the satisfaction of the village commission that more than 75 percent of the gross revenue of the person's business on the licensed premises has resulted from the sale of groceries, merchandise, or gasoline sales. A licensee shall be required to maintain the major percentage of gross revenue from food sales, and his business records may be subjected to audit from time to time for verification of the maintenance of such major percentage of gross income from groceries, merchandise, or gasoline sales.

(5) Class E. A class E license shall authorize the licensee to sell alcoholic liquor by the drink at retail for consumption on the premises. The principal purpose of such establishment shall be the operation of a lounge or tavern.

(6) Class F. A class F license shall authorize a club to be licensed to sell alcoholic liquors for consumption on the licensed premises to

lessees, and lessees' guests, of the club's banquet facility. Alcohol may be sold, dispensed and/or consumed on the licensed premises only during periods that a club has leased the banquet facility. A club is limited to lease or reserve its own banquet facility twenty-four times a year. A club may not dispense, consume or sell alcoholic liquors during regular club meetings.

(7) Class G. A Class G license shall authorize the licensee to sell alcoholic liquors of beer and wine only, by the drink, at retail for consumption on the licensed premises. In order to qualify for a license of this class, and in order to remain qualified for any subsequent renewal of this license, the entity applying for the license, must prove to the satisfaction of the Village Commission that more than on-half of the gross revenue of the entity's business on the licensed premises has resulted from the sale of food. A licensee shall be required to maintain such major percentage of gross revenue from food sales, and the business records may be subject to audit from time to time for verification of the maintenance of such major percentage of gross income from food. (Ordinance 2000-01-12) (Ordinance 92-93-6)

(8) Class H. Caters full Liquor Licenses: This license shall authorize the sale of alcoholic liquors for consumption on the premises where served and limited to invited guest at private functions. Such licenses shall be issued only to caterers as defined by this chapter. Catering establishments holding Class H licenses must have food service available when liquor is being served.(Ordinance 2011-12-11, passed 11-7-13)

(9) Class A/H. Restaurant/Caterers Full Liquor License: This license shall authorize the sale of alcoholic liquors for consumption on the premises where served and limited to invited guests at private functions. Such licenses shall be issued only to restaurants who wish to caterer functions on Village property as well as maintaining a Class A – Restaurant license as defined by this chapter. Catering establishments holding Class H licenses must have food service available when liquor is being served.(Ordinance 2013-2014-1, passed 5-6-13)

(B) The local commissioner shall have the power to issue a temporary permit for the sale of alcoholic liquor to be consumed on the premises at a banquet, picnic, bazaar, fair, or similar private or public assembly where food or drink is sold, served, or dispensed. A temporary permit shall be issued only to a club, society, fraternity, or benevolent organization not for pecuniary profit, and shall be for a period of not more than 4 days. Not

more than one temporary permit shall be granted to any one organization in any one period of 30 days. Nothing herein shall relieve the person granted a temporary permit from the obligation to acquire any temporary permit from the state liquor control commission or other licensing agency that state or federal law may require. (Ordinance 1975-76-1, passed 5/8/75; amended by Ordinance 1978-79-1, passed 5/1/78; Ordinance 1983-84-5, passed 2/6/84; Ordinance 1983-84-24, passed 2/6/84; Ordinance 1987-88-16, passed 4/4/88) Penalty, see S 110.99

S 110.08 License Term.

(A) All licenses issued hereunder shall be for a term of either one year or 6 months. Licenses issued for one year shall expire on June 30 following the date of issuance. Licenses issued for 6 months shall expire on December 30 following the date of issuance.

(B) Each license shall state thereon the classification of license, the name of the licensee, his address, and a description of the licensed premises. (Ordinance 1975-76-1, passed 5/8/75; Ordinance 1983-84-3, passed 6/13/83) Penalty, see S 110.99

S 110.09 Number of Licenses.

(A) The number of licenses by classification shall be as follows:

(1) Class A – Two (2) Licenses

(2) Class A/H – Two (2) Licenses

(3) Class B – One (1) Licenses

(4) Class C – Zero (0) License

(5) Class D – Four (4) Licenses

(6) Class E – Zero (0) Licenses

(7) Class F – One (1) License

(8) Class G – Three (3) Licenses

(9) Class H – Four (4) Licenses

(B) The number of licenses in any classification may be increased at any time with the new license or licenses to be available and effective at a date determined by the village, and the number of licenses in any classification

may be decreased effective for future license years. (Ordinance 1976-76-1, passed 5/8/75; amended by Ordinance 1978-79-1, passed 5/1/78; Ordinance 1980-81-25, passed 12/1/80; Ordinance 83-84-24, passed 2/6/84; Ordinance 83-84-25, passed 2/20/84; Ordinance 1987-88-16, passed 4/4/88; Ordinance 92-92-28; Ordinance 95-96-8; Ordinance 2004-05-17; Ordinance 2004-05-17, passed 2/7/05; Ordinance 2005-06-8, passed 8/1/05; Ordinance 2005-06-19, passed 1/16/06; Ordinance 2013-2014-1, passed 5-6-13; Ordinance 2015-16-1, passed 5/15/15; Ordinance 2015-16-13, passed 9/21/15)

S 110.10 License Fees.

(A) The fee for each class of license shall be $1,500 per year with the exception if a Class G License which shall have a fee of $1,250.00 per year. Fee for each alcoholic liquor license shall be payable on or before July 1 of each year.

(B) License fees shall be reduced in proportion to the full calendar months that have expired in the license year prior to the issuance of the license. Failure of any licensee to pay the specified license fee on or before the date when the fee is payable shall prevent the licensee from selling alcoholic liquor at retail, and his license shall thereupon be terminated, and shall become available for issuance to other qualified applicants.

(C) The fee for a temporary permit authorized under S 110.07 shall be $50 per day per permit, payable prior to issuance of the permit.

(D) Any license issued under this chapter must be used by the licensee within 60 days after the date of issuance; otherwise, the license may be revoked by the village commission.

(E) If a licensee voluntarily surrenders his license during the license year, he shall be refunded a portion of the license fee that he has paid, calculated on a quarterly basis for the full calendar quarters that remain of the license year following the month during which the surrender is affected.

(F) The license fee shall be paid to the village treasurer. (Ordinance 1975-76-1, passed 5/8/75; amend. Ordinance 1978-79-1, passed 5/1/78) Penalty, see S 110.99

S 110.11 Location of Licensed Premises.

Licensed premises shall be located in the commercial district as established under the zoning code of the village, as amended from time to time. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

S 110.12 Standards For Licensed Premises.

(A) The licensed premises shall be kept in a clean and sanitary condition, and shall be kept in full compliance with any building code and any revisions thereof from time to time enacted by the president and the board of the village trustees.

(B) Licensed premises under a class B license shall be devoted exclusively to the sale of alcoholic liquor with adequate parking or access, and the same shall be physically separated from other business pursuits by floor to ceiling partitioning or walls, and shall have entrances and exits separate from other premises.

(C) Every establishment licensed herein for consumption of alcoholic liquor on the premises shall have separate, adequate, and convenient restroom facilities for men and women.

(D) No license shall be issued for licensed premises any boundary of which is nearer than 100 feet from the nearest point on the property line of a church or school.

(E) All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial light so that all parts of the interior of the premises shall be clearly visible. No window display of liquor shall be permitted. The exterior of the licensed premises shall be adequately lighted at night by artificial light. Neither the words “bar” nor “saloon” shall be used in the name of the business, or in advertising for any licensee’s business or on the licensed premises.

(F) Sales of alcoholic liquor under a temporary permit shall be conducted only on the premises and during the hours stipulated and the period specified in the temporary permit, and such sale shall be conducted only by the person to whom the temporary permit shall have been issued.

(G) In the event the building or improvement on which the business is to be conducted is to be constructed, a copy of the plans showing the dimensions and layout of the structure shall be submitted for approval by the proper authority, along with the application for the license. Except for variances from the plan that are occasioned by changes in any building code or ordinance, the building shall conform to the plans submitted.

(H) A license issued for licensed premises shall permit the sale from the premises as they then exist. Any enlargement of the improvements on the licensed premises shall require the approval of the village commission, so that the license will cover the enlargement or changes in the improvements on the licensed premises.

(I) No license shall be issued for any premises, which do not comply with the latest editions of the National Electric Code, Illinois Plumbing Code and the B.O.C.A. Building Code, the provisions of which are incorporated herein by reference.

S 110.13 Inspection of Licensed Premises.

Licensed premises shall be kept in a sanitary condition, and shall be opened by the licensee at any time for inspection by the chief of police or other authorized official of the village, including members of the village liquor control commission. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

S 110.14 Posting Licenses.

Licenses issued hereunder shall be posted and maintained in a conspicuous place in the licensed premises where they will be visible to the licensee's customers. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

S 110.15 Applications For Licenses.

(A) Application for a license under this chapter shall be made to the village liquor control commission, upon forms of application to be provided by the commission.

(B) Applications shall be filed in duplicate, along with a cashier's check or certified check, payable to the village treasurer for the amount of the annual license fee being applied for, all of which shall be filed in the office of the village clerk in the village municipal building. The village clerk, or his duly authorized representative, shall deliver the check to the village treasurer, and shall cause a duplicate original of the application and supporting papers, including any sealed envelope containing the financial statements of applicants, to be delivered to the local commissioner. Upon receipt thereof, the local commissioner shall examine the application and the supporting documents, and if the same appear to be in order and complete, he shall convene the village commission to examine the application form and supporting documents, and such further inquiry or examination as may be appropriate under this chapter and under the circumstances shall be instituted and pursued by the village commission. In the event the application is denied, the amount remitted as the annual

license fee shall be refunded in full by the village treasurer to the applicant. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

S 110.16 Qualifications of Applicants For Licenses.

(A) Applications for licenses shall be submitted in writing signed by the applicant, if an individual, or by a duly authorized officer, if the applicant is a corporation, or by a partner, if the applicant is a co partnership.

(B) All applications shall be verified by oath or affidavit, and shall contain the following information and statements:

(1) (a) The name, age, and residence address of the applicant if the person applying is an individual.

(b) The names, ages and residence addresses of all partners, if the applicant is a co partnership.

(c) The corporate name, date of incorporation, state in which incorporated, and, if a foreign corporation, the date when it was authorized to do business in Illinois as a foreign corporation, and that it is still licensed as a foreign corporation to do business in Illinois; the stated objective or purposes of the corporation quoted from its articles of incorporation and any amendments thereto, or from its corporate charter; the names, ages, and residence addresses of all of its officers, directors, and stockholders who own, directly or beneficially, and of all subscribers to shares constituting more than 5% of its issued and outstanding stock or stock to be issued.

(2) The citizenship of the applicant, if an individual or if a partner in a co partnership, his place and date of birth, and, if a naturalized citizen, the time and place of his naturalization.

(3) The character of the business of the applicant.

(4) The length of time that applicant has been in a business of that character.

(5) The amount of goods, wares and merchandise on hand, if any, at the time the application is submitted.

(6) The location, including street address, and the full legal description of the premises for which the license is sought. If the premises are possessed by the applicant under a bona fide, valid, written lease

or memorandum of lease signed by the lesser and all other necessary parties for the full term of the license being applied for, a certified photocopy of the lease or memorandum thereof shall be attached to the application.

(7) The application shall contain the applicant's statement as to whether or not he or it has made a similar application for a similar license on premises other than that described in the application, and the disposition of such application.

(8) The application shall contain a statement that the applicant has never been convicted of a felony, and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, or in the laws of the United States or of the State of Illinois, or in the provisions of other ordinances of the village.

(9) The application shall also state whether or not any license issued to the applicant by any state or subdivision thereof, or by the federal government, has been revoked, and, if so, the reasons therefore. The application shall also state whether or not any firm or entity with which the applicant had been connected previously as principal owner or manager had been issued any previous license for the sale or handling of alcoholic liquor, which license had been revoked or suspended by the federal government or by any state or subdivision thereof, and the reasons or causes for the revocation or suspension. Any statement shall include information identifying the previous licensor, as well as its licensee, by names and addresses, including the address of the licensed premises and name of the licensed establishment, and the date or dates of the revocation or suspension.

(10) A statement that the applicant will not violate any of the ordinances of the village or any of the laws of the State of Illinois or of the United States in the conduct of business at the licensed premises.

(11) A confirmed or verified financial statement showing the assets and liabilities of the person applying as of a date recently prior to the date the application is filed shall be filed with the application. This financial statement shall be treated and handled as a confidential matter. The financial statement may be enclosed in a sealed envelope that is filed with the village clerk, and which is to be delivered, unopened, with the duplicate original of the application to the local commissioner. The confidentiality and privacy of the financial statement shall be respected and maintained by the village commission and may be impounded or retained in a locked file so that same shall not be a public record, and shall be secret

information made available only for the consideration by the village commission and the local commissioner of the application for an initial license or for renewal of license. Likewise, confirmed or verified financial statements shall be submitted for all persons who will share the profits or losses of a co partnership which seeks a license, as well as for stockholders owning more than 5% of the issued and outstanding share of a corporation which applies for a license. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

(12) The applicant shall also provide a certificate of insurance verifying proof of insurance of the applicant in the types and minimums stated below.

(a) Workers compensation insurance in full compliance with the Worker's Compensation Act and Employer's Liability Coverage in the amount not less than as defined by Illinois State Statutes.

(b) Commercial general liability insurance in an amount not less than $1,000,000.00

(c) Dram shop insurance in full compliance with the Illinois Dram shop Act and in an amount of not less than as defined by Illinois State Statutes.

Said insurance required in this section shall be written by an insurance company authorized to do business in the State of Illinois. The certificate of insurance shall also contain substantially the following cancellation provision:

The insurance evidence by this certificate will not be canceled or material reduced except after 30 days written notice to the Village of Mt. Zion. (Ordinance 97-98-11)

S 110.17 Examination of Applicant.

The local commissioner shall have the right to examine or cause to be examined, under oath, any person applying for a license or for a renewal thereof. The right shall extend also to the officers, directors, manager, or agents of any person, including corporations, who apply for a license. Likewise, these rights of examination shall extend to a licensee or its officers, managers, or agents, as well as any licensee upon whom notice of revocation or suspension has been served, as provided by statute or this chapter. The local commissioner shall have the further right to examine or to cause examination to be made of the books and records of any person applying for a license, or similarly of the officers and agents of a corporate person, as well as that of a licensee

or its officers or agents; 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 of Illinois, for the purpose of obtaining any of the information desired by the local commissioner under this section or under this chapter. He may authorize an agent to act on his behalf, as provided by statute. It shall be the prerogative of the local commissioner to permit the village commission, as his agent, to act on his behalf as provided by statute or in this chapter. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

S 110.18 Persons Ineligible For License.

No license of any kind shall be issued to:

(A) A person who is not over 21 years of age.

(B) A person who is not of good character and reputation in the community in which he resides.

(C) A person who is not a citizen of the United States.

(D) A person who has been convicted of a felony under any federal or state law, if the village liquor control commission determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

(E) A person who has been convicted of being the keeper of or is keeping a house of ill fame.

(F) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(G) A person whose license issued under this chapter has been revoked for cause.

(H) A person who at the time of application for renewal of any license issued hereunder would not be eligible for the license upon a first application.

(I) A co partnership, unless all of the members of the co partnership shall be qualified to obtain a license.

(J) A corporation, if any officer, manager, or director thereof, or any stockholders owning in the aggregate more than 5% of the stock of such corporation would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision; or unless it is incorporated in Illinois, or unless it is a foreign corporation

which is qualified under the Illinois Business Corporation Act to transact business in Illinois.

(K) A person whose place of business is conducted and physically controlled and operated by a manager or agent, unless the manager or agent possesses the same qualifications required of a licensee hereunder.

(L) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, subsequent to the passage of this chapter, or has forfeited his bond to appear in court to answer charges of any such violation.

(M) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued. (Ordinance 1975-76-1, passed 5/8/75; Ordinance 1987-88-16, passed 4/4/88)
Penalty, see S 110.99.

S 110.19 Restrictions On Transfer Of License.

(A) A license issued hereunder shall not be transferable except in the case of the death of or disability of an individual licensee or the termination of a partnership. The licenses are purely personal privileges, which are good not to exceed one year after issuance, unless they are revoked as provided in this chapter. A license does not constitute property, and it shall not be encumbered or hypothecated. A license shall not descend by the laws of testate or intestate succession, but shall cease upon the death of the individual licensee unless the executor or administrator of any deceased licensee whose estate consists, in part, of the business of the sale of alcoholic liquor, may, under order of the appropriate court, continue the business of the sale of alcoholic liquor under the license until the earlier to occur of the passage of 6 months after the death of the licensee, or the expiration of the license year.

(B) The village treasurer shall refund on a quarterly basis that portion of the annual license fee in which the numerator shall be the number of calendar quarters remaining in the license year during which the representative of the deceased licensee shall be prevented from operating under the license as aforesaid, and the denominator shall be 4. Likewise, in the event that a partnership which is a licensee is terminated by reason of the death, insolvency, removal, adjudication of bankruptcy, or mental in competency of a partner, the surviving or remaining partners, as agents then qualified to become a licensee under this chapter, may apply for the transfer of the license held by the former partnership to a new partnership in which they are the only partners, or to one or more of the partners, as individuals, or to a corporation as the transferee, if otherwise qualified, as

required under this chapter and the laws of the State of Illinois. There shall be no transfer of the location of the license to premises other than the licensed premises, unless the other premises conform to the requirements of this chapter as to location and condition for licensed premises, and then only as any such change of location is approved in accordance with the provisions of S 110.20. If a corporation is licensee, its president or chief executive officer is obligated to report any change in the officers, directors, or in the ownership by any person of more than 5% of the corporation's issued and outstanding shares. Likewise, the corporate officer shall promptly report any change in the operative control, through change in the ownership of stock, or otherwise, of the corporation. The report shall be transmitted in writing, verified by the oath of the officer, and shall be filed in duplicate in the office of the village clerk in the village municipal building. The village clerk, or his authorized representative, shall deliver a duplicate original of the verified report to the local commissioner who, with the village commission, shall consider the information disclosed, and shall make such further investigation, including interrogation of the officers or agents of the licensee, to determine whether or not the change in the ownership or control of corporate licensee may affect the quality, makeup, financial responsibility, accountability, or performance of the licensee under the covenants, representations, and conditions of its license and its application for the license, or for the renewal thereof. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99.

S 110.20 Change of Location.

A license issued hereunder shall permit the sale of alcoholic liquor of the type specified only in the premises that are described in the application and license. The location for such operation may be changed only upon the written permit for a change issued by the local liquor control commissioner. No change of location shall be authorized by him unless the proposed new location is a proper one for the operation of the business under the statutes and the provisions of this chapter. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99.

S 110.21 Renewal of License.

Any licensee may apply for the renewal of his license at the expiration thereof, provided that he is then qualified to receive a license, and the premises for which the renewal license is sought are suitable for the continued use for the purposes hereunder. The privilege of renewal herein permitted shall not be construed as a vested right that shall in any case prevent the village president and its board of trustees from decreasing the number of licenses to be issued hereunder for any subsequent license year. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

S 110.22 Hours of Operation.

(A) The hours of operation under Class A, F, and G License shall be from 6:00 a.m. to 2:00 a.m., each day. The hours of operation under a Class B, C, D, and E License shall be from 6:00 am. to 2:00 a.m. on the following day. On New Years Day, the local Liquor Commissioner may extend the time for closing to 3:00 a.m. The extension of New Years Day will be granted only upon a petition filed no later than November 15th of the year preceding New Years Day.

(B) All patrons shall leave and be off the licensed premises by the close of the hours of operation of all of the license classifications. The only persons authorized to be on the licensed premises after closing hours are the owners, agents, including managers, and employees of the licensee. (Ordinance 1976-76-1, passed 5/8/75; amended by Ordinance 1978-79-1, passed 5/1/78; Ordinance 1978-79-22, passed 8/7/78; Ordinance 1980-81-29, passed 2/2/81; Ordinance 1980-81-30, passed 2/2/81; Ordinance 1982-83-21, passed 1/3/82; Ordinance 1983-84-12, passed 8/15/83; Ordinance 1984-85-30, passed 4/1/85; Ordinance 2009-10-11) Penalty, see S 110.99

S 110.23 Bond.

Every licensee hereunder shall execute a bond to the village in the penal sum of $1,000 with corporate surety thereon that is approved by the village commission, conditioned upon the faithful observance by the licensee of all the requirements of this chapter and the laws of the State of Illinois, and upon payment of all fines and costs which may be assessed against the licensee for violation of any of the provisions hereof. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

S 110.24 Prohibited Transactions.

(A) No game of chance or gaming device shall be kept or used in any licensed premises, nor shall any licensee permit any illegal, disorderly, or immoral practices or gambling upon the licensed premises, except that:
1. Lottery tickets under the Illinois lottery may be sold therein.
2. Video Poker machines may be allowed provided that they are licensed and in conformance with the Illinois Video Gaming Act and other State Regulations, and that a current and approved Village Alcohol Licenses has been issued for the premises for which that video poker machines are located.(Ordinance 2009-10-11)

(B) No licensee 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 21 years, or to any person known to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver such alcoholic liquor to another

person under the age of 21 years, except in the performance of a religious ceremony or service.

(C) Reserved.

(D) No person shall misrepresent his or her age by any means for the purpose of purchasing or obtaining alcoholic liquor. Any person to whom the sale, gift, or delivery of alcoholic liquor is prohibited because of age shall not purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession. No person described in the provisions of this section shall purchase or accept a gift of wine or beer without at that time possessing and exhibiting positive identification and proof of age as defined in this section.

(E) No person under the age of 21 shall tend bar or tend a package counter of window, sell, draw, pour, mix or serve alcoholic liquor and no Licensee or any officer, associate, member, representative, agent or employee of a Licensee shall engage, employ, or permit any person under the age of 21 years to do so; provided that a person nineteen (19) years of age and over who has completed the Beverage “Alcohol Sellers and Servers Education and Training Program (BASSET) approved by the Educational Foundation of the National Restaurant Association may serve alcoholic beverages to patrons who are dining at the licensed premises, if the service of such beverages is only incidental to their primary function of serving food. If a Licensee shall utilize a person (s) of nineteen (19) or twenty (20) years of age subject to the above requirement, to serve alcoholic beverages, the Licensee must have a person 21 years or older on the premises to supervise any and all persons under the age of 21 engaged in serving alcoholic beverages. Further the Licensee must keep on file at all times a Certificate of Completion of the BASSET program for all persons nineteen (19) and twenty (20) years of age who are engaged in serving alcoholic beverages incidental to their primary function of serving food.

(F) All sales of alcoholic liquor within the village shall be made for cash or its equivalent.

(G) All sales shall be transacted on the licensed premises and the delivery of alcoholic liquor shall be made to the purchaser on the licensed premises. It shall be unlawful to peddle alcoholic liquor in the village.

(H) Any person who applies for a license, and in the process furnishes false information on a material point, or who fails to timely furnish information requested, shall not be eligible for a license.

(I) Any licensee who, in the process of obtaining his license, or a renewal thereof, furnishes false information of a material nature, or who withholds or fails to furnish or disclose information that would affect his qualifications as a licensee hereunder, shall be subject, upon discovery thereof, to have his license suspended or revoked after due notice and appropriate proceedings as specified in S.H.A.

(J) Licensees shall store alcoholic liquor only on the licensed premises, and at no other place in the village.

(K) There shall be no direct access allowed between the place where alcoholic liquor is sold and a dwelling, except in the case of a hotel or motel.

(L) Nothing in this chapter shall excuse or relieve the owner, proprietor, or person in charge of the business being conducted on the licensed premises from complying with or conforming to the restrictions and requirements of any other applicable ordinances of the village, or statutes of the State of Illinois.

(M) Reserved.

(N) In each premise licensed under the provisions of this chapter there shall be displayed at all times in a prominent place, a printed card supplied by the village clerk, which shall be substantially as follows:

WARNING: If you are under twenty-one (21) years of age, you are subject to a fine up to $500.00 if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor. Official photo identification will be required to prove age before purchase.

(O) It shall be unlawful for any parent, guardian or person in loco parentis to knowingly suffer or permit any person under the age of 21 years of whom he or she may be such parent, guardian or person in loco parentis to violate any provisions of this chapter.

(P) It shall be unlawful for any owner or occupant of any premises within the village to knowingly allow any person under the age of 21 years to remain on such premises while in the possession of alcoholic liquor in violation of any statute or of this chapter.

(Q) No licensee shall sell, give or deliver alcoholic liquor and no person shall consume alcoholic liquor on premises where the following acts or conduct are permitted or occur:

(1) The employment or use of any person in the sale or service of alcoholic liquors or for the entertainment or diversion of others while such person is unclothed or in such attire, costume or clothing as to expose to view or to show with less than a fully opaque covering any portion of the breast below the top of the areola or any portion of the pubic hair, anus, buttocks, vulva or genitals.

(2) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts prohibited by law.

(3) The actual or simulated exhibition, displaying, touching or caressing or fondling of or on, the breasts, buttocks, anus or genitals.

(4) The permitting or encouragement of any person to remain in or upon said premises who exposes to view any portion of the body described in subparagraphs (Q) (1), (2), or (3) hereof. (Ordinance 1975-76-1, passed 5/8/75; amended by Ordinance 1980-81-12, passed 8/11/80; Ordinance 1984-85-2, passed 6/11/84; Ordinance 1985-86-17, passed 7/15/85; Ordinance 1987-77-11, passed 1/2/88; Ordinance 1987-88-12, passed 2/1/88) Penalty, see S 110.99

(R) No person, firm or corporation holding a Class A, B, C, D or E local liquor license issued pursuant to provisions of Chapter 110 of the Code of Ordinances, 1999 and Chapter 43 of the Illinois Revised Statutes 1989, shall sell alcoholic liquor at retail for consumption on or off said premises outdoors, in his parking lot, in temporary facilities such as tents, canopies, beer gardens and other structures without prior approval of the Village Liquor Commissioner. (Ordinance 91-92-7)

S 110.99 Penalty.

(A) Any person, firm, or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be fined not less than $25 nor more than $1,000 for each offense, and each day on which a violation occurs or continues shall be considered a separate offense. (Ordinance 96-97-31)

(B) The local commissioner may suspend for not more than 30 days or revoke for cause any licensee's license for any violation of any provisions pertaining to the sale of alcoholic liquor, as provided and in the manner specified in the Illinois Revised Statutes.

(C) The revocation or suspension of a license may be in addition to the imposition of a fine or other penalty for violation of any of the provisions of this chapter, and such revocation or suspension shall be no defense to a prosecution for a violation.

Chapter 111: Solicitors

Section

111.01 Purpose
111.02 General prohibition
111.03 Exceptions
111.04 Permit procedures
111.05 Solicitation of business by pedestrian on a highway
111.99 Penalties

S 111.01 Purpose.

It is expressly declared the policy of the Village of Mt. Zion, Illinois that it is the best interest of the general public's health and well-being to prohibit the uninvited solicitation of goods and services from its citizens from peddlers, hawkers, and transient merchants using high pressure sales techniques, veiled threats, and other sales tactics designed to harass and intimidate the proposed buyer solely for the purpose of obtaining a quick sale on a cash basis without intending to deliver upon the promises made. (Ordinance 1977-78-20, passed 8/15/77; Ordinance 1987-88-1, passed 5/18/87)

S 111.02 General Prohibition.

The practice of going in and upon private residences, in the Village of Mt. Zion, Illinois, by solicitors, peddlers, hawkers, itinerate vendors, and transient merchants of merchandise, not having first obtained an invitation from the owner or occupant of such private residence for the purpose of soliciting orders for the sale of goods, wares, merchandise or services or for the purpose of disposing of or peddling or hawking the same, or the practice of soliciting, peddling or hawking of goods, wares, merchandise or food stuffs upon the public thoroughfares of the Village of Mt. Zion, Illinois, is hereby declared unlawful and a nuisance; provided however, it shall be lawful to do so if the solicitor, peddler, hawker, itinerate vendor or transient merchant, first obtains a permit and further provided that without regard to whether a permit was obtained, no such solicitation, peddling or hawking may be undertaken other than between the hours of 9:00 a.m. and 8:00 p.m. weekdays and 9:00 a.m. and 5:00 p.m. on weekends, and under no circumstances at private residences if posted, "No Soliciting." It is expressly intended that "transient merchants" as defined in Chapter 121 ½, Section 158 et seq., Illinois Revised Statutes, 1975, shall be covered by the terms hereof. (Ordinance 1977-78-20, passed 8/15/77; Ordinance 1987-88-1, passed 5/18/87)

S 111.03 Exceptions.

The provisions of Section 111.02 shall not apply to:

(A) Any individual, organization, group, association, partnership, corporation, trust or combination thereof complying with the provisions regarding

solicitation of funds for charitable purposes as provided in Chapter 23, Section 5101, et seq. Illinois Revised Statutes, 1975.

(B) Any person, corporation, partnership, organization, group, association, trust or combination thereof selling goods, wares, merchandise, or printed or published material that it has raised, produced, manufactured, published or printed, whether sold by itself or a direct employee thereof.

(C) Any person handling vegetables, fruit or perishable farm products they have raised at any established village market, or parties operating stores or refreshment stands at resorts or having booths on or adjacent to property owned or occupied by them. (Ordinance 1977-78-20, passed 8/15/77; Ordinance 1987-88-1, passed 5/18/87)

S 111.04 Permit Procedures.

All solicitors, peddlers, hawkers, itinerate vendors, transient merchants seeking to operate within the Village of Mt. Zion, Illinois, except those falling within the provisions of Section 111.03 hereof, shall first obtain a permit from the chief of police of the Village of Mt. Zion. Said permit shall be obtained upon forms to be provided by the chief of police and shall require the following information:

(A) Full name, permanent residence and age.

(B) If a minor, he must display his employment certificate as provided in Chapter 48, Section 31.9, Illinois Revised Statutes, 1975.

(C) By whom employed.

(D) Profession or occupation.

(E) Manner of compensation.

(F) To whom answerable and who controls the manner of operation.

(G) Who furnished equipment and material.
(Ordinance 1977-78-20, passed 8/15/77; Ordinance 1987-88-1, passed 5/18/87)

S 111.05 Solicitation Of Business By Pedestrian On A Highway.

No person shall stand on a highway within the Village of Mt. Zion, Illinois for the purpose of soliciting for business from the occupants of a vehicle, except as follows:

(A) The soliciting agency shall be registered with the Attorney General as a charitable organization.

(B) The soliciting agency shall be engaged in a statewide fund raising activity.

(C) The soliciting agency shall be responsible for any injuries to any person or property during the solicitation that is causally related to an act of ordinary negligence of the soliciting agent.

(D) Any agent of the soliciting agency shall not be less than 16 years of age and shall be wearing a highly visible vest.

(E) Solicitation shall not interfere with the safe flow of traffic.

(F) The location and date(s) of such solicitation shall have the prior approval of the village president and board of trustees. This approval shall be obtained at the last village board meeting held prior to the requested date(s) of solicitation. The initial location and date(s) request made by the soliciting agency shall be made no later than one month prior to the date(s) of solicitation. (Ordinance 98-99-23)

S 111.06 Solicitation by Sex Offenders Prohibited

Solicitation at private residences in the Village of Mt. Zion by any person required to register as a sex offender in Illinois or any other state is prohibited. (Ordinance 2014-15-9, passed 7/21/14)

S 111.99 Penalties.

Any person, organization, group association, partnership, trust or combination thereof convicted of a violation of the terms of this Chapter shall be fined not less than $25.00 nor more than $500.00 for each offense. (Ordinance 77-78-20; Ordinance 87-88-1)

Chapter 112: License To Conduct Raffles

Section

112.01 Licensing system established
112.02 Village clerk to issue licenses
112.03 Issuance requirements
112.04 License application
112.05 License fees
112.05.1 License/license fee exemption
112.06 Raffle ticket requirements
112.07 Value of prizes; selling of chances
112.08 Penalties

S 112.01 Licensing System Established.

The Village of Mt. Zion under the authority of Chapter 85, Sections 2301 through 2308 of Illinois Revised Statutes, 1979, hereby establishes a system for the licensing of organizations to operate raffles. (Ordinance 1981-82-10, passed 12/7/81)

S 112.02 Village Clerk To Issue Licenses.

The village clerk shall have the authority to issue licenses for raffles subject to the limitations of this chapter. (Ordinance 1981-82-10, passed 12/7/81)

S 112.03 Issuance Requirements.

Licenses for raffles shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans' organizations which are located within the corporate limits of the Village of Mt. Zion and which operate without profit to their members and which have been in existence continuously for a period of 5 years immediately before making application for a license and which have had during that entire 5 year period a bona fide membership engaged in carrying out their objectives. (Ordinance 1981-82-10, passed 12/7/81)

S 112.04 License Application.

An application for a license shall be made in writing on an application form provided by the village clerk. (Ordinance 1981-82-10, passed 12/7/81)

S 112.05 License Fees and Terms.

The license fees, which must be paid before the license is issued, shall be $30 for each raffle conducted; the fees shall not exceed $75 per day. If any organization conducts more than two raffles in one day the total fee for all subsequent raffles that

day shall be $15.00. No raffle shall be conducted within the Village of Mt. Zion unless a raffle license has been issued to the person, organization, group, association, partnership, corporation, trust or combination thereof
conducting the raffle. All licenses issued under this chapter are non-transferable to another person, group, association, partnership, or corporation. The licensee, person, organization, group, association, partnership, corporation, trust or combination thereof conducting the raffle, must comply with the terms of the license including but not limited to reporting the village of all gross income and expenses from the raffle. (Ordinance 93-94-22)

S 112.05.1 License and License Fee Exemption.

Notwithstanding any provision of this Ordinance, no license is required, and no license fee shall be charged, for any raffle conducted by a qualifying organization in the Village of Mt. Zion if the gross proceeds of the raffle do not exceed $200.00; or for any raffle by Mt. Zion Community Unit School District #3, or Mt. Zion Community Unit School District #3 organizations, if the raffle is conducted upon Mt. Zion Community Unit School District #3 property. (Ordinance 93-94-22)

S 112.06 Raffle Ticket Requirements.

Each raffle ticket, chance or other raffle token shall state on its face the name and address of the licensee, the date or dates of the drawing, and the prize or prizes to be awarded, provided however, this requirement shall not apply to any raffle in which the prizes to be awarded are of an aggregate value under $50.00. No such ticket, chance or token shall be sold or issued more than 362 days before the determination of the winning chance or chances. (Ordinance 1981-82-10, passed 12/7/81)

S 112.07 Value of Prizes; Selling of Chances.

The maximum aggregate retail value of all prizes or merchandise awarded in a single raffle shall be $300,000.00

The maximum retail value of each prize awarded in a single raffle shall be $100,000.00.

The maximum price which may be charged for each raffle chance shall be $1,000.00.

The maximum number of days during which chances may be issued or sold shall be 180 days.
(Ordinance 1981-81-10, passed 12/7/81)

S 112.08 Penalties.

Any person, organization, group, association, partnership, corporation, trust or combination thereof, convicted of violation of the terms of this chapter shall be fined not less than $50, nor more than $500 for each offense. (Ordinance 93-94-20)

Chapter 113: Juke Boxes and Mechanical Amusement Devices

Section

113.01	Definitions
113.02	Gambling devices prohibited
113.03	License required
113.04	License application
113.05	Investigation and inspection
113.06	License fee; duration
113.07	License display; transfer
113.08	License revocation
113.09	Seizure and destruction of machine
113.10	Penalty

S 113.01 Definitions.

(A) "Juke Box." Any music vending machine contrivance or device which upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening or by the payment of any price operates or may be operated for the emission of songs, music, or similar amusement.

(B) "Mechanical Amusement Device." Any machine, which upon the insertion of a coin, slug, token, plate or disc may be operated by the public generally for use as a game, entertainment or amusement whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball machines, mechanical grab machines and all games, operations or transactions similar thereto under whatever name they may be indicated.

(C) "Person." Person shall include the following: any person, firm, corporation or association which owns any such machines; the person, firm, corporation or association in whose place of business any such machine is placed for use by the public; the person, firm, corporation or association having control over such machines. (Ordinance 1982-83-11, passed 9/13/82)

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

S 113.02 Gambling Devices Prohibited.

Nothing in this chapter shall in any way be construed to authorize, license or permit a gambling device whatsoever, or any mechanism that has been judicially determined to be a gambling device or in any way contrary to law, or that may be contrary to any future laws of the state or village. (Ordinance 1982-83-11, passed 9/13/82)

Gambling Devices Prohibited. Except for Video Gaming Terminals covered under the Illinois Video Gaming Act and on premises for which the Village Alcohol License has been issued, nothing in this chapter shall in any way be construed to authorize, license, or permit a gambling device whatsoever, or any mechanism that has been judicially determined to be a gambling device or in any way contrary to law, or t2/16/hat may be contrary to any future laws of the state or Village. (Ordinance 2009-10-11; Ordinance 2015-16-25, 2/16/16)

S 113.03 License Required.

Any person displaying for public patronage or keeping for operation any juke box or mechanical amusement device as herein defined by Section 113.01 shall be required to obtain a license upon payment of a license fee. Application for such license shall be made to the village upon a form to be supplied by the village. (Ordinance 1982-83-11, passed 9/13/82)

S 113.04 License Application.

The application for such license shall contain the following information:

(A) Name and address of the applicant and his age, date and place of birth;

(B) Prior felony convictions or convictions of any crimes against moral turpitude of applicant, if any;

(C) Place where machine or device is to be displayed or operated and the business conducted at that place;

(D) Description of machines to be covered by the license, mechanical features, name and manufacturer and serial number.

Application for a license shall be made out in duplicate, one copy to be referred to the police chief and the other to the village administrator. (Ordinance 1982-83-11, passed 9/13/82)

S 113.05 Investigation and Inspection.

(A) The village administrator shall investigate the location wherein it is proposed to operate such machine, ascertain if the applicant is a person of good moral character and either approve or disapprove the application.

(B) The building inspector shall inspect all wirings and connections to the machine, determine if the same complies with the electrical code of the village and either approve or disapprove the application.

(C) No license shall be issued to any applicant unless approved by the chief of police and the building inspector. (Ordinance 1982-83-11, passed 9/13/82)

S 113.06 License Fee; Duration.

(A) Every applicant, approved and accepted, before being granted a license shall pay the following annual license fee for the privilege of operating or maintaining for operation each juke box or mechanical amusement device as defined in Section 113.01.

(1) Juke boxes and mechanical amusement devices (per machine), $25.00

(B) Each license shall expire on January 1 of each year.

(C) If the licensee shall move his place of business to another location within the village, the license may be transferred to such new location upon application to the village giving the street and number of the new location.

The new location shall be approved by the village administrator and the building inspector in the same manner as provided in Section 113.05 of this chapter.
(Ordinance 1982-83-11, passed 9/13/82)

S 113.08 License Revocation.

Every license issued under this chapter is subject to be revoked should the licensee, directly or indirectly, permit the operation of any juke box or mechanical amusement device contrary to the provisions of this chapter, the ordinances of the village, or the laws of the state. Such license may be revoked by the village board after written notice to the licensee, which notice shall specify the ordinances or law violations with which the licensee is charged, if after a hearing the licensee is found to be guilty of such violations. Ten days' notice of the hearing shall be given the licensee. At such hearing, the licensee and his attorney may present and submit evidence or witnesses in his defense. (Ordinance 1982-83-11, passed 9/13/82).

S 113.09 Seizure and Destruction of Machine.

If the chief of police shall have reason to believe any mechanical amusement device is used as a gambling device, such machine may be seized by the police and impounded. If, upon trial of the exhibitor for allowing it to be used as a gambling device, the exhibitor is found guilty, such machine shall be destroyed by the police. (Ordinance 1982-83-11, passed 9/13/82)

S 113.10 Penalty.

Any person, firm, corporation or the agents or employees thereof violating any provision of Sections 113.03 through 113.07 shall be subject to a penalty upon conviction, of not less than $25.00 nor more than $200.00. Each day that a violation continues shall be a separate offense. (Ordinance 1982-83-11, passed 9/13/82)

Chapter 113: Juke Boxes and Mechanical Amusement Devices

Section

114.01	Term
114.02	Property Tax Abatement
114.03	Local Labor Content
114.04	Administration
114.05	Administration Fees
114.06	Tax Increment Financing District or Redevelopment Area Overlay
114.07	No Tax Levy Objection
114.08	No Assignment of Transfer
114.09	Local Sourcing Statement
114.10	Conflicting Language
114.11	Effective Date

S 114.01 Term.

The term of the Zone will be for 15 years commencing on January 1, 2016 and ending at midnight on December 31, 2030 or until such time as the Zone has expired, been decertified by the Department or repealed by the General Assembly or ordinance of the participating governmental entities, whichever is sooner. After the 13th year, the zone is subject to review by the state Enterprise Zone Board for an additional 10-year designation beginning on the expiration date of the enterprise zone. During the review process, the state Enterprise Zone Board shall consider the costs incurred by the State and units of local government as a result of tax benefits received by the enterprise zone before granting the extension. Upon approval of the state Enterprise Zone Board, the Zone may further be in effect for an additional 10 years beginning January 1, 2031.

S 114.02 Property Tax Abatement.

Commencing on or after January 1, 2016, taxes on real property levied by the **VILLAGE OF MOUNT ZION** shall be abated on property located within the boundary of the Enterprise Zone as certified by the Department and upon which new improvements have been constructed as follows. In no event shall any abatement of taxes on any parcel exceed the amount attributable to the construction of the improvements or the renovation or rehabilitation of existing improvements on such parcel.

A. DEFINITIONS

1) "Memorandum of Understanding" or "MOU" as defined herein is the written agreement between the Decatur Macon County Enterprise Zone Administrator, on behalf of the Taxing Bodies participating in the Decatur Macon County Enterprise Zone property tax abatement program, and the Applicant receiving tax abatement. The MOU defines the terms and conditions by which abatement of real estate property tax is authorized.

2) "Industrial/Manufacturing" as defined herein, are enterprises where the manufacturing or assembling of goods takes place.

3) "Warehouse/Distribution/Logistic(s) Companies" as defined herein, are warehousing and distribution businesses that are engaged in the storage and/or packaging of goods and the transfer or transportation of products from a point of origin to a point of consumption.

4) "Office/Knowledge-Based Companies" as defined herein are enterprises that are research oriented and that require a highly skilled workforce such as biotechnology, electronics and/or professional services such as engineering, architecture, finance, law and telemarketing companies.

5) "Retail/Commercial Companies" as described herein, are enterprises in the business of selling products or services in the following categories: Stores selling products to the general public or wholesale customers, restaurants, hotels/motels and related concerns.

6) Exclusions - Retail/Commercial Companies engaged in the following categories of business below shall be ineligible for any property tax abatement as provided herein:

1) self-storage (mini warehouse facilities)
2) automobile service station
3) automatic or self-service coin operated car wash
4) commodity scrap processing
5) convenience food and beverage store
6) gasoline station
7) package liquor store
8) recycling facility
9) cash advance, pay day loan and title loan stores
10) adult entertainment venues including adult bookstores

B. That commencing January 1, 2016, taxes on real property levied by the VILLAGE OF MOUNT ZION shall be abated on property located within the Zone and upon which new improvements have been constructed as follows:

1) For taxes levied in the first year of abatement:	100%
2) For taxes levied in the second year of abatement:	80%
3) For taxes levied in the third year of abatement:	60%
4) For taxes levied in the fourth year of abatement:	40%
5) For taxes levied in the fifth year of abatement:	20%

C. Said abatements shall be for five (5) consecutive years beginning with the real estate taxes payable in the year following the first full year of a facility's commercial operation after which said improvements have been made. Abatement for a specific project will cease after the fifth year or upon expiration, termination or decertification of the Decatur Macon County Enterprise Zone, whichever is sooner.

D. The above property tax abatements shall be applicable for eligible Office/Knowledge-based, Warehouse/Distribution/Logistic(s) and Industrial/Manufacturing-based real property upon which construction, improvements, renovation or rehabilitation, for which a building permit is required, has been completed after January 1, 2016 and before the expiration, termination or decertification of the Decatur Macon County Enterprise Zone, whichever is sooner.

E. Both a minimum capital investment of One Hundred Fifty Thousand Dollars ($150,000.00) and the creation and/or retention of twenty-five (25) full-time jobs are necessary for a parcel to receive real tax abatement as provided· herein for eligible Office/Knowledge-based, Warehouse/Distribution/Logistic(s) and Industrial/Manufacturing-based projects.

Questions as to the eligibility of a project will be decided by the Enterprise Zone Administrator, with advice and consent of the Enterprise Zone Advisory Board.

F. That, with the adoption of this Ordinance, taxes on real property levied by the VILLAGE OF MOUNT ZION shall be abated on retail, restaurant, hotel/motel and commercial property developments located within the Zone with the exception of those projects outlined in SECTION “2.A.6.” above, and upon which new improvements have been constructed subsequent to such approval as follows:

1)	For taxes levied in the first year of abatement:	100%
2)	For taxes levied in the second year of abatement:	75%
3)	For taxes levied in the third year of abatement:	50%

Said abatements shall be for three (3) consecutive years beginning with the real estate taxes payable in the year following the first full year of a facility's commercial operation after which said improvements have been made. Abatement for a specific project will cease after the third year or upon expiration, termination or decertification of the Decatur Macon County Enterprise Zone, whichever is sooner.

G. The above property tax abatements shall be applicable for eligible retail, restaurant, hotel/motel and commercial projects involving real property upon which construction, improvements, renovation or rehabilitation, for which a building permit is required, which results in an increase in the equalized assessed valuation of at least $25,000 has been completed after January 1,

2016 and prior to the expiration, termination or decertification of the Decatur Macon County Enterprise Zone.

Questions as to the eligibility of a project will be decided by the Enterprise Zone Administrator, with advice and consent of the Enterprise Zone Advisory Board.

H. Entities meeting qualification criteria outlined above must enter into a Memorandum of Understanding with the Decatur Macon County Enterprise Zone through its Enterprise Zone Administrator, outlining projected job creation and/or job retention, and capital investment for the eligible Office/Knowledge-based, Warehouse/Distribution/Logistic(s) and Industrial/Manufacturing-based projects or documentation that minimum increases in equalized assessed valuation have been met for eligible retail, restaurant, hotel/motel and commercial projects, and said Administrator is hereby authorized to enter such agreements on behalf of the Decatur Macon County Enterprise Zone.

1) Entities receiving property tax abatement for eligible Office/Knowledge-based, Warehouse/Distribution/Logistic(s) and Industrial/Manufacturing-based projects must agree to maintain a minimum of 90% of the employment levels at that location as described in the Memorandum of Understanding for the term of abatement. At the discretion of the Enterprise Zone Administrator, with the advice and consent of the Enterprise Zone Advisory Board, failure to maintain a minimum of 90% of the employment levels during the agreement period may result in the immediate termination of remaining abatement and/or the pro-rata repayment of previously abated real property taxes to the applicable taxing districts.

2) Entities receiving property tax abatement for eligible retail, restaurant, hotel/motel and commercial projects must provide documentation of increased assessed valuation as a result of the project in the form of a Notice of Assessment Change from the Macon County Supervisor of Assessment's Office or similar documentation as deemed appropriate by the Decatur Macon County Enterprise Zone Administrator, with the advice and consent of the Enterprise Zone Advisory Board.

3) The Administrator of the Decatur Macon County Enterprise Zone will annually monitor the performance of the eligible recipients of property tax abatement in order to ensure that job and investment projections as well as changes in equalized assessed valuation outlined in the Memorandum of Understanding are being met.

4) The Administrator of the Decatur Macon County Enterprise Zone, with advice and consent of the Enterprise Zone Advisory Board, may elect to waive enforcement of any performance measures outlined in the Memorandum of Understanding based on a finding that the waiver is necessary to avert an imminent, demonstrable, and material hardship to the entity that may result in such entity's insolvency or discharge of workers.

S 114.03 Local Labor Content.

As part of a taxpayer's request to receive property tax abatement for a qualified project as described in Section 2 above which will result in building construction, renovation or rehabilitation costs of $4 million ($4,000,000) or more, said taxpayer and/or their contractors will be required to submit a local labor utilization plan. The local labor utilization plan should provide for:

- The equitable opportunity for local labor contractors to submit bids for the skilled craft work required by the project;
- The taxpayer's planned efforts for utilization of at least 75% local labor by any non-local contractors who are awarded work related to the construction of said project.

Said taxpayer may request a waiver of the local labor utilization plan if any of the following conditions apply:

- Certain resources are not sufficiently available in the local labor market area;
- An awarded bid to a lower cost resource provider requires the use of non-local labor in order meet bid requirements; or
- The use of non-local labor results from requirements associated with any applicable governmental funding for the project.
- Conflicting obligations exist relative to any contracts or other agreements to which taxpayer is a party or with other policies or programs that may be in effect from time to time.

Local labor is defined as any worker whose primary legal residence is located within the Local Labor Market Area as established for the Decatur Macon County Enterprise Zone designation application.

Said taxpayer will provide such documentation of local labor utilization to the Decatur Macon County Enterprise Zone Administrator along with information supporting any waiver requests upon completion of the project. The Administrator will review submitted information and may conduct additional inquiry to support making a recommendation to the Enterprise Zone Advisory Board regarding whether the taxpayer and/or their contractors have met the requirements of this Section. Although contingent

property tax abatement approval may be granted by the Zone Administrator prior to the beginning of project construction, final approval of the property tax abatement request by the Enterprise Zone Advisory Board is required before initiating the Memorandum of Understanding.

The Decatur Macon County Enterprise Zone Administrator will present all disputes and/or appeals concerning the local labor utilization clause of this Ordinance to the Enterprise Zone Advisory Board for final resolution.

S 114.04 Administration.

By agreement of the joint applicants of the City of Decatur, the County of Macon, the Village of Mt. Zion, the Village of Forsyth and the Village of Long Creek, the Administrator of the Decatur Macon County Enterprise Zone will be the CEO/President of the Economic Development Corporation of Decatur and Macon County. Administration of the Zone will be carried out as described in the Enterprise Zone Intergovernmental Agreement between the City of Decatur, the County of Macon, the Village of Mt. Zion, the Village of Forsyth and the Village of Long Creek.

S 114.05 Administration Fees.

As allowed by the Act, the Administrator of the Decatur Macon County Enterprise Zone is hereby authorized to collect an Administration Fee for the issuance of Sales Tax Exemption Certificates for Construction Materials from entities requesting said exemption in order to offset the management and operational costs associated with the Administration of the Zone. Said fee shall be equal to .5 percent (1/2%) of the documented cost of building materials for each project up to a maximum of $50,000 per Certificate (20 ILCS 655/8.2c). The Zone Administrator, with the advice and consent of the Enterprise Zone Advisory Board, may also elect to collect a processing fee for related Enterprise Zone activities such as boundary amendment applications, technical correction applications, and/or other applications resulting in an amendment to the Zone or Zone operating procedures, which may change from time to time. At no time will all fees combined, related to a single project, exceed $50,000 or such amount as may be stipulated in state statute. The parties to the Enterprise Zone Intergovernmental Agreement shall have no liability for payment of such fee.

S 114.06 Tax Increment Financing District or Redevelopment Area Overlay.

In the event that a Tax Increment Financing (TIF) District or redevelopment district or project area (20 ILCS 655/5.4.1) is, will be, or has been created by a municipality under Division 74.4 of the Illinois Municipal Code, and said redevelopment project area contains property that is located in an enterprise zone, and the municipality adopts an enterprise zone designating ordinance pursuant to Section 5.4 of the Act specifically concerning the abatement of taxes on property, as in Section 2 above, located within a redevelopment project area created pursuant to Division 74.4 of the Illinois Municipal Code, and the Department certifies the Ordinance, then the property

that is located in both the enterprise zone and the redevelopment project area shall not be eligible for the abatement of taxes under Section 18-170 of the Illinois Property Tax Code.

S 114.07 No Tax Levy Objection.

Taxpayers receiving Decatur Macon County Enterprise Zone property tax abatement under the terms and conditions of Section 2 above, must agree that they shall not file an objection to the real estate property taxes levied on the Site and/or Facilities or the property tax assessment on the Site and/or Facilities. In the event any real estate property tax protest or objection is filed for the subject property, the Enterprise Zone property tax abatement for the subject property shall automatically terminate.

S 114.08 No Assignment or Transfer.

Decatur Macon County Enterprise Zone property tax abatement shall be specifically granted to the applicant and may not be assigned to or transferred without the written consent of the Decatur Macon County Enterprise Zone Administrator, with the advice and consent of the Enterprise Zone Advisory Board, on behalf of the taxing bodies. In the event that the applicant desires to transfer or assign any or all of its ownership of the subject property where the business is located thereon, the transferee shall submit a written request to the Decatur Macon County Enterprise Zone Administrator requesting transfer of the abatement to the new owner for the time remaining on the abatement.

The Decatur Macon County Enterprise Zone Administrator, with the advice and consent of the Enterprise Zone Advisory Board, shall review the taxpayer's request to transfer said abatement, and determine the taxpayer's eligibility for such transfer, subject to the terms and conditions of SECTION 2 above and the applicable MOU. The Decatur Macon County Enterprise Zone Administrator shall notify the affected taxing bodies that such a request has been made and the action taken by the Administrator to address the transfer request.

S 114.09 Local Sourcing Statement.

In addition to Section 3 above, the Mount Zion Village Board encourages companies receiving Enterprise Zone benefits, as provided herein, to utilize local labor and to purchase building materials locally.

S 114.10 Conflicting Language.

All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance shall be and are hereby repealed. (Ordinance 2014-15-13, passed 12/1/2014)

TITLE XIII: GENERAL OFFENSES

Chapter 130: General Provisions

Section

130.01 Possession of alcoholic liquor
130.02 Prohibited nudity and obscenity
130.99 Penalty

S 130.01 Possession of Alcoholic Liquor.

(A) It shall be unlawful for any person to carry, possess, or have any alcoholic liquor in any public place, except in the original containers and with the seal unbroken.

(B) The consumption of alcoholic liquor by any person under the age of 21 years is forbidden. (Ordinance 1985-86-4, passed 5/6/85; Ordinance 1985-86-38, passed 5/21/86)

S 130.02 Prohibited Nudity and Obscenity.

It shall be unlawful to sell, dispense, or consume alcoholic liquor at any club or business whereat, or at premises which have any access which leads from said premises to any premises whereat, the following acts or conduct are permitted:

(A) The employment or use of any person in the sale or service of alcoholic liquors or for the entertainment or diversion of others while such person is unclothed or in such attire, costume or clothing as to expose to view or to show with less than a fully opaque covering any portion of the breast below the top of the areola or any portion of the pubic hair, anus, buttocks, vulva or genitals.

(B) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts prohibited by law.

(C) The actual or simulated exhibition, displaying, touching or caressing or fondling of or on, the breasts, buttocks, anus or genitals.

(D) The permitting or encouragement of any person to remain in or upon said premises who exposes to view any portion of the body described in paragraphs (A), (B), or (C) hereof. (Ordinance 1987-88-10, passed 2/1/88; Ordinance 1987-88-13, passed 2/1/88)

* Ordinance No. 1985-86-3 repealed the previous Chapter 130, General Provisions, as adopted by Ordinance No. 1980-81-22. The repeal provided that any offense, committed against Chapter 130 as in force at the time of repeal, or any act done, any penalty, forfeiture or punishment incurred or any right accrued or claims arising under Ch. 130 as in force at the time of repeal, shall not be affected or abated in any way by reason of the repeal.

S 130.99 Penalty.

(A) Any person who violates S 130.01 (A) or (B) shall, upon conviction be fined not more than $750.00.

(B) In lieu of service of a notice to appear to answer charges of violating this chapter, any law enforcement officer may serve a citation on anyone who is accused of violating this chapter. Such citation shall allow the person served the opportunity to pay to the village treasurer the sum specified below, within 15 days following the date of service thereof as a penalty for violating this chapter instead of facing arrest or formal written charges in a notice to appear. Failure to timely pay the amount specified may result in the issuance of a warrant for arrest or notice to appear to answer such charge.

(C)	**1-10 Days**	**11-15 Days**
	$150.00	$200.00

(D) Any person who violates S 130.02 may, upon conviction, be fined up to $750.00. Alternatively, any person who violates S 130.02 may be charged with a criminal misdemeanor punishable by incarceration in a penal institution other than a penitentiary for up to 6 months upon establishing guilt of the defendant beyond a reasonable doubt.
(Ordinance 1985-86-4, passed 5/6/85; Ordinance 1985-86-38, passed 5/21/86; Ordinance 1987-88-10, passed 2/1/88; Ordinance 1987-88-13, passed 2/1/88; Ordinance 2016-7, 10/17/16)

Chapter 131: Prohibited Activities On Village Property

Section

131.01 Destroying or injuring brush, trees or other vegetation
131.02 Discharging firearms, fireworks, horns of guns
131.03 Hunting or molesting animals or birds
131.04 Unauthorized vehicle operation
131.05 Burning of vegetation or rubbish on streets
131.06 Open burning of garbage without permit
Penalty

S 131.01 Destroying or Injuring Brush, Trees or Other Vegetation.

No person shall cut down, destroy, or injure a standing or growing vine, brush, shrub, sapling tree, or flower, or other vegetation located on village property. (Ordinance 1985-86-6, passed 5/6/85)

S 131.02 Discharging Firearms, Fireworks, Horns or Guns.

No person shall discharge or cause to be discharged any firearm, missile throwing or propelling device, fireworks, air, electric or gas horns, explosives, corrosives or volatile materials, or air, ray or gas guns in the village, except a police officer in the performance of his duty. It shall not be unlawful to fire or discharge a firearm in or on a premise, facility or building, commonly known as a gun or shooting range, constructed and authorized by ordinance or other law. Hunting as provided for under State and Federal statutes and regulations is allowed provided the lot upon which the hunting is to take place is in excess of seventy five (75) acres in area. (Ordinance 1985-86-6, passed 5/6/85, Ordinance 2014-2015-1, passed 5/5/2014)

S 131.03 Hunting or Molesting Animals or Birds.

No person shall hunt, pursue with dogs, trap or in any way molest any bird or animal on village property. (Ordinance 1985-86-6, passed 5/6/85)

S 131.04 Unauthorized Vehicle Operation.

No person shall ride or operate any vehicle or motor driven device on, over, along or upon any village property except on roadways, driveways or parking area designated for the use of such vehicles. (Ordinance 1985-86-6, passed 5/6/85)

S 131.05 Burning of Vegetation or Rubbish on Streets.

It shall be unlawful for any person to burn weeds, leaves or rubbish or material of any kind upon any bituminous street in the village. (Ordinance 1985-86-6, passed 5/6/85)

S 131.06 Open Burning of Garbage Without Permit.

No person shall burn or cause the open burning of garbage as defined in the Environmental Protection Act in such a way that the products of the combustion are emitted to
the open air without originating in or passing through equipment for which a permit could be issued under the Environmental Protection Act, of the Illinois Revised Statutes. (Ordinance 1985-86-6, passed 5/6/85)

S 131.07 Violating posted hours in Goodwin Park

No person or vehicle shall be permitted to remain within the confines of Goodwin Park between the hours of dawn to dusk. when a sign has been posted specifying said hours.

S 131.99 Penalty.

Any person who violates this Chapter shall upon conviction, be fined not more than $500.00. In lieu of service of a notice to appear to answer charges of violating this Chapter, any law enforcement officer may serve a citation on anyone who is accused of violating this chapter. Such citation shall allow the person served the opportunity to pay the village treasurer the appropriate sum from the Fine Schedule within 15 days following the date of service thereof as a penalty for violating this chapter instead of facing arrest on formal charges in a notice to appear. Failure to timely pay the amount specified in the Fine Schedule may result in the issuance of a warrant for arrest or of a notice to appear to answer such charges.

Fine Schedule

Section	One to Ten Days	Eleven to Fifteen Days
131.01	$25.00	$30.00
131.02	$25.00	$30.00
131.03	$25.00	$30.00
131.04	$25.00	$30.00
131.05	$25.00	$30.00
131.06	$25.00	$30.00
131.07	$25.00	$30.00

(Ordinance 1985-86-6, passed 5/6/85, Ord 2007-08-7 Sept. 07 Ord 1999-00-5)

Chapter 132: Alarm Systems

Section

132.01 Definitions
132.02 Alarm systems
132.03 Automatic dialing devices
132.04 Response charge

S 132.01 Definitions.

(A) For the purpose of this chapter, the following words and terms are defined as hereinafter set out.

(B) “Alarm.” An audible, mechanical or electrical signal from an alarm system which indicates that the system has detected a disturbance it was designed or programmed to warn about.

(C) “Alarm System.” A device for assembly of equipment which is designed or functions to provide an alarm upon detection of a disturbance it was designed or programmed to warn about.

(D) “Alarm User.” Any person or entity owning, possessing or in control of premises wherein an alarm system is maintained.

(E) “Alarm Signal Panel.” The panel in the central communications facility in the police department wherein alarm systems terminate for transmitting alarms to village personnel.

(F) “Automatic Dialing Device.” A device programmed to transmit by telephone line an alarm to a telephone number selected in advance.

(G) “False Alarm.” Transmission of an alarm indicating need of an emergency response in instances where an emergency does not, in fact, exist.

(H) “Interconnect.” To induce into a telephone line an alarm from an alarm system.

(Ordinance 1981-82-14, passed 1/18/82)

S 132.02 Alarm Systems.

(A) No alarm system shall be installed, maintained or operated so as to directly transmit an alarm to the central communications facility of the village by any means other than through a terminal in the alarm signal panel, and then only with the approval of the police chief, provided, however, that alarm systems installed and in operation on the date of the adoption of this chapter may be maintained at that present location and by the present owner.

(B) All alarm systems so installed or operated as described in paragraph (A) above shall be maintained in good working order and so as not to generate false alarms due to system defect or malfunctions.

(C) Every alarm user of an alarm system shall provide the police department, and keep currently up-to-date names and telephone numbers of persons who are authorized and readily available to assist the police at the premises or facility at any time an alarm is transmitted there from.

(D) Every alarm system so installed or maintained shall be so operated as not to transmit false alarms through said panel.

(E) Any alarm system not installed, maintained or operated as provided herein may be disconnected from said panel and be prohibited from transmitting alarms to said central communications facility upon order of the police chief. (Ordinance 1981-82-14, passed 1/18/82)

S 132.03 Automatic Dialing Devices.

(A) No person or entity shall possess, install or operate an automatic dialing device programmed to transmit an alarm to a telephone in the use of the village or any department thereof.

(B) No person or entity shall cause the transmission of an alarm by an automatic dialing device to a telephone in the use of the village or any department thereof.

(C) No person or entity owning, controlling or in possession of any premises within the village shall knowingly permit any automatic dialing device programmed to transmit an alarm to a telephone in the use of the village or any department thereof to be kept, operated or maintained in or on said premises.

(D) Any person or entity violating any provisions of this section or any of its subdivisions shall upon conviction be fined not to exceed $500.00.

(Ordinance 1981-82-14, passed 1/18/82)

S 132.04 Response Charge.

(A) A response charge in the amount of $25.00 may be imposed for each response by Village of Mt. Zion Police Department to a false alarm.

(B) Should any alarm user fail to reasonably and promptly pay a response charge after being billed for the same, all alarm systems of that alarm user may be disconnected from the alarm service panel; and in addition thereto, said charge may be recovered by appropriate court action. (Ordinance 1987-88-15, passed 3/21/88)

Chapter 133: Discharge of Firearms

Section

133.01 Permit required
133.02 Penalty

S 133.01 Permit Required.

No person shall discharge or cause to be discharged any firearm, missile throwing or propelling device, fireworks, air, electric or gas horns, explosives, corrosive or volatile materials or air, ray, or gas gun within the village, except as authorized by specific permit of the village. Hunting as provided for under State and Federal statues and regulations is allowed provided the lot upon which the hunting is to take place is in excess of seventy five (75) acres in area.(Ordinance 1981-82-13, passed 1/4/82amended 2007-08-)

S 133.02 Penalty.

Any person who violates this chapter shall, upon conviction, be fined not more than $500.00. (Ordinance 1981-82-13, passed 1/4/82)

Chapter 134:
USE OF PROPERTY AND PROHIBITING ACTIVITIES IN PARKS AND CONSERVATION AREAS

Section

134.01 Hours
134.02 Prohibitions
134.03 Penalty

S 134.01 Hours.

The Finley Creek Conservation Area shall be opened to the public from sunrise until sunset daily. No person shall be permitted in the conservation area during any other hours. No person or vehicle shall be permitted to remain within the confines of Fletcher Park and Goodwin Park between sunset and sunrise daily or as otherwise posted on site when a sign has been posted specifying said hours.

S 134.02 Prohibitions.

The following activities are prohibited in Finley Creek Conservation Area:

(A) All those activities listed in Chapter 131 – Prohibited Activities on Village Property – except for Section 131.05.

(B) All those activities listed in Chapter 92.06 – Dumping of Noxious Substances Prohibited; Other Nuisances.

(C) No person shall burn or cause open burning of any items in the Conservation area.

(D) No person shall start or maintain any kind of fire in the Conservation area.

(E) No person shall damage, deface or destroy any man-made property or any equipment owned by the village and located in the Conservation area.

(F) No person shall erect any type of structure either of a temporary or permanent nature in the Conservation area.

S 134.03 Penalty.

Any person who violates this ordinance shall upon conviction, be fined not more than $500.00. In lieu of service of a notice to appear to answer charges of violating this ordinance, any law enforcement officer may serve a citation on anyone who is accused

of violating this ordinance. Such citation shall allow the person served the opportunity to pay the village treasurer the appropriate sum from the Fine Schedule within 15 days following the date of service thereof as a penalty for violating this ordinance instead of facing arrest on formal charges in a notice to appear. Failure to timely pay the amount specified in the Fine Schedule may result in the issuance of a warrant for arrest or of a notice to appear to answer such charges.

Fine Schedule

Sections	One to Ten Days	Eleven to Fifteen Days
All sections except 2(a) and 2(b)	$25.00	$30.00

S 134.04 Reservation Permits.

To reserve a facility a Reservation permit must be obtained. Reservation permits for group picnic shelter facilities or for exclusive, temporary group use of park facilities may be obtained for a nominal fee upon request from the Director of Parks and Recreation.

Fee Schedule for Fletcher Park Facilities

Recreation Center (100 seating capacity)
Village Resident Rate
$400 all day Friday-Sunday,
$300 all day, $50 per hour for Monday-Thursday
Non Resident
$500 all day, Friday-Sunday
$400 all day, $75 per hour for Monday-Thursday

Fletcher Park Pavilion (200 seating capacity)
Village Resident Rate
$250 all day Friday-Sunday,
$75 all day, $25 per hour for Monday-Thursday
Non Resident
$300 all day, Friday-Sunday
$100 all day, $35 per hour for Monday-Thursday

Amphitheater
Village Resident Rate
$300 all day, Friday-Sunday,
$200 all day, $25 per hour Monday-Thursday
Non Resident
$350 all day Friday-Sunday
$250 all day, $35 per hour Monday-Thursday

Small Pavilions
Village Resident Rate
$25 all day,
Non Resident
$35 all day,

S 134.05 Prohibited Activities in Parks

(A) No person shall cut, break, move, take or otherwise injure, destroy or deface any trees, shrubs, plants, turf, rock or any building, fence, bridge, sign or other structures, or foul any stream, or dump any earth, rubbish or other substances or material in or upon any park.

(B) No person shall make or kindle any open fire except in fireplaces and grills provided for this purpose or in private portable grills, approved as safe by the Department of Parks and Recreation. Grills provided for public use shall be on a first come first served basis.

(C) No swimming at any time shall be allowed in Fletcher Park Lake. Fishing shall be allowed in Fletcher Park with license required as issued and governed by the Illinois Department of Natural Resources unless otherwise posted by signs on site.

(D) Motorized vehicles shall be prohibited on all walking and bicycle trails on village right of way and in village parks with the exception of vehicles authorized by the Director of Parks and Recreation.

(E) No entertainment, demonstration, or exhibition shall be given in any park except under the supervision of the Director of Parks and Recreation or with the written permission of the Director of Parks and Recreation.

(F) Feeding of wildlife is prohibited.

(G) Trash Disposal. Park patrons are responsible at all times for proper disposal of their trash. Any trash generated outside park and recreation facilities may not be disposed of inside the park.

(H) Soliciting and Vending. No person shall expose or offer for sale any article or merchandise nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or merchandise within the limits or adjacent roadways of any park. Exception is made to regularly licensed concessionaires acting by and under the authority of the Village of Mt. Zion. Any publicity, posted signs or announcement placed in or on park property must have the prior approval of the Parks and Recreation Department.

(I) Interference with Authorized Activities. No person or group shall interfere with any recreational activities or event authorized by the Village's Parks and Recreation Department.

Chapter 135: Regulations of Garage, Rummage and Yard Sales In Residential Zones Section

135.01 Limits
135.02 Time
135.03 Penalty

S 135.01 Limits.

Garage, rummage and yard sales in residential zones, as defined by Zoning Ordinance shall be limited to four sales annually at the same location as identified by the address assigned to the location by the U.S. Postal Service.

S 135.02 Time.

No garage, rummage or yard sale shall be conducted for more than three consecutive days in one location, as identified by address, without prior approval from the village administrator.

S 135.03 Penalty.

Any person who violates this ordinance shall upon conviction, be fined not more than $500.00. In lieu of service of a notice to appear to answer charges of violating this ordinance, any law enforcement officer may serve a citation on anyone who is accused of violating this ordinance. Such citation shall allow the person served the opportunity to pay the village treasurer the appropriate sum from the Fine Schedule within 15 days following the date of service thereof as a penalty for violating this ordinance instead of facing arrest on formal charges in a notice to appear. Failure to timely pay the amount specified in the Fine Schedule may result in the issuance of a warrant for arrest or of a notice to appear to answer such charges.

Fine Schedule

Sections	One to Ten Days	Eleven to Fifteen Days
All section	$25.00	$30.00

(Ordinance 92-93-02)

Chapter 136: Use of Walking and Bicycle Trails in the Village of Mt. Zion

Section

136.01 – Prohibited Uses
136.02 – Exceptions
136.03 – Bicycles
136.04 – Penalty
136.05 – Repeat Offenders
136.06 – Definitions

S 136.01 Prohibited Uses

The following may not be driven, operated or used on the trail:

Motorized vehicles, motor scooters, motorized scooters, motorcycles, motor driven cycles, all terrain vehicles, golf carts, and electric scooters. Toy vehicles, radio controlled model cars/vehicles, and horses.

S Chapter 136.02 Exceptions

Authorized vehicles are exempt from the provisions of Section 1. Authorized vehicles are defined as police, fire, ambulance, rescue and public works vehicles and equipment of the trail.

S Chapter 136.03 Bicycles

No person shall ride a bicycle on the bike path unless ridden as close as practical to the right hand edge of the path, except when overtaking and passing another bicycle or pedestrian proceeding in the same directions.

No person shall ride a bicycle other than single file when overtaking or approaching other bicycle or pedestrian traffic.

No persons shall ride bicycles more than two abreast.

No person shall ride a bicycle on the path in a manner which endangers the safety of any person or property, or at a speed which is greater than reasonable and proper for the safe operation of the bicycle with regard to existing conditions, including but not limited to trail surfaces, hills, curves, intersections and other bicycle or pedestrian traffic.

S Chapter 136.04 Penalty

Unless another penalty is expressly provided by law, or this chapter, any person who violates any provision of this ordinance shall, upon conviction, be fined not less than $25.00 and not more than $500.000 for each offense.

Any person arrested for a violation of any provision of this chapter shall be released on proper bail being furnished as required by law.

In lieu of service of a notice to appear to answer charges of violating this chapter, any law enforcement officer may serve a citation or anyone who is accused of violating this chapter. A citation issued as above provided shall allow the person served the opportunity to pay the Village the appropriate sum from the fine schedule within 15 days following the date of service instead of facing formal written charges in a notice to appear. Failure to timely pay the amount specified in the fine schedule may result in the issuance of a warrant for arrest or of a notice to appear to answer such charges. The fine schedule listed below is hereby made a part of this section.

Fine Schedule

	1-10 days	11-15 days
Section 1A.	$50.00	$55.00
Section 1B	$25.00	$30.00
Section 3	$25.00	$30.00

S Chapter 136.05 Repeat Offenders

Chronic offenders may be issued a No Trespass to State Supported Property Notice. Anyone violating such notice may be arrested for trespassing on State Supported Property.

S Chapter 136.06 Definitions

Motor vehicle, motor scooter, motorized scooter, motorcycle, motor driven cycle and all-terrain vehicle shall have the same meaning as defined in the Illinois Vehicle Code, as amended from time to time. (Ordinance No. 2004-05-8, passed 9/20/04)

Chapter 137: Mailbox Regulations

Section

137.1 – Prohibited Uses

S 136.01 Mailbox Regulations

(A) Definitions

1) Mailbox: Boxes used for receipt of the United States mail and placed outside of residences and establishments.

2) Post: The structure upon which a mailbox is mounted.

(B) Specifications and Requirements of Mailboxes.

All mailboxes shall conform to the specifications of Section 137.1(b) unless exempt under Section 137.1(c).

1) Location - No mailbox shall be placed so that it extends to a point within eith inches (8”) of the edge of the pavement or road. Every mailbox shall be placed at a height consistent with federal laws and regulations.

2) Support Structure – Every mailbox, not affixed to a place of business or residence, shall be mounted on a post that is either a wooden post no small than four inches by four inches (4” x 4”) and no larger than six inches by six inches (6” x 6”) or on a light gauge hollow pipe no small than one and one-half inches (1 ½”) in diameter and no larger than three inches (3”) in diameter. The support structure shall be firmly secured in the ground. Under no circumstances shall any support structure constructed, reconstructed, replaced, moved or repaired (if damaged to the extent of fifty percent (50%) of its value at the time of the repair after April 15th, 2016, include masonry column, bricks, concrete, railroad ties or rails, tractor wheels, plow blade, a barrel, a lawn tractor or any similar object or device.

(C) Exemptions

1) Any and all mailboxes that were constructed and placed in the Village of Mt. Zion on or before April 15th, 2016 are exempt from the requirements of 137.1 (b) subject to 137.1(c)(2).

2) No mailbox that does not conform to the requirements of section 137.1(b) or is exempt under section 137.1(c) shall be reconstructed, replaced, moved or repaired if deteriorated or damaged to the extent of fifty percent (50%) of its value at the time of

the repair, unless such resulting mailbox shall fully conform to the requirements of section 137.1(b) regardless of original exempt status.

(D) Damage by Village

If a mailbox located within the Village's right of way is damaged by the Village, then the Village shall be required to, but only to reimburse the owner for damages in the amounts as follows:

1) Not more than sixty dollars ($60.00) for replacement of a post, or

2) not more than sixty dollars ($60.00) for replacement of a mailbox, or

3) not more than one hundred twenty dollars ($120.00) for replacement of both post and mailbox.

(E) Penalty

Any person in violation of any provision of this section 137.1 shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) for each offense. A separate offense shall be deemed to have been committed for each violation and for each day on which such violation occurs or continues. (Ordinance 2015-16-30; 4/4/16)

TITLE XV: LAND USEAGE

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Section

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General

S 150.001 Title.

These regulations shall be referred to as the Official Zoning Ordinance of the Village of Mt. Zion. The official zoning map is on file at the office of the village clerk. (Ordinance 1972-73-8, passed 11/6/72; Res. 1978-79-26, passed 2/6/78; Ordinance 1979-80-19, passed 2/4/80)

S 150.002 Purpose.

This ordinance was designed to further the objectives of the village land use plan; to prevent or lessen pollution of the air and water resources of the community; to promote the public health, safety, morals, comforts, and general welfare; to lessen or avoid congestion in the public streets and highways; to avoid hazards resulting from the accumulation of runoff of storm and flood waters; to conserve and enhance the taxable value of the land and buildings; to prevent overcrowding of land or buildings; to provide proper relationships between uses and public utilities; and to otherwise insure the orderly growth of the community. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.003 Authority.

This ordinance defines and limits the powers and duties of the administrative officer, bodies, and corporate authorities to the following functions:

(A) To divide the village into districts regulating and restricting therein the location, construction, reconstruction, or major alteration of any building or structure; and to regulate the type and intensity of land use by the adoption and enforcement of the zoning map.

(B) To change the district classification applied to any parcel of land after proper legal notice and public meeting as prescribed in this ordinance and state statutes.

(C) To adopt or amend sections to be added to this ordinance after proper legal notice of public hearings as prescribed in this ordinance and state statutes.

(D) To grant relief or variance to the strict interpretations of this ordinance, but only as provided for in sections 150.130 through 150.134.

(E) To permit the granting of special permits to establish uses of land or structures and designated as allowable special uses in the zone regulations, or for new or unusual uses which are not specified in any zone, but only as provided for in sections 150.100 through 150.104.

(F) To permit the granting of special planned unit developments, but only as provided for in sections 150.110 through 150.122.

(G) To provide for the gradual elimination or to extend the life of nonconforming uses as provided for in sections 150.140 through 150.147.

(H) To impose building setbacks greater than those contained in district regulations along major highways or surface water drainage-ways, but only as shown on the official setback map as provided for in section 150.072.

(I) To take any necessary legal action against any person or organization which violates any provisions of this ordinance, including, but not limited to, seeking injunctive relief to restrain activities or construction in violation of this ordinance, or to remove or demolish buildings or structures in violation of this ordinance, and fines for violations.

(J) If any court of competent jurisdiction adjudges invalid the application of any provisions of this ordinance to a particular property, building, or other structure, that judgment shall not affect the application of the provisions to any other property, building, or structure not specifically included in the judgment. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.004 Definitions.

For purposes of this ordinance the following words and phrases shall have the following meanings ascribed to them respectively.

"Accessory Building." A building subordinate to and smaller than the principal building, the use of which is incidental to, or customarily found in connection with, and, except as otherwise provided in this ordinance, is located on the same premises, and contributes to the comfort, convenience, or necessity of the occupants of the principal building or mobile home, or contribute to the operation of the principal use of the lot.

"Adult Entertainment Facility." A facility having any portion of its function as adult entertainment which includes the following listed categories:

(A) Adult Entertainment Business. Any building, portion of a building or real property which contains or facilitates any exhibition or dance by any employee or other person where such employee or other person is unclothed or in such attire, costume or clothing so as to expose to view any "specified anatomical areas" and which exhibition or dance is for the benefit of a member or members of the public, or advertised

for the use or benefit of a member of the public, held, conducted, operated or maintained for profit, direct or indirect.

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(B) **Adult Book Store*.*** An establishment having a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.

(C) **Adult Motion Picture Theater*.*** A facility used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(D) For the purpose of the definition of **Adult entertainment facility**, "specified sexual activities" shall mean: human genitals in a state of sexual stimulation or arousal; acts, real or simulated, of human masturbation, sexual sodomy, cunnilingus, or fellatio; and/or fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

(E) For the purpose of the definition of **Adult entertainment facility**, "specified anatomical areas" shall mean: less than completely and opaquely covered human genitals, pubic region, female breasts below a point immediately above the top of the areola; and/or human male genitals in a discernibly turgid state even if completely and opaquely covered.

"Agriculture." Land, or land, buildings, and structures, the principal use of which is growing farm or truck garden crops, dairying, pastorate, horticulture, floriculture, viticulture, or animal or poultry husbandry, and accessory uses customarily incidental to agricultural activities, including, but not limited to, the farm dwellings, dwelling for tenants and full-time hired workers, and the dwellings or lodging rooms for seasonal workers.

"Alley." Any public right-of-way, with a width of not less than 16 feet nor more than 24 feet, which affords a secondary means of vehicular access to abutting properties. A street shall not be considered an alley.

“Apartment.” A room or suite of rooms intended, designed, or used as a residence by a single family.

“Apartment Hotel.” A building designed for or containing both apartment and individual guest rooms or suites of rooms and apartments, including services ordinarily furnished by hotels, such as a drugstore, barber shop, or cigar and newsstand, when such uses are located entirely within the building with no entrance from the street, and having no sign or display visible from the outside of the building indicating the existence of such use.

“Apartment House.” A building designed for or occupied exclusively by three or more families.

“Automobile Laundry.” A building or portion thereof containing facilities for washing more than 2 automobiles using production-line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices.

“Automobile Repair Garages.” Any premises used for supplying gasoline and oil, tires, accessories, and services for automobiles at retail direct to the motorist consumer, including the making of minor repairs and such major repairs as spray painting; body, fenders, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal there from of the cylinder head or crankcase pan; repairs of radiator requiring the removal thereof; and the complete recapping or retreading of tires.

“Automobile Service Station (Gas, Filling Station).” Any premises used for supplying gasoline and oil, tires, accessories, and services for automobiles at retail direct to the motorist consumer, including the making of minor repairs, but not including such major repairs as spray painting; body, fender, clutch transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal there from of the cylinder-head or crankcase pan; repairs of radiator requiring the removal thereof; or the complete recapping or retreading of tires.

“Automobile Wrecking Yard.” An area of land where 3 or more motor vehicles, not in running conditions, or parts thereof, are stored in the open, and any land, building, or structure used for wrecking or storing such motor vehicles or parts thereof.

“Average Ground Elevation.” The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

“Basement.” A portion of a building wholly or partly below the average ground elevation.

“Bed and Breakfast” shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than 5 guest rooms for rent, in operation for more than 10 nights in a 12 month period. Breakfast may be provided to

the guests only. Bed and Breaskfasts do not include hotels, motels, boarding houses or food service establishments.

"Beekeeping" means the raising or producing of bees, beeswax, honey and by-products and the transporting of bees, colonies or items of bee equipment and any and all activities regulated, controlled or supervised by the Bees and Apiaries Act 510 ILCS 20 et al.

"Board." The Village Board of Mt. Zion.

"Boarding House." A building, other than a motel, apartment hotel, or hotel, where, for compensation and by arrangement, lodging or lodging and meals are provided for 3 or more persons.

"Buildable Area of a Lot." That portion of a lot bounded by the required rear and side yards and the building setback line.

"Building." Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

"Building Coverage." The percent of a lot (or in the case of planned unit developments, a net site area) which is covered by the building or buildings (principle or accessory).

"Building Height." The vertical distance from the average ground elevation to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge for gable, hip, gambrel and similar roof types.

"Building Line." A line on a lot, parallel to a lot line or street right-of-way line, at a sufficient distance to provide the required yards delimiting the area in which structures are permitted subject to the provisions of this ordinance.

"Building Setback Line." A building line establishing the minimum allowable distance between a street right-of-way line and any structure.

"Cabin" or **"Cottage."** A dwelling unit designed for temporary or seasonal occupancy.

"Camp." Any land, including structures, used for assembly or temporary occupancy by persons, and providing outdoor recreational facilities.

"Clinic." An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians or allied practitioners practicing together.

“Club, Private.” A building or portion thereof, or premises owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit, or to render a service which is customarily carried on as a business.

“Commission.” The Plan Commission of the Village of Mt. Zion.

“Day Care Center.” A facility – private, semi-private, or public – is providing group care for children, primarily during the day while parents are at work. The center may provide means for children but no lodging.

“Drive-In Establishments.” One, which accommodates the patrons’ automobiles from which the occupants may watch, purchase, or otherwise conduct business from the automobile.

“Dwelling.” A building, exclusive of mobile homes, apartment hotels, hotels, or motels, as herein defined, containing as the principal use one of more dwelling units.

“Dwelling, Multiple.” A dwelling designed for or occupied exclusively by 3 or more families.

“Dwelling, Single-Family.” A dwelling designed for or occupied exclusively by one family.

“Dwelling, Two-Family.” A dwelling designed for or occupied by 2 families, each with completely separate entrances.

“Dwelling Unit.” A room or group of rooms providing living quarters for not more than one family.

“Eleemosynary Institution.” A building or group of buildings provided and supported by charitable donations and devoted to charitable uses.

“Family.” Any individual, or 2 or more persons related by blood, marriage, or legal adoption, or a group of not more than 5 persons (excluding servants) who need not be related by blood or marriage, living together as a single housekeeping unit, and occupying a single dwelling unit.

“Floor Area.” The sum of all gross horizontal enclosed area of the several floors of a building and its accessory buildings on the same lot excluding basement floor areas and non-enclosed portions of the structure. All dimensions shall be measured between exterior faces of wall.

“Floor Area Ratio.” The quotient of the floor area (as defined above) divided by its lot area. $F.A.R. = \frac{\text{Floor Area}}{\text{Lot Area}}$

“Frontage.” All the property on one side of a street or highway between 2 intersecting streets or highways (crossing or terminating) measured along the line of the street or highway, or, if the street or highway is dead-ended, then all of the property abutting on one side between an intersecting street or highway and the dead end of the street or highway.

“Garage, Private.” An accessory building designed or used for storage of the privately owned motor-driven vehicles owned and used by the occupants of the dwelling to which is accessory, and not more than one truck, or vehicle used for commercial purposes, and not storing any truck or vehicle which, 1) has a gross weight including the vehicle and maximum load of more than 8,000 pounds (as defined in the Illinois Revised Statutes) or 2) is larger/heavier than a vehicle required by State Statute to carry a Class “B” license or registration, and not storing heavy equipment, including but not limited to the following: backhoe, bulldozer, road grader, cranes, fork lift, etc.

“Garage, Public.” A building or portion thereof, which is designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

“Home Occupation.” An occupation carried on in a detached single-family dwelling by the resident thereof, not involving the conduct of a retail business or manufacturing business, the employment of any additional persons in the performance of such services excepting members of the immediate family residing on the premises; not using any mechanical equipment other than is usual of purely domestic or hobby purposes; nor exterior storage of equipment or materials used in connection with the home occupation. Home occupations, further, shall not utilize more than 25 percent of the total floor area of the dwelling unit.

“Hotel.” A building in which lodging or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment, which are herein separately defined.

“Industrial Park.” A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

“Institution.” A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

“Junkyard.” Any land or structure used for salvaging operations, including, among other things, the storage and sale of waste papers, rags, scrap metal, and discarded materials, and the collecting, dismantling, storage, and salvaging of unlicensed, inoperative vehicles.

“Kennel.” Any premises, or portion thereof on which more than 3 dogs, cats, or other household domestic animals over the age of 4 months are kept, or on which more than 2 such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

“Loading Space.” A space within the principal building or on the same lot, providing for the standing, loading, or unloading of tucks, and with access to a public way.

“Lodging House.” A building or structure having rooms which are generally rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one lodging room.

“Lot.” A single parcel of land which may be legally described as such, having principal frontage on a street which comprises a site occupied by or intended for occupancy by one principal building or principal use, together with accessory buildings and uses, yards, and open spaces required by this ordinance.

“Lot, Corner.” A lot abutting on 2 streets at their juncture, when the interior angle formed is less than 135 degrees.

“Lot, Double Frontage.” A lot having a frontage on 2 nonintersecting streets, as distinguished from a corner lot.

“Lot of Record” A lot which is part of a subdivision, the plat of which has been recorded in the office of the county recorder of deeds, or a parcel of land, the deed of which was recorded in the office of the county recorder of deeds prior to the enactment of this ordinance. A recorded lot may or may not coincide with a zoning lot.

“Lot Width.” The width of the lot at the building setback line.

“**Lot Zoning.”** A parcel of land composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings or principal use or uses, along with permitted accessory buildings or uses meeting all the requirements for area, buildable area, frontage, width, yards, setbacks, and any other requirements set forth in this ordinance.

“Marina.” A boat basin and recreational facility, located on waterfront property, providing moorings for boats, and one or more of the following facilities: boat launching ramps, boat livery, boat sales, maintenance shops, marine supply store, and fuel dock.

“Mobile Homes.” A detached single-family dwelling unit with all of the following characteristics:

(A) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;

(B) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels; and

(C) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundations supports, and connection to utilities.

"Motor Court" or **"Motel."** A building or group of buildings used primarily for the temporary residence of motorists or travelers.

"Nonconforming Use." The use of land or building, or portion thereof, which use does not conform with the use regulations of the district in which it is situated.

"Nursery Schools." A school, private, semipublic or public, providing organized instruction and care for children prior to their enrollment as required by law in a school which has a course of study which meets applicable state and national standards for an accredited elementary school. A "nursery school" may provide meals but not lodging rooms for students.

"Parking Space." A surfaced area of at least 200 square feet located on the same lot as the building or use it is intended to serve, and of such shape as to be suitable for parking or storing motor vehicles. The area is exclusive of driveways which give convenient access between the parking space and a street serving the lot.

"Planned Unit Development." A tract of land containing 5 acres or more developed under unified ownership or control, and when certain requirements of a given district may be modified in accordance with specific standards and procedures of sections 150.110 through 150.122.

"Premises." A tract of land with any buildings thereon; or a building or part of a building usually with its grounds or other appurtenances. When more than one business area shall be considered a separate premises. Business or other public enterprises which occupy other floors shall be considered separate premises.

"President." The president of the village board of the village.

"Rooming House." A residential building or portion thereof, other than a motel, apartment hotel, or hotel, containing lodging rooms for accommodation of 3 or more persons who are not members of the keeper's family, and where lodging without meals is provided by prearrangement and for definite periods.

“Sanitary Landfill.” A method of disposing of refuse by daily spreading and covering such refuse with earth.

“Setback.” The minimum horizontal distance measured between the building or structure and the property or right-of-way line.

“Shadow Area.” The maximum area of a lot generally covered by the shadow of a building or structure on September 21.

“Sheltered Care Home.” A private boarding home, institution, building, residence, or other place which through its ownership or management, provides sheltered care to 3 or more adults who are not related to the operator or owner by blood or marriage.

“Shopping Center.” A group of more than 6 commercial establishments planned, developed, and managed as a unit, located on a s lot of at least 5 acres, with off-street parking provided on the property.

“Signs.” Any structure, device, light, or natural object, including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device, or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word “sign” shall include signs which are affixed to the inside of windows and glass doors, and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this ordinance.

“Story.” That portion of a building, other than a cellar or basement, except one used for business or residence, included between the surface of any floor and the surface of the floor next above it, or, if there is not floor above it, then the space between the floor and the ceiling next above it.

“Story, Half.” A partial story under a gable, hip, or gambrel roof, the wall plate of which on at least 2 opposite exterior walls are no more than 4 feet above the floor of story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

“Stream.” A stream is any continuously flowing natural watercourse.

“Street.” A public or private thoroughfare which affords the principal means of vehicular access to abutting property.

“Street, Collector.” A street which carries traffic from a major street to a local street.

“Street, Highway.” A street primarily designed for interurban or interregional travel.

“Street Line.” A dividing line between a lot, tract, or parcel of land and a contiguous street.

“Street, Local.” A street primarily designed for access to abutting properties and for access to collector streets.

“Street, Major.” A street designed to carry traffic from one part of the village to another part of the village through neighborhood areas, including streets designed to carry heavy business or industrial traffic.

“Structural Alterations.” Any change other than normal maintenance which would tend to prolong the life of a supporting member of a structure such as a bearing wall, column, beam, girder, or any substantial change in the roof or exterior walls.

“Structure.” Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts, arbors, and carports.

“Tavern.” A place where alcoholic beverages are sold for consumption on the premises.

“Tourist Home.” A building designed for or used as a single-family or 2-family dwelling in which sleeping rooms are provided or offered to transient guests for compensation.

“Trailer.” Any structure used for temporary living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horse, or skirtings, and which is, has been, or reasonably can be, equipped with wheels or other devices for transporting the structure from place to place, whether by motor power or other means. The term “trailer” shall include camp car and house car.

“Trailer” or **“Tourist Camp.”** Any lot or parcel used for one or more auto trailers, tents, house or camp cars, or other portable or mobile shelters used for temporary living, sleeping, business, or storage purposes.

“Use.” The purpose or activity for which the land, or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner or performance of such activity with respect to the performance standards of this ordinance.

“Use, Accessory.” A use subordinate to the principal use, and located on the premises, serving a purpose customarily incidental to the principal use. Residential accessory uses may include the storage of household goods, parking areas, gardening, servants’ quarters, private swimming pools, and private emergency shelters.

“Use, Permitted.” A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of the district.

“Use, Principal.” The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a “permitted” or a “special” use.

“Use, Special.” A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts.

“Yard.” An open space on the same lot with a building, unobstructed from the ground upward.

“Yard, Front.” A yard extending across the front of a lot between the side lot lines, and between the property line or right-of-way line and the main building foundation.

“Yard, Rear.” A yard extending across the rear of the lot between the side lot lines, and between the rear lot line and the rear of the main building, or any projection other than steps, unenclosed porches, or entrance ways.

“Yard, Required.” For purposes of determining building lines, the required (or minimum) yard shall be the least horizontal distance between the lot line and the main building or any projection thereof, other than the projections of uncovered steps, balconies, terraces, or porches.

“Yard, Side.” A yard between the primary building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the primary building.

“Zoning District.” An area of the village delineated on the zoning map, and subject to a specific set of regulations established in this ordinance. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) (Ordinance 1991-92-14)

Administration

S 150.010 Zoning Officer.

The office of the zoning officer is created. The village administrator, or an individual appointed by the village administrator, shall serve as zoning officer. The duties of the zoning officer shall be as follows:

(A) To meet with interested property owners, developers, citizens, and any other party who contemplates actions which come under the jurisdiction of this ordinance, to explain the intent and provisions of this ordinance.

(B) To act as zoning inspector for the plan commission; to insure provisions of special uses, planned unit developments, and variances are complied with during construction; and to make necessary inspections and reports to the plan commission in relation to such developments.

(C) To serve as a liaison officer between the chairman of the plan commission, planning advisors, and the village board; and with the consent of the plan commission chairman, to make proper legal advertisements, to set public hearings as required by this ordinance to receive all zoning petitions and fees, and assist the plan commission in the discharge of other functions delegated to it by the Village Board of Trustees.

(D) To make interpretations of the provisions of this ordinance, and to report to the plan commission any situation wherein there is a doubt or conflict as to the proper interpretation.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1978-79-31, passed 2/6/78; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1985-86-21, passed 8/5/85)

S 150.011 Plan Commission (Zoning Board).

(A) The plan commission and the zoning board of appeals are created as a single body, and shall continue to perform the functions of both the village plan commission and the zoning board until the village corporate authorities deem it necessary to separate these functions by ordinance.

(B) The commission as created shall consist of 7 members appointed by the president of the village board, and confirmed by the board of trustees. The term of office of each member shall be 5 years, except that the first 7 members shall be appointed for terms varying respectively from one to 7 years in order that terms of not more than one member shall expire each year. The president of the board shall designate one member of the commission to act as chairman, and he shall hold the office as chairman until his successor is appointed.

(C) The chairman shall recommend to the president the dismissal of any commission member who misses 5 regular meetings during any 12-month

period. With the approval of the board, the president shall remove the member and appoint another in his place.

(D) The commission shall meet at the call of the chairman. The commission shall keep minutes of its proceedings, including its findings of fact, all its determinations and decisions, the reasons therefore, and the vote of each member upon every question, which minutes shall be placed on file in the office of the commission no later than 15 days after any meeting, and shall be a matter of public record.

(E) The plan commission is granted the following responsibilities and duties:

(1) To hear all petitions requesting zoning action including, but not limited to, amendments, variations, and special uses. And, in the manner prescribed herein, it shall advise and recommend to the board the commission's findings as to the proper disposition of these petitions.

(2) To initiate, receive, and review periodically studies or proposals concerning amendments of this ordinance; and in this respect to advise and recommend to the board the commission's findings.

(3) To hear all appeals and decisions of an officer or department in the interpretation or administration of this ordinance, and by its own action render a decision resolving the conflict.

(4) To classify any use not specifically listed in this ordinance as to its appropriate district based on the compatibility of that use with the general purpose and character of zone regulations. This power shall lie solely with the plan commission, and will not be subject to review by the board.

(5) To consider and take final action on all matters relating to nonconforming structures and uses, except those concerning the granting of variances, which accepted matters the commission shall consider and give recommendation to the board for action.

(6) To initiate studies and issue reports to the board concerning the complementation or conflict between the implementation of this ordinance and the officially adopted village plan; and in this respect to make recommendations to the board as to the appropriate measures to be taken to insure the effectiveness of this ordinance as a tool for the implementation of the village plan.

(7) To initiate studies and submit reports to the board relating to the effectiveness of this ordinance in complementing the subdivision

regulations, housing and building codes, and other ordinances of the village affecting physical development.

(8) To hear and recommend to the board the disposition of all other matters referred to the commission by the board; to arbitrate zone boundary disputes; and to hear any other matter on which present or future statutes may require action of the commission.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

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Statutory reference:

Plan commission, S.H.A.

S 150.012 Corporate Authority (Village Board).

The corporate authority is the village board of Mt. Zion. It shall be the authorized body for making final decisions on all matters referred to it by the plan commission, and, for purposes of this ordinance, shall be referred to as the board.

(A) The board is restrained by this ordinance from making a decision on any zoning matter which has not been submitted to the proper public hearings, nor without having received a report of the plan commission.

(B) The board shall have the right to adopt, reject, or modify the recommendations of the plan commission.

(C) The board does not have the power to resolve conflicts in boundary disputes or interpretations of this ordinance which shall be the exclusive power of the plan commission.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 105.013 Village Clerk.

The village clerk is empowered to keep records of all zoning petitions, fees, and reports of the plan commission. He is further responsible for the yearly publication of the updated version of the official zoning map. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.014 Legal Counsel.

An attorney retained by the village who is responsible for giving legal advice to both the board and commission. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.015 Planning Staff.

Any qualified land use planner which the board may designate to assist the village and the commission in zoning and related land use matters, and from time to time, to make special zoning studies for the commission. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.016 Recording Secretary.

The secretary of the commission is responsible for taking commission minutes, carrying on correspondence with the board, and referring to the board recommendations of the plan commission. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

Administrative Procedures

S 150.020 Petition to Conform to Procedures.

Any person, corporation, firm, or agent thereof, or a public official of the village, wishing to petition for a change in this ordinance, or rezoning a land use classification, as established by this ordinance, or seeking relief from the provisions of this ordinance, or in any other way seeking modification of the zoning regulations shall be required to follow the steps and procedures as contained within sections 150.020 through 150.027. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/88) Penalty, see S 150.999

S 150.021 Pre-application Conference.

(A) This ordinance requires that before the board may accept for public hearing or recommendation any zoning petition, the petitioner or his agents shall meet with the village zoning officer to discuss the appropriate procedure. The zoning officer may at his discretion request the petitioner to meet with the planning staff. In a case of a rezoning involving a planned development, commercial, or industrial request, or involving a tract of land more than 5 acres in size, the petitioner may also be required to have a reapplication meeting with the commission.

(B) Purpose. The purposes of the pre-application meeting are as follows:

(1) To explain to the petitioner the provisions of this ordinance and other applicable village codes and ordinances.

(2) To determine whether or not any other village actions such as subdivision, vacation, or annexation are necessary for the development of the land.

(3) To determine exactly what the zoning petition should contain, and what procedure should be followed prior to the setting of the public hearing.

(4) To discuss the compatibility of a petition with the village's officially adopted comprehensive plan and official maps.

(5) To determine if the petitioner has made necessary investigating to insure that his property can be developed properly upon obtaining the classification he seeks.

(6) To acquaint the developer with the technical planning assistance available through the planning staff.

(C) Information needed for pre-application conference. The petitioner should have a legal description and map of his property showing the surrounding land uses at the time of his meeting with the village zoning officer, commission, or planning staff. Other information, such as soil types, topographical maps, and other data related to the sites suitability for its development would be helpful. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999.

S 150.022 Submittal Procedures.

Upon satisfying the pre-application requirements, the petitioner may then proceed to file a zoning petition with the village. This petition must include the following to be entitled to village consideration.

(A) A petition, properly filled out on the village form, including the following information:

(1) Name and address of petitioner.

(2) Name and address of owner.

(3) Name and address of any agent representing the petitioner.

(4) A legal description of the property which allows the property to be located on any map without having to check the recorder of deeds office.

(5) A common description of the property.

(6) Existing zoning classification of property.

(7) Zoning classification being sought.

(8) The names and addresses of all abutting landowners.

(9) A statement concerning the proposed use of the property.

(10) In cases of variances, the special hardships that exist which would qualify the petitioner for a variance.

(11) In cases of special uses or planned unit developments, a detailed statement as to the proposed use of the property.

(B) A scaled map showing the dimensions of the property and the zoning of the surrounding properties.

(C) Appropriate fees as required by the schedule in Section 150.27.

(D) Upon submission of the above, the officer shall take one copy of the petition, sign it and place the fee amount on the petition. The petitioner shall then take the petition and map to the village clerk or village administrator who shall formally accept the petition for filing and collect the fees as required by the zoning officer. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.023 Public Hearing.

Upon receiving any petition, the village clerk or village administrator shall notify the chairman of the commission of the petition. The chairman shall then set a date for action on the petition. Notice shall be given of the time and place of the hearing, by publishing a notice thereof at least once in one or more newspapers published in the municipality, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.024 Decision of the Commission.

At the date of the public hearing, the petitioner or his representative shall be prepared to submit his case to the commission. The commission shall then take a vote of its membership, and shall report the findings to the board by a written notice. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.025 Decision of the Board.

On all matters which require action of the Board, the Board shall, within 30 days after receiving the recommendation of the commission concerning a zoning petition, take whatever action the board deems appropriate, except that no petition may be

tabled for more than 90 days. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-90-19, passed 2/4/80) (Ordinance 91-92-14)

S 150.026 Appeals.

Appeals to the commission may be taken by any person aggrieved or by any officer or department of the governing body of the village affected by any decision of the administrative officer in person or by agent or attorney.

(A) Filing of appeals. An appeal must be made within 30 days of the action of the administrative official appealed from. The applicant must file a notice of appeal with the administrative official from whom the appeal is being taken and with the commission. The notice shall be made on the form provided for that purpose. The administrative official from whom the appeal is taken shall be responsible, at the direction of the commission, for providing any applicant with the proper forms, and for instructing the parties concerned on the proper manner for completing and filing the forms. All information required thereon shall be completed before an appeal is considered filed. Six copies of the proper appeal form shall be filed with the commission.

(B) Fees. A fee as specified in S 150.027 shall be deposited with the village treasurer for each petition filed.

(C) Amendments to Appeals. Appeals may be amended 15 days prior to the public hearing thereon.

(D) Notice to applicant. The applicant shall be notified by letter within 5 days of the hearing on his application or his failure to complete his application properly.

(E) Hearing. The commission shall fix a reasonable time for the hearing of the appeal not to exceed 30 calendar days from the day the appeal is received, giving public notice thereof, as well as notice due to the parties in interest, and decide the same within a reasonable time.

(F) Stays. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certified to the commission, after the notice is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause peril of life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the board or a court of record on application, on notice to the administrative official from whom the appeal is taken, and on due cause shown.

(G) Judicial review. All final administrative decisions of the commission hereunder shall be subject to judicial review pursuant to the provisions of the administrative review act, and all amendments and modifications thereof.

(H) Correcting maps and records. On all matters receiving final action by the commission or the board, there shall be a letter sent to the petitioner informing him of the action. One copy of this letter shall be placed in the permanent zoning files of the village. The village administrator or zoning officer shall also periodically update the official village zoning maps.

(I) Variance, special use permits and nonconforming uses shall not be shown on the maps, but adequate records shall be kept on these.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

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Statutory reference;

Administrative review act, S.H.A.

S 150.027 Fees For Zoning Petitions.

(A) The following schedule establishes the fees required by the village to process various zoning petitions.

(B) Any person, firm, or corporation, who may hereafter file any petition addressed to the commission praying for a change in zoning regulations or any variance of zoning regulations provided by law on a single tract or parcel of real estate not separated for divided by a street or alley, shall pay to the village treasurer the following fee(s) at the time of filing the petition, unless said fees are waived by the planning commission, to defray the necessary costs of publication and expenses incident to the hearing of the matter, to wit:

Zoning Fees

Rezoning to Higher Classifications

(1) VA-1 or VC-1 to VR-1, VR-2, or VR-3:

(a)	on tracts less than 5 acres	$150
(b)	on tracts between 5 to 10 acres	$150
(c)	on tracts between 10 to 25 acres	$150
(d)	on tracts over 25 acres	$150

(2) VA-1, VC-1, or VR-1, VR-2, VR-3 to VR05, VO-1, or VO-2:

(a)	on tracts less than 5 acres	$150
(b)	on tracts between 5 and 10 acres	$150
(c)	on tracts between 10 and 25 acre	$150
(d)	on tracts over 25 acres	$150

(3) VA-1, VC-1, VO-1, VO-2 or any residential districts to VB-1, VB02, or VB-3:

(a)	on tracts less than 5 acres	$150
(b)	on tracts 5 acres or more	$150

(4) VA-1, VC-1, VO-1, VO-2, any residential or commercial district to VM-1 or VM-2:

(a)	on tracts less than 10 acres	$150
(b)	on tracts 10 acres or more	$150

(5) Planned Unit Development:

(a) Residential

(1) on tracts less than 10 acres	$150
(2) on tracts between 10 to 25 acres	$150
(3) on tracts greater than 25 acres	$150

(b) Commercial

(1) on tracts than than 10 acres	$150
(2) on tracts between 10 to 25 acres	$150
(3) on tracts greater than 25 acres	$150

(c) Industrial

(1) on tracts less than 10 acres	$150
(2) on tracts greater than 10 acres	$150

(6) Special Permit. Any petition for a special permit	$150
(7) Rezoning to Lower Classification. Any change From a higher to lower classification	$150
(8) Variance. Any petition for variance	$150
(8) Appeal. Any authorized appeal of corporate Decision	$100

S 150.028 Annexation Fees.

(A) The owner (or owners) of property who file a petition for the annexation of land to the village shall pay an annexation fee. This fee shall be according to the following rate schedule:

$50.00 plus $10.00 per acre

Applicable annexation fees shall be paid when the petition for annexation is filed.

(B) No property shall be annexed to the Village of Mt. Zion, Illinois, without the person, association, partnership, or corporation first filing a petition for annexation in compliance with the statute of the State of Illinois, with the zoning officer of the village using forms provided by him. (Ordinance 1979-80-3)

(C) No petition for annexation as provided for in paragraph (B) shall be accepted by the village unless it is accompanied by an annexation fee made payable to the Village of Mt. Zion and evidence of payment to the

Decatur Sanitary District covering the current cost of annexing to the Decatur Sanitary District.

(D) The Village of Mt. Zion and any and all other tax-supported municipalities shall be exempt from the annexation fee provided for in paragraph (C). (Ordinance 1979-80-3; Ordinance 1979-80-3, passed 7/16/79; Ordinance 1980-81-14, passed 9/8/80; Ordinance 1987-88-8, passed 1/4/88; Ordinance 96-97-36)

Established Zones

S 150.030 Authorized Zones.

For the purpose of this ordinance, all land and water areas within the corporate area of the village are divided into the following zones:

(A) Agricultural Zone (VA-1). The agricultural zone is established as a zone in which agriculture and certain related uses are encouraged as the principal uses of land. The specific intent of the agricultural zone is to facilitate the long-term use of lands best suited to agricultural production by preventing a mixture of urban and rural uses which often create incompatibilities and conflicts with agricultural pursuits, which place unbalanced tax loads on agricultural lands, and which may result in speculative or inflated land values which encourage the premature termination of agricultural pursuits.

(B) Conservation Zone (VC-1). The conservation zone is established to prevent the construction upon or alteration of rural or natural environments which have natural conditions of soil, slope, susceptibility to flooding or erosion, geological condition, vegetation, or an interaction between the aforesaid, which make such lands unsuitable for urban development. Further, this zone is established to protect areas of the environment that, if altered, would cause health or pollution problems and environmental deterioration. The conservation zone will also insure adequate areas for future conservation and recreational pursuits. Certain agricultural uses would be permitted.

(C) The Estate Residential Zone (VRE-1). The estate residential zone is established as a low-density residential zone for families who wish the privacy of large lot subdivisions. The zone is mainly designed, however, for developments in areas which, because of their proximity to other area developments or appealing natural landscapes, are in demand for residential use, but where conditions of slope, soil, vegetation, drainage, or geological features, or an interrelationship between the aforementioned conditions makes the area in whole or part unsuited for high density development. For this reason the granting of the VRE-1 Zone must be conditioned upon a combined zoning and subdivision process; specially

imposed lot sizes of not less than one nor more than 3 acres; and special setback and yard requirements which would allow re-subdivision when public utilities reach the site (authorized density = one to 3 acres per unit, depending on site conditions).

(D) The Suburban Residential Zone (VR-1). The suburban residential zone is provided for low-density developments, especially in areas which are suitable for development, but which must be serviced by individual wells and septic disposal systems because of the lack of readily accessible community facilities. Again, the exact zoning density must relate to the availability of ground water, suitability of soil, slope, and other features (authorized density = one to 2 units per acre, depending on site conditions).

(E) Urban Residential Zone (VR-2). The urban residential zone is established to provide medium-low density developments and must have community water and sewer utilities or their equivalent readily available (authorized density = 2 to 3 units per acre, depending on site conditions).

(F) The Urban Residential Zone (VR-3). The urban residential zone is established to provide medium density development in areas where water and sewer utilities are readily available, and where municipal services are available to handle necessary police, recreation, education, and fire protection needs. The classification of land as an urban residential zone must depend on adequate municipal services, including streets, water, and sewer facilities (authorized density – 3 to 5 units per acre, depending on site conditions).

(G) The Mixed Residential Zone (VR-5). The mixed residential zone is established to provide a variety of housing types related to the size and character of the development site or lot. This zone can be used for older neighborhoods to allow transition of larger houses from owner to rental occupied without creating over-crowding or detrimental conditions to the neighborhood's environment, and to allow economical new construction in such neighborhoods as well as new areas suited to low-density multi-family development. The adequate municipal services, including streets, water, and sewer facilities (authorized density = 5 to 8 units per acre, depending on site conditions.)

(H) Apartment Zone (VO-1). The apartment zone is provided for the development of higher density apartment complexes. This zone is a rather low commercial classification with restrictions that make it compatible as a buffer or peripheral use to residential zones. Because of the intensity of use anticipated in an apartment zone, such zones must be located on higher classified streets (collector or major streets), and must be supplied

with adequate water and sewer facilities (authorized residential densities, 8 to 15 units per acre).

All development of parcels of ground which propose 2 or more principle structures erected on one tract of ground or the development of tracts which are designed for more than one occupant or require the construction of village utilities or dedication of easements of right-of-way must submit a site development plan as provided in sections 150.110 through 150.122 of this code and in accordance with the village building code.

(I) Office Zone (VO-2). The office zone is provided explicitly for the development of offices and office complexes. This zone is considered a rather low commercial classification with restrictions that make it compatible as a buffer peripheral use to residential zones. Because of the intensity of use anticipated in an office zone, these zones must be located on higher classified streets (collector major streets), and must be supplied with adequate water and sewer facilities.

All development of parcels of ground which propose two or more principle structures erected on one tract of ground or the development of tracts which are designed for more than one occupant or require the construction of village utilities or dedication of easements or right-of-way must submit a site development plan as provided in sections 150.110 through 150.122 of this code and in accordance with the village building code.

(J) The Neighborhood Business Zone (VB-1). The neighborhood business zone is established to provide areas in which the principal use of the land is for restricted retail establishments offering goods and services for the day-to-day needs of the nearby residential areas. This zone must be restrictive to provide protection to and compatibility with nearby residential districts. The neighborhood business zone should be located on a collector street, and must be serviced by adequate water and sewer facilities.

All development of parcels of ground which propose 2 or more principle structures erected on one tract of ground or the development of tracts which are designed for more than one occupant or require the construction of village utilities or dedication of easements or right-of-way must submit a site development plan as provided in sections 150.110 though 150.122 of this code and in accordance with the village building code.

(K) The Community Business Zone (VB-2). The community business zone is established to provide areas for the general community-wide commercial needs of the village, and is a zone in which office, general commercial, dwelling units above the first floor, and wholesale trades are located. No community business zoning shall be granted to any parcel of land or several parcels of land held in the same or joint ownership of 5 acres or more, unless the petition is submitted in accordance with the planned unit development procedure, sections 150.110 through 150.122. The community business zone, because of the intensity of use, is generally associated with major street intersections, large size water, storm and sanitary utilities, as well as governmental centers and public parking areas.

All development of parcels of ground which propose 2 or more principle structures erected on one tract of ground or the development of tracts which are designed for more than one occupant or require the construction of village utilities or dedication of easements or right-of-way must submit a site development plan as provided in sections 150.110 through 150.122 of this code and in accordance with the village building code.

(L) Highway Commercial Zone (VB-3). The highway commercial zone is created to provide locations for businesses that cater specifically to the needs of the motorist. The highway commercial zone must be located on major streets and highways. Because of its intensity of use and potential hazard that unrestricted highway developments create for safe and convenient traffic flow, this zone will be restricted by access control regulations of the village. It should be noted that apartments and other residential uses, other than motels, hotels, and similar transient facilities, shall be excluded from this zone.

(M) All development of parcels of ground which propose 2 or more principle structures erected on one tract of ground or the development of tracts which are designed for more than one occupant or require the construction of village utilities or dedication of easements or right-of-way must submit a site development plan as provided in sections 150.110 through 150.122 of this code and in accordance with the village building code.

(N) Limited Industrial Zone (VM-1).

(1) The limited industrial zone is created to provide areas in which light industrial uses, office, research, administrative uses, limited warehousing, wholesaling, and other similar uses may locate. This zone shall be located so as to be as compatible as possible with

surrounding districts. No VM-1 Zone shall be established on any parcel of land or parcels of land held in single or joint ownership totaling 50 acres or more in size, which is intended for further subdivision or division, unless submitted in accordance with the industrial planned unit development procedures contained in sections 150.110 through 150.122.

All development of parcels of ground which propose 2 or more principle structures erected on one tract of ground or the development of tracts which are designed for more than one occupant or require the construction of village utilities or dedication of easements or right-of-way must submit a site development plan as provided in sections 150.110 through 150.122 of this code and in accordance with the village building code.

(2) No living quarters except those expressly designed for caretakers or watchmen shall be allowed.

(O) General Industrial Zone (VM-2).

(1) The general industrial zone is established to provide areas for manufacturing and related commercial uses which by their very nature cannot be operated at the same high performance standards of those in the limited industrial zones. Generally, industrial zones should not be located next to residential areas. All industrial areas will be required to meet certain minimum standards in relationship to the emission of noise, odor, smoke, vibration, and pollution, or other hazards they may create. No VM-2 Zone shall be established on any parcel of land held in single or joint ownership totaling 50 acres or more in size, which is intended for further subdivision, unless submitted in accordance with the industrial planned unit development procedures contained in sections 150.110 through 150.122. All development of parcels of ground which propose 2 or more principle structures erected on one tract of ground or the development of tracts which are designed for more than one occupant or require the construction of village utilities or dedication of easements or right-of-way must submit a site development plan as provided in sections 150.110 through 150.122 of this code and in accordance with the village building code. (Ordinance 1979-80-19, passed 2/4/80)

Regulations For Establishing Zones

S 150.040 Zoning Maps Adopted By Reference.

The boundaries of the districts listed in section 150.030 are shown on the “zoning districts map.” The original of the map is properly attested and on file with the village clerk, and the map and all information shown thereon shall have the same force and effect as if fully set forth or described herein. From time to time the planning commission and board of trustees shall also establish by ordinance a “long range master land use plan” showing planned or intended changes in the “zoning districts map.” (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1985-86-21, passed 8/5/85)

S 150.041 Annexation.*

All territories which may hereafter be annexed to the village shall be automatically classified as A-1 Agricultural Zone, unless the land is shown in the officially adopted “advisory map of outlying lands and lots.” If a parcel of land is shown on this map, it may be brought into the village with the zoning classification shown on the official advisory map of outlying lands and lots. The advisory map of outlying lands and lots is properly attested and on file with the village clerk, and the map and all of the information shown thereon shall have the same force and effect as if fully set forth or described herein.

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*Editor’s Note: Annexation fees are contained in section 150.028 of this ordinance. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1978-79-31, passed 2/6/78; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.042 Vacation

Whenever any street, alley, or other public way is vacated, the zoning district adjoining each side of each street, alley, or public way shall be automatically extended to the center of the vacated area; and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts. (Ordinance 1972-73-8, passed 11-6-72; Ordinance 1979-80-19, passed 2-4-80) Penalty, see s 150.999

S 150.043 Interpretation of Zone Boundaries.

When uncertainty exists with respect to the boundaries of the various districts as shown on the zoning district map, the following rules shall apply:

(A) District boundary lines are either the center lines of railroads, highways, streets, alleys, easements, lot and tract lines, or such lines extended, unless otherwise indicated.

(B) Wherever a district is indicated as a strip adjacent to and paralleling a railroad, highway, or street, the depth of the strips shall be in accordance with the dimensions shown on the zoning map measured at right angles from the center line of a railroad, street, or highway, and the length of frontage shall be in accordance with the dimensions shown on the zoning map measured along the center line of the railroad, highway, or street, unless otherwise indicated.

(C) Where a district boundary line divides a lot in single ownership, the regulations for either portion of the lot may, at the owner's discretion, extend to the entire lot, but not more than 25 feet beyond the boundary line of the district. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.044 Zoning District Regulations.

(A) VA-1.

(1) Permitted uses. This district shall specifically permit all agricultural pursuits including:

(a) Animal husbandry;

(b) Golf courses, public parks, recreational facilities, game preserves;

(c) Public and private schools;

(d) Electric and telephone transmissions;

(e) Government and utility towers (under 50 feet in height) or relay stations;

(f) Veterinary hospitals, riding stables, forest preserves, fish hatcheries;

(g) Facilities for the sale of home processed or unprocessed farm produce grown or raised on the premises;

(h) Tree and plant nurseries; and all similar horticulture or animal husbandry related uses and normal accessory farm buildings;

(i) Family dwellings.

(2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.

(a) Gravel and sand pits.

(b) Hospitals, sanitariums, nursing homes.

(c) Cemeteries.

(d) Airports.

(e) Slaughterhouses, canneries, stockyards, mills, grain elevators, livestock auction houses, food packing.

(f) Rifle ranges, skeet and trap shoot areas, shooting preserves.

(g) Drag or circular race tracks.

(h) Drive-in theaters, summer theaters, amphitheaters, fair grounds.

(i) Private parks.

(j) Junk or automobile wrecking yards.

(k) Utility or government towers over 50 feet, and other uses related to agriculture, but not clearly included in the list of allowable uses.

(3) Special Zone restrictions. The following are conditions where special restrictions shall apply to the uses allowed in the zone.

(a) Golf course fairways shall not be permitted closer than 300 feet to any residential boundary;

(b) Hogs or livestock, or more than 5 animals for riding, hunting, domestic pets, or fur production shall not be confined or housed within 150 feet of any residential zone; and

(c) All facilities for the processing of agriculture products, including, but not limited to, canneries, stockyards, cob plants, and elevators shall be kept at least 300 feet from residential zones.

(B) VC-1.

(1) Permitted uses. This district shall specifically permit farming, including:

(a) Permanent nonresident buildings not in a flood plain area;

(b) Truck farms;

(c) Flower gardens, nurseries, orchards, greenhouses, sustained yield forestry operations, Christmas tree farms;

(d) Public parks;

(e) Wildlife and forest preserves, fish hatcheries, commercial fish farms;

(f) Soil and water management or demonstration project.

(2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.

(a) Commercial recreation operations, including riding stables, golf courses, guest ranches, marinas, hunting and fishing facilities, boat houses, bait shops, and incidental facilities, provided that no permanent building of any kind shall be allowed in flood plain areas.

(b) Mining and excavations.

(c) Filling operations using earth, sand, gravel, concrete, or any other type of matter used for land reclamation, campgrounds, repair or sale facilities.

(d) Facilities for the storage of perishable and combustible materials operations which anticipate the deepening, filling, or alteration of any stream channel shall only be allowed by special permit.

(3) Special zone restrictions. The following are conditions where special restrictions shall apply to the uses allowed in the zone.

(a) No permanent building for dwelling purposes will be allowed.

(b) No camp sites shall be allowed within any area defined as a 25-year flood zone, or within 600 feet of a residential zone.

(c) All sanitary waste facilities shall be constructed to prevent infiltration or leakage to nearby ground or water.

(C) VRE-1.

(1) Permitted uses. This district shall specifically permit extensive residential developments at a density from one to 3 acres per unit, depending on the natural capabilities of the site to support residential development. In addition to single-family dwelling units, the following additional uses shall also be allowed;

(a) Public open space including public parks, public, private, or religious schools;

(b) Nursery schools for not more than 10 children, and day care centers for not more than 8 children;

(c) Athletic fields; and

(d) Accessory uses customarily incidental to the above uses.

(2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location:

(a) Planned developments.

(b) Police and fire stations.

(c) Telephone booths.

(d) Private recreation centers.

(e) Reclamation projects.

(f) Public and private utilities.

(g) Churches, covenants, monasteries.

(h) Colleges, universities, dormitories, libraries.

(i) Cemeteries.

(j) Bed and Breakfasts.

(k) Beekeeping.

(3) Special zone restrictions. The following are conditions where special restrictions shall apply to the uses allowed in the zone.

(a) Temporary buildings for construction purposes for periods not to exceed the duration of construction.

(b) Commercially operated driving ranges or miniature golf courses, buildings, facilities, and parking for intensive recreation uses not within 150 feet of any residential lot line.

(D) VR-1.

(1) Permitted uses. This district shall specifically permit single-family dwellings at densities of one to 2 units per acres. In addition to single-family homes, public parks and playgrounds, permitted home occupations (see section 150.090), day care centers, accessory buildings, or uses customarily incidental to the above use.

(2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.

(a) Planned unit developments on tracts not less than 5 acres.

(b) Churches, covenants, monasteries.

(c) Public, private, and religious schools.

(d) Reclamation projects.

(e) Police and fire stations.

(f) Libraries.

(g) Cemeteries.

(h) All accessory uses normally incidental to the above uses.

(i) Beds and Breakfasts.

(j) Beekeeping.

(3) Special zone restrictions. Same as VRE-1.

(E) VR-2.

(1) Permitted uses. This district shall specifically permit single-family dwellings served with both community water and community sewer, or an acceptable on-site substitute as determined by E.P.A. standards (not septics). In addition to single-family homes, this district will allow the same uses as the VR-1 Zone.

(2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location. Same as VR-1 Zone.

(3) Special zone restrictions. Same as VR-1 Zone.

(F) VR-3.

(1) Permitted uses. This district shall specifically permit single-family dwelling units if all lots are served by both community water and sewer systems. In addition to single-family dwellings, the permitted uses shall be the same as the VR-1 Zone.

(2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location. Same as VR-1 Zone.

(3) Special zone restrictions. Same as VR-1 Zone.

(G) VR-5.

(1) Permitted uses. This district shall specifically permit single-family, 2-family, 3-family and 4-family housing units. The district regulations require 6,000 square feet for the first unit and 3,000 square feet for each additional unit. All other uses allowed in the VR-1 Zone shall be automatically in the VR-5.

(2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location. Same as VR-1 Zone and, in addition, sororities and fraternities, and mobile home parks.

(3) Special zone restrictions. Same as VR-1 Zone.

(H) VO-1.

(1) Permitted uses.

(a) All permitted uses of VR-5 Zone.

(b) Schools of all types.

(c) Dental clinics.

(d) Fraternal institutions.

(e) Private clubs.

(f) Mortuaries.

(g) Hospitals, sheltered care homes.

(h) Churches.

(i) Fraternities and sororities.

(j) Museums, public libraries, art galleries, aquariums.

(k) Apartment dwelling units, provided there is at least 2,500 square feet of ground area per dwelling unit.

(2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.

(a) Public utility facilities.

(b) Coin-operated telephone booths.

(c) Police and fire stations.

(d) Beds and Breakfasts.

(e) Beekeeping.

(I) VO-2.

(1) Permitted uses.

(a) Offices.

(b) Schools of all types.

(c) Dental clinics.

(d) Fraternal institutions (not including living quarters for members).

(e) Private clubs.

(f) Mortuaries.

(g) Hospitals.

(h) Churches.

(i) Philanthropic organizations.

(j) Museums, public libraries, art galleries, aquarium.

(k) Barber shops, beauty parlors.

(2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.

(a) Public utilities.

(b) Coin-operated telephone booths.

(c) Police and fire stations.

(d) Hotels and motels, including businesses conducted therein for the convenience of the occupants, provided the only public entrance to such businesses is from the inside of the building.

(3) Special zone restrictions. No structure permitted within the office zone shall be located closer than 20 feet from the side lot line when adjacent to any residential or apartment zone.

(J) VB-1.

(1) Permitted uses. This district shall specifically permit neighborhood shopping facilities which include:

(a) Gift shops;

(b) Barber shops, beauty parlors;

(c) Delicatessens;

(d) Small specialty shops;

(e) Drug stores;

(f) Dry cleaning substations;

(g) Laundromats;

(h) Food and grocery stores;

(i) Hardware stores;

(j) Ice cream shops;

(k) Meat markets;

(l) Office, business, and professional buildings;

(m) Public buildings;

(n) Cafes;

(o) Shoe repair shops;

(p) Dwelling units above the first floor;

(q) Lodging rooms;

(r) Gas stations selling only gasoline and related minor products;

(s) Animal hospital.

(2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.

(a) Fire and police stations.

(b) Taverns.

(c) Restaurants.

(d) Electrical substations.

(e) Churches.

(f) Automotive service facilities including repairs and painting.

(g) Day care centers.

(3) Special zone restrictions. Dwelling units below the first floor shall be prohibited in the VB-1 Zone.

(K) VB-2.

(1) Permitted uses. This district shall specifically permit retail stores, and service establishments. It is designed to function as the central business district of the community and uses shall include all uses permitted in the VB-1 and VO-2 Zones, plus,

(a) Hardware stores;

(b) Banks, financial institutions, drive-up bank windows;

(c) Post offices;

(d) Automobile parking lots, automobile sales when fully enclosed;

(e) Hotels, motels;

(f) Cultural, entertainment and commercial recreational facilities;

(g) Service industries such as dry cleaning, laundries, bakeries, bus terminals, and similar intensive commercial activities not specifically prohibited nor allowed as special uses;

(h) Below ground storage of fuels for accessory, vehicle fleet use.

(2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.

(a) Drive-in establishments;

(b) Outdoor sales lots;

(c) Animal hospitals, kennels;

(d) Wholesale establishments;

(e) Warehousing;

(f) Automotive service centers;

(g) Light manufacturing;

(h) Car washes.

(3) Special zone restrictions. The following are conditions where special restrictions shall apply to the uses allowed in the zone, and shall be excluded from the VB-2 Zone.

(a) Truck terminals.

(b) Contractor's yards.

(c) Bottling plants.

(d) Automotive body and paint shops.

(e) Junkyards.

(f) Open storage lots.

(g) Petroleum storage.

(h) Meat packing.

(i) Manufacturing operations.

(j) Off-street parking requirements may be waived in the central business zone if on-street parking is permitted. Kennels must be located as least 300 feet from any residential district. Below ground storage of fuels is permitted only if in conformance with applicable fire and safety codes.

(L) VB-3.

(1) Permitted uses. This district shall specifically permit highway oriented retail stores and establishments. The uses shall include those uses permitted in the VB-2 Zone and in addition,

(a) Motels,

(b) Trailer sales, boat sales, including outdoor displays,

(c) Cabinetmaking shops,

(d) Monument works,

(e) Farm equipment,

(f) Machinery sales,

(g) Painting, plumbing,

(h) Tinsmithing,

(i) Upholstering,

(j) Research laboratories provided such facilities do not create any danger to health or safety to the surrounding area; do not produce odor, noise, dust, gas, smoke or vibration; and, there is no killing of or experimenting on or with animals.

(k) Other similar commercial activities not specifically prohibited nor allowed as special uses.

(2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.

(a) Car washes.

(b) Auto service centers, including body and paint shops.

(c) Drive-in theaters.

(d) Animal hospitals.

(3) Special zone restrictions. All outdoor parking and storage facilities shall be developed on dust-free all-weather surface lots screened from adjoining residential neighborhoods. (See section 150.186)

(M) VM-1.

(1) Permitted uses.

(a) Light manufacturing.

(b) Office, research, and administrative uses.

(c) Limited warehousing.

(d) Wholesaling.

(e) Above-ground petroleum storage.

(f) Lodges and offices of labor organizations.

(g) Grain elevators.

(2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.

(a) Sanitary landfill operations.

(b) Stadiums.

(c) Places of public assembly.

(3) Special zone restrictions.

(a) Above-ground petroleum storage must be at least 500 feet from residential zones.

(b) No residential uses other than those developed for watchmen.

(c) No intensive commercial establishment not providing service to the surrounding industrial zone.

(N) VM-2.

(1) Permitted uses. This district shall specifically permit all manufacturing and heavy commercial uses not previously mentioned in this schedule which are able to meet the minimum performance standards of IEPA including rail and freight terminals of all types, manufacturing activities, and commercial uses designed to service the surrounding industrial area. Uses contained in the VM-1 Zone are automatically permitted in the VM-2 Zone.

(2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.

(a) Sanitary landfill operations.

(b) Stadiums.

(c) Places of public assembly.

(3) Special zone restrictions. The following are conditions where special restrictions shall apply to the uses all in the zone.

(a) No residential uses other than those developed for watchmen.

(b) No intensive commercial establishments not providing service to the surrounding industrial zone shall be allowed. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1978-79-31, passed 2/6/78; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1980-81-17, passed 10/6/80; Ordinance 1983-84-21, passed 11/21/83; Ordinance 1985-86-21, passed 8/5/85) (Ordinance 91-92-14

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Cross reference;

Flood hazard areas, SS 150.170 through 150.179D.

Statutory reference:

Mobile homes, portable dwellings, power of city to regulate, locate, prohibit

S 150.045 Development Regulations.

(A) VA-1.

(1) Minimum lot area – 10 acres.

(2) Minimum lot width – 200 feet.

(3) Minimum front yard – 50 feet.

(4) Minimum side yard – 20 feet to 100 feet per side, total 120 feet.

(5) Minimum rear yard – 100 feet.

(6) Maximum height – 35 feet.

(7) Maximum coverage – none.

(8) Maximum floor area ratio – none

(B) VC-1.

(1) Minimum lot area – 10 acres.

(2) Minimum lot width – 200 feet.

(3) Minimum front yard – 50 feet.

(4) Minimum side yard – 20 feet to 100 feet per side, total 120 feet.

(5) Minimum rear yard – 100 feet.

(6) Maximum height – 35 feet.

(7) Maximum coverage - .30.

(8) Maximum floor area ration – none.

(C) VRE-1.

(1) Minimum lot area – 1 to 3 acres per unit.

(2) Minimum lot width – 150 feet.

(3) Minimum front yard – 40 feet.

(4) Minimum side yard – 10 feet to 80 feet per side, total 90 feet.

(5) Minimum rear yard – 40 feet.

(6) Maximum height – 35 feet.

(7) Maximum coverage - .30.

(8) Maximum floor area ration – none.

(D) VR-1.

(1) Minimum lot area – 1 to 2 units per acre.

(2) Minimum lot width – 150 feet.

(3) Minimum front yard – 35 feet.

(4) Minimum side yard – 10 to 50 feet per side, total 60 feet.

(5) Minimum rear yard – 30 feet.

(6) Maximum height – 35 feet.

(7) Maximum coverage - .30.

(8) Maximum floor area ratio – none.

(E) VR-2.

(1) Minimum lot area – 12,000 square feet.

(2) Minimum lot width – 80 feet.

(3) Minimum front yard – 30 feet.

(4) Minimum side yard – 10 feet per side, total 20 feet.

(5) Minimum rear yard – 25 feet.

(6) Maximum height – 35 feet.

(7) Maximum coverage - .30.

(8) Maximum floor area ration - .30.

(F) VR-3.

(1) Minimum lot area – 7,500 feet.

(2) Minimum lot width – 60 feet.

(3) Minimum front yard – 25 feet.

(4) Minimum side yard – 6 feet per side, total 12 feet.

(5) Minimum rear yard – 20 feet.

(6) Maximum height – 35 feet.

(7) Maximum coverage - .35.

(8) Maximum floor area ration - .40.

(G) VR-5.

(1) Minimum lot area – 6,000 square feet – first unit; 3,000 square feet – each additional unit.

(2) Minimum lot width – 60 feet – first unit; 30 feet – each additional unit.

(3) Minimum front yard – 25 feet.

(4) Minimum side yard – 6 feet per side, total 12 feet.

(5) Minimum rear yard – 20 feet.

(6) Maximum height – 35 feet.

(7) Maximum coverage - .35.

(8) Maximum floor area ration - .40.

(H) VO-1.

(1) Minimum lot area – 2,500 square feet – dwelling unit; 10,000 square feet – lot.

(2) Minimum lot width – 80 feet.

(3) Minimum front yard – 35 feet.

(4) Minimum side yard – 10 feet per side, total 20 feet.

(5) Minimum rear yard – 20 feet.

(6) Maximum height – 45 feet.

(7) Maximum coverage - .50.

(8) Maximum floor area ration - .40.

(I) VO-2.

(1) Minimum lot area – 10,000 square feet – lot.

(2) Minimum lot width – 80 feet.

(3) Minimum front yard – 35 feet.

(4) Minimum side yard – 10 feet per side, total 20 feet.

(5) Minimum rear yard – 20 feet.

(6) Maximum height – 45 feet.

(7) Maximum coverage - .50.

(8) Maximum floor area ratio - .40.

(I.1) VO-2. Adjacent to residential zone.

(1) Minimum lot area – 10,000 square feet – lot.

(2) Minimum lot width – 80 feet.

(3) Minimum front yard – 35 feet.

(4) Minimum side yard – 20 feet per side, total 40 feet.

(5) Minimum rear yard – 20 feet

(6) Maximum height – 45 feet.

(7) Maximum coverage - .50.

(8) Maximum floor area ration - .40.

(J) VB-1.

(1) Minimum lot area – 2,500 square feet – dwelling unit.

(2) Minimum lot width – 80 feet.

(3) Minimum front yard – 35 feet.

(4) Minimum side yard – 10 feet.

(5) Minimum rear yard – 20 feet.

(6) Maximum height – 45 feet.

(7) Maximum coverage - .35.

(8) Maximum floor area ratio - .40.

(J.1) VB-1. Adjacent to residential zone.

(1) Minimum lot area – 2,500 square feet – dwelling unit.

(2) Minimum lot width – 80 feet.

(3) Minimum front yard – 35 feet.

(4) Minimum side yard – 20 feet per side, total 40 feet.

(5) Minimum rear yard – 20 feet.

(6) Maximum height – 35 feet.

(7) Maximum coverage – none.

(8) Maximum floor area ratio – none.

(K) VB-2.

(1) Minimum lot area – no dwelling units.

(2) Minimum lot width – none.

(3) Minimum front yard – 25 feet.

(4) Minimum side yard – 10 feet.

(5) Minimum rear yard – 20 feet.

(6) Maximum height – 70 feet.

(7) Maximum coverage - .35.

(8) Maximum floor area ratio - .40.

(K.1) VB-2. Adjacent to residential zone.

(1) Minimum lot area – no dwelling units.

(2) Minimum lot width – none.

(3) Minimum front yard – 60 feet.

(4) Minimum side yard – 20 feet per side, total 40 feet.

(5) Minimum rear yard – 20 feet.

(6) Maximum height – 35 feet.

(7) Maximum coverage – none.

(8) Maximum floor area ratio – none.

(L) VB-3.

(1) Minimum lot area – 2,500 square feet – dwelling unit.

(2) Minimum lot width – none.

(3) Minimum front yard – 25 feet.

(4) Minimum side yard – 10 feet.

(5) Minimum rear yard – 10 feet.

(6) Maximum height – 70 feet.

(7) Maximum coverage - .35.

(8) Maximum floor area ratio - .40.

(L.1) VB-3. Adjacent to residential zone.

(1) Minimum lot area – 2,500 square feet – dwelling unit.

(2) Minimum lot width – none.

(3) Minimum front yard – 60 feet.

(4) Minimum side yard – 20 feet per side, total 40 feet.

(5) Minimum rear yard – 35 feet.

(6) Maximum height – 35 feet.

(7) Maximum coverage – none.

(8) Maximum floor area ratio – none.

(M) VM-1.

(1) Minimum lot area – ½ acre per lot.

(2) Minimum lot width – 100 feet.

(3) Minimum front yard – 60 feet.

(4) Minimum side yard – 20 feet per side, total 40 feet.

(5) Minimum rear yard – 10 feet.

(6) Maximum height – 80 feet.

(7) Maximum coverage - .50.

(8) Maximum floor area ratio - .60.

(M.1) VM-1. Adjacent to facing residential.

(1) Minimum lot area – ½ acre per lot.

(2) Minimum lot width – 100 feet.

(3) Minimum front yard – 100 feet.

(4) Minimum side yard – 20 feet per side, total 40 feet.

(5) Minimum rear yard – 25 feet.

(6) Maximum height – 80 feet.

(7) Maximum coverage - .50.

(8) Maximum floor area ratio - .60.

(N) VM-2.

(1) Minimum lot area – ½ acre per lot.

(2) Minimum lot width – 100 feet.

(3) Minimum front yard – 35 feet.

(4) Minimum side yard – 50 feet per side, total 100 feet.

(5) Minimum rear yard – 10 feet.

(6) Maximum height – 80 feet.

(7) Maximum coverage - .50.

(8) Maximum floor area ratio - .80.

(N.1) VM-2. Adjacent to residential.

(1) Minimum lot area – ½ acre per lot.

(2) Minimum lot width – 100 feet.

(3) Minimum front yard – 100 feet.

(4) Minimum side yard – 50 feet per side, total 100 feet.

(5) Minimum rear yard – 25 feet.

(6) Maximum height – 80 feet.

(7) Maximum coverage - .50.

(8) Maximum floor area ratio - .80.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1978-79-31, passed 2/6/78; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1999-00-14, passed 8/2/99)

General Zone Provisions

S 150.050 Uses Permitted By Zone Regulations.

(A) Except as provided in section 150.051, no building, structure, or parcel of land shall be used for any purpose other than those permitted in the specific zone in which the building, structure, or parcel of land is located.

(B) No person shall park, store or occupy a mobile home for living purposes except in a village approved mobile home park. A mobile home shall not be used for storage in any of the village. A mobile home may be used as a temporary office for a construction project. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Ordinance 1991-92-14) Penalty, see S 150.999

(C) It is prohibited within the boundaries of the Village to locate or operate an adult entertainment facility within 1,500 feet of the property boundaries of any residential use area, single-family dwelling, two-family dwelling, multi-family dwelling or public housing facility. It is prohibited within the boundaries of the Village to locate an adult entertainment facility within 1,500 feet of the property boundaries of any public school, private school, day care center, public park, adult entertainment facility, tavern or place of religious worship.(Ord. 2011-2012- passed August 15, 2011)

S 150.051 Exceptions To Use Regulations.

The following are the instances where the regulations in section 150.044 are superseded:

(A) Unusual uses or temporary uses permitted either as special uses listed in section 150.044, or as granted under the other provisions related to special use permits or temporary use permits, but only as provided for in sections 150.100 through 150.104.

(B) Modifications to the general zone regulations may be granted for large areas when replaced by site plans in the form of a planned development, but only in accordance with the provisions as set forth in sections 150.110 through 150.122.

(C) Legally nonconforming uses are exempt from the strict interpretation of the general use regulations, but only as long as the nonconformity is not enlarged or expanded, and provided it is operated in accordance with the provisions of sections 150.140 through 150.147.40 through 150.147.

(D) 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 S.H.A. Ch. 111-2/3, S 10.3, is exempt from local zoning regulations. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

Lot Area Regulations

S 150.060 General Lot Area Regulations.

(A) Except as provided herein, any principal use, together with all accessory uses, shall be located on a lot having a minimum area as shown in section 150.045.

(B) No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with lot area regulations of the district in which the building or structure is located.

(C) No building, parking area, or structure shall be erected, converted, enlarged, reconstructed, or structurally altered without first obtaining a permit for the construction.

(D) No building shall be placed on any lot which does not front a dedicated public roadway.

(E) Except as provided in the planned unit development regulations, not more than one residential building shall be permitted on a lot. The minimum lot area for townhouse dwellings and apartment dwellings, and attached dwellings in the R-5 Zone, shall be the sum of the lot area requirements for the first dwelling unit, plus the lot area requirements for the second dwelling unit, plus the lot area requirements for each additional dwelling unit as shown in section 150.044.
(Ordinance 1972-73-8, passed 11/6/72, Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.061 Exceptions To Lot Area Regulations.

The following are instances where exceptions shall be permitted from lot area regulations.

(A) Relief may be granted to the minimum lot area regulations in the form of a variance, but only as provided for under the conditions as set forth in sections 150.130 through 150.134.

(B) Modifications may be permitted in lot area regulations in a planned unit development, but only in a manner than maintains the minimum density requirements of the zone and only as provided for in sections 150.110 through 150.122.

(C) On legally nonconforming lots as provided for in sections 150.140 through 150.147.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.062 Lot Requirements.

(A) Except as provided herein, each lot shall have a width at the building setback line at least as wide as that shown in section 150.045 for the zone in which the lot is located.

(B) Exceptions to the lot width regulations are the same as the exceptions for the lot area requirements contained in Section 150.061, these being variances of modifications as part of planned developments and legally nonconforming lots.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

Yard and Setback Requirements

S 150.070 General Yard and Setback Requirements.

(A) Except as provided herein, the yard and setback regulations of this ordinance shall be considered the minimum regulations for each and every building established after the effective date of this ordinance. All yards and other required open space allocated to a building by the standards set up in section 150.045 shall be located on the same lot as such buildings. The maintenance of yards, new lot area, and other open spaces legally required for a building shall be a continuing obligation of the owner of the building or users as long as the structure or use is in evidence. In this respect, no legally required yard, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or other reason, be used to satisfy yard, other open spaces, or minimum lot area requirements for any other building.

(B) No improved lot shall hereafter be divided into 2 or more lots, and no portion of any improved lot shall be sold, unless all improved lots resulting from each transfer, division, or sale shall conform with all the applicable development regulations of the zone in which the property is located.

(C) A corner lot shall be considered to have two front yards for the purpose of establishing building setback line, or minimum front yard line, or for parking and fencing purposes.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
(Ordinance 91-92-14) Penalty, see S 150.999

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Cross-reference;
Development regulations, S 150.045

S 150.071 Permitted Obstruction In Required Yards.

The following shall not be considered to be obstructions when located in the required yards specified:

(A) Any yard.

(1) Marquees and awnings adjoining the principal building; overhanging roof eaves; chimneys; unenclosed patios; and stoops, if they do not encroach upon the required yard space by more than 3 feet.

(2) Ornamental light standards; domestic television and radio antennas; flag poles; arbors, trestles; and trees and shrubs. On corner lots no obstructions higher than 30 inches above the street grade shall be located in a triangle formed by the connection of points 30 feet from the intersection of the street pavement.

(B) Side yards. Open accessory off-street parking spaces, except in a side yard abutting a street.

(C) Rear yards. Enclosed, attached, or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms, and any farm accessory building, or any similar accessory structures; and balconies, breezeways, and open (not permanently glassed-in porches).

(D) Commercial zones.

(1) Filling station pumps and islands and light fixtures located on a lot used as a filling station may be located within a required yard, provided they are not less than 15 feet from any street line. No merchandise offered for sale or rent, banners, or advertisement devices other than authorized signs shall be placed in the front yard setback.

(2) Reserved.

(3) Non-advertising light standards may be located within the required front yard provided such standards are located not less than five (5) feet from the property or right-of-way line, and provided the lights are shielded so illumination does not reflect onto residential property.

(4) Commercial and industrial off-street parking spaces open to the sky may be located within the required front yard of commercial and industrial zones, provided that at least a five (5) foot setback is maintained behind the property line or twenty (20) feet behind curb line or inside ditch line whichever is the greater, and the parking area is paved in accordance with S 153.08.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1286-87-18, passed 11/17/86) (Ordinance #91-92-14) Penalty, see S 150.999

S 150.072 Additional Yard Requirements.

Additional street setbacks or yard may be required in the following instances:

(A) The board may, upon recommendation of the commission, establish special setbacks in excess of those setbacks required by the zone district. Setbacks shall be established when it is deemed necessary to protect any existing or proposed street, traffic way, freeway, highway, drives, or parkways, or storm and flood runoff channels. The setbacks shall only be valid, however, after giving legal notice and holding a public hearing as required by this ordinance. Further, all setbacks shall be uniformly applied to at least one block face, and shall, after being adopted, be clearly shown on the setback map in the village hall.

(B) The minimum setback on all major streets shall be 50 feet, and on collector streets, 35 feet. Those regulations shall supersede the individual zone requirements. The village shall maintain street classification maps in the village hall.

(C) Relief may be granted in the form of a variance, but only as provided for under the conditions as set forth in sections 150.130 through 150.134.

(D) Modification may be permitted in yard and setback requirements in a planned unit development, as provided in sections 150.110 through 150.122.

(E) Legally nonconforming uses in accordance with the regulations contained in sections 150.040 through 150.047.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.073 Accessory Uses To Residential Uses.

Detached garages, lawn storage sheds, satellite earth stations, solar energy collection panels, and shelter for pets may be constructed in any side or rear yard area provided that such structures are kept at least three (3) feet from any lot line; except six (6) feet between the accessory use and side lot line adjacent to the principal structure, and provided further that an accessory use shall be separated by at least ten (10) feet from the principal structure occupying the lot in the side or rear yard areas, and comply with other yard restriction sections of this code. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1985-86-21, passed 8/5/85) Amended by Ordinance #90-92-19. (Ordinance #91-92-14 and Ordinance 91-92-16) Penalty, see S 150.999

S 150.074 Satellite Earth Stations.

(A) Satellite earth stations may be located in any zone other than residential zones so that no part of the station extends to within three (3) feet of the property line. However, if the property line abuts a residential zone, then no part of the station shall extend to within six (6) feet of the property line. (Ordinance 1991-92-29)

S 150.075 Fences.

(A) A fence may be erected and maintained along any lot line to a height not to exceed six (6) feet above ground level except no fence shall be erected in a front yard.

(B) No fence shall be located in the front yard or side yard adjacent to a street on a corner lot.

(C) No electric or barbed wire fence shall be erected and maintained in any residential or office district zone.

(D) A wall may be erected on any lot line to a height not to exceed six (6) feet except no wall shall be erected in a front yard or a side yard adjacent to a street.

(E) A hedge may be grown on any lot line to a height not to exceed six (6) feet except hedges grown in a front yard or side yard adjacent to a street shall not be more than three (3) feet above street grade or within twenty-five (25) feet of the intersection of any street lines or of street lines projected.

(F) In a planned unit development, with approval of the Planning and Zoning Commission, fences may be constructed and maintained outside the building setback line. (Ordinance 1985-86-12 and Ordinance No. 91-92-14)

S 150.080 Building Bulk Limitations.

Except as herein provided, all buildings and other structures constructed in the village after the effective date of this ordinance shall conform with section 150.045, in terms of maximum height, maximum coverage, and maximum floor area ratio. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-8-19, passed 2/4/80) Penalty, see S 150.999

S 150.081 Maximum Height.

The maximum height, as set forth under each zoning district, shall be the greatest building height allowed for either the principal or accessory buildings, except that all accessory buildings in residential zones shall be limited to one story, 20 feet in height maximum. (Ordinance 1979-80-19, passed 2/4/80)

S 150.082 Floor Area Ratio.

The floor area ratio, as set forth under each zoning district, shall be the maximum allowable for the building or buildings (principal and accessory) on a lot or site. (Ordinance 1979-80-19, passed 2/4/80)

S 150.083 Maximum Coverage.

The maximum coverage, as set forth under each zoning district, shall be the maximum building coverage allowable for the building or buildings (principal and accessory) on a lot or site. (Ordinance 1979-80-19, passed 2/4/80)

S 150.084 Exceptions To Building Bulk Regulations.

The following are instances where exceptions to the building bulk regulations shown in section 150.044 may be permitted.

(A) The height regulations shall not apply for all radio towers, television towers, antennas, church spires, belfries, monuments, tanks, water and fire towers, stage towers, smoke stacks, chimneys, and flag poles, provided that the maximum height does not exceed 50 feet.

(B) Public, semipublic buildings, public utilities, public service buildings, civic buildings, hospitals, schools, churches, temples, grain elevators, scenery, lofts, elevators, bulkheads, and silos where permitted may be erected to a height not to exceed 50 feet, provided that the side and rear yards are

increased by one foot for each foot of additional building height above the height regulations for which the building is located. The main shadow area shall be 2-1/2 times the height of the buildings.

(C) Relief from the building bulk regulations may be granted in the form of a variance, but only when approved in accordance with the provisions as set forth in sections 150.130 through 150.134.

(D) Modifications may be permitted in the building bulk regulations in a planned unit development as provided in sections 150.110 through 150.122.

(E) Legally nonconforming uses as provided for in sections 150.140 through 150.147. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.090 Home Occupations.

(A) A home occupation may be permitted as a use incidental to a residential use in any detached resident dwelling, when

(1) Carried on by a member of the immediate family residing on the premises;

(2) In connection with which there is no sign display or other evidence which would indicate from the exterior that the building is being used for any purpose other than a single-family dwellings, other than a name plate not to exceed 2 square feet affixed to the building showing the name of the occupant and the services provided;

(3) There is no commodity sold upon the premises;

(4) No person is employed other than a member of the immediate family residing on the premises;

(5) No mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes;

(6) No exterior storage of equipment or materials used in connection with home occupation;

(7) Home occupation shall not utilize more than 25 per cent of the total floor area of the dwelling unit.

(B) Permitted home occupations may include, but not be limited to, art studios; dressmakers; emergency offices for doctors and physicians, but not offices for general practice; tutoring and teaching, including musical instruments, but limited to one student at a time, and for only 10 hours per day from 10:00 a.m. till 8:00 p.m.; and one chair barber or beauty shops.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80; Ordinance 91-92-14) Penalty, see S 150.999

SPECIAL USES

S 150.100 Special Uses.

The development and execution of the zoning ordinance is based upon the premises of the division of land into zones so that within any one zone the uses of land and the bulk and location of buildings or structures as related to the land are essential, uniform, and compatible. This is the basis for insuring normal growth. It must be recognized, however, that there are special situations, because of the unique characteristics of some uses that cannot properly be classified in any one zone as an allowable use, but can only be established under regulations. The granting of any special use permit may have to be conditioned upon the developers' meeting special requirements which the village and zoning board find necessary to the maintenance or the compatibility of orderly growth of the area in which the special uses are proposed.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.101 Special Uses Enumerated By Zones.

Contained within section 150.044 is a list of special uses that are normally associated with various zones. The board may grant a special permit for any special use shown for the zone in section 150.044. The granting of all special uses must however; follow the procedural regulations as provided in sections 150.020 through 150.027. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.102 Additional Special Uses.

A second type of special use where a new or unusual use, not covered in section 150.044, may be granted after holding a hearing as prescribed in section 150.023, provided that:

(A) Because of the characteristics of the use, it is desirable that the use be located in this zone.

(B) That the use can be operated or developed in such a manner that it will not adversely affect surrounding land uses.

(C) The character is unique to the extent that it cannot be classified as a permitted use in any zone.

(D) Such special uses shall only be permitted after the commission submits to the board in writing a report explaining why the proposed use meets the above criteria, and recommends under that conditions the special use shall be permitted.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.103 Special Parking Lot Permit.

Where an established use or group of uses are enlarged or experience an increased demand for parking which exceeds that which could be provided on the same lot or lots on which the establishments are located, then the village may permit, after a hearing, a special parking permit which the board believes will not adversely affect surrounding land uses, but only as provided for herein:

(A) The village has received a request for an off-street parking permit, and contained with the request is a map or plat with information shown on that map or plat explaining how the following requirements will be met.

(B) In all residential areas the minimum front yard setback as prescribed by that zone shall be maintained as stipulated on the special use permit, and no parking shall be allowed in this yard area.

(C) All other applicable parking requirements, as established in section 150.186 shall be adhered to. (Ordinance 1979-80-19, passed 2/4/80)

S 150.104 Temporary Uses.

(A) A temporary use permit may be granted for a specific length of time for restricted uses such as gravel operations, forestry activities, and special events such as centennials, fairs, carnivals, and revival meetings, provided that the board finds:

(1) The use will not have a detrimental effect on surrounding land use.

(2) That a plat is submitted with the permit showing the placement of temporary structures, parking utilities, and necessary sanitary

facilities (as required by the health department), and provided that no construction is done other than that associated with the temporary use.

(3) That if the natural landscape, vegetation, terrain, soil cover, or drainage is disrupted, plans will be submitted to the commission, and the developer will be responsible for improvements necessary to restore the property to its original condition. (Ordinance 1979-80-19, passed 2/4/80; Ordinance 1991-92-14)

(a) See S 152.051 (G) Urban Street Design Standards.

S 150.105 Repeal and Expiration.

(A) The board reserves the right to repeal any special permit where it finds the use being conducted in such a manner that it violates the general requirements of this ordinance, or the special requirements provided for in the issuance of the permit.

(B) In the event that the use for which a special use permit is issued is not commenced within one year following date of issuance such permit shall become null and void. Special use permits which cease operation for one (1) year also become null and void.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1991-92-14) Penalty, see S 150.999

PLANNED UNIT DEVELOPMENT

S 150.110 Planned Unit Development In General.

(A) The planned unit development procedure is a concept which encourages improved and imaginative design in the development of land by providing relief from rigid zone requirements which are designed for conventional developments, but which may cause undue hardship or complication for desirable but unconventional development while maintaining the original intent of this ordinance.

(B) In addition to the general purpose of this ordinance, the purpose of this section is to establish standards and procedures for planned unit development in order that the following objectives may be obtained:

(1) Environmental design in the development of land that would be better than is possible through the strict application of ordinance or ordinance requirements.

(2) Diversification in the uses permitted and the variation in the relationship of uses, structures, open spaces, and heights of structures in developments conceived as cohesive projects.

(3) Provision for functional, aesthetic, and beneficial use of open areas.

(4) Preservation of natural features of the sites.

(5) Provision for safe and desirable living environment for residential areas characterized by unified building and site development programs.

(6) Rational and economic development in relation to public services.

(7) Creation of a variety of housing types within compatible neighborhood arrangements to provide a greater choice of types of environment and living units.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.111 Residential Planned Unit Developments.

(A) These regulations are established for residential development plans characterized by a unified building and site development program, and providing adequate public open space for recreation and other community purposes. Such developments and open spaces shall be integrated in the total design of the subdivision layout and street system.

(B) Approval of the planned unit development zoning options shall only be granted providing that:

(1) The tract of land in question contains more than 5 acres.

(2) The layout design, including consideration of safety, convenience, or overall environmental quality, is an improvement over what would normally be allowed by a strict application of the zone requirements of this ordinance.

(3) The plan makes provisions for or promotes the aims of the official comprehensive plan of the village. The plan will not adversely affect adjacent property, or interfere with the development of adjacent properties; and compatible uses or a buffer of open space, screening, or other appropriate physical barrier is arranged along the border of the project.

(4) The average overall land area per family contained in the site, exclusive of the area occupied by streets, will not be less than the

land area per family required in the district in which the development is located, even though individual lots may be reduced below minimum lot area normally allowed in the zone.

Average overall land area per family, exclusive of streets, refers to the allowance of reduced lot sizes (below those normally required by this ordinance) in exchange for an equal amount of public open space areas. Reduced sizes of multiple family lots cannot be offset by increased sizes of single-family lots to arrive at the required average overall land per family, as this does not create public open space areas.

(5) All portions of the tract carrying a residential classification will be used for single-family dwellings, 2-family dwellings, or multiple-family dwellings, and the usual accessory uses, such as private open space, garages, storage space, and space and facilities for noncommercial activities, including churches and schools.

(6) All open space not contained as a portion of a designated development lot have made provisions for its maintenance in the form of owner agreements, or is dedicated to an appropriate public agency.

(7) The plan is consistent with the intent and purpose of both the village zoning and subdivision ordinances, and all variances from the strict regulations thereof are shown on the face of the plat.

(8) The plan will not create any greater maintenance burden to the village for streets, utilities, walks, and other necessary facilities than would be created in a conventional development.

(C) Before authorization of any planned unit development, requests shall be referred to the commission for study and a report concerning the effect of the proposed use on the character and development of the neighborhood, and its consistency with the comprehensive plan shall be made to the board.

(D) If the board approved the plans, building permits and other applicable permits may be issued even though the use of the land and the location and height of buildings, street standards, or other facilities to be constructed, individual not areas, yards and setback ks, lot areas, and the yards and open space contemplated by the plan do not in all respects comply with the district regulations or subdivision requirements; provided that the variance to these ordinances contained in the plan is shown on the subdivision plat.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.112 Commercial and Industrial Planned Unit Developments.

(A) Because of the impact of large scale commercial or industrial developments on the efficiency and safety of village streets, water surfaces, sanitary waste disposal systems, and pedestrian movements, as well as the impact of such developments on the orderly growth of the community, the village shall require any large scale commercial or industrial development (5 acres or more in size) to follow the planned development procedures contained within this ordinance.

(B) The zoning for an industrial or commercial planned unit development requires that the developer submit to the village board adequate plans for the development of the proposed property, and follow the procedures outlined in sections 150.113 through 150.122.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.113 Pre-application Conference.

Before submitting an application for a planned unit development, the applicant shall confer with the commission, health department, building and zoning department, highway department, and the Macon County Soil and Water Conservation District to obtain information and guidance before entering into binding commitments or incurring substantial expenses. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.114 Application Procedures.

(A) Application shall be made on forms supplied by the commission.

(B) Application for approval of a planned unit development shall be made in accordance with this section and sections 150.020 through 150.027.

(C) An application must be accompanied by either an optional outline development plan or a preliminary development plan. In either case the application and accompanying drawings shall be submitted to the commission for analysis prior to public hearing.

(D) A preliminary development plan is required and must be submitted to the commission with the application or within one year following approval of

an outline development plan. If an outline development plan has been approved, the commission may authorize the submission of a preliminary development plan in stages. The commission shall analyze and hold a public hearing, and shall notify the board in writing of the submission.

(E) If a preliminary development plan covering 20 percent of the area or not less than 10 acres, whichever is less, has not been submitted within one year following approval of the outline development plan, the board shall withdraw its approval, and the outline development plan shall be null and void.

(F) Within one year following the approval of the preliminary development plan, the applicant shall file with the board a final development plan completing in final form all information required in section 150.119.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.115 Outline Development Plan Optional.

An applicant may, at his option, submit an outline development plan. An outline development plan must include a soils analysis, maps, and written statements, and must describe
enough of the surrounding area to show the relationship of the planned unit development to adjoining uses both existing and proposed.

(A) The soils analysis must be prepared pursuant to a recommendation by the county soil and water conservation district, and must include a statement of soils limitations for each major soil type involved.

(B) Maps which are part of the outline development plan may be in general form, and shall contain the proposed land uses, the natural features of the site, the character and approximate density of dwellings, the approximate location of major thoroughfares, and the water, sewage, and drainage systems proposed.

(C) The written statement must contain a detailed explanation of the size and character of the planned unit development, including a statement of the present ownership of all the land within the planned unit development, and the expected schedule of construction.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.116 Approval of Outline Development Plan.

(A) The commission shall review the outline development plan within 60 days after receipt of the plan, and shall conduct a public hearing as provided by this section and section 150.023 upon the payment of required fees by applicant. After the hearing the commission shall then approve, approve with modifications, or disapprove the outline development plan, and recommend accordingly in a written report to the board.

(B) The board shall then approve, approve with modifications, or disapprove the outline development plan. Approval of an outline development plan shall not constitute a zoning change, but shall be an expression of approval in principle of the submissions as a guide to the preparation of preliminary and final development plans. If an outline development plan is approved with modifications, it shall be referred to the commission for reevaluation with the applicant.

(C) No building permits may be issued and no construction is permitted on land within the planned unit development until final plans for the development has been approved by the board under procedures provided in the following sections.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.117 Preliminary Development Plan.

If no outline development plan has been filed, the preliminary development plan shall contain all items required in an outline development plan, and shall also include, but not be limited to, all of the following:

(A) A map showing streets, lots, parcels, and sites for all uses included in the planned unit development, including areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public and quasi-public uses or common use areas.

(B) A plot plan for each building site and common open area, showing the approximate location of all buildings, structures, and improvements, and indicating the open space around the buildings and structures.

(C) Schematic design presentation indicating the architectural decisions, and need not be in detail.

(D) A development schedule indicating:

(1) The approximate date when construction of the project can be expected to being;

(2) The stages in which the project will be built, and the date when construction of each stage can be expected to begin;

(3) The date when the development of each of the stages will be completed; and

(4) The area and location of a common open space that will be provided at each stage.

(E) Proposed agreements, bylaws, provisions, or covenants which govern the use, maintenance, and continued protection of the planned unit development, and any of its common open areas or other facilities.

(F) If the commission finds that the planned unit development creates special problems, the following information may be required:

(1) A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the development to and from existing thoroughfares.

(2) A landscaping and comprehensive drainage plan with analysis of the impact that the development creates on the site and on the surrounding area.

(3) A market analysis feasibility report, and statement of proposed financing.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.118 Approval of Preliminary Development Plan.

(A) If no outline development plan has been submitted and approved, the preliminary development plan shall be considered for approval under the procedures for an outline development plan.

(B) If an outline development plan has been submitted and approved, the commission shall review within 60 days the preliminary development plan, and shall recommend whether it is in substantial compliance with the outline development plan, and if it complies with all other standards in this ordinance for planned unit development which were not considered when the outline development plan was approved. The commission shall give public notice of a hearing, and shall give notice to any person who has indicated to the secretary of the commission in writing that he wishes to be notified.

(C) The commission shall then hold a hearing as provided for in an outline development plan, and shall recommend to the board the approval or denial of the proposed planned unit development, and shall include not only conclusions but also findings of fact related to the specific proposal, and shall set forth particularly in what respects the proposal would or would not be in the public interest, including, but not limited to, findings of fact on the following:

(1) In what respects the proposed plan is or is not consistent with the stated purpose of the planned unit development regulations.

(2) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, area, bulk, and use, and the reasons why such departures are or are not deemed to be in the public interest.

(3) The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations.

(4) The physical design of the proposed planned unit development, and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space, and further the amenities of light and air, recreation, and visual enjoyment.

(5) The compatibility of the proposed planned unit development with the adjacent properties and neighborhoods.

(6) The desirability of the proposed planned unit development to the physical development and economic well-being of the entire community.

(7) The conformity with the recommendations of village plans.

(D) The board shall then approve, approve with modifications, or disapprove the preliminary development plan. The zoning officer shall upon approval show on the official zoning map the planned unit development as conditionally approved and subject to final development plan approval. If it is approved with modifications, the zoning officer shall not show it on the official zoning map until the applicant has filed with the board written consent to the preliminary development plan as modified. No plats shall be recorded and no building permits issued until a final development plan has been approved by the board, and certified by the village clerk.

(E) No use permit for a planned unit development shall be passed except by a majority vote of the members of the board present. In the following cases, no use permit shall be passed except by the favorable vote of three-fourths of all the members of the board:

(1) If a written protest against the proposed amendment is filed with the village clerk no later than 5:00 p.m. of the day when the board votes on the proposed amendment, signed and acknowledged by the owners of 20 percent or more of the frontage proposed to be altered, the frontage immediately adjoining or across an alley there from, or the frontage directly opposite the frontage proposed to be altered.

(2) If the commission recommends denial of the application.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.119 Final Development Plan.

Within one year following the approval of a preliminary development plan, the applicant shall file with the commission a final development plan for the first stage, containing in final form the information required in the preliminary development plan. The final development plan shall include, but not be limited to, the following:

(A) A final land use plan suitable for recording with the recorder of deeds. The purpose of the final development plan is to designate the land subdivided into lots, as well as the division of other land not so treated, into open areas and building areas, and to designate and limit the specific internal uses of each building or structure, as well as of the land in general.

(B) An accurate legal description of the entire area under immediate development within the planned unit development.

(C) If subdivided lands are included in the planned unit development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat.

(D) An accurate legal description of each separate un-subdivided use area, including common open space.

(E) Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designed.

(F) Certificates, seals, and signatures required for the dedication of land and recording the document.

(G) Tabulations of each separate un-subdivided use area, including land area and number of dwelling units per gross acre.

(H) Landscaping plan.

(I) Utilities and drainage plans.

(J) Final agreements, bylaws, provisions, or covenants which govern the use, maintenance, and continued protection of the planned unit development and any of its common open areas or other facilities.

(K) Final development and construction schedule.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.120 Approval of Final Development Plan.

(A) The commission shall review within 60 days the final development plan, and shall recommend approval if it is in substantial compliance with the preliminary development plan. The commission shall certify to the board that the final development plan is in conformity with the previously filed preliminary development plan.

(B) The board shall approve the final development plan if it is in conformity with the preliminary development plan, and pass a resolution approving it.

(C) If the commission finds that the final development plan does not substantially conform to the preliminary development plan, it shall then give public notice of a hearing. The commission shall give notice to any person who has indicated to the secretary of the commission in writing that he wishes to be notified. After the hearing, the commission shall submit to the board its recommendations, together with the findings of fact indicating in what respect the final development plan is inconsistent with the preliminary development plan, and the justification, if any, for the deviations. The board shall then approve, approve with modifications, or disapprove the final development plan, in accordance with the provisions of section 150.118.

(D) Upon approval of the final development plan by the board, the village clerk shall record a copy of the final development plan, including the plat, with the recorder of deeds. The zoning officer shall issue a building permit for the construction of that part of the planned development that has been approved.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.121 Failure To Begin Development.

If no substantial construction has begun or no use been established in the planned unit development within the time stated in the final development and construction schedule, the final development plan shall lapse upon written notice to the applicant from the board, and shall be of no further effect. In its discretion, and for good cause, the board may extend for a reasonable time, not to exceed one year, the period for the beginning of construction or the establishment of a use. If a final development plan lapses under the provisions of this section, the zoning officer shall remove the planned unit development use permit from the official zoning map, and shall file a notice of revocation with the recorded final development plan. The zoning regulations applicable before the development was approved, shall then be in effect.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.122 Amending Final Plan.

No changes may be made to the approved final development plan during the construction of the planned unit development, except upon the application to the commission under the following procedures:

(A) Minor changes in the location, sitting, and height of buildings and structures may be reviewed and authorized by the commission if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized by this section may increase the volume of any building or structure by more than 10 percent.

(B) All other changes in time schedule and use, any rearrangement of lots, blocks, and building tracts, any changes in the provision of common open space, and all other changes in the provision of common open space, and all other changes in the approved final development plan shall be made by the board upon the recommendation of the commission under the procedure authorized by this ordinance for approval of the planned unit development use permit. No amendments may be made in the approved final development plan unless they are shown to be required by changes in conditions that have occurred since the final development plan was approved. A self-imposed hardship shall not be a valid reason for change.

(C) Any changes approved shall be recorded as amendments to the recorded copy of the final development plan, before they have any effect.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

VARIANCE

S 150.130 Purposes.

The variance procedures are provided to create relief from the strict interpretation of the zone regulations, so that discretion may be used in unusual or unforeseen situations where application would result in unnecessarily harsh regulations, hardship, or restraint to other developments. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.131 Authorized Variation.

A variance shall be granted:

(A) To provide relief from any zone regulation (other than regulations pertaining to permitted uses and special uses) in cases where, because of the physical surrounding, shape, topography, or natural condition 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 were to be carried out.

(B) To provide relief from any zone regulations (other than those pertaining to permitted use or special use) for preserving some natural or historically significant feature which the board deems an asset to the surrounding neighborhood.

(C) To provide relief from any zone regulation, other than those pertaining to permitted use or special use, to allow the construction of a building on an undersized lot, subject to the terms of the variance.

(D) To provide the extension, expansion, or repair of an isolated nonconforming use of a building when, after a public hearing, the board finds the use has performed a necessary service to the public in its present location, and has not or will not cause any particular harm to surrounding properties, subject to the terms of the variance.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.132 Condition of Variance.

No variation shall be granted except in a specific case, and after a public hearing before the commission, and the commission finds:

(A) The granting of the variance will not substantially impair the implementation of any approved comprehensive plan, the long-range master land use plan, or disrupt the orderly growth of the village.

(B) The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.

(C) The alleged difficulty or hardship is caused by this ordinance, and has not been created by any person presently having an interest in the property.

(D) The proposed variation will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80;
Ordinance 1985-86-21, passed 8/5/85) Penalty, see S 150.999

S 150.133 Procedure.

(A) Any person desiring that the board determine and vary the application of this ordinance shall file a petition requesting such action with the board by depositing the same with the administrative officer, along with such accompanying maps, plats, data, statements, and supplementary information as shall be either necessary or desirable, and a receipt showing payment to the village treasurer of the appropriate filing fee.

(B) The administrative officer shall immediately upon receipt thereof refer the petition and accompanying material to the commission for hearing and report as set out below.

(C) The petition shall set out with brevity and clarity the particular location for which the variation is requested, and specify the facts and circumstances justifying the action requested.

(D) As soon as may be convenient after the receipt of the petition and accompanying matters from the administrative officer, the commission shall hold a public hearing upon the petition, notice of which shall be given as provided in section 150.023, which notice shall set out:

(1) The particular location for which the variation is requested, by legal description and street address, and if no street address, then by locating the real estate with reference to any well-known landmark, highway, road, thoroughfare, or intersection;

(2) Whether or not the petitioner or applicant is acting for himself or in the capacity of agent, alter ego, or representative of a principal, and stating the name and address of the actual and true principal;

(3) Whether the petitioner or applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders owning any interest in excess of 20 percent of all outstanding stock of the corporation;

(4) Whether the petitioner or applicant, or his principal if other than the applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of the business or entity;

(5) Whether the petitioner or applicant is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint ventures, syndicate members, or members of the unincorporated voluntary association.

(6) A brief statement of what the proposed variation consists of; and

(7) The time and place of the hearing.

(E) The costs or charges of the publication notice required by this section shall be paid by the petitioner or applicant.

(F) Hearings shall be held at such public place as shall be designated by the chairman of the commission, and shall be conducted by the chairman or a member of the commission designated by the chairman. Any person may appear thereat in person, by agent or by attorney. All evidence heard shall be under oath and a transcript made thereof. No member of the commission shall vote upon the action of the commission unless he shall have personally inspected the location in question subsequent to the filing of the petition herein mentioned, and before the vote regarding the same is taken, the fact of such inspection is to be specifically recorded in the minutes of the hearing.

(G) Within 30 days after the final adjournment of the hearing, the commission shall transmit the petition and accompanying matters along with a complete transcript of the evidence taken at the hearing and its recommendations and findings, to the board, all of which may be accompanied by a statement of the commission setting forth its reasons for the recommendations.

(H) The Board may, by ordinance and without further public hearing, adopt or reject any proposed variation, or may refer it back to the Commission for further consideration and report, notwithstanding the discussion previously rendered by the Commission. No further public hearing before the Board regarding a proposed variation shall be permitted except upon motion to permit a hearing passed by the favorable vote of not less than two-thirds of all members of the Board, and any variation which has failed to receive approval of the Commission shall not be passed by the Board except by the favorable vote of not less than two-thirds of all the members of the Board. Every ordinance adopted by the Board which permits a variation shall set out findings of fact specifying the reason for making the variation. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Amend. By Ordinance 1988-89-21. Penalty, see S 150.999

S 150.134 Additional Regulations and Limits To Variances.

(A) The commission may recommend the imposition of such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the village's comprehensive plan to reduce or minimize the effect of the variation upon other properties in the neighborhood, and to better carry out the general intent of this ordinance.

(B) The commission, however, is limited to granting a variance only to the degree necessary to remove the hardship. The commission shall not grant any use variation, except in cases of nonconforming structures, buildings, and uses of land.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

NONCONFORMING BUILDINGS, STRUCTURES, AND USES

S 150.140 Purpose.

The purpose of sections 150.140 through 150.147 is to provide for the regulation of nonconforming uses, buildings, and structures, and to specify those circumstances and conditions under which those nonconforming buildings, structures, and uses shall be gradually eliminated, either through the process of amortization as set forth in section 150.146, or as eliminated upon reaching the end of their respective normal useful life. (Ordinance 1972-73-8, passed 11/6/72;Ordinance 1979-80-19, passed 2/4/80) Penalty see S 150.999

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Statutory reference:

Substandard structures, eminent domain

S 150.141 Authority To Continue Nonconforming Buildings, Structures, and Uses.

Any nonconforming building, structure, or use which existed lawfully at the time of the adoption of this ordinance, and which remains nonconforming, and any such building, structure, or use which shall become nonconforming upon the adoption of this ordinance, or of any subsequent amendment thereto, may be continued in accordance with the regulations which follow. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.142 Restrictions On Nonconforming Buildings, Structures, and Uses Thereof.

Any lawfully existing building or structure which does not conform with the regulations of the district in which it is located shall be subject to the following provisions:

(A) Repairs and alterations. Ordinary repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations shall be made in or to the building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located.

(B) Additions and enlargements.

(1) A nonconforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless the nonconforming building or structure and use thereof, including all additions and enlargements thereto, is made

to conform to all of the regulations of the district in which it is located.

(2) A nonconforming building or structure, which is nonconforming only as to bulk, shall not be added to or enlarged in any manner unless the additions and enlargements thereto are made to conform to all regulations of the district in which it is located.

(C) Moving. No building or structure which does not conform to all of the regulations of the district in which it is located shall be moved in whole or in part to any other location, unless every portion of the building or structure is moved, and the use thereof is made to conform to all regulations of the district into which it is moved.

(D) Restoration of damaged nonconforming building. A building or structure, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed 50 percent of the cost of restoration of the entire building or structure, shall not be restored unless the building or structure and the use thereof shall conform to all the regulations of the district in which it is located. In the event that the damage or destruction is less than 50 percent of the cost of restoration of the entire building or structure, no repairs or reconstruction shall be made unless the restoration is started within one year from the date of the partial destruction, and is diligently prosecuted to completion.

(E) Discontinuance of use of nonconforming building or structure. A building, structure, or portion thereof, all or substantially all of which is designated or intended for a use which is not permitted in the district in which it is located, and which is vacant on the effective date of this ordinance, or thereafter becomes vacant and remains unoccupied, or is not used for a continuous period of one year, shall not thereafter be occupied or used except by a use which conforms to the use regulations of the district in which it is located.

(F) The non-conforming use of a part of a building or structure shall not be expanded within the building or structure in which the use is presently located. No change or structural alterations shall be made unless such changes or alterations and the use thereof, cause the structure to conform to all regulations of the district in which the building or structure is located.

(G) Change of use in nonconforming building or structure. The nonconforming use of a building or structure may be changed to a use permitted in the district in which the building or structure is located, but no change shall

extend or otherwise modify any provision made in this ordinance for the elimination of the nonconforming building or structure, and the use thereof. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80;
Ordinance 1991-92-14) Penalty, see S 150.999

S 150.143 Nonconforming Uses and Compliance With Minimum Housing, Health, and Fire Codes.

A nonconforming structure must be maintained in such a manner as to meet all minimum housing, health, and fire codes as adopted by the board. Owners of nonconforming uses may be required to repair or demolish such structures any time the structures are found by the building inspector to be in violation of these codes. No variance shall be granted for the continuance or the enlargement of any nonconforming structure or building unless it is maintained in a manner that complies with all state and local minimum housing, health, fire, and safety codes.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.144 Nonconforming Use of Conforming Building or Structures.

A lawfully existing nonconforming use of a part or all of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be continued subject to the following provisions:

(A) The nonconforming use of a part of the building or structure shall not be expanded or extended into any other portion of the building or structure, changed to any other nonconforming uses.

(B) If a nonconforming use of the building or structure is discontinued for a period of one year, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.

(C) No nonconforming use shall be changed to another nonconforming use when the nonconforming use is located in the building or structure.

(D) In all residence districts, any use which lawfully exists at the adoption of this ordinance, but is permitted only in a business or manufacturing district, and which is located in a building, all or substantially all of which is designed or intended for a residential purpose, shall be entirely discontinued, and shall thereafter cease operation within 5 years from the date of adoption of this ordinance.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.145 Nonconforming Use of Land.

A lawfully existing nonconforming use of land not involving a building or structure, or in connection with any building or structure thereon, is incidental or accessory to the principal use of land, and may be continued, except that the nonconforming use shall not be expanded or extended beyond the area it occupies. If a nonconforming use of land is discontinued for a period of 6 consecutive months, it shall not thereafter be renewed, and any subsequent use of land shall conform to the regulations of the district in which the land is located; and the nonconforming use of land shall not be changed to any other use except to a use permitted in the district in which the land is located. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.146 Removal of Nonconforming Uses.

The board may require the removal or discontinuance of a nonconforming use in any residential district that does not meet the allowable use standards for the zone in which it is contained. The removal of nonconforming uses may be accomplished only in the following 2 ways:

(A) Nonconforming signs, temporary structures, open air storage facilities, or parking facilities shall be required to be removed 5 years from the date of this ordinance, when, after a hearing as provided in section 150.023, the commission finds the uses to be inconsistent or incompatible with surrounding land uses.

(B) Nonconforming use in a permanent structure, except as described in section 150.144(D), may only be required to be removed when, after a hearing as provided in section 150.023, the commission finds that the nonconforming use is inconsistent or incompatible with surrounding land uses, and the nonconforming use is not necessary to the surrounding residential areas in that location. If the commission recommends the use be discontinued, the board is required to give the owner notice and serve notice to subsequent owners that the use of the land or structure is to be amortized. The amortization period shall relate to the market value of the property. Any structure having a market value less than $5,000.00 shall be given an amortization period of 2 to 5 years. Any structure with a market value over $5,000.00 shall be given an amortization period of not less than 5 years or more than 25 years from the date of the hearing. If the nonconforming structure or use is not removed or discontinued within 6 months of the end of the amortization period, the owner shall be subject to

a fine of not more than $500.00 per day or other court action which the village deems necessary.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.147 Establishment By Variance For Continuance of a Nonconforming Use.

Should the commission find that a nonconforming use provides a substantially necessary service without detriment to surrounding property values, then a variance may be allowed as specified in section 150.133. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

FLOOD HAZARD AREAS

S 150.170 Purpose.

These sections 150.170 through 150.179D are enacted pursuant to the police powers granted to villages by Illinois Revised Statutes, Chapter 24, Sections 1-2-1, 11-12-12, 11-30-8, and 11-31-2 in order to accomplish the following purposes:

(A) To prevent unwise developments from increasing flood or drainage hazards to others;

(B) To protect new buildings and major improvements to buildings from flood damage;

(C) To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;

(D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;

(E) To maintain property values and a stable tax base by minimizing the potential for creating blighted areas;

(F) To make federally subsidized flood insurance available; and

(G) To preserve the natural characteristics and functions of watercourse and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.(Ordinance 1985-86-13, passed 6/3/85)(Ordinance 2010-11-15, passed 1-17-11)

S 150.171 Definitions.

For the purposes of these sections, the following definitions are adopted:

(A) "Base Flood." 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 150.173 of this ordinance.

(B) "Base Flood Elevation (BFE)" The elevation in relation to mean sea level of the crest of the base flood.

(C) "Basement" The portion of a building having its floor sub-grade (below ground level) on all sides.

(D) "Building." A walled and roofed structure, including gas or liquid storage tank that is principally above ground including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.
(Ordinance 1985-86-13, passed 6/3/85; Ordinance 1986-87-24, passed 1/19/87)(Ordinance 2010-11-15, passed 1-17-11)

(E) "Critical Facility" Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

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

(F) "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 utilizes, construction of roads, bridges, culvers 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 maintenance of existing buildings and facilities such as re-surfacing roads or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

(G) "Existing Manufactured Home Park or Subdivisions" 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.

(H) "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.)

(I) "FEMA" Federal Emergency management Agency

(J) "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.

(K) "Flood Fringe" That portion of the floodplain outside of the regulatory floodway.

(L) "Flood Insurance Rate Map" 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.

(M) “Flood Insurance Study” An examination, evaluation and determination of flood hazards and, if appropriate corresponding water surface elevations.

(N) “Floodplain and “Special Flood Hazard Area (SFHA)” Those lands within the jurisdiction of the Village of Mt. Zion, exterritorial jurisdiction of the Village of Mt. Zion, or that may be annexed into the Village of Mt. Zion that are subject to inundation by the base flood. The floodplains of the Village of Mt. Zion are generally identified as such on panel number(s) 12115C0320D and 17115C0340D of the countywide Flood Insurance Rate Map of Macon County prepared by the Federal Emergency Management Agency and dated 6-16-2011. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts of unincorporated Macon County that are within the extraterritorial jurisdiction of the Village of Mt. Zion or that may be annexed into the Village of Mt. Zion are generally identified as such on the Flood Insurance Rate map prepared for Macon County by the Federal Emergency Management Agency and dated 6-16-2011.

(O) “Flood proofing” 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.

(P) “Flood proofing Certificate” 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.

(Q) “FPE” or “Flood Protection Elevation.” The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

(R) “Floodway.” That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Big Creek Arm of Lake Decatur, Big Creek, and Finley Creek shall be as delineated on the countywide Flood Insurance Rate Map of Macon County prepared by FEMA and dated 6-6-2011. The floodways for each of the remaining floodplains of the Village of Mt. Zion shall be according to the best data available from the Federal, State, or other sources.

(S) “Freeboard” 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.

(T) “Historic Structure” Any structure that is:

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

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.

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.

(c) “IDNR/OWR” Illinois Department of Natural Resources/Office of Water Resources.

IDNR/OWR Jurisdictional Stream – Illinois Department of Natural Resource Office of Water Resources has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the Department (Ill Admin. Code tit. 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in Section 6 of this ordinance.(Ordiance 2010-11-15, passed 1-17-11)

(d) “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 build so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(Ordinance 1985-86-13, passed 6/3/85; Ordinance 1986-87-24, passed 1/19/87)

(e) “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.

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

(g) “New Construction” Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a

community and includes any subsequent improvements of such structures.

(h) “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.

(i) “NFIP” National Flood Insurance Program.

(j) “Recreational Vehicles 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 a temporary living quarters for recreational, camping, travel, or seasonal use.

(k) “Repetitive Loss” Flood related damages sustained by the 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.

(l) “Riverine SFHA.” Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel. This term does not include areas subject to flooding from lakes (except public bodies of water), ponding areas, areas of sheet flow, or other areas not subject to overland flooding.

(m)“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 Loos Buildings” (see definition)

(n) “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 the 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 the 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, or

2. Any alterations of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places

(o) "Violation" The failure of a structure or other development to be fully complaint 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.(Ordinance 2010-11-15, passed 1-17-11)

S 150.172 Duties of the Village Administrator.

The village administrator shall be responsible for the general administration if this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the Village of Mt. Zion meet the requirements of this ordinance. Specifically, the Village Administrator shall:

(A) Process development permits in accordance with Section 5;

(B) Ensure that all development in a floodway (or floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;

(C) 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;

(D) Assure that all subdivisions and annexations meet the requirements of Section 8;

(E) Ensure that water supply and waste disposal systems meet the Public Health standards of Section 9;

(F) If a variance is requested, ensure that the requirements of Section 11 are met and maintain documentation of any variances granted;

(G) Inspect all development projects and take any and all penalty actions outlined in Section 13 as a necessary to ensure compliance with this ordinance;

(H) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

(I) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

(J) Cooperate with state and federal floodplain management agencies to coordinate base flood date and to improve the administration of this ordinance;

(K) Maintain for public inspection base flood date, floodplain maps, copies of state and federal permit, and documentation of compliance for development activities subject to this ordinance;

(L) Perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and

(M) 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.

S 150.173 Base Flood Elevation.

These 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 may finance the detailed engineering study needed to replace existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

(A) The base flood elevation for the floodplains of Big Creek Arm of Lake Decatur, Big Creek and Finley Creek shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Macon prepared by the Federal Emergency Management Agency and dated April 30, 2010.

(B) The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the county wide Flood Insurance Rate Map of Macon.

(C) The base flood elevation for each of the remaining floodplains delineated as an “A Zone” on the countywide Flood Insurance Rate Map of Macon County shall be according to the best data available from federal, state, or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(D) The base flood elevation for the floodplains of those parts of unincorporated Macon County that are within the extraterritorial jurisdiction of the Village of Mt. Zion, or that may be annexed into the Village of Mt. Zion, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study or Macon County prepared by the Federal Emergency Management Agency and dated 6-16-2011.(Ordinance 2010-11-15, passed 1-17-11)

S 150.174 Activities Prohibited.

Except as provided in sections 150.175 and 150.179 of this ordinance, no person, firm, or corporation shall undertake any development in the special flood hazard areas. (Ordinance 1985-86-13, passed 6/3/85)

S 150.175 Activities Permitted.

The following activities are permitted within the special flood hazard areas:

(A) Maintenance activities that do not change the shape or dimensions of the facility or the ground;

(B) Gardening, plowing, and similar agricultural practices that do not involve filling or regrading the shape of the ground, and

(C) Construction of parking lots, roads, airport landing strips, tennis courts, golf courses, and similar facilities built at grade so there is no obstruction to flood flows and no buildings subject to flood damage.

(Ordinance 1985-86-13, passed 6/3/85)

S 150.176 Development Permit.

No person, firm or government body not exempted by State law shall commence any development in the SFHA except of the type specifically permitted in Section 150.175 of this ordinance without first obtaining a special use permit from the village as provided for in Sections 150.100 through 150.105 of the Village Zoning Ordinance. The village shall not issue a special use permit if the proposed development does not meet the requirements of these Sections 150.170 through 150.179 (D).

(A) The application for a SFHA special use permit shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; existing grade elevations and all changes in grade resulting from excavation or filling; and the location and dimensions of all authorized developments.

(B) Upon receipt of an application for a SFHA special use permit, the village administrator shall compare the elevation of the site to the base flood elevation. Any development located on natural ground higher than the base flood elevation is not in the SFHA and therefore not subject to the requirements of these sections.

(C) The village administrator shall inform the applicant of any and all other local, state, and federal permits that may be required for this type of development activity. The village shall not issue the SFHA special use permit unless all required federal and state permits have been obtained. (Ordinance 1985-86-13, passed 6/3/85; Ordinance 1991-92-14)

No person, firm, corporation, or government body not exempted by law shall commence any development in the floodplain without first obtaining a development permit form the Village Administrator. The village Administrator shall not issue a development permit if the proposed development does not meet the requirements of the ordinance.

(D) The application for development shall be accompanied by:

1. Drawings of the site, drawn to scale showing property line dimensions;
2. Existing grade elevations and all changes in grade resulting from excavation or filling;
3. The location and dimensions of all buildings and additions to buildings;
4. The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Sections 7 of this ordinance, and;
5. Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(E) Upon receipt of an application for a development permit, the Village Administrator shall compare the elevation of the site to the base flood elevation. Any development located on land can be shown by survey elevation to be below the base flood elevation. Any development located on land 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. In addition, any development located on land shown to be below the base flood elevation

and hydraulically connected to flood source, but not identified as floodplain on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance.

The Village Administrator 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 Administrator shall be responsible for obtaining form the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters may be required for this type of activity. The Village Administrator shall not issue a permit unless all other federal, state, and local permits have been obtained.
(Ordinance 2010-11-15 passed 1-17-11)

S 150.177 Preventing Increased Flood Heights and Resulting Damages.

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

(A) An applicant for a site located in a floodway or in a reverie SFHA where no floodway has been identified shall be required to obtain a permit or written documentation that a permit is not required from the Illinois Department of Transportation, Division of Water Resources, issued pursuant to Illinois Revised Statutes, Chapter 19, Sections 52 et seq.

(B) The following activities may be constructed without the special use permit required in section 150.176 in accordance with Statewide Permit No. 6 issued by the Illinois Department of Transportation – Division of Water Resources, May 13, 1983, provided the activities do not involve placement of fill, change of grade, or construction in the normal channel. Such activities must still meet the other requirements of these sections 150.170 through 150.179D.

(1) The construction of wells, and underground utility lines not crossing a lake or stream;

(2) The construction of light poles, sign posts and similar structures;

(3) The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;

(4) The construction of properly anchored, unwalled, open structures such as playground equipment, pavilions, and carports.

(C) No development in the SFHA shall include locating or storing chemical, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE.

(D) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPE are watertight.

(E) Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.
(Ordinance 1985-86-13, passed 6/3/85; Ordinance 1986-87-24, passed 1/19/87)

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:

A. Except as provided in Section 6 (B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirements*:
    a. Bridge and culvert crossing of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2;
    b. Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3;
    c. Serial utility crossing meeting the conditions of IDNR/OWR Statewide Permit Number 4;
    d. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5;
    e. Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the condition of IDNR/OWR Statewide Permit Number 6;
    f. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7;
    g. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8;
    h. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9;
    i. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10;
    j. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11;
    k. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR Statewide Permit Number 12;
    l. Temporary construction activities meeting the following conditions of IDNR/OWR Statewide Permit Number 13;
    m. Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway Permit Requirements.

B. Other development activities not listed in 6(A) may be permitted <u>only</u> if:
    a. Permit has been issued for the work by IDNR/OWT (or written documentation is proved that an IDNR?OWR permit is not required), or

b. Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of regulatory map and base flood elevation.

(Ordinance 2010-11-15 passed 1-17-11)

S 150.178 Other Development Requirements.

The village board of trustees shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.

(A) New subdivisions, mobile home parks, annexation agreements, planned unit developments (PUDs) and additions to mobile home parks and subdivisions shall meet the requirements of sections 150.177 and 150.179 of this ordinance. Plats or plans for new subdivisions, mobile home parks, and planned unit developments (PUDs) shall include a signed statement by a registered professional engineer that the plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (Illinois Revised Statutes, Chapter 109, Section 2).

(B) Proposals for new subdivisions, mobile home parks, planned unit developments (PUDs) and additions to mobile home parks and subdivisions shall include base flood elevation data. Where the base flood elevation is not available from an existing study filed with the Illinois State Water Survey, the applicant shall be responsible for calculating the base flood elevation and submitting it to the State Water-Survey for review and approval as best available elevation data (Ordinance 1985-86-13, passed 6/3/85)

(A) In addition to the state permit and 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:

1. Construction or placement of a new building or alteration or addition to a existing building valued at more than one thousand dollars ($1,000) or seventy (70) square feet.

2. Substantial improvements or structural alteration made to an existing building that increase the flood area by more than twenty percent (20%) or equal or exceed that 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 or this section.

3. Repairs made to the substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this ordnance. If substantially damaged the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.

4. Installing a manufactured home on a new site or a new manufactured home on a existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).

5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.

6. Repetitive loss to an existing building as defined in Section 2.

(B) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

1. The building may be constructed on permanent land fill in accordance with the following:

    a. The lowest floor (including basement) shall be at or above the flood protection elevation.

    b. The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.

    c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.

    d. The fill shall be composed of rock or soil and not incorporated debris or refuse material, and

    e. Shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary storm water management techniques such as swales or basin shall be incorporated.

2. The Building may be elevated on solid walls in accordance with the following:

    a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to

flood waters

b. The lowest flood and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.

c. 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 opening shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, and

d. 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.

    i. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.

    ii. Water and sewer pipes, electrical, and telephone lines, submersible pumps, and other services facilities may be located below the flood protection elevation provided they were waterproofed.

    iii. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or

    iv. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

3. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
    a. 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.

b. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit for floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch more than one (1) square foot above grade.

c. The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.

d. The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundations wall must not exceed four (4) feet at any point.

e. 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.

f. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and

g. Utility systems within the crawlspace must be elevated above the flood protection elevation.

(C) Non-residential buildings may be structurally dry flood proofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that.

1. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.

3. Flood proofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

4. Levees, berms, floodwalls, and similar works are not considered flood proofing for the purpose of this subsection

(D) Manufactured homes or travel trailers to be permanently installed on site shall be:

1. Elevated to or above the flood protection elevation in accordance with Section 7(B) and

2. Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Die Act issued pursuant to 777 III Adm. Code 870

(E)Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per years shall meet the elevation requirements of section 7(D) unless the following conditions are met:

1. The vehicle must be either self-propelled or towable by a light duty truck.

2. The hitch must remain on the vehicle at all times.

3.The vehicle must not be attached to external structures such as decks or porches.

4.The vehicles must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.

5.The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.

6.The vehicle's wheels must remain on axles and inflated.

7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.

8. Propane tanks as well as electrical and sewage connections must be quick-disconnect

9. The vehicle must be licensed and titled as a recreational vehicle or park model and

10. Must either:
    a. Entirely be supported by jacks or
    b. 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

(Ordinance 2010-11-15 passed 1-17-11)

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

1. The garage or shed must be non-habitable.

2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.

3.The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.

4.The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.

5.Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.

6.All utilities, plumbing, heating, air conditioning, and electrical must be elevated above the flood protection elevation.

7.The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of flood area.

8. The garage or shed must be less than fifteen thousand dollars ($15,000) in market value or replacement cost whichever is greater or less than five hundred and seventy six (576) square feet (24' x 24').

9. The structure shall be anchored to resist floatation and overturning.

10.All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.

11.The lowest flood elevation should be documented and the owner advised of the flood insurance implications.

(Ordinance 2010-11-15 passed 1-17-11)

S 105.178A Subdivision Requirements

The Village of Mt. Zion shall take into account hazards, to the extent that they are known, in official actions related to land management use and development.

A. 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:
    1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
    2. The boundary of the floodway when applicable, and

3. A signed statement by a Licensed 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 blocks, lots, parks, and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

S 150.178B Public Health and Other Standards

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

1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a 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.
2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage
3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
4. New and replacement on-site sanitary sewer lines or water disposal system shall be located and constructed to avoid impairment to them or contaminated from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet 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.

B. All other activities defined as development shall be designed so as not to alter flood flows increase potential flood damages.

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

S 150.179 Variances.

Whenever the standards of these sections place undue hardship on a specific development proposal, the applicant may apply to the Village of Mt. Zion Local Board of Appeals for a variance. The Village of Mt. Zion Local Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Village Board. The Village Board may attach such conditions to granting of a variance, as it deems necessary to further the intent of this ordinance.

C. No variance shall be granted unless the applicant demonstrates that:

1 The development activity cannot be located outside the floodplain.

2. An exceptional hardship would result if the variance were not granted;

3. The relief requested is the minimum necessary;

4. There will be no additional threat to public health or safety or creation of a nuisance;
5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities; and

6. The provisions of section 150.177(C) are met. (Ordinance 1985-86-13, passed 6/3/85)

7. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and

8. All other state and federal permits have been obtained. (Ordinance 2010-11-15 passed 1-17-11)

D. The Village of Mt. Zion Local Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 7 that would lessen the degree of protection to a building will:
   1. The development activity cannot be located outside the floodplain

2. An exceptional hardship would result if the variance were not granted

3. The relief requested is the minimum necessary

4. There will be no additional threat to public health, safety or creation of a nuisance

5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.

6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of NFIP, and

7. All other state and federal permits have been obtained

E. Historic Structures

a. Variances to the building protection requirements of Section 7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Section 6 and 7 of this ordinance subject to the conditions that:
    1. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.

    2. The repair of rehabilitation will not result in the structure being removed as a certified historic structure.

F. Agriculture

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this ordinance.

1. All agricultural structures considered for a variance from the flood plain management regulations of this ordinance shall demonstrate that the varied structure is located in wide expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure.

2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, ect.) below the base flood elevation, must be built with flood-resistant materials in accordance with Section 7 of this ordinance.

4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Section 7 of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or flood proofed so that they are contained within a watertight, flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 7 of this ordinance.

6. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 7(B) of this ordinance.

7. The agricultural structures must comply with the floodplain management floodway provisions of Section 6 of this ordinance. No variances may be issued for agricultural structures within any designated floodway. (Ordinance 2010-11-15 passed 1-17-11)

S 150.179A Records.

The village clerk shall maintain on file the following documents:

(A) At least three copies of the Flood Hazard Boundary Map;

(B) At least three copies of the "General Provisions" and "Criteria for Land Management and Use" of the National Flood Insurance Program and related information provided by the Illinois Department of Transportation, Division of Water Resources;

(C) Copies of variance application papers and variance resolutions;

(D) Copies of elevation or flood proofing certificates, and such other documents the reviewing agency states are necessary to ensure that a project is constructed in compliance with a variance resolution; and

(E) Copies of annual reports and other correspondence with the Federal Emergency Management Agency.
(Ordinance 1985-86-13, passed 6/3/85)

S 150.179B Disclaimer of Liability.

The degree of flood protection required by these sections 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. These sections do not imply that development either inside or outside the SFHA will be free from flooding or damage. These sections do not create liability on the part of the village or any officer or employee thereof for any flood damage that results from reliance on these sections or any administrative decision made lawfully hereunder.
(Ordinance 1985-86-13, passed 6/3/85)

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 increase by man-made or natural cause. 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 part of the Village of Mt. Zion 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. (Ordinance 2010-11-15 passed 1-17-11)

S 150.179C Penalty.

Failure to obtain a permit for development in the SFHA or failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of these sections. Upon due investigation the village administrator may determine that a violation of the minimum standards of these sections exist. The village administrator shall notify the owner in writing of such violation.

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

(1) The village may make application to the circuit court for an injunction requiring conformance with these sections or make such other order as the court deems necessary to secure compliance with these sections.

(2) Any person who violates these sections shall upon conviction thereof be fined not less than $25.00 or more than $200.00.

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(B) The village 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.

(C) Nothing herein shall prevent the village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(Ordinance 1985-86-13, passed 6/3/85)

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 Village Administrator may determine that a violation of the minimum standards of this ordinance exists. The Village Administrator shall notify the owner in writing of such violation.

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

a. The Village of Mt. Zion 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) or more than seven hundred

fifty ($750) for each offense.

c. A separate offense shall be deemed committed upon each day during or on which violation occurs or continues, and

d. The Village of Mt. Zion shall record a notice of violation on the title of the property.

B. The Village Administrator 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 Administrator is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicated 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 Board of Appeals. Written notice of such hearing shall be served on the permit tee and shall state.

1. The grounds for the complaint, reasons for suspension or revocation, and
2. The time and place of the hearing.

At such hearing the permit tee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Board of Appeals shall determine whether the permit shall be suspended or revoked.

C. Nothing herein shall prevent the Village of Mt. Zion from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.(Ordinance 2010-11-15, passed 1-17-11)

S 150.179D Abrogation and Greater Restrictions.

This ordinance repeals and replaces other ordinances adopted by the Village of Mt. Zion to fulfill the requirements of the National Flood Insurance Program including: Ordinance 1985-1986-16. 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 conflict or overlap, whichever imposes the more stringent restriction shall prevail. (Ordinance 2010-11-15 passed 1-17-11)

(A) Village Ordinance No. 1983-84-16 is hereby repealed.

(B) Sections 150.170 through 150.174 inclusive of the Village Zoning Code are hereby repealed.

(C) These sections do not repeal the original resolution or ordinance adopted to achieve eligibility in the National Flood Insurance Program. Nor do these sections repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where these sections and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ordinance 1985-86-13, passed 6/3/85)

This ordinance repeals and replaces other ordinances adopted by the Village of Mt. Zion to fulfill the requirements of the National Flood Insurance Program including: ord. 1985-1986-16. 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 easement, 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. (Ordinance 2010-11-15, passed 1-17-11)

Off-Street Parking and Off-Street Loading Facilities

S 150.179E 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. (Ordinance 2010-11-15, passed 1-17-11)

S 150.179F Effective Date

This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. (Ordinance 2010-11-15, passed 1-17-11)

S 150.180 Scope of Regulations.

The off-street parking and off-street loading provisions of this shall ordinance shall apply as follows:

(A) Accessory off-street parking and off-street loading facilities shall be provided as required by the regulations of sections 150.180 through 150.191, for all buildings and structures erected and all uses of land established in each district after the effective date of this ordinance. However, where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within 6 months of the effective date and diligently prosecuted to completion,

parking and loading facilities in the amounts required for the issuance of the building permit may be provided in lieu of any different amounts required by this ordinance.

(B) When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such an increase in intensity of use. However, no building or structure lawfully erected or use lawfully established prior to the effective date of this ordinance shall be required to provide additional parking or loading facilities unless and until the aggregate increase in units of measurement shall equal not less than 15 percent of the units of measurement existing upon the effective date of this ordinance, in which even parking or loading facilities as required herein shall be provided for the total increase. In the case of the expansion or alteration of residential buildings, required parking or loading facilities shall be provided on the basis of the total required units of measurement for the entire capacity of the buildings.

(C) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required of the new use. However, if the building or structure was erected prior to the effective date of this ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those of the existing use, if the latter were subject to the parking and loading provisions of this ordinance.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.181 Existing Parking Facilities.

Accessory off-street parking facilities in existence on the effective date of this ordinance, and located on the same lot as the building or use served, shall not hereafter be reduced below, or if already less than shall not be further reduced below, the requirements for a similar new building or use under the provisions of this ordinance. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.182 Permissive Parking and Loading Facilities.

Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities on the same lot as the establishment it serves to serve any existing use of land or buildings, provided that all regulations herein

governing the location, design, and operation of the facilities are adhered to. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.183 Damage or Destruction.

For any conforming or legally nonconforming building or use which is in existence on the effective date of this ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, reestablished, or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of the damage or destruction shall be restored or continued in operation. However, loading facilities in excess of those required by this ordinance for equivalent new uses or construction. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999.

S 150.184 Control of Off-Street Facilities.

In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the lot occupied by the building or use to which the parking facilities are accessory. Possession may be either by deed or long-term lease, the term of the lease to be determined by the board. The owner of the land on which the parking facilities are to be located shall be bound by covenants, filed on record in the office of the recorder of deeds and the village clerk, requiring the owner and his or her heirs and assignees to maintain the required number of parking facilities for the duration of the use served or of the lease, whichever shall terminate sooner. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80). Penalty, see S 150.999

S 150.185 Off-Street Parking.

Off-street parking facilities for motor vehicles shall be provided in accordance with the following regulations.

(A) Use. Accessory off-street parking facilities required as accessory to uses listed herein shall be solely for the parking of the passenger vehicles of patrons, occupants, or employees. When bus transportation is provided for the patrons, occupants, or employees of a specific establishment, additional open or enclosed off-street parking spaces for each bus to be parked on the premises shall be provided in accordance with the regulations hereafter for access, in yards, design, maintenance, and area in accordance with the size of buses.

(B) Computation. When determining the number of off-street parking spaces required by this ordinance results in a requirements of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

(C) Collective provision. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each use, and provided that all regulations governing the location of accessory parking spaces, in relation to the use served, are adhered to. Further, no parking spaces or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the board in accordance with procedures set forth herein for variances in sections 150.130 through 150.134.

(D) Area. A required off-street parking space shall be at least 10 feet in width and at least 20 feet in length, exclusive of access drives, ramps, columns, or office work area. Covered spaces shall have a seven (7) foot vertical clearance.

(E) Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to the parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property at the right-of-way line shall exceed a width of 25 feet.

(F) In yards. Off-street parking spaces, open to the sky, may be located in any yard except a front yard and a side yard adjacent to a street, except as specified in Section 150.071 (D) (4). Enclosed building and carports containing off-street parking spaces shall be subject to applicable yard requirements of the zoning district.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1985-86-15, passed 6/17/85; Ordinance 1991-92-14)
Penalty, see S 150.999

S 150.186 Design and Maintenance.

(A) Open, covered, and enclosed parking space. Accessory parking spaces may be open to the sky, enclosed in a building, or covered. All open off-street parking areas shall have a dust-free surface.

(B) Surfacing. All open off-street parking areas containing 4 or more parking spaces shall be improved with materials and construction standards specified in the Village Building Code. Further, these parking areas shall be graded, tiled, and
drained so as to dispose of all surface water without causing a nuisance to surrounding property owners.

(C) Screening and landscaping. All open parking areas, containing more than 4 parking spaces and located less than 40 feet from a property line shall be effectively screened on each side adjoining or fronting on any property situated in a residential district or any institutional premises by a wall, fence, or densely planted compact hedge, not less than 4 feet nor more than 6 feet in height. Chain link, unless 100 percent slated, any form of barbed wire, or other metal wire, or mesh fences shall not be allowed.

(D) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance and in a parking area containing 40 or more parking spaces, such lighting shall be extinguished one-half hour after the close of business, except as may otherwise be permitted or required by the board for maintaining illumination with less candlepower after the time specified above.

(E) Repair and service. No non-emergency motor vehicle repair work or service of any kind shall be permitted in conjunction with any parking facilities. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities unless the accessory parking facilities are enclosed in a building, in which case gasoline and motor oil may be sold within the building to the users of the accessory parking facilities, provided that no sign advertising the sale of same is visible from outside, and

provided further that all gasoline pumps shall be effectively screened from view from the public way.

(F) That if the lot is to be used by more than one establishment, and is not a municipally owned facility, a written document shall be secured to insure the use of the entire proposed area for vehicular parking for a reasonable period.

(G) No advertising signs or devices other than identification signs will be permitted in an off-street parking lot.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.187 Location.

All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same lot as the building or use served. Buildings or uses existing on the effective date of this ordinance which are subsequently altered or enlarged so as to require the provision of parking spaces under this ordinance, or new uses established in any business district, may be served by parking facilities located on land other than the lot on which the building or use served is located, provided the facilities are within 300 feet walking distance of a main entrance to the use served, and a special parking lot permit is obtained, as required under section 150.103. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.188 Employee Parking.

Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.189 Required Spaces.

Off-street parking spaces accessory to designated uses shall be provided as follows:

(A) Dwelling and lodging uses.

(1) Hotels and apartment hotels. At least one parking space for each dwelling unit and one parking space for each sleeping room.

(2) Lodging houses. At least 2 parking spaces plus one parking space for each 3 lodging rooms.

(3) Motels, tourist homes, or tourist courts. At least one parking space for each dwelling unit, and one parking space for each sleeping room.

(4) Multiple family dwelling. At least 2 parking spaces for each dwelling unit.

(5) Single-family dwellings. At least 2 parking spaces for each dwelling, plus one additional parking space for each 2 roomers or lodgers accommodated, but no more than 4 parking spaces for each single-family dwelling.

(6) Tourist camps or parks. Automobile parking spaces equal in number to the number of trailers permitted shall be provided.

(7) Two-family dwellings. Two parking spaces for each dwelling unit.

(B) School, institution, auditorium, or other places of assembly uses.

(1) Colleges, junior colleges, and universities. One parking space shall be provided for each 6 students, based upon the maximum number of students that can be accommodated in accordance with design capacity.

(2) Convalescent homes, nursing homes, rest homes, institutions for the care of the aged and for children, and sanitariums. One parking space shall be provided for each 4 beds, plus one parking space for each 2 employees (other than staff doctors), plus one parking space for each doctor assigned to the staff.

(3) Fraternities, sororities, and dormitories in conjunction with colleges and universities. One parking space shall be provided for each active member or dormitory residents, plus one parking space for the manager.

(4) Gymnasiums, stadiums, and grandstands. One parking space shall be provided for each 6 seats, or for each 108 inches of seating space.

(5) Hospitals. At least one parking space for each 2 hospital beds, plus one parking space for each 2 employees, other than doctors, plus one parking space for each doctor assigned to the staff.

(6) Libraries and museums. At least one parking space for each 800 square feet of floor area.

(7) Medical and dental clinics. At least 3 parking spaces for each examining or treatment room, plus one for each doctor and employee in the building.

(8) Meeting halls, convention halls, and exhibition halls. Not less than the number of parking spaces equal to 30 percent of the maximum number of people that can be accommodated in accordance with design capacity.

(9) Private clubs and lodges. At least one parking space for each lodging room, and one parking space for each 6 seats in accordance with the design capacity of the main meeting room.

(10) Schools, commercial or trade; and music, dance, or business. One parking space shall be provided for each 2 employees, plus one space for each 5 students, based on the maximum number of students that can be accommodated in accordance with design capacity.

(11) Schools, high – public or private. At least one parking space for each 7 students in accordance with the design capacity of the building.

(12) School and institutional auditoriums. At least one parking space for each 2 persons employed on the premises, and an additional parking space for each 6 seats, or for each 108 inches of seating space in the main auditorium or assembly hall.

(13) Schools, nursery, elementary, or junior high – public or private. At least one parking space for each 3-faculty members and other full-time employees.

(14) Auditoriums (other than incidental to a school), arenas, race tracks of all kinds, or other places of assembly. Parking spaces equal in number to 30 percent of the capacity in persons shall be provided.

(C) Recreational uses, commercial or noncommercial.

(1) Bowling alleys. At least 7 parking spaces for each alley, plus additional spaces as may be required herein for affiliated uses, such as restaurants and the like.

(2) Health salons, swimming pools, skating rinks, and dance halls, commercial. At least one parking space for each 3 persons, based upon the maximum number of persons that can be accommodated at the same time in accordance with design capacity, and one parking space for each 3 employees.

(3) Parks, recreation areas, or community centers – private, semipublic or public. At least one parking space shall be provided for each 3 employees, plus spaces in adequate number as determined by the village council to serve the visiting public.

(D) Business, commercial, and manufacturing uses.

(1) All business and commercial establishments, except those specified hereafter. At least one parking space for each 300 square feet of floor area. (Gross floor area minus storage area.)

(2) Auto laundries. One parking space shall be provided for each 3 employees, plus one space for the owner or manager, and in addition, reservoir parking spaces, equal in number to 5 times the maximum capacity of the auto laundry for automobiles awaiting entrance to the auto laundry shall be provided. Maximum capacity, in this instance, shall mean the greatest number possible of automobiles undergoing some phase of laundering at the same time.

(3) Automobile service stations. At least one parking space for each employee, plus 2 for each service stall.

(4) Banks. At least one parking space for each 300 square feet of floor area.

(5) Business, professional, and administration or service office buildings. At least one parking space for each 300 square feet of the floor space for customers and employees.

(6) Cartage, express, parcel delivery, and freight terminal establishments. At least one parking space for each 2 employees, as related to the working period when the maximum number of persons are employed on the premises, and one parking space for each vehicle maintained on the premises.

(7) Establishments handling the sale and consumption on the premises of food and refreshment. At least one parking space for each 3 persons based upon the maximum number of persons that can be

accommodated at the same time in accordance with design capacity.

(8) Furniture and appliance stores, motor vehicle sales, wholesale stores, stores for repairs of household equipment or furniture. At least one parking space for each 400 square feet of floor area.

(9) Production, processing, assembly, cleaning, servicing, testing, or repairing of materials, goods, or products. At least one parking space for each 3 employees, as related to the working period when the maximum number of persons are employed on the premises.

(10) Theaters. At least one parking space for each 6 seats up to 400 seats plus one parking space for each 4 seats over 400.

(11) Undertaking establishments and funeral parlors. At least 8 parking spaces for each chapel or parlor, plus one parking space for each funeral vehicle maintained on the premises.

(12) Warehouse, storage, wholesale and mail order establishments. At least one parking space for each 2 employees, as related to the working period when the maximum number of persons are employed on the premises.

(E) Miscellaneous uses.

(1) Planned developments. Parking spaces shall be provided on the basis of the required spaces for each individual use.

(2) Public utility and public service uses. At least one parking space for each 2 employees, plus spaces in adequate number as determined by the board to serve the visiting public.

(F) Other uses. Parking spaces for other permitted or special uses not listed above shall be provided in accordance with requirements designed by the board.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1991-92-4) Penalty, see S 150.999

S 150.190 Off-Street Loading Requirements.

There shall be provided at the time any building is erected or structurally altered off-street loading spaces, logically and conveniently located for bulk pickups and deliveries, of a size and number as to accommodate the delivery vehicles expected, and accessible to such vehicles even when off-street parking spaces are filled.

(A) Where off-street loading spaces are provided they shall be built in accordance with the following regulations:

(1) All loading spaces shall be located on the same zoning lot as the use served.

(2) All motor vehicle loading spaces, which abut a residential district, shall be completely screened there from, by building walls, densely planted compact hedge, or a uniformly painted solid fence, wall or any combination thereof, not less than 8 feet in height.

(3) No loading space shall be located in a required front or side yard.

(4) Off-street loading spaces shall be at least 10 feet in width by at least 25 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 14 feet.

(5) Each off-street loading space shall be designed with appropriate means of vehicular access to a street in such a manner as to minimize interference with traffic movement, but in no case shall a loading space have an entrance onto a street located within 30 feet of the nearest point of the intersection of any 2 streets.

(6) All open off-street loading spaces shall be improved with a compact base surfaced with an all weather dustless material as approved by the village.
(Ordinance 1979-80-19, passed 2/4/80)

LANDSCAPING AND SCREENING

S 150.191 Intent
It is the intent of this section to specify landscape requirements for all land uses requiring site-plan review, and to provide for landscape techniques to achieve compatibility between abutting and adjacent uses, including public and private streets. The regulations in this section are designed to have flexibility taking into account the high percentage of already developed property and the wide variation in the size of existing lots. The landscape regulations in this section are further intended to: promote the public health, safety and general welfare by reducing noise, air, and visual pollution, air temperature, and light glare; improve air quality; prevent soil erosion and increase water retention; improve the appearance of on-premise parking, vehicular-use areas, and property abutting public rights-of-way; improve the aesthetics and safety of pedestrian sidewalks, both within paved areas and along public rights-of-way; require buffering between non-compatible land uses; protect residential privacy; and, encourage native landscape materials.

S 150.192 Applicability
All uses requiring a sketch site plan or full site plan, shall comply with the requirements contained in this chapter.

S 150.193 General Landscape Standards
Required Front Yard Setbacks With No Parking or Paved Areas: Required front yard setbacks shall contain one (1) tree or one (1) evergreen tree for each one hundred (100) feet of linear street frontage. Landscaping design must follow standards set in Section 8. Spacing and grouping to be determined by designer.

Ongoing Maintenance: All landscaping approved as part of the site plan shall be required to be maintained on a permanent basis.

Wall or Fence Materials: Wherever a wall or fence is required the Village Planning Commission may specify the required materials.

S 150.194 Required Perimeter Landscape For Parking Lots And Loading Zones
Required Parking Lot Perimeter Landscape Screening From Public Streets - All Districts: Shall provide a landscape screen as follows:
Minimum Width: five (5) feet behind the property line or twenty (20) feet behind the curb line or inside ditch line whichever is the greater.

Required Trees: one (1) tree per fifty (50) feet of linear frontage. Spacing to be determined by designer.

Required Parking Lot Perimeter Landscape Screening where Abutting Residential: When a parking lot which contains 4 parking spaces or more, or loading area directly abuts a residentially zoned or occupied lot, a continuous screening wall, berm, fence or row of planting having a minimum height of six (6) feet high shall be provided.

S 150.195 Required Interior Landscape Requirements Parking lots in all districts having more than thirty (30) parking spaces shall be required to provide the following landscape improvements internal to the parking lot: five percent (5%) of the entire parking lot area shall be provided as a landscape area; one (1) tree shall be provided for each one thousand (1000) square feet of internal landscape area; internal landscape areas shall be dispersed on the site so as to break up the expanse of pavement; and, internal landscape areas shall be curbed for protection of the landscape materials.

S 150.196 Buffer Zone Landscape Screening Between Land Uses
Multiple Family Residential Abutting Single Family Residential Uses or Zoning District: Where multiple family residential projects with more than eight (8) units (excluding single family cluster developments) are abutting lots which are used or zoned for single family residential purposes, a landscape screen shall be provided as follows: A landscape screening area having a minimum width of ten (10) feet shall be provided by the multi family project on the shared border. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs, and trees, and shall not contain impervious materials. One (1) tree shall be provided for every forty (40) feet of lot line shared with a residentially used or zoned property with spacing to be determined by the Village. An opaque wall, berm, or fence shall be provided with a minimum height of six (6) feet. The Village Planning Commission may waive the requirement for a screening wall or fence if a dense planting screen is proposed as a substitute. If a vegetative screen is proposed it shall be six (6) feet in height at the time of planting.

Commercial Uses Abutting Residential Uses or Zoning District: The following screening features shall be provided by any commercial development which abuts either directly or across an alley from any residentially used or zoned property: A landscape screening area having a minimum width of five (5) feet shall be provided by the commercial property on the shared border. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs, and trees, and shall not contain impervious materials. One (1) tree shall be provided for every thirty-five (35) feet of lot line shared with a residentially used or zoned property with spacing to be determined by the Village. An opaque wall, berm, or fence shall be provided with a minimum height of six (6) feet. The Village Planning Commission may waive the requirement for a screening wall or fence if a dense planting screen is proposed as a substitute. If a vegetative screen is proposed it shall be six (6) feet in height at the time of planting.

Industrial Abutting Residential Uses or Zoning District: The following screening features shall be provided by any industrial use which abuts either directly or across an

alley from a residentially used or zoned property: A landscape screening area having a minimum width of fifteen (15) feet shall be provided by the industrial property on the shared border. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs, and trees, and shall not contain impervious materials. One (1) tree shall be provided for every thirty (30) feet of lot line shared with a residentially used or zoned property with spacing to be determined by the Village. An opaque wall, berm, or fence shall be provided with a minimum height of six (6) feet. The City Planning Commission may waive the requirement for a screening wall or fence if a dense planting screen is proposed as a substitute. If a vegetative screen is proposed it shall be six (6) feet in height at the time of planting.

Industrial Uses Abutting Commercial Uses or Zoning District: The following screening features shall be provided by any industrial use which abuts either directly or across an alley from a commercially used or zoned property: A landscape screening area having a minimum width of ten (10) feet shall be provided by the industrial property on the shared border. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs, and trees, and shall not contain impervious materials. One (1) tree shall be provided for every forty (40) feet of lot line shared with a commercially used or zoned property with spacing to be determined by the Village. An opaque wall, berm, or fence shall be provided with a minimum height of six (6) feet. The Village Planning Commission may waive the requirement for a screening wall or fence if a dense planting screen is proposed as a substitute. If a vegetative screen is proposed it shall be six (6) feet in height at the time of planting.

S 150.197 Plant Materials All plant material shall be hardy to the area, free of disease and insects. The use of trees native to the area and Midwest Illinois, and mixture of trees from the same species association, is encouraged.

Species Permitted: Landscape vegetation shall be hardy to Midwestern Illinois, be free of disease and insects. Chinese elm, box -elder, silver maple, willow, poplar, and similar fast-growing brittle wood species which are usually subject to attack by insects and disease shall be prohibited. Native vegetation is encouraged.

S 150.198 Landscaping Design Standards
Minimum sizes: Trees should have a trunk diameter, measured 12 inches above the ground, of not less than 1-1/2 inches.

Plant material spacing: Except for buffer zone provisions of section six (6) of this chapter plant materials shall not be placed closer than four (4) feet from the fence line or property line. Landscaped areas and plant materials required by ordinance shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, it shall be replaced immediately. Tree stakes, guy wires and tree wrap are to be removed after one (1) year after planting. All landscaped areas shall be provided with a readily available and acceptable water supply, or with at least one (1) outlet located within one hundred and fifty (150)

feet of all planted material to be maintained. Landscaping materials and arrangement shall ensure adequate Site visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants. Landscaping within the site shall be approved in consideration of sight distance, size of planting area, location of sidewalks, maintenance of adequate overhead clearance, accessibility to fire hydrants, visibility to approved signs of adjacent uses, compatibility with the visual character of the surrounding area, maintenance-performance guarantee, and curbing around landscape areas. Plantings within fifteen (15) feet of a fire hydrant shall be no taller than six (6) inches at maturity.

S 150.199 Special Provisions For Existing Sites Special provision is made for applying these standards to improved sites which were developed prior to the city adopting these landscaping requirements. Therefore, when an existing site is undergoing any external alteration or expansion, the objective of these standards is to gradually bring the existing site into compliance with the minimum standards of this section in relation to the extent of expansion or change on a site. When reviewing plans for a change in use or expansion which requires site plan or sketch plan review, the Zoning Inspector or Village Planning Commission, as appropriate, shall require an upgrade in landscaping, using the following as guidelines: Each building expansion of one percent (1%) of gross floor area shall include at least four percent (4%) of the landscaping required for the entire site. The calculations shall be based upon the landscaping requirements for all existing and proposed developments on the site. All fractional calculations shall be rounded up. The estimated cost of landscaping added shall generally be equal to at least five percent (5%) of the estimated value of the new construction. Landscaping along the street and as a buffer between adjacent land uses will take priority over parking lot and site landscaping, particularly where there is no excess parking over that required by ordinance. Where parking lot landscaping cannot be provided, additional landscaping along the street or in the buffer areas shall be considered.

S 150.200 Exceptions for Special Situations The Zoning Board of Appeals may grant a variance to all or part of the landscaping standards of this section upon the following criteria:

a. Existing landscaping, screening or wetlands intended to be preserved meets the intent of this section.
b. The landscape design proposed by the applicant meets the intent of this section.
c. There is a steep change in topography which would limit the benefits of required landscaping.
d. The proposed building and parking lot placement is setback well beyond the minimum required.
e. The abutting or adjacent land is developed or planned by the Village for a use other than residential.
f. Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

S 150.201 Information Required For a Landscape Plan All Landscaping plans shall contain the information required in Section four (4) of Site Plan General Requirements.

S 150.300 Architectural Standards. The requirements, guidelines, and standards set forth in this Section shall apply to any development or redevelopment of property within the zoning districts listed and within the Village of Mt. Zion.

S 150.301 Statement of Intent - To promote architectural and site design treatments which enhance the visual appearance of non-residential development within the Village of Mt. Zion.

a) To ensure compatibility and appropriate visual and physical screening in association with commercial, office and industrial uses.

b) To maintain and enhance the attractiveness of the streetscape within the community.

c) To create and maintain a strong community image and identity by providing for architectural and landscaping treatments that enhance the visual impact and contribution of commercial, office and industrial development in the Village of Mt. Zion.

d) To require articulation that reduces the mass, scale and/or potentially uniform monolithic appearance of large commercial, office and industrial buildings, and insure that such projects incorporate architectural and landscaping features that provide visual interest while allowing design flexibility.

e) To encourage pedestrian uses of non-residential zones.

S 150.302 Architectural Standards by Zoning District and Use. Architectural plans for buildings shall be submitted simultaneously with an application for site plan review as required in Chapter 155. Documents to be submitted shall include building elevations showing the building's design and exterior materials and any other information as deemed necessary to make a recommendation or approval. The architectural design shall be in accordance with the standards as contained in this section and shall be in compliance with the following General Provisions:

Section S 150.303 General Provisions

a) Architectural Consistency with Adjacent Structures - Primary Facades will be architecturally compatible and consistent in character with the facades in the surrounding area. A Primary Façade is that side of a building that is generally considered to be the front of the building or contains the main entrance to the building. A Secondary Façade is any side of the building not the primary facade that fronts a public right-of-way.

b) Architectural Consistency Among Adjacent Facades (same building) - Secondary Facades on the same building shall be designed with an architectural style,

detail, trim features, and roof treatments which are consistent with that of the other Primary/Secondary Facades on the same structure.

c) Consistent Level of Detail Among Facades (same building) - All Primary/Secondary Facades on the same building shall be designed with a similar level of treatment, detail and visual interest as other Primary/Secondary Facades on said structure.

d) Visibility from Adjacent Residential Area - Any side of an Office, Commercial or Industrial use structure not otherwise meeting the definition of a Primary or Secondary Façade, but which is visible from and adjacent to residential areas, shall be deemed a Secondary Façade and shall meet the architectural requirements for same.

e) Exceptions to Secondary Façade Applicability - Secondary Façade standards may be deemed not applicable or only partially applicable by the Plan Commission if it is determined that the narrowness and/or lack of visibility of the subject space or façade renders a strict enforcement of the architectural standards to be unfeasible or unnecessary. Any such determination may only be made where the subject space between structures is less than 10 feet wide. Regardless of any such determinations of inapplicability, when the space between buildings is over 10 feet wide, all tree and landscape provisions shall apply.

S 150.304 Applicability

Architectural Design requirements must be included in all site plans submitted in the following zones.

a) Neighborhood Shopping (VB-1);
b) Community Shopping (VB-2);
c) Highway Commercial (VB-3);
d) Apartments (VO-1);
e) Non-residential components of Planned Developments;
f) Offices (VO-2)
g) Industrial (VM-1);
h) The standards are applicable to redevelopment or renovation of existing buildings when more than 50 percent of a Primary or Secondary façade are involved. This 50 percent standard only applies to that façade undergoing renovation or redevelopment. New development or building expansions involving more than a 50 percent increase in gross floor area require full compliance.
i) Free-standing ancillary or secondary uses including kiosks, ticket booths, carwashes and gas station canopies.

S 150.305 Design Standards-Non Residential.

a) Structures on lots of ½ acre or larger shall incorporate at least one (1) of the Optional Design Features(ODF) listed.

OPTIONAL DESIGN FEATURES(ODF) SHALL INCLUDE: PARAPETS, CANOPIES OR PORTICOS, PEAKED ROOF FORMS, OVER-HANDING EAVES, ARCADES, ARCHES OR ARCHED FORMS, DISPLAY WINDOWS, OR ORNAMENTAL DETAILS.

b) Single and Multiple Tenant Buildings in Non-Residential Zones of 10,000 square feet in area shall have a minimum of three (3) building ornamentations (ODF).

c) The use of certain materials, colors and lighting techniques are restricted on Primary and Secondary Facades. The following are specific, non-optional design limitations:

d) Corrugated metal panels, used as a finish material are permitted on not more than 30 percent on Primary Facades.

e) Corrugated metal panels, used as a finish material, shall not cover more than 50 percent of a Secondary Façade.

f) Ancillary Structures: Ancillary structures, like car washes, cashier booths and canopies over gas pumps will incorporate the same architectural detailing, design elements, materials, colors and roof design as the principal structure, including a comparable peaked-roof pitch and parapet or cornice treatments.

g) Screening of Ground Level Equipment: A wall of sufficient height should surround any exterior ground-level mechanical equipment. The wall should completely screen the equipment from view. This includes any equipment like food freezers, air handling units and the like which may be located between any structure and an adjacent residential area or right-of-way. The screening wall should appear as an architectural extension of the principle building and will incorporate cap and architectural trim and features consistent with the adjacent facade. When such equipment is visible only from adjacent commercial or industrial uses and not a right-of-way, the screen wall may instead be painted to match the color of the building.

h) Exterior rooftop equipment including any HVAC roof refrigeration or other mechanical fixtures shall be concealed from eye-level view from any public right-of-way and from any adjacent properties by incorporating a parapet wall extension and capped cornice treatments.

i) Required Customer Service Treatments: Single-tenant buildings with a gross floor area of more than 10,000 square feet shall have a highly visible primary customer entrance. Multiple-tenant buildings and projects that have more than 20,000 square feet of gross floor area shall have a highly visible primary customer entrance.

j) Façade Treatments: Optional Design Features

1. Primary and Secondary facades of buildings with a gross floor area of 20,000 square feet or more shall be required to incorporate at least three (3) of the

treatments listed below. At least one (1) of these treatments shall repeat horizontally and all such design elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.

2. Primary and Secondary facades of buildings with a gross floor area of less than 20,000 square feet shall be required to incorporate at least two (2) of the treatments listed below and again, at least one of these treatments shall repeat horizontally.

3. All such design elements shall repeat at intervals of no more than 25 feet, either horizontally or vertically.

4. Optional Façade Treatments
   • Expression of a vertical architectural treatment with a minimum width of 12inches.
   • Building step-backs, offsets or projections involving a minimum of three feet in depth.
   • Color change.
   • Texture and/or material change.
   • Architectural banding.
   • Pattern change.
   • Any other treatment that meets the spirit and intent of the Ordinance.

k) Dumpster Screening: Specific Design Requirements

1. Dumpsters are prohibited from locations adjacent to any roadway unless they are enclosed on all sides. All sides of the enclosure must replicate the architectural detailing, materials, finish material and landscaping of the principal structure's Primary Façade.

2. Dumpsters shall be visually screened from public view by a masonry wall constructed to a minimum height of six (6) feet above finished grade.

3. Dumpster areas shall be directed away from any adjacent residential developments.

4. No parts of a dumpster or the materials stored within a service area are to extend above the required masonry wall.

5. The masonry wall shall be constructed of decoratively-finished concrete block, brick, stucco or other decorative material. The wall shall be detailed so as to replicate the architectural style of the principal structure.

6. No chain link, unfinished concrete block (painted or otherwise), barbed wire or wood will be permitted materials as part of a wall.

7. Each enclosure shall include a decorative, opaque gate equal in height to the masonry wall.

8. Each dumpster requiring fencing shall further comply with the landscape requirements in Chapter 97 Refuse Removal.

l) Walkways, Curb stops, and Building Perimeter Crosswalks: Specific Design Requirements

Sidewalks five foot wide are required in all street right of ways in non-residential zones. Sidewalks may be enlarged to 10 foot wide if designated a trail route in the Village of Mt. Zion Comprehensive Plan. Straight stretches of walkway over 100 feet in length should be avoided and should include landscaping features.

1. Curb stops are required wherever a parking stall abuts a pedestrian walkway.

2. Pedestrian walkways shall be a minimum of five feet wide and curbed wherever possible. If, however, a lack of available space creates a parking design challenge, walkways should be seven feet wide to address any potential vehicular overhang encroachment.

3. Pedestrian crossings are to be identified and highlighted with signage and constructed of special paving materials (not simply with paint) in order to identify them as such. Concrete/ colored brick pavers, stamped concrete or other paving materials are all acceptable.

(Ordinance 2008-2009-)

Violations; Penalties

S 150.999 Penalty.

(A) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the proper authorities of the village, or any person, the value of whose property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceedings in equity to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate the violation; to prevent the occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises.

(B) Upon notice from the building official that any work on any building or structure is being constructed contrary to the provisions of this ordinance,

or in an unsafe and dangerous manner, such work will be immediately stopped. The stop work order shall be in writing, and shall be given to the owner of the property involved, or to be owner's agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Any person who shall continue any work in or about the building or structure after having been served with a stop work order, except work as he is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than $100.00 nor more than $200.00 for each violation. Each day shall constitute a separate violation.

(C) The violation of the terms of this ordinance shall be punishable by a fine not exceeding $200.00 or imprisonment not exceeding 6 months, or both, in the discretion of the court, for each offense, and each and every day a violation continues to exist shall constitute a separate offense.

(Ordinance 1979-80-19, passed 2/4/80)

Chapter 151: Sign Code

Section

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S 151.01 Purpose.

(A) This Sign Code is intended to regulate, control, and provide for private signs in accordance with an overall plan and program for the public safety, area development, and the general welfare of the village, and is intended to:

(1) Aid in traffic control and traffic safety;

(2) Preserve and protect property values;

(3) Lessen congestion of land and air space;

(4) Provide against undue concentrations of signs which distract and endanger traffic safety in traffic flow;

(5) Establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity in area development;

(6) Avoid uncontrolled proliferation of signs;

(7) Recognize the rights of the public in roads, streets, highways, and the areas adjacent to those roads, streets, and highways;

(8) Preserve the wholesome attractive character of the village;

(9) Recognize the general welfare includes a community plan that shall be beautiful as well as healthy, spacious as well as clean, and well balanced in its growth and development.

(B) This code authorizes the use of signs visible from public rights-of-way provided the signs are:

(1) Compatible with zoning regulations;

(2) Conducive to optimum conditions for meeting the sign user's needs while at the same time promoting the amenable environment desired by the general public;

(3) Designed, constructed, installed, and maintained in such a manner that they do not endanger public safety or traffic safety;

(4) Legible, readable, and visible in the circumstances in which they are used;

(5) Respectful of the reasonable rights of other advertisers whose messages are displayed.

(C) This code is designed to prevent a vast majority of those things which are undesirable in commercial signage without hampering the inherent right of business to communicate reasonably, to advertise, and to reasonably assist a potential customer to conveniently locate and identify any product, goods, service, or facility which he may desire to use or purchase from at any given time. (Ordinance 1977-78-27, passed 12/5/77)

S 151.02 Title.

This chapter shall be known as the Sign Code of the Village of Mt. Zion, and may be so cited and pleaded. (Ordinance 1977-78-27, passed 12/5/77)

S 151.03 Definitions.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

“Abandoned Sign.” A sign which no longer correctly directs or, exhorts any person or advertises a bona fide business, lesser, owner, product, or activity conducted, or product available on the premises where the sign is displayed.

“Accessory Sign.” See “On-Premise Sign.”

“Administrator.” The village administrator, or his designated representative.

“Advertising Message.” That copy on a sign describing products or services being offered to the public.

“Animated Sign.” Any sign which includes action or motion. This term does not refer to flashing, changing, or indexing, all of which are separately defined.

“Architectural Projection.” Any projection not intended for occupancy which extends beyond the property line, but not including signs, canopies, or marquees.

“Architectural Blade.” A roof sign or projecting sign which has no legs or braces, and designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

“Area of Copy.” The entire area within a single, continuous perimeter composed of squares or rectangles, which enclose the extreme limits of the advertising message, announcement, or decoration on a fascia or wall sign.

“Area of Sign.” The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame, or an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. Any irregular-shaped sign’s area shall be computed using the actual sign face surface.

“Area of Sign, Off-Premise.” Where poster panels or bulletins are installed back to back, one face only is considered as area. If there is a difference, the larger face will be counted.

“Awning.” A temporary shelter supported entirely from the exterior wall of a building, and composed of non-rigid materials, except for the supporting framework.

“Background Area.” The entire area of a sign on which copy could be placed, as opposed to the copy area, when referred to in connection with fascia or wall signs.

“Banner Sign.” A temporary sign composed of lightweight material enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

“Billboard.” See “Off-Premises Sign,” “Off-Site Sign,” or “Outdoor Advertising” (posters and bulletins).

“Building Face or Wall.” All window and wall area of a building in one plane or elevation.

“Building Frontage.” The linear length of a building facing the right-of-way of the linear length of the right-of-way facing the building, whichever is smaller.

“Building Sign.” A sign lettered to give the name of a building itself, as opposed to the name of occupants or services.

“Bulletin.” See “Off-Premise Signs,” “Off-Site Sign,” or “Outdoor Advertising.”

“Canopy (or Marquee).” A permanent roof-like shelter extending from part or all of a building face over a public right-of-way, and constructed of some durable material such as metal, glass, or plastic.

“Canopy” or “Marquee Sign.” Any sign attached to or constructed in or on a canopy or marquee.

“Changeable Copy Sign (Manual).” A sign on which copy is changed manually in the field, such as reader boards with changeable letters or changeable pictorial panels.

“Changing Sign (Automatic).” A sign such as an electronically or electrically controlled public service time, temperature, and date sign, message center, or reader board, where different copy changes are shown.

“Comprehensive Design Plan.” Building design and signs integrated into one architectural plan, the comprehensive plan being complete in all other building, structural, and electrical requirements.

“Copy (Permanent and Temporary).” The wording on a sign surface either in permanent or removable letter form.

“Copy Area.” The area in square feet of the smallest geometric figure which describes the area enclosed by the actual copy of a sign. For fascia signs, the copy area limits refer to the message, not to the illuminated background.

“Detached Sign.” See “Freestanding Sign” or “Ground Sign.”

“Directional Sign.” Any sign which serves solely to designate the location or direction of any place or area.

“Directly Illuminated Sign.” Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

“Electrical Sign.” Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

“Embellishment.”

(A) Letters, figures, characters, or representations in cutouts or irregular forms or similar ornaments attached to or superimposed upon the sign.

(B) Embellishment (decorative only). A purely decorative embellishment on a freestanding sign.

“Erected.” Attached, altered, built, constructed, reconstructed, enlarged, or moved, and shall include the painting of wall signs, but does not include copy changes on any sign.

“Exempt Signs.” Signs exempted from normal permit requirements.

“Face of Sign.” The entire area of sign on which copy could be placed.

“Fascia Sign” or “Wall Sign.” A sign attached to or erected against a wall of a building, with the face horizontally parallel to the building wall.

“Flashing Sign.” Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs, such as public service time, temperature, and date signs, or electronically controlled message centers, are classed as “Changing Signs,” not “Flashing Signs.”

“Freestanding Signs.” See “Ground Signs” or “Detached Signs.”

“Freeway-Oriented Sign (Controlled-Access Highway Sign).” Any sign identifying premises where food, lodging, or places of business are located that engage in supplying goods and services essential to normal operation of motor vehicles, and where the businesses are directly dependent upon the adjacent freeway for business.

“Frontage.” The length of the property line of any one premise parallel to and along each public right-of-way it borders.

“Ground Level.” Street grade.

“Ground Sign.” A sign erected on a freestanding frame, mast, or pole, and not attached to any building. (See “Detached Sign” or “Freestanding Sign.”)

“Height of Sign.” The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb other than an elevated roadway, which permits the greatest height to the highest point of the sign.

“Identification Sign.” A sign which is limited to the name, address, and number of a building, institution, or person, and to the activity carried on in the building or institution, or the occupancy of the person.

“Illuminated Sign.” Any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.

“Incidental Sign.” A sign pertaining to goods, products, services, or facilities which are available on the premises where the sign is located.

“Indexing.” Turning and stopping action of the triangular vertical sections of a multi-prism sign designed to show 3 messages in the same area.

“Indirectly Illuminated Sign.” Any sign which reflects light from a source intentionally directed upon it, for example, by means of floodlights, gooseneck reflectors, or externally mounted fluorescent light fixtures.

“Individual Letter Sign.” Any sign made of self-contained letters that are mounted on the face of a building, the top of a parapet, the roof edge of a building, or on top of or below a marquee.

“Interior Property Line.” Property lines other than those fronting on a street, road, or highway.

“Lintel.” In this context, the line above the display windows and below transom windows, if any, on a store (usually approximately 9’0” from grade).

“Lot” and “Parcel.” “Lot” or “Parcel” shall be defined to mean that parcel of land legally defined on a subdivision map, and recorded with the recorder of deeds or that parcel of land legally defined on a record of survey map approved by a resolution of the village board of trustees.

“Maintain.” To permit a sign, structure, or any part of each to continue, or to repair or refurbish a sign, structure, or any part of either.

“Marquee (or Canopy).” A permanent roof-like shelter extending from part or all of the building face over a public right-of-way, and constructed of some durable material such as metal, glass, or plastic.

“Marquee Sign (or Canopy Sign).” Any sign attached to or constructed in or on a canopy or marquee.

“Message.” The wording or copy on a sign.

“Multi-prism Sign.” Signs made with a series of triangular vertical sections that turn and stop, or index, to show 3 pictures or messages in the same area.

“Nameplate.” A non-electric sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. If any premises include more than one occupant, “Nameplate” refers to all names and occupations or professions as well as the name of the building and directional information.

”Non-accessory Sign.” A sign which directs attention to a business, commodity, service, or entertainment not related to the premises at which the sign is located, or to a business, commodity, service, or entertainment which is conducted, sold, or offered elsewhere than on the premises of which the sign is located.

“Non-electrical Sign.” Any sign that does not contain electrical wiring, or is not attached or intended to be attached to an electrical energy source.

“Nonconforming Sign (Legal).” Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this chapter and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this chapter or a nonconforming sign for which a special permit has been issued.

“Off-Premise Sign (Off-Site Sign).” This is a sign that advertises goods, products, services, or facilities, or directs persons to a different location from where the sign is installed.

“On Premises Sign (On-Site Sign).” Any sign identifying or advertising a business, person, activity, goods, products, or services located on the premises where the sign is installed and maintained.

“Outdoor Advertising Sign (Off-Site Sign).” Outdoor advertising signs which advertise goods, products, or services not necessarily sold on the premises on which the sign is located, and are of 3 main types:

(A) Poster panels or bulletins normally mounted on a building, wall, or freestanding structure with advertising copy in the form of posted paper.

(B) Multi-prism signs, same as above, and alternating advertising messages on the one display area.

(C) Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted or freestanding display area.

"Owner." A person recorded as such on official records and including duly authorized agent or notary, a purchaser, devisee, judiciary; any person having a vested or contingent interest in the property in question.

"Parapet" or "Parapet Wall." That portion of a building wall that rises above the roof level.

"Penthouse." A structure on top of a building roof which houses an elevator shaft or similar form.

"Pole Sign." See "Ground Sign" or "Freestanding Sign."

"Portable Sign." Any sign not permanently attached to the ground or building.

"Premises." An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

"Projecting Signs." A sign, other than a wall sign, which is attached to and projects from a structure or building face. The areas of double-faced projecting signs are calculated on one face of the sign only.

"Public Right-Of-Way Width." The particular distance across a public street, measure from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the village engineer.

"Public Service Information sign." Any sign intended primarily to promote items of general interest to the community, such as time, temperature, and date, atmospheric conditions, news, traffic control, and other such signs.

"Real Estate or Property For Sale, Rent, Or Lease Sign." Any sign pertaining to the sale, lease, or rental of land or buildings.

"Roof Line." The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

"Roof Sign." Any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.

“Rotating Sign.” Any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs.

“Seasonal” or “Holiday Signs.” Signs such as Christmas decorations or those used for a historic holiday, and installed for a limited period of time.

“Sign.” Any identification, description, illustration, or device, illuminated or non-illuminated, which is visible from any public place or is located on private property and exposed to the public, and which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify, or convey information, with the exception of window displays and national flags. For the purpose of removal, “Signs” shall also include all sign structures.

“Sign Legend.” See “Copy.”

“Sign Sticker.” A sticker affixed either to the face or the channel of a sign denoting the name of the manufacturer or designated servicing company for purposes of identification by village officials.

“Sign Structure.” Any structure which supports, has supported, or is capable of supporting a sign, including decorative cover.

“Special Purpose Sign.” Any sign other than a business, non-accessory, or identification sign, including, but not limited to, traffic signs.

“Street.” A public highway, road, or thoroughfare which affords the principal means of access to adjacent lots, measured from property line to property line.

“Swinging Sign.” A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

“Temporary Sign.” A sign which is not permanently affixed. All devices such as banners, pennants, flags (not intended to include flags of any nations), searchlights, twirling or sandwich type signs, sidewalk or curb signs, and balloons or other air or gas filled figures.

“Temporary Window” or “Building Sign.” A sign painted on the interior of a window or constructed of paper, cloth, or other like material, and attached to the interior side of a window or displayed on the exterior of a building wall in order to direct attention of persons outside the building to a sale of merchandise or a change in the status of the business.

“Under Canopy” or “Marquee Sign.” A sign suspended below the ceiling or roof of a canopy or marquee.

“Unlawful Sign.” A sign which contravenes this chapter, or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment, or a nonconforming sign for which a permit required under a previous code was not obtained.

“Use.” The purpose for which a building, lot, sign, or other structure is arranged, intended, designed, occupied, or maintained by the village trustees.

“Village.” The village limits of the Village of Mt. Zion.

“Wall Sign” or “Fascia Sign.” A sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building wall.

“Window Sign.” A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window. (Ordinance 1977-78-27, passed 12/5/77; Ordinance 1985-86-25, passed 10/21/85)

S 151.04 Permits Required.

Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the village, or cause the same to be done, without first obtaining a sign permit for each sign from the administrator as required by this chapter. These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning, and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way. No new permit is required for signs which have permits, and which conform with the requirements of this chapter on the date of its adoption, unless and until the sign is altered or relocated. (Ordinance 1977-78-27, passed 12/5/77)

S 151.05 Indemnification For Sign Installation And Maintenance.

All persons, including the owner, who engage in installing or maintaining signs which involve, in whole or part, the erection, alteration, relocation, or maintenance of a sign or other sign work in or over or immediately adjacent to the public right-of-way or public property is used or encroached upon by the sign installer, shall agree to hold harmless and indemnify the village, its officers, agents, and employees, from any and all claims of negligence of a sign or other sign work insofar as this code has not specifically directed the placement of a sign. (Ordinance 1977-78-27, passed 12/5/77)

S 151.06 Insurance.

Every person or other entity so engaged pursuant to S 151.05 shall provide or show proof of a certificate of liability to indemnify the village against any form of liability to a minimum of
$100,000, or shall be responsible through any agent or subcontractor. (Ordinance 1977-78-27, passed 12/5/77)

S 151.07 Application For Permit.

Application for a permit shall be made to the administrator upon a form provided by the administrator, and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the village, including:

(A) Name and address of the owner of the sign.

(B) Name and address of the owner or the person in possession of the premises where the sign is located or to be located.

(C) Clear and legible drawings with a description and nominal dimensions, showing location of the sign which is the subject of the permit, and all other existing signs whose construction requires permits, when the signs are on the same premises. (Ordinance 1977-78-27, passed 12/5/77)

S 151.08 Issuance; Denial.

(A) The administrator shall issue a permit for the erection, alteration, or relocation of a sign within the village when the permit application is properly made and all required information has been provided, and all appropriate fees have been paid as outlined below in S 151.10.

(B) The administrator may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued on the basis of a misstatement of fact or fraud. When a sign permit is denied by the administrator, he shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial. (Ordinance 1977-78-27, passed 12/5/77)

S 151.09 Effect of Issuance.

No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign. (Ordinance 1977-78-27, passed 12/5/77)

S 151.10 Permit Fees.

(A) Application for permits shall be filed with the Village Administrator together with a permit fee of $100.00, exclusive of any permit cost for electrical components. In addition, when any sign is hereby erected, placed, installed or otherwise established on any property prior to obtaining permits as required by this section, the fees specified hereunder shall be doubled, but this payment of such double fee shall not relieve any person from complying with other provisions of this Section or from penalties prescribed herein. (Ordinance 94-96-16) (Ordinance 14-15-18)

S 151.11 Sign Permit Appeals.

(A) Appeal from denial of permit. When a sign permit is denied by the village administrator, he shall give written notice of the denial to the applicant, together with a brief written statement of the reason or reasons for the denial. Appeal shall be taken to the village board of trustees from the administrators' denial of a sign permit. An appeal may be made at a regularly scheduled village board of trustees meeting, provided a request for a hearing shall be made in writing to the village clerk or to the village administrator no less than 7 days before a scheduled meeting. Established rules and procedures for a hearing before the village board of trustees shall apply. The village administrator shall comply with and enforce the village board of trustees' decision on the appeal.

(B) Appeal from failure of the village administrator to grant permit within 10 days. The administrator's failure to either formally grant or deny a sign permit application within 10 days of the date of filing an application meeting the requirements of this code shall be grounds for appeal to the village board of trustees at the next regular scheduled meeting. (Ordinance 1977-78-27, passed 12/5/77)

S 151.12 Inspection.

The person erecting, altering, or relocating a sign shall notify the administrator upon completion of the work for which permits are required.

(A) Inspections. All freestanding signs shall be subject to a footing inspection, and all signs to a final electrical inspection by building inspector. (Ordinance 94-95-16)

(B) Maintenance. Every sign in the village, including, but not limited to, those signs for which permits or for which no permits or permit fees are required, shall be maintained in good structural condition at all times. The administrator shall inspect and have the authority to order the painting,

repair, alteration, or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

(C) Signs declared unlawful.

(1) The administrator may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation, or abandonment. Any declaration shall state the reasons of the administrator for stating that the sign constitutes a safety hazard to the general public.

(2) Any sign owned, kept, displayed, or maintained by any person within the village, the display of which is unlawful pursuant to the provisions of this chapter, is declared to be in violation of this chapter. The administrator may declare any such sign to be unlawful, and the declaration shall state, in writing, the reason or reasons why the sign, and the keeping, owning, maintenance, construction, and display or operation thereof, is unlawful under the terms of this chapter. (Ordinance 1977-78-27, passed 12/5/77)

S 151.13 Signs Permitted in Zoning Districts.

(A) Residential Zones. Within any Residential Zone, for each single-family home or duplex house, one nameplate, not exceeding a combined area of 2 square feet for each occupancy, shall be permitted. The nameplate shall not be subject to the permit requirements of this chapter.

(B) Neighborhood Business, Office, and Apartment Zones. Within these zones, signs are permitted as follows:

1) One freestanding ground sign for each developed parcel or premise having frontage on a public right-of-way, not to exceed a total area of 40 (forty) square feet. The maximum height is 12(twelve) feet and minimum setback is 5 (five) feet, however, in no case shall the actual sign height exceed the actual sign setback from any adjacent lot that is zoned for residential purposes. For example, if the sign is set back seven feet from such a lot, it may be no more than seven feet high.

2) One wall or fascia signs for each occupancy within a developed parcel, not to exceed a total copy area of 1-1/2 square feet for each lineal foot of building occupancy. If the occupancy is on a corner, one wall or fascia sign will be permitted for each frontage. If the building includes a canopy, each occupancy will be permitted one sign under the canopy sign.

(C) Community Business, Highway Business, Limited Industrial, and General Industrial Zones. Within the above zones, signs are permitted as follows:

(1) One freestanding ground sign for each developed parcel or premise having frontage on a public right-of-way, not to exceed a total area of 150 (one hundred fifty) square feet. The maximum height is 25(twenty five) feet and minimum setback is 5 (five) feet, however, in no case shall the actual sign height exceed double the actual sign setback from any adjacent lot that is zoned for residential purposes. For example, if the sign is set back seven feet from such a lot, it may be no more than fourteen feet high.

(a) Where a parcel has in excess of 100 feet of street frontage, one additional freestanding ground sign may be erected for each additional 100 feet of street frontage in excess of the first 100 feet of street frontage abutting the parcel.

(b) Where a parcel is permitted to have more than one freestanding ground sign under these regulations, the distance between the freestanding ground signs on each parcel shall be not less than 100 feet.

(c) The total area of all freestanding ground signs on each parcel shall not exceed 2 square feet of sign area for each lineal foot of street frontage of the first 100 linear feet and one square foot of sign area for each additional foot of street frontage in excess of 100 feet, provided that no one sign shall exceed 150 square feet in area.

(2) One wall or fascia sign for each occupancy within a developed parcel. This sign shall not exceed a total area of 3 square feet of copy area for each linear foot of building occupancy. If the occupancy is on a corner, one wall sign will be permitted for each frontage. If the building includes a canopy, each tenant will be permitted one under-canopy sign.

(3)

(a) Any occupant with frontage on a public right-of-way, is permitted to have one projecting sign along the public street. The projecting sign may exist instead of, but not in addition to, a freestanding ground sign or roof sign. Where a premise is allowed 2 freestanding signs, the occupant may elect to substitute a projecting sign for one of the freestanding signs. If a premise has at least 100 feet of frontage along any one right-of-way, or streets, the occupant may have 1 projecting signs.

(b) No sign shall extend over public property more than 10 feet, or beyond a vertical plane 2 feet inside the curb line, or maintain a vertical clearance of less than 9 feet above grade. The total area of any one projecting sign shall not exceed 1-1/2 square feet for each linear foot of building frontage facing the square feet for each linear foot of building frontage facing the right-of-way, or 150 square feet in total area, whichever is less.

(4) Canopy signs shall be subject to the following conditions:

(a) Area of copy may be 3 square feet per linear foot of canopy front and sides. Subject to a minimum height limit of 9 feet from the sidewalk, copy may be installed above or on the face of the canopy proper, provided that when the sign is installed above or on the canopy proper, copy area will be computed on the total of the sign face and the canopy apron proper. Signs attached to the underside of a canopy shall have a copy area no greater than 12 square feet, subject to a minimum clearance of 7 feet from the sidewalk.

(b) No portion of a canopy sign can be closer than 2 feet to a vertical line from the curb face.

(c) On places of public entertainment, such as theaters, arenas, and meeting halls, the copy area allowance will be 6 square feet per linear foot of canopy.

(d) A freestanding ground sign supported by a sign structure which is imbedded in the ground and independent of a canopy for structural support may project above and over a canopy. A freestanding ground sign which projects over a canopy shall comply with all other applicable regulations of this code.

(5) Signs of awnings consisting of one line of letters or an identification emblem, initials, insignia, or other features may be painted, placed, or installed upon the hanging border at the end of any awning.

Other signs are permitted as follows:

(a) Up to 2 incidental signs may be attached to a freestanding sign structure or to a building wall, but may not be attached perpendicular to the wall. Such signs are restricted to trading stamps, credit cards accepted, official notices or services

required by law, or trade affiliations. The area of each sign may not exceed 6 square feet; the total area of all such signs may not exceed 12 square feet.

(b) Two directional signs are permitted for each driveway on each street frontage. The area of each sign may not exceed 12 square feet. Directional signs shall not be considered as part of the total allowable sign square footage permitted under this code. The maximum permitted height for such signs shall be 12 feet above grade.

(c) Any of the types of signs permitted in this chapter may be permitted as manual or automatic changeable copy signs.

(D) Requirements pertaining to all signs.

(1) In addition to other restrictions herein contained, no single sign shall exceed 150 square feet in area.

(2) In addition to other restrictions herein contained, no freestanding ground sign, canopy sign or projecting sign shall exceed a height of 25 feet above the average terrain or adjacent road level (whichever is greater).

(3) No other signs, except those signs provided for under section 151.16, shall be permitted in the above zones.

(4) No direct light or significant glare from the sign shall be cast onto any adjacent zone lot that is used for residential purposes. All illuminated signs within one hundred feet of any residential zoning district shall be turned off between the hours of eleven (11) p.m. and seven (7) a.m. unless the establishment is engaged in the operation of business during such period in which case the sign may be lit during the hours of operation only.

(5) A 25 percent increase in the maximum total sign area shall be allowed for each included zone lot for developers of two contiguous zone lots or the owner of a single lot with more than one building who file a Common Signage Plan conforming with the provisions of this section. The Common Signage Plan shall contain all of the information required for a Master Signage Plan and shall also specify standards for consistency among all signs on the zone with regard to, lettering or graphic style, lighting, location of each sign on the building, material and sign proportions. (Ordinance 1977-78-27, passed 12/5/77; Ordinance 1985-86-26, passed 10/21/85)

S 151.14 Prohibited Signs.

The following signs are prohibited in all zoning districts of the village:

(A) Animated and intensely lighted signs.

(1) No sign shall be permitted which is animated by means of flashing, scintillating, blinking, or traveling lights of over 15 watts per lamp. Public service information signs and other electronic message centers classified as changing signs are permitted, and not subject to this wattage rating per lamp restriction.

(2) No person shall place, or cause to be placed, upon any building or other structure, within 200 feet of any public highway, oscillating, rotating, or flashing lights which are of such intensity, when illuminated, to be visible at any time from the highway. This prohibition does not apply to a pole-supported business or brand identification sign with constant illumination and color, and in which the only movement is a slow rotation of the entire body of the sign so as to be visible from all directions. This prohibition does not apply to airport lights.

(B) Miscellaneous signs and posters. The tacking, pasting, or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences, or other structures is prohibited, unless otherwise permitted by this chapter.

(C) Abandoned signs. Business signs that advertise any activity, business, product, or service no longer conducted or available on the premises on which the sign is located shall be prohibited.

(D) Parking of advertising vehicles prohibited. No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premise. This division is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle.

(E) Public areas. No sign shall be permitted which is placed on public property or over or across any street or public thoroughfare, except as may otherwise expressly be authorized by this chapter.

(F) Banners and portable signs.

(1) Banners, pennants, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, or balloons or other gas-filled figures shall not be used on a permanent basis.

(2) Signs described in division (F) (1) above will be permitted as special promotion in a commercial or industrial district for a total period not to exceed 30 days, and will be allowed in residential districts in conjunction with an open house or model home demonstration conducted by a realtor, for 5 days before the opening of the demonstration to 5 days after, and not to exceed a total period of 30 days.

(G) Swinging signs. Swinging signs are prohibited.

(H) “A” frame signs. “A” frame or sandwich board, or sidewalk or curb signs are prohibited except as set forth in division (F) (2) above.

(I) Unclassified signs. The following signs are also prohibited, which:

(1) Bear or contain statements, words, or pictures of an obscene, pornographic, or immoral character, or which contain advertising matter which is untruthful.

(2) No person shall place, or cause to be placed, upon or in view of any public highway any sign or billboard or any advertising of any kind or description which in wording, color, or shape is similar to official traffic-control signs or other official traffic-control devices erected by the proper authority having jurisdiction over the highway in compliance with the manual of uniform traffic-control devices for streets and highways, as now or hereafter adopted by the department of transportation. (Ordinance 1977-78-27, passed 12/5/77)

(J) Roof signs, Billboards, Off-Premise Signs, Off-Site Signs, Outdoor Signs and Bulletins as defined in this ordinance.

S 151.15 Construction Specifications.

(A) Compliance with building code. All signs shall comply with the provisions of the latest edition of the National Electric Code, and the additional construction standards hereinafter set forth in this section.

(B) Construction of signs, auxiliary specifications.

(1) Obstruction to exits. No signs shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.

(2) Obstruction to ventilation. No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provision of the building or fire prevention codes.

(3) Clearance from high voltage power lines. Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than 24 inches horizontally or vertically from any conductor or public utility guy wire.

(4) Drainage. The roofs of all marquees shall be properly guttered and drained.

(C) Freestanding signs, materials. All freestanding sign structures or poles shall be self-supporting structures erected on or permanently attached to concrete foundations.

(D) Wind loads. All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows:

(1) For solid signs, 30 pounds per square foot on one face of the sign.

(2) For skeleton signs, 36 pounds per square foot of the total face area of the letters and other sign surfaces, or 10 pounds per square foot of the gross area of the sign, as determined by the overall dimensions of the sign, whichever is greater.

(3) The wind loadings quoted above are normal averages and must be adjusted for areas subject to unusually high velocity winds, for

signs of extraordinary height, or for certain wind-tunneling effects created by large buildings.

(E) Sign anchoring. All signs, including temporary signs, shall be securely and safely installed and anchored. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections. (Ordinance 1977-78-27, passed 12/5/77; Ordinance 1982-83-17, passed 10/4/82)

S 151.16 Exempt Signs.

(A) Permit exceptions. The following operations shall not be considered as creating a sign insofar as requiring the issuance of a sign permit, but the signs must be in conformance with all other codes and electrical laws and regulations of the village.

(1) Changing of the advertising copy or message on an existing approved painted or printed sign, marquee, changeable copy sign, or a similar approved sign, whether electrical, illuminated, electronic changing message center, or non-illuminated painted message which are all specifically designed for the use of replaceable copy.

(2) Painting, repainting, cleaning, or other normal maintenance and repair of a sign not involving structural change. Replacement of the plastic face will be included as an exempt operation provided that it is due to a change caused by the breakage or deterioration of the face, but not for the substitution of a new or different advertiser.

(3) Change in the content of show window displays and permitted temporary signs.

(B) Exempt signs.

(1) Construction signs. One construction sign per construction project not exceeding 32 square feet in sign area in residential districts, or 64 square feet in commercial or industrial districts, provided that such signs shall be erected no more than 30 days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed 30 days after completion of construction and prior to occupancy.

(2) Directional or instructional signs. Non-electrical signs which provide instruction or direction and are located entirely on the property to which they pertain, and do not exceed 4 square feet in area; non-

electrical signs of a not for profit organization which provide directions and which are located off the property to which they pertain and do not exceed 2 square feet in area; signs identifying restrooms, public telephones, walk ways; or signs providing directions, such as parking lot entrances and exit signs, and those of a similar nature.

(3) Three flags. The flags, emblems, or insignia of any nation or political subdivision or corporate flag.

(4) Governmental signs. Governmental signs for the control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, signs of public service companies indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty.

(5) Holiday decorations. Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local, or religious holidays.

(6) House numbers and name plates. House numbers and name plates not exceeding 2 square feet in area for each residential building.

(7) Interior signs. Signs located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court, or entrance of any theater. This does not, however, exempt such signs from the structural, electrical, or material specifications as set out in this chapter.

(8) Memorial signs. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building, or when constructed of bronze or other incombustible material.

(9) Notice bulletin boards. Notice bulletin boards, not over 32 nominal square feet in area for medical, public, charitable, or religious institutions, where the same are located on the premise of the institution.

(10) No-trespassing or no-dumping signs. No-trespassing or no-dumping signs, not to exceed 1-1/2 square feet in area per sign, and not exceeding 4 in number per lot, except that special permission may be obtained from the administrator for additional signs under proven special circumstances.

(11) Occupant signs. One sign for each dwelling unit, not to exceed 2 square feet in area, indicating the name of the occupant, location, or identification of a home professional office.

(12) Plaques. Plaques or name plate signs, not more than 4 square feet in area, which are fastened directly to the building.

(13) Public notices. Official notices posted by public officers or employees in the performance of their duties.

(14) Public signs. Signs required or specifically authorized for a public purpose by any law, statute, or ordinance which may be of any type, number, are, height above grade, location, illumination, or animation, required by the law, statute, or ordinance under which the signs are erected.

(15) Real estate signs. One real estate sign on any lot or parcel, provided the sign is located entirely within the property to which the sign applies; is not directly illuminated; does not exceed 6 square feet in area; and is removed within 7 days after the sale, rental, or lease has been accomplished.

(16) Symbols or insignia. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed 4 square feet in area, and provided further that all such symbols, plaques, and identification emblems shall be placed flat against a building.

(17) Temporary signs.

(a) Temporary signs pertaining to community events of civic, philanthropic, educational, or religious organizations, provided that the signs are posted only during the drive or not more than 30 days before the event, and are removed no more than 2 days after an event. All signs of this nature must be registered with the Village Administrator prior to placement. (Ordinance 14-15-18)

(b) Temporary signs pertaining to an advertisement for a product or service sold on premise, fixed fee of $40.00 is required, provided that the sign is not set more than 60 days. No additional time will be allowed unless petitioner follows Section 151.25 of the code. Two temporary sign permits can be issued per premise in a calendar year.

(c) New businesses shall be allowed a 36 month moratorium regarding the above temporary sign requirements. A new business will be allowed two temporary signs in addition to their permanent sign for a period of 36 months from the date the business opens. (Any business opened in the 36 months preceding the adoption of this ordinance will qualify for the exemption) (Ordinance 2015-16-12; passed 9/21/15)

(18) Warning signs. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.

(19) Neighborhood identification signs. In any zone, a sign, masonry wall, landscaping, and other similar materials or features may be combined to form a display for neighborhood or tract identification, provided that the legend of the sign or display shall consist only of the neighborhood or tract name.

(20) One sign designating the future location of a business or organization. The sign shall be located entirely on the property of the future location and may not exceed 32 square feet in sign area in residential districts, or 64 square feet in commercial or industrial districts. The sign shall be removed 6 months after having been erected unless construction has commenced within that period, and the sign shall be removed 30 days after completion of construction and prior to occupancy. (Ordinance 1977-78-27, passed 12/5/77; amended by Ordinance 1980-81-6, passed 7/14/80; Ordinance 1982-83-15, passed 10/4/82)

S 151.17 Maintenance and Repair of Signs.

Every sign, including, but not limited to, those signs for which permits or for which no permit fees are required, shall be maintained in a safe, presentable, and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of the sign. The administrator shall require compliance with all standards of this chapter. If the sign is not made to comply with adequate safety standards, the administrator shall require its removal in accordance with S 151.22.
(Ordinance 1977-78-27, passed 12/5/77)

S 151.18 Abandoned Signs.

Except as otherwise provided in this chapter, any sign which is located on property which becomes vacant and unoccupied for a period of 3 months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be

deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of the business shall not be deemed abandoned unless the property remains vacant for a period of 6 months or more. An abandoned sign is prohibited, and shall be removed by the owner of the sign or owner of the premise. (Ordinance 1977-78-27, passed 12/5/77)

S 151.19 Dangerous Or Defective Signs.

No person shall maintain a permit to be maintained on any premise owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the premise. (Ordinance 1977-78-27, passed 12/5/77)

S 151.20 Unlawful Signs.

No person shall erect on any premise owned or controlled by him any sign which does not comply with the provisions of this chapter. (Ordinance 1977-78-27, passed 12/5/77)

S 151.21 Street Improvement Projects.

Any sign projecting over a public right-of-way at the time of the effective date of this chapter which was subject to removal or relocation at the owner's expense, pursuant to a permit or other ordinance of the village, shall be removed by the owner or altered at the owner's expense to comply with the regulation of this chapter if, as the result of, or after completion of a street improvement project, the sign does not or would not comply with the provisions of this chapter. (Ordinance 1977-78-27, passed 12/5/77)

S 151.22 Removal of Signs By the Administrator.

(A) The administrator shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or materially, electrically, or structurally defective sign, or a sign for which no permit has been issued. The administrator shall prepare a notice which shall describe the sign and specify the violation involved, and which shall state that if the sign is not removed or the violation is not corrected with 30 days, the sign shall be removed in accordance with the provisions of this section.

(B) All notices mailed by the administrator shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail.

(C) For all other signs, the notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If known, or with reasonable care should be known, the notice shall be

mailed to or delivered to the owner of the sign and the occupant of the property. Any person having an interest in the sign or the property may appeal the determination of the administrator ordering the removal or compliance by filing a written notice of appeal with the village president and board of trustees within 30 days after the date of mailing the notice, or 30 days after receipt of the notice if the notice was not mailed.

(D) In cases of emergency, the administrator may cause the immediate removal of a dangerous or defective sign without notice.

(E) Any sign removed by the administrator shall become the property of the village, and may be disposed of in any manner deemed appropriate by the village administrator. The cost of removal of the sign by the village shall be considered a debt owed to the village by the owner of the sign and the owner of the property, and may be recovered in any appropriate court action by the village or by assessment against the property. The cost of removal shall include any and all incidental expense incurred by the village in connection with sign removal. (Ordinance 1977-78-27, passed 12/5/77; amend. Ordinance 1980-81-7, passed 7/14/80)

S 151.23 Legal Nonconforming Signs.

(A) Notification of nonconformity. After the enactment of this chapter, the administrator shall, as soon as practicable, survey the village for signs which do not conform to the requirements of this chapter. Upon determination that a sign is nonconforming, the administrator shall use reasonable efforts to so notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:

(1) The sign's nonconformity.

(2) Whether the sign is eligible for characterization either as a legal nonconforming or an unlawful sign.

(B) Signs eligible for characterization as legal nonconforming. Any sign located within the village limits on the date of adoption of this chapter, or located in an area annexed to the village thereafter, which does not conform with the provisions of this chapter, is eligible for characterization as a legal nonconforming sign, and is permitted, provided it meets the following requirements:

(1) The sign was covered by a sign permit or variance on the date of adoption of this chapter if one was required under applicable law.

(2) If no sign permit was required under applicable laws for the sign in question, the sign was in all respects in compliance with applicable law prior to the adoption of this chapter.

(C) Loss of legal nonconforming status. A legal nonconforming designation is lost if:

(1) the sign is altered in any way in structure or copy, except for changeable copy signs and normal maintenance, which tends to or makes the sign less in compliance with the requirements of this code than it was before the alteration;

(2) the sign is relocated to a position making it less in compliance with the requirements of this code;

(3) the sign is replaced;

(4) on the happening of any of the events of division (C) (1), (2), or (3) above, the sign shall be immediately brought into compliance with this chapter with a new permit secured therefore, or shall be removed.

(D) Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this chapter regarding safety, maintenance, and repair of signs. However, any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming, or the sign may lose its legal nonconforming status. (Ordinance 1977-78-27, passed 12/5/77; amend. Ordinance 1980-81-8, passed 7/14/80)

S 151.24 Special Signs.

(A) Subdivision development signs. The administrator may issue a special permit for a temporary sign in connection with the marketing of lots or structures in a subdivision, subject to the following conditions:

(1) Such permits may be issued for a period not to exceed one year. The administrator may renew the permits for additional periods of up to one year for each permit upon written application at least 30 days prior to its expiration.

(2) Type of sign. Signs as used in this section refer to all types of signs except those signs exempted under S 151.16, and those prohibited under S 151.17 through 151.21.

(3) Legend. The off-site sign may contain advertising in connection with the name of the subdivision, development firm, building contractor, real estate sales firm, and may refer to materials, appliances, supplies, and building trades used in the construction of the dwelling units, or the services provided by the developer.

(4) Location. Any subdivision development sign shall comply with all applicable setback requirements for the zoning district in which the property is located. No sign shall be permitted to remain in one subdivision or in one unit of a subdivision for the purpose of advertising the sale of lots or structures in another subdivision, or another unit within the same subdivision, without the express permission of the administrator.

S 151.25 Special Exceptions (Variances).

(A) The intent of this section is to allow provisions of this code to be modified where such modification will encourage excellence in the planning and design of signs. Nothing in this section, however, is intended to permit the erection or maintenance of signs, which are prohibited in S 151.14.

(B) In the event that any party wishes to construct or install a sign or signs other than as permitted in this code, that party shall be entitled to a hearing before the planning commission and zoning board of appeals. Governing rules for appeals and variances required by the planning commission and zoning board of appeals shall apply.

(C) Requests for a hearing shall be made in writing to the village clerk or to the village administrator no less than 7 days before the meeting of the planning commission and zoning board of appeals.

(D) The planning commission will make the final decision on appeals of interpretations of this code. They will also review all cases of variance request as a public hearing, making a recommendation to the village board for amendments or variances to the provisions of this code. (Ordinance 1977-78-27, passed 12/5/77)

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Cross-reference;
Appeals, S 150.026

S 151.26 Sign Inspector.

(A) Appointment. The village administrator will appoint an individual to be called the sign inspector to enforce the provisions of this code.

(B) Duties of the sign inspector.

(1) The sign inspector shall examine all applications for permits for erection of signs; authorize the continued use of signs which conform with the requirements of this chapter; record and file all applications for permits with any accompanying plan and documents; make an annual inspection of all signs in the village; and make reports as the village board of trustees may require.

(2) If the sign inspector shall find that any sign has been constructed or erected or is being maintained in violation of the provisions of this chapter, he shall promptly notify the owner or lesser thereof in writing. (Ordinance 1977-78-27, passed 12/5/77)

S 151.27 Penalty.

A violation of the provisions of this chapter shall be punishable by a fine not exceeding $25.00 for each offense, and each and every day a violation continues shall constitute a separate offense. (Ordinance 1982-83-16, passed 10/4/82)

Land Subdivision Ordinance

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General

S 152.001 Title.

This ordinance shall be known, referred to, and cited as the Land Subdivision Regulations Ordinance of the Village of Mt. Zion.

S 152.002 Authority.

This ordinance was adopted under authority granted by S.H.A. as amended, and was adopted by the village on September 9, 1974. (Ordinance 1974-75-11, passed 9/9/74)

S 152.003 Jurisdiction.

The plat approval jurisdiction of the village shall include all land within 1-1/2 miles of the village limits, or all land specifically referred to in the official village plan. (Ordinance 1974-75-11, passed 9/9/74)

S 152.004 Purpose.

The purpose of this ordinance is to regulate and control the division of land within the plat approval jurisdiction of the village; to prevent the subdivision of land for uses to which the land is not suited; and to regulate the manner of subdivision so as to prevent serious hazards and problems to the citizens of the community. Therefore, the regulations, requirements, standards, procedures, specifications, and controls contained herein are established in order to insure the proper development of the village, and to promote the public health, safety, convenience, prosperity, aesthetics, and general welfare of the community. (Ordinance 1974-75-11, passed 9/9/74)

S 152.005 Intent.

It is intended that this ordinance establish regulations, requirements, standards, procedures, specifications, and controls specifically needed:

(A) To provide for the orderly division of land by requiring the proper description, monumentation, and recording of subdivided land.

(B) To establish what land areas are and are not eligible for division into lots, and to regulate uses of land to prevent land from being used for purposes for which the land is not suited.

(C) To provide for the reasonable protection and conservation of those natural resources (land, air, vegetation, and water), upon which the continued prosperity, safety, health, and welfare of the community and surrounding region may depend.

(D) To secure adequate safeguards as part of the subdivision process to protect the general public from hazards of flooding, fire, overcrowding, and other problems this could endanger public health or safety.

(E) To secure adequate public convenience and safety through regulations governing the installation, design, and location of public streets.

(F) To insure adequate provisions are made for adequate open space, utilities, and other public facilities deemed necessary for general public health and convenience.

(G) To insure proper development of the community by requiring subdivisions to be developed according to the requirement of all officially adopted village plans and ordinances, and, in this respect, to require the dedication or reservation of land necessary to comply with these documents.

(H) To protect the community's taxable resources by requiring that subdivisions be designed and developed so as not to impose excessive maintenance burdens on the community, but still allowing for reasonable low development costs for the developer and general home owners.

(I) To prevent scattered development beyond the reasonable service area of community facilities and utilities.

(J) To provide reasonable and equitable procedures and regulations for handling all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and the sub divider, and to do this without causing unnecessary and unreasonable cost to the developer, village, or homeowner. (Ordinance 1974-75-11, passed 9/9/74)

S 152.006 Scope of Regulations.

This ordinance shall govern all divisions of land within the plat jurisdiction of the village in which any parcel of land is created less than 5 acres in size, or when any new easements of access are created. The provisions of this ordinance do not apply to transfers of interest in land by will or pursuant to court order, leases for a term not to exceed 5 years, and the sale of parcels of land between owners of adjoining property if additional lots are not thereby created, and the resulting lots are not reduced below the minimum sizes required by this ordinance, the zoning code, or other applicable laws of the village or county. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.007 Validity of Plats.

No subdivision of land or dedication of access of easement serving more than 2 lots in the plat jurisdiction of the village made after the effective date of this ordinance shall be considered valid, entitled to be recorded in the office of county recorder of deeds, or eligible for building permits from the village permit officer, unless made and improved in accordance with the requirements of this ordinance, and representing either a minor subdivision, major subdivision, re-plat, or special subdivision. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.008 Interpretation.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, and shall be liberally construed in favor of the village, and shall not be deemed a limitation or repeal of any other power granted by the state statutes. (Ordinance 1974-75-11, passed 9/9/74)

S 152.009 Definitions.

For purposes of this ordinance the following words and phrases shall have the following meanings ascribed to them respectively.

"Alley." A right-of-way which affords secondary means of access to properties abutting upon a street.

"Building Setback Line." A line within a lot or other parcel of land so designated on the preliminary plan between which line and the adjacent street the erection of an enclosed structure, or of a fence or hedge over 3 feet high, is prohibited.

"Circulation Plan." That portion of the village plan providing and planning for the present and future street and road system for the village.

"Certified Plat." A plat used for recording a minor subdivision or re-plat as described in SS 152.040 through 152.044.

“Collector Street.” A street which carries traffic from minor streets to a thoroughfare, including the principal entrance streets of a residential development, and the principal circulating streets within the development.

“Crosswalk.” A public right-of-way located across a block to provide pedestrian access to adjacent streets or alleys.

“Cul-de-Sac.” A minor street with only one outlet.

“Final Plat.” A map or plan of a subdivision and any accompanying material as described in SS 152.040 through 152.044.

“Gross Land Area.” The entire area of a development including lots, streets, and alleys, measure to the center line of any bounding streets.

“Half Street.” A street bordering one or more property lines of a tract of land in which the subdivider has allocated but part of the ultimate right-of-way width.

“Improvement, Public.” Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area, or other facility for which the Village of Mt. Zion may ultimately assume the responsibility for maintenance and operation.

“Lot.” A potion of a subdivision or other parcel of land intended for transfer of ownership or for building development.

“Lot, Butt.” A lot at the end of a block and located between 2 corner lots.

“Lot, Double Frontage” or **“Reverse Frontage.”** A lot which has a pair of opposite lot lines along 2 substantially parallel streets, and which is not a corner lot.

“Major Street.” A street of considerable continuity which serves or is intended to serve as a major traffic artery connecting various sections of Mt. Zion.

“Marginal Access Street.” A minor street which is parallel to and adjacent to a thoroughfare, and which provides access to abutting properties and protection from through traffic.

“Minor Street.” A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.

“Net Land Area.” That area of land involved after the right-of-way has been subtracted.

“Official Plan.” The composite of the functional and geographic elements of the comprehensive village plan, or any segment thereof in the form of plans, maps, charts, and textual material, as adopted by the village.

“Owner.” Any person, group of persons, firm, corporation, or any other legal entity having legal title to the land sought to be subdivided under this ordinance.

“Parkway.” An unpaved strip of land situated within the street.

“Pedestrian Way.” A right-of-way across or within a block, for use by pedestrian traffic whether designated as a pedestrian way, crosswalk, or however otherwise designated.

“Plan Commission.” The village plan commission.

“President.” The president of the village.

“Private Street.” An undedicated street which is privately owned and maintained.

“Preliminary Plan.” A tentative map or plan of a proposed subdivision as described in SS 152.040 through 152.044.

“Roadway.” The portion of the street available for vehicular traffic situated between the curb or combination curb and gutter lines.

“Sidewalk.” That portion of the street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

“Street.” A right-of-way which affords primary means of access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, or however otherwise designated.

“Street Width.” The shortest distance between the property lines delineating a street.

“Subdivider.” Any owner commencing proceedings under this ordinance.

“Subdivision of Land.” The division of land or a tract of land into 2 or more parts, lots, or parcels, or any division of land when a new street is involved for the purpose of sale, transfer or ownership, or building development. The term

“Subdivision” includes re-subdivision and the division of a lot or parcel, any of which is less than 10 acres in area.

“Subdivision Design Standards.” The basic land planning principles established as guides for the preparation of preliminary plans.

“Village.” The Village of Mt. Zion.

“Village Board.” The village board of the village.

“Village Engineer.” The village engineer of the village, or his representative duly appointed by the village board.

(Ordinance 1974-75-11, passed 9/9/74)

Administration and Enforcement

S 152.010 Administration.

This ordinance shall be administered by the following bodies and officials in the manner prescribed herein:

(A) Plat Officer. The office of plat officer is created and such officer, upon appointment by the village administrator, shall serve until his/her appointment is terminated. The village administrator may serve as plat officer in lieu of appointing someone to the office. The duties of the plat officer shall be as follows:

(1) It shall be the responsibility of the plat officer to meet with the developers or other parties wishing to subdivide to explain the intent and regulations of this ordinance.

(2) The responsibilities of the plat officer shall be to approve or sign all maps, re-plats, minor subdivisions, and major subdivisions in accordance with the provisions of this ordinance.

(3) The plat officer shall further be responsible for interpreting this ordinance, and his judgment, subject to review by the plan commission, shall govern in determining which platting processes shall be required – the minor subdivision, major subdivision, or re-plat.

(B) Plan commission. It shall be the responsibility of the plan commission to review and make recommendations on all major subdivision plats.

(1) The plan commission is empowered to review plats, and make recommendations for their approval, rejection, or conditional approval; to recommend dedication of public sites when designated in the comprehensive plan; to recommend standards for

construction; and to recommend any other requirement which is in the interest of public welfare.

(2) It is further the responsibility of the plan commission to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the plat officer in the enforcement of this ordinance, and to recommend variances from strict application of this ordinance when such variances are in the best public interest, and which will not substantially interfere with the general overall standards and requirements of this ordinance.

(3) It is further the responsibility of the plan commission to periodically review and recommend changes in the ordinance.

(C) The corporate authority is the village board. It shall be the authorized body for approving, conditionally approving, or denying a subdivision plat. The corporate authority shall also have the right to adopt or reject any proposed amendments to this ordinance which the plan commission might submit to it.

(D) The village engineer is a duly qualified engineer retained by the village board. It shall be the responsibility of the engineer to review all bonds for subdivision work, and report and certify all work completed within a subdivision. The corporate authority shall not approve any plat until the report is received, and no plat shall be accepted for final processing until certified by the engineer as to improvement, or that a proper bond has been filed.

(E) The recorder of deeds is the recorder of deeds, Macon County. The recorder of deeds shall be responsible for accepting or rejecting all plats offered for recording in accordance to the provisions of this ordinance.

(F) The village clerk shall keep records of all plats reviewed by the plan commission and zoning board of appeals.

(G) The planning staff shall be any qualified land use planner which the corporate authority may designate to assist them in various village plans.

(H) Legal counsel is an attorney retained by the village as its legal counsel. (Ordinance 1974-75-11, passed 9/9/74)

Procedure

S 152.020 Pre-application Conference and Investigation.

(A) This ordinance requires that before the village accepts for review any preliminary subdivision plat, final plat, plan development, zoning plat, or any other survey made for the purpose of dividing land, the subdivider or his agents shall first meet with the village plan commission for pre-application conference and site investigations.

(B) The purpose of the pre-application meetings and investigations are as follows:

(1) To determine the proper classification or procedure which the subdivider should follow in the subdivision of the tract of land in question.

(2) To insure the subdivider fully understands all the provisions of this ordinance and other village codes related to the development of land.

(3) To insure the subdivider is thoroughly familiar with the standards, materials, and specifications of the village governing the construction of streets and other public facilities in the area he intends to subdivide.

(4) To find out whether any other village action, such as zoning, annexation, or street vacation, needs to be taken prior to the development of the land.

(5) To insure the subdivider will conduct adequate background studies to allow the subdivider to properly design his subdivision, and to allow the village proper information to review the subdivision plan.

(6) To insure the subdivision will be designed consistent with the village official comprehensive plans or official village map, and to insure the subdivider is aware of all the provisions of the plan which would affect the design of his subdivision. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.021 Submittal.

(A) A subdivider wishing to arrange for pre-application hearings with the village plan commission shall submit a written request to the plat officer for a pre-application review for the proposed subdivision. The request shall contain a general description of the location and size of the tract to be platted; the intent as to the character, type, and use anticipated for the property and type of structures to be developed; and in a general manner, the extent and character of the improvements to be made by the subdivider; and, if appropriate, a description of any unique hardship or difficulty which might limit the development of the property under consideration.

(B) The subdivider should also submit with the letter a location map of the property intended to be subdivided.

(Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

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Cross-reference:

Plats and maps, SS 152.040 through 152.044

S 152.022 Meeting Date; Classification.

(A) The village plat officer shall then arrange with the chairman of the plan commission to have a hearing date set within 30 days. The chairman of the plan commission shall then notify the members of the commission and staff of the meeting date, and a letter should also be sent to the subdivider formally notifying the subdivider of the time and place of the hearing.

(B) When the subdivider submits his letter to the village plat officer, the village plat officer shall make a determination of what classification subdivision procedure the subdivider should follow, and advise the subdivider as to what additional information the subdivider should submit to the village plan commission.

(C) All lands to be subdivided within the village shall be classified as one of the following 4 types of subdivision classifications: a major subdivision, minor subdivision, special subdivision, or re-plat. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.023 Site Analysis, Major or Special Subdivisions.

If the village plat officer determines that land should be processed as either a major subdivision or special subdivision, the plat officer shall inform the subdivider that he will be required to submit a series of maps for the purposes of site evaluations.

Specific regulations as to how the maps should be drawn and how technical information is to be presented is covered in S 152.042. In general, these maps should include a map of general slope classification and topographic contours; a map of general drainage and high water marks; a map of significant vegetation; a map of general soil types; and in areas to be developed without community water or sewer systems, tests for ground water supply availability and percolation information.
(Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.024 Neighborhood Plan and Site Recommendations, Major or Special Subdivision.

For all major subdivisions, the plan commission may direct its staff to prepare a general neighborhood plan for the pre-application conference. Copies of a general neighborhood plan are on file in the village clerk's office. The neighborhood plan should cover all areas within ½ mile of the proposed tract or an area consistent with the standard neighborhood limits within which the tract lies. This neighborhood plan should include major and collector street alignments and widths; general location of minor streets; proposed drainage, conservation, and major utility easements; all proposed dedications and reservations shown on the village's official comprehensive plan or official map; and general development and design recommendations. (Ordinance 1974-75-11, passed 9/9/74)

S 152.025 Site Discussions.

(A) The plan commission, staff, and subdivider shall discuss at the pre-application conference the site analysis map and the general neighborhood plan prepared by the staff. From this discussion the general design concepts and development plan for the subdivision should be established.

(B) Pre-application meetings may be required by the commission when, in the opinion of the commission, additional site investigations are necessary for a proper review of a subdivision plat for the tract or tracts in question. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.026 Commission's Recommendations.

Within 15 days after the pre-application conference, the commission shall submit to the developer and to the village board its recommendations in writing as to the development of the site. (Ordinance 1974-75-11, passed 9/9/74)

S 152.027 Sketch Plan or Preliminary Plan (Optional).

In cases of all minor subdivisions and re-plats, a sketch plan shall be required, and shall be presented at the pre-application conference. In the cases of special subdivisions or major subdivisions, a submission of a sketch plan is at the discretion of

the subdivider. Where the subdivider feels he fully understands the recommendations of the plan commission, he may proceed to the preliminary plat sketch without a sketch plan. If the subdivider feels unclear or disagrees with the recommendations of the plan commission, he may submit a sketch plan in accordance with regulations of S 152.040 through 152.044 for further discussion with the plan commission and village board prior to his engaging in more expensive engineering drawings. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.028 Formal Procedures For Reviewing Preliminary and Final Plats.

After the subdivider has satisfied the pre-application requirements, and after the plan commission has concurred with the decision of the plat officer as to the proper classification of the proposed subdivision, the subdivider shall then proceed to process his plat in accordance with the appropriate classification procedures established by this ordinance. Sections 152.029 through 152.031, therefore, set the appropriate procedural requirements for minor subdivisions, re-plats, major subdivisions, or special subdivisions. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.029 Minor Subdivision.

(A) The minor subdivision procedures shall be allowed when, in the determination of the plan commission, 5 lots or less will be created; the subdivision fronts on an existing adequately improved street; does not involve any new streets; easements of access or the extension of other municipal facilities; does not adversely affect the development of the remainder of the parcel or adjoining property; and does not conflict with any provisions of the official map or other applicable regulations or plans.

(B) After the plan commission approves the classification of the proposed subdivision as a minor plat, it shall be processed in one step in accordance with the following procedures:

(1) The subdivider shall prepare a certified survey map in accordance with the regulations set forth in S 152.044 (I); and shall file the original linen and 7 copies of the map and the letter of application with the plan commission, who, within a period of 30 days, shall approve, conditionally approve, or reject the plat.

(2) Before approving or rejecting any plat the plan commission shall submit one copy of the certified survey map to each of the utility companies to ascertain whether any utility easements are required; and one copy to the tax officer to ascertain whether there are any unpaid taxes. These agencies, within 7 days, should return their comments. If no answer is received within 15 days, it shall be considered that there are no objections to the plat. If the commission rejects the subdivision, its objections shall be in writing.

(3) When a minor subdivision is approved by action of the plan commission, the chairman of the plan commission shall sign the plat, and, within 15 days, submit the original linen, bearing his name and date, to the recorder of deeds, one signed copy to the village clerk for recording, and one signed copy to the developer. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.030 Major Subdivision.

(A) The processing of a subdivision as a major subdivision shall be required on any parcel of ground not previously platted; where major street improvements, easements, or dedications are required; or where more than 5 lots are being created through the subdivision processes.

(B) The major subdivision shall be processed in three steps: the preliminary plat stage, the construction and inspection stage, and the final plat stage. The following regulations set the proper procedures to be followed in each of the three stages mentioned. A review and approval of each of these stages will be necessary before the subdivider will be entitled to proceed to the following stage.

(1) Preliminary or tentative plat.

(a) A preliminary plat shall be eligible for review when the subdivider has satisfied the pre-application requirements, when he has paid his plat fees, and when he has submitted to the plat officer 10 copies of the layout plat, 3 copies of the engineering drawings, and 3 copies of the proposed deed restrictions to be established for the proposed lots.

(b) The plat officer shall notify the chairman of the plan commission, and a public meeting shall be set within 30 days to review the preliminary plat, engineering drawings, and suggested deed restrictions. The subdivider also shall be given adequate written notice of the meeting. The copies of the proposed preliminary plat should then be set to the county health department, appropriate drainage districts, the township board, the appropriate planning staff of the village plan commission, the electric company, the telephone company, the school board, and the village engineer 15 days prior to the public meeting. Comments from these agencies should be submitted to the village plan commission prior to the public hearing. If no comment is received by the time of the meeting, the commission shall consider the agencies have no recommendations.

(c) At the public hearing, the plan commission shall recommend approval, conditional approval, or rejection of the proposed plat. Copies of the recommendation of the plan commission and the original linen copy of the plat shall then be sent to the village board, and additional copies of the village action should be sent to the subdivider.

(d) After receiving the recommendations of the village plan commission, the village shall act upon the proposed plat within 60 days. If approved, the president of the village shall sign and date the original and 3 copies of the plat, and also direct the chairman of the plan commission to sign and date the plats.

(2) Inspection and work certification. Upon approval of the preliminary plat, the subdivider shall meet with the village engineer to receive approval to start work on the public improvement within the subdivision, and during construction shall meet the following requirements:

(a) The subdividing contractor shall be duly certified and bonded by the village to undertake the work. In the event that the village wishes the contractor to post bond, the bond should be drawn in accordance with regulations in village codes.

(b) The subdivider shall also submit to the village engineer certifications showing the type materials and amounts used in construction to meet the standard of this ordinance.

(c) The subdivider shall also arrange for various inspections of improvements to be made by the village engineer or inspector at prearranged points during the course of construction, as provided for in this ordinance.

(d) The design engineer shall also be required to inspect work to insure that it conforms to the specifications in the preliminary plat, and, upon the work's completion, shall certify that the work as been completed according to the engineering and design plans as approved by the village.

(e) Upon proper completion of improvements, the village engineer or inspector shall submit to the village board a full report, including an inspection certification, on improvements and certifications thereof. If the engineer finds that all improvements are installed to the standards agreed upon in

preliminary plat, or if a bond in proper legal form has been submitted, the development is ready for final platting. The village board, however, shall not formally accept any dedicated streets until one year after actual construction, the maintenance of which during this time shall be the subdivider's responsibility.

(3) The final plat.

(a) The final plat shall be ready for review after the village engineer notifies the chairman of the plan commission that the work has been completed or adequate bonds have been accepted by the village. The subdivider shall prepare a final plat and letter of application in accordance with this ordinance, and shall five 5 copies of the plat with the village engineer. The village engineer shall then arrange with the chairman of the plan commission to hold a hearing within the next 30 days.

(b) The village plan commission shall then examine the final plat for its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; and the regulations of this ordinance and all other village ordinances. The commission then should recommend approval, conditional approval, or rejection of the plat to the village board. The village board should act within 60 days on the plat.

(4) Recordation. After the final plat has been approved and required improvements either installed or sureties insuring their installation provided, the village clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed, and the village clerk shall record the plat with the county recorder of deeds. The recorder of deeds cannot record the plat unless it is offered within 30 days from the date of the last approval.

(C) The re-plat procedures. The re-plat procedures shall apply when an alteration, redesign, or re-division is proposed for an existing legally recorded subdivision or part thereof. The re-plat procedures may be processed in one or 2 steps depending upon whether or not it is necessary to vacate or alter any streets, easements, lots, or other public facilities. In the instance where no public facilities, easements, lot records, or other improvements are involved, and where the plan change corresponds with the provisions of the village comprehensive plan, the further subdivision or other alteration of lots in existing subdivisions shall

follow the same procedures as described under a minor subdivision; in all other instances involving subdivisions classified as re-plats, the original plat must be vacated according to the following section.

(1) Vacation of existing plat.

(a) Any person, firm, or agent thereof wishing to have vacated existing lot lines, public streets, highways, or alleys, or any easement, other than easements granted between individual property owners, shall file a written instrument and plat with the village officials showing what easements and right-of-ways are to be vacated. Such an instrument and re-plat shall be reviewed by the plan commission, the county superintendent of highways, the district engineer of the Illinois Department of Transportation, and the affected utility companies.

(b) The village plan commission, after receiving the comments of these agencies, shall make their recommendations on the plat to the village board. If the village board concurs with the vacation, the village clerk shall submit the resolution of the village board, the instrument, and plat to the county recorder of deeds, who then shall officially record and cancel the entire plat of record or specific portions thereof.

(2) Review of plat. After a vacation of a previous plat has been approved by the village board, and recorded in the office of the Macon County Recorder of Deeds, the subdivider may then submit his petition for the re-plat of the subdivision involved. The subdivision shall be classified by the village engineer as either a major, minor, or special subdivision, and shall then proceed in accordance with the regulations established for the classification given to the subdivision.

(Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

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Cross-reference;
Bonds, S 152.08
Inspection certificate, S 152.044

S 152.031 Special Subdivisions or Planned Unit Development.

(A) Any parcel of land 5 acres or more can be considered for a special subdivision when both the subdivider and the village plan commission concur in the pre-application conference that the land can best be developed as a planned unit development or a special subdivision. The

plan commission shall approve the planned development only if it finds that the planned development satisfies all of the following standards.

(1) The planned development is consistent with the comprehensive plan for the community.

(2) The planned development is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision for the preservation of streams and stream banks, wooded cover, rough terrain, and similar areas.

(3) The planned development shall be in harmony with any existing or proposed development in the area surrounding the project site.

(4) The approval of the plan will not represent an increased maintenance burden on roads, drainage ways, and public utilities to the village, township, or county over what these agencies would have to incur if the subdivision were developed as a standard subdivision.

(B) Upon classification of any plat as a special subdivision or planned unit development by the plan commission, the subdivider is then eligible to submit to the village administrator a letter requesting joint zoning and subdivision action. This letter should also contain an outline of the development proposals, and a copy of a planned development plat drawn in accordance with the standards in SS 152.040 through 152.044. The village administrator shall arrange to have a joint meeting of the plan commission and zoning board within 30 days of submission of the plat, and give notice to the subdivider of the time and place of the meeting.

(C) Except for the granting of special relief, legal notification, and the combined action of the zoning board and plan commission; the plat shall then be processed similarly to that of a major plat. All planned unit developments must be approved by a 2/3 vote of the members present at any village board meeting. Since special subdivisions combine zoning with subdivision procedures, all hearings shall comply with publication requirements of the State of Illinois for zoning hearings. A 15-day legal publication shall be given in advance of a public meeting where special subdivisions are to be reviewed.

(D) Work certification. The village administrator, when certifying the work of a planned unit development, special plat, or when issuing building permits for the same, shall only be allowed to issue permits consistent with the detailed plans shown on the plat. No building permits may be issued on

land with the planned development subdivision until the final plan for development has been approved.

(E) Final plat. The final plat shall be processed similarly to that of a major subdivision.

(Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

Plats and Maps

S 152.040 General.

All plats, plans, maps, surveys, certificates, owners' declarations, engineering specifications, and restrictive covenants to be filed for action by the village board shall be prepared in accordance with the regulations contained in SS 152.040 through 152.044. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.041 Location Maps.

The maps used for showing the general location of a subdivision and its relationship to surrounding areas shall be at a scale of one inch = 1,000 feet. Township maps obtainable from either the village or county planning office would make a good standard base map. Examples of a location map are on file in the village clerk'' office. The dimensions of maps shall be adequate to show the true relationship of the proposed subdivision and the village limits. The following information shall be shown on the face of the plat.

(A) The outline of the proposed subdivision with the area of the subdivision cross-hatched.

(B) The name and address of the subdivider.

(C) A legal description of the proposed subdivision.

(D) A north point and graphic scale.

(E) The date of submission.

(F) The location of surrounding schools, major streets and highways, shopping and employment centers, and other major facilities.

(G) A written statement of how water and sewage treatment will be handled.

(H) The existing zoning on the tract to be subdivided and surrounding the tract.

(I) The ownership of surrounding land area.
(Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.042 Site Analysis Maps.

(A) Site analysis maps shall consist of at least 4 maps, at a scale of not more than one inch equals 200 feet. Such maps may be approximate scaled pencil drawings. Examples of these maps are on file in the village clerk's office.

(B) Availability of information for pre-subdivision data maps.

(1) Map No. 1, Soils.

(a) In many areas, detailed soil mapping has been completed by the county soil and water conservation district, and is available to interested landowners.

(b) In those areas where mapping has not been completed, the information may be obtained at no cost to the subdivider through the county soil and water conservation district by means of a conservation agreement.

(2) Map No. 2, Slope. Slope information can readily be obtained from a U.S.G.S. topographic map at 5-foot levels, and from information contained in the above soil surveys. Slops data should be expressed in terms of the following classification:

Class	% Slope
A	0 - .29
B	0.3 - .99
C	1.0 - 3.9
D	4.0 - 9.9
E	10.0 - 14.9
F	15.0 - 24.9
G	25.0 - 49.9
H	50+

(3) Map No. 3, Vegetation. Information on significant vegetative cover can readily be obtained on recent aerial photographs of the site or from actual site inspection. Photos are available in the county regional plan commission office.

(4) Map No. 4, Flood Level. Floodplain and flood level information can readily be obtained from the state water survey, department of registration and education. Flood information should be shown for

the 10-yea flood recurrence, and either the 100-year flood recurrence or the maximum flood of record.

(Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.043 Preliminary Plats.

(A) All preliminary plats for major subdivisions shall consist of a location map site analysis map, engineering specifications, and proposed restrictive covenants. The layout map shall be at a scale of one-inch equals 100 feet. An example of the map is on file in the village clerk's office. It shall contain the following identifying and descriptive information:

(1) The proposed name of the subdivision or title under which it is to be recorded, not duplicating a name of any plat heretofore recorded in Macon County.

(2) The names and addresses of the owner.

(3) The name and seal of the subdivider, engineer, and registered land surveyor.

(4) The legal description of the plat.

(5) The north point, graphic (engineering) scale of one inch equals 100 feet.

(6) The date of preparation.

(7) A note stating (Preliminary plan, not to be recorded by the recorder of deeds."

(B) Existing conditions shall be indicated as follows:

(1) The boundary line of the proposed subdivision.

(2) The total approximate acreage therein.

(3) The locations, widths, and names of all existing or previously platted streets or other public ways, showing the type of improvements, if any, railroad and utility right-of-ways, parks and other public open spaces, permanent buildings and structures, easements, section and township lines within the tract, and to a distance of 200 feet beyond the proposed subdivision.

(4) The location and size of existing sewers, water mains, culverts, or other underground facilities within the proposed subdivisions, and to a distance of 200 feet beyond.

(5) Topographic data including existing contours at vertical intervals of not more than 2 feet, unless a greater interval is required to properly depict rough terrain. Topographic data shall refer to the United States Geological North American Datum-Mean Sea Level Elevation. Watercourses, marshes, rock outcrops, and other features significant to the plan commission shall also be shown.

(6) Zoning classification for, and adjacent to, the tract.

(7) Overflow area boundary for appropriate water levels. (See SS 152.060 through 152.067)

(C) Subdivision design features shall be shown as follows:

(1) Layout of streets – showing right-of-way widths and street names. Public streets shall be required in all subdivisions.

(2) Location and widths of alleys, pedestrian's ways, utility easements, lots, and setback lines.

(3) Areas intended to be dedicated or reserved for public use indicating, in each, the approximate area in acres.

(4) Layout, numbers, and dimensions of lots to the nearest foot. Letters shall not be used for the identification of lots or blocks.

(5) Minimum front and side street building lines, with dimensions indicated.

(6) Areas other than streets, alleys, pedestrian ways, and easements intended to be dedicated or reserved for public use; for each, the approximate area in acres shall be indicated.

(7) Site data including total acres, number of lots, typical lot dimensions and area, lineal feet in streets, acres in streets, parks, and similar public or semipublic areas.

(D) Protective covenants. All protective covenants for a proposed subdivision shall accompany the preliminary plan, e.g. type of structures, architectural controls.

(E) Construction plans. As part of the preliminary subdivision plan by the village, the subdivider prepares and submits construction plans of the subdivision for approval. They should contain all necessary details, including cost estimates, and be prepared by a registered professional engineer, and include the following:

(1) Cross-sections of proposed streets, alleys, crosswalks, and a profile of each with proposed grades, existing drainage courses, watershed area and structures, width of roadway, location of sidewalk, type of roadway surfacing, curbs, planting strips, curb openings, street lights, and traffic signals.

(2) Complete construction plans for utilities, including water, sanitary sewers, storm sewers, and other facilities.

(F) Approval certificate. The plat shall also contain an appropriate place of signatures of approving bodies, and shall be worded similar to the example below:

"The proposed plan of subdivision herein is approved by the Plan Commission. This is NOT an approval of the final plan."

Village Plan Commission

Dated _____

By _____
Chairman

Mt. Zion Village Board

Dated
_____

By
_____
President

(Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

_____
Cross-reference:
Required improvements and specifications,
SS 152.060 through 152.067

S 152.044 Final Plat.

The final plat shall be drawn in ink on tracing cloth or mylar (sheet size 18 inches by 24 inches within the border), and shall be at a scale of 100 feet to one inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision.

(A) Identification (to be shown on face of final plat).

(1) Proposed name of subdivision (must not duplicate others in county), township, tract, and original lot or section number.

(2) Control points. All dimensions, angles, and bearings are to be referred to control points, nearest established street line, section lines, or other established point.

(3) Lines and boundaries. Center lines and right-of-way lines of streets, easements, and other right-of-ways; natural and artificial watercourses, streams, shoreline; corporation lines, and property lines of all lots and parcels with distances, radii, arcs, chords, and tangents of all curves, to the nearest 1/100 of a foot; bearings, or deflection angles, to the nearest second.

(4) Street. Name and right-of-way width of each street within the proposed subdivision and those adjoining.

(5) Building setback lines accurately shown with dimensions.

(6) Lot and block identification. Lots shall be numbered in consecutive order, and when the subdivision is submitted in sections, lots shall be numbered consecutively as each section is submitted, whether or not the sections are contiguous.

(B) Owner declaration and required certificates (to be typed in text of legal documents accompanying the plat).

(1) The owner’s declaration shall include a statement of ownership; the description and name of the subdivision; statements of dedications for public use; statements prohibiting discrimination; and statements of owners restrictions; and may include, but not be limited to, land use and building type; architectural control; dwelling type, quality, and size; public utilities; building location; nuisances; temporary structures; signs; livestock and poultry; garbage and refuse disposal; sod, dirt, and rocks; and family density of any multiple dwelling units. The declaration shall be drawn up in a manner similar to that shown in the example shown in division (C), and shall be notarized upon submission.

(2) The surveyor's certificate shall consist of a statement by the surveyor as to the accuracy of the survey, and shall be drawn up in a manner similar to that shown in division (F).

(3) Certification that no redeemable taxes are outstanding against the real estate, as shown in the example in division (E) below.

(4) Signed statement by a registered professional engineer and owner or agent stating: "We, the undersigned, respectively a Registered Professional Engineer and the Owner or Owners of the land subdivided hereby or the duly authorized attorney of such owner or owners, state that to the best of our knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage is changed, adequate provision has been made for collection and diversion of surface waters into public areas, or drains which the subdivider or subdividers have a right to use, and such waters will not be deposited on the property of adjoining land owners in such concentrations as may cause damage to adjoining property because of the construction of the subdivision."

(5) Approval of the chairman of the planning commission of the village, and attested by the secretary of the same commission.

(6) Approval of the president of the village, and attested to by the village clerk.

(7) Land for public uses. Show boundaries and identify the use of all parcels which are to be dedicated or reserved for public use of easements.

(8) Monuments. Location and description of those found, set, or to be set.

(9) Certification and seal of the registered surveyor to the effect that the plat represents a survey made by him which balances and closes, and that the monuments shown thereon exist or shall be set as shown, and that all dimensional and geodetic details are correct.

(10) Any special restrictions relating to access control along public ways, or to the provisions of planting strips.

(11) Reference to deed restrictions, if any.

(12) Certification to the fact that “no pat of the property covered by this plat or subdivision is situated within 500 feet of any drainage or water course serving a tributary area of 640 acres or more.”

(13) The plat shall also contain an appropriate place for the signatures of approving bodies, and shall be worded similar to the following example:

Village Plan Commission

Dated
_____

Approved by
_____
Chairman

Attested by _____
Secretary

Mt. Zion Village Board

Dated _____

Approved by _____
President

Attested by _____
Village Clerk

Design Engineer

Dated _____

Approved by _____
Engineer

(C) Owner’s Declaration (Example).

BE IT KNOWN THAT Theoretical, Inc., an Illinois corporation, owner of the real estate hereinafter described and as shown on the attached plat, same being situated in the Township of , Macon County, Illinois, does hereby subdivide the premises hereinafter described, as:

Lot twenty-eight (28) of Theoretical Addition, as per Plat recorded in Book 300 page 135 of the Records in the Recorder's Office of Macon County, Illinois, ...

And does hereby make the attached plat of said Subdivision for the purpose of the sale of the several lots therein by number as designated on the said Plat, and the undersigned does hereby designate the said Subdivision as THEORETICAL MANOR and the said Subdivision shall be so know hereafter; and the undersigned does hereby dedicate to the public to be used as public highways or streets and also for sewers, described premises shown on the Plat as "35th Street" as has not heretofore been dedicated. The undersigned dedicates the certain portions shown as easements on the Plat for sewers, water mains and public utilities.

The owner binds itself, its successors, grantees and assigns as a covenant running with the land to compliance with all State and local laws, in effect from time to time, prohibiting discrimination or segregation by reason of race, religion, color, or national origin in the sale, lease, rental, use or occupation of the premises within such platted land or any part thereof, or the improvements thereon.

The owner restricts the use of each of the lots of said Subdivision as follows:

Section 1

The following covenants and restrictions in their entirety shall apply to lots 1 to 15, both inclusive:

(1) Land Use and Building Type: Each lot shall be restricted to such use as is permitted in areas zoned "Residential" under the zoning ordinance of the Village of Mt. Zion, Illinois; no building shall be erected, altered, placed or permitted to remain on any Lot other than one detached single family dwelling and a private garage.

(2) Dwelling Type, Quality and Size: No residential dwelling of a total living area of less than 1600 square feet exclusive of open porches and attached garages shall be erected on any lot. All construction shall be of new materials and of quality workmanship.

(3) Public Utilities: Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded Plat. A perpetual easement is hereby created over, under and across the area marked "easement for public utilities" as an easement appurtenant to each lot in this Subdivision for installation,

use, maintenance, repair and replacement of public utilities, including sewer, water, gas, electricity, telephone and telegraph; with the right to use reasonable working space adjacent to said utility easement, and ways of access thereto, as needed during construction, repair or maintenance of said facilities. Provided always, however, the utility company shall at its expense restore any such adjacent space area, (as well as the easement area), to its former condition and this applies to grass, trees, shrubbery, fencing, etc. No trees, shrubbery, structures or materials shall be permitted to remain upon and within said easement which may damage or interfere with the installation, operation or maintenance of the utilities. All utilities serving this Subdivision shall be installed underground and not otherwise whether located within said utility easement on private easements elsewhere on the Lots in said Subdivision, or in the streets and alleys, except switch and meter boxes, service risers, transformers, regulators and similar equipment, and certain overhead electric transmission and distribution lines deemed necessary by the utility to connect the same to underground lines and wires. Each Lot owner shall grant a written easement for such underground service when, because of the location thereof or other reasons such easement is requested by the utility providing such service.

(4) Building Location: No building shall be located on any Lot nearer to the front Lot line or nearer to the side street line than the minimum building set back lines shown on the recorded Plat.

(5) Nuisances: No obnoxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

(6) Temporary Structures: No structure of a temporary character, trailer, basement, tent, shack, garage or other building shall be used on any Lot at any time as a residence, either temporarily or permanently.

(7) Signs: No sign of any kind shall be displayed to the public view on a Lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs by a builder to advertise the property during a reasonable construction and sales period.

(8) Livestock and Poultry: No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

(9) Garbage and Refuse Disposal: No Lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste nor shall same be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

(10) Sod, Dirt, Rocks: No sod, dirt or rocks shall be taken out of the Subdivision as long as there is good use for this material for filling in any part of the Subdivision.

Section 2

The following covenants and restrictions in their entirety shall apply to Lots 16 and 17, each of which lots may be developed with one multiple family dwelling:

(1) Family Density and Quality On Construction: The family density of said multiple dwellings constructed on said lots shall not exceed 12 individual family units per dwelling. All construction shall be of new materials and of quality workmanship.

(2) Incorporated Restrictions: Restriction numbers 2 and 4 through 11, both inclusive, all of Section 1 of this Owner's Declaration are incorporated into Section 2 hereof by reference and made a part hereof.

Design Standards

S 152.050 Physical Design.

(A) Conformity to plans. All subdivisions shall be designed to conform to all officially adopted plans of the village.

(B) Conformity to natural features. All subdivisions and all areas contained herein shall be so planned to take advantage of the natural topography of the land so as to economize the construction of streets and drainage systems; to reduce the overall amount of grading and disruption of the topsoil and natural vegetation; and to prevent the disruption of surrounding drainage and natural environmental conditions. The village reserves the authority to deny or require modification of any subdivision or part thereof which, because of its natural characteristics or position, cannot afford a reasonably pleasant, safe, and healthy location for residents or commercial activities. Some conditions which would make land unsuited for lotting or development area as follows:

(1) Lands lying within, or at less than one vertical foot above the maximum probable flood level, or where such levels are not

available, at least 2 feet above the greatest flood of record. Filling of stream basins shall only be allowed when it will have no impedance on natural flood flows, and only by special permit of the village board.

(2) Land areas with very severe limitations, which include limitations of high permanent water tables, swamps, highly organic soils, and soils subject to overflows, soils subject to extreme erosion, and soils which in other ways present hazards to construction.

(3) In subdivisions planned for development with individual septic systems, areas with soils having a high seasonal water table, slow or excessive permeability, and soils subject to excessive frost action.

(4) Lands lying on a general overall slope of 25% or more shall be excluded from development. Lands lying on more than 12% slope shall not be used for lots which must depend on septic systems for waste disposal.

(5) Land proposed to be developed on dependent or individual water systems which cannot show after reasonable investigations that ground water adequate to meet the population needs of the subdivision supplies are not approved.

(C) Modifications for unsuitable sites. The village also reserves the right to deny platting or require modifications such as increases in lot size, setback, street locations, or the dedication of open space easements or screening for land areas located adjacent to facilities or activities which might affect the public health, safety, or general welfare for adjacent residential lots. The following list, which is by no means inclusive, represents some conditions which might require such action by the village.

(1) Areas adjacent to heavy industry or rail facilities. (This might require separation by easement, increased setback from streets, or screening.)

(2) Lots along major highways. (This might require additional setbacks or frontage roads.)

(Ordinance 1974-75-11, passed 9/9/74)

S 152.051 Street System Design.

(A) Street arrangement. In any new subdivision, the street layout shall conform to the arrangement of the width and location of streets as

indicated on the village official map, comprehensive plan, or the neighborhood development plan which was drawn up as part of the pre-application review. The overall plan should also conform to the following standards:

(1) In general, not more than 20% of the total land area of the subdivision should be in the street right-of-way.

(2) The resulting street pattern should be properly related to topography and other natural features for aesthetic and drainage reasons. Further, the system should be so designed as to allow economic platting of the best building sites possible.

(3) The overall plan should result in a proper functional classification of streets, with spacing of collector and major streets in accordance with standards contained in this section.

(4) The street system should afford satisfactory access to a public street to all building lots within the subdivision, and provide the advantageous street service up to all adjoining lands.

(5) Four-foot sidewalks shall be required at least on one side of urban collector streets, and where required by the corporate authority, may be required on both sides. Five-foot sidewalks shall be required on all commercial site plans. Greenway dedication and 10 foot wide trails shall be required on all commercial site plans if the developed land is designated to include a greenway as shown on the Greenway Plan.

(B) Street alignment. Street alignment shall be laid out so as to insure the public safety and convenience for both vehicular and pedestrian travel. The following standard shall be followed in the alignment of streets.

(1) The number of intersections shall be kept to the absolute minimum necessary to provide reasonable direct traffic flow. No more than 2 streets shall converge at any one intersection. The intersection of streets shall be as near 90 degrees as possible, never less than 70 degrees.

(2) Street jogs shall be discouraged, and should never be permitted with a centerline offset of less than 150 feet.

(3) Reverse curves on major and collector streets shall not have tangents of less than 100 feet.

(4) Property lines at street intersections shall be rounded with a radius of 15 feet, or of a greater radius when the plat officer deems it necessary.

(5) The number of access points shall be reduced as the functional classification of the street increases, and as travel volume and speed increases.

(C) Specific street design standards. The design of streets shall relate to their function classification, surrounding development density, and topography. Major streets shall be designed in accordance with anticipated traffic flow and desired speed of movement, all major widths and standards of construction shall be separately approved by the village board after recommendation of the village plan commission and engineer. The design of the residential streets and collector streets should conform to the standards of division (G) below, and the general standards contained in this section related to such streets.

(D) Local or residential streets. Local streets shall be designed in accordance with division (G) below. The function of local streets is to provide direct access to individual lots. The travel speed should be slow enough to minimize hazards to children and entering traffic (less than 30 miles per hour). The following standards shall relate to local streets:

(1) Local streets shall be so laid out that through traffic is discouraged, parking can be accommodated on lots, and street width can be reduced below the minimum with special permission of the village board.

(2) Local streets should be kept as short as possible, and connect as directly as possible into a collector streets.

(E) Collector streets. Collector streets shall be designed and laid out in accordance with division (G) below. The function of collector streets is to collect local traffic and move it conveniently and directly to the nearest major streets, or neighborhood facilities (schools, churches, shopping, etc.). The access to a collector street should be limited to local streets. The design travel speed for collector streets shall be between 30 to 40 miles an hour. The specific requirements are as follows:

(1) Collectors should be spaced approximately ¼ mile apart.

(2) Residential driveways generally should not be allowed to enter directly onto collector streets.

(3) Collector streets shall be provided with 10-foot crosswalks at reasonable intervals.

(4) Setback on all collector streets shall be increased over minimum zoning district setbacks in relation to the traffic volume anticipated.

(5) Four-foot sidewalks shall be required at least on one side of urban collector streets, and where required by the corporate authority, may be required on both sides. Five-foot sidewalks shall be required on all commercial site plans. Greenway dedication and 10 foot wide trails shall be required on all commercial site plans if the developed land is designated to include a greenway as shown on the Greenway Plan.

(6) Access controls may be required on highly traveled collectors.

(F) Major streets. Major streets shall be designed in accordance with standards established at the time of platting. All major streets shall not be less than 80-foot right-of-ways nor less than 48-foot-wide pavement. Additional width of parkways shall be required adjacent to residential areas and on major entryways to the village. The pavement shall be concrete. Sidewalks and curbs shall be provided on all major streets within one mile of the village. All standards shall apply to major streets unless waived by the village plan commission and the village board.

(1) The access to major streets shall be strictly controlled. No single-family residential drive shall enter directly into a major street.

(2) Streets entering major streets shall be limited to ¼ mile intervals.

(3) Major streets shall be spaced at one-mile intervals within the built-up urban area.

(4) Provisions shall be made for vehicular and pedestrian access to residential property abutting major streets either by providing marginal access streets, or by backing lots to the major street and providing access by a collector, minor, or cul-de-sac street one lot depth removed, and with a visual barrier established in a no access reservation strip along the rear property line abutting the major street. These standards are established for the purpose of providing protection to residential properties, and to separate through land local traffic. The specific method used shall be determined by the village plan commission in the pre-application review.

(5) All major streets shall be constructed with access control rights granted to the village, and, in commercial areas, a joint frontage road or shared access points may be required.

(6) All new subdivisions along limited access collector and limited access major streets shall be arranged to provide access to such highways at intervals not less than ¼ mile, except where impractical or impossible due to existing property divisions or topography. There shall be no other access to a limited access major street or a limited access collector street except as noted above. Also, roads and streets within the subdivision shall be arranged to permit access to adjacent future subdivisions without encroachment upon this regulation.

(7) Commercial and industrial subdivisions along major streets shall be responsible for special traffic improvements to adjacent major streets. Such improvement shall be as required by the village board after recommendations by the village engineer.

(G) Urban street design standards.

	Collector Street*	**Local Street****
1. Right-of-Way	60 feet	50 feet
2. Minimum Setback	35 feet	25 feet
3. Sidewalk Width	2 sides 4 – 5 feet	2 sides 4 – 5 feet
4. Minimum Site Distance	250 feet	200 feet
5. Minimum Grade	0.5	0.5
6. Maximum Grade	7 - 9%	7 – 9%
7. Desired spacing along major traffic route	1300 feet	
8. Minimum center Line radius	350 feet	175 feet

Sidewalks 4’ Residential zone, 5’ Commercial zone

9. Pavement Width (exclusive of curb and gutter)

(a) No Parking	25 feet	24 feet
(b) Parking One Side	32 feet	27 feet
(c) Parking Both Sides	40 feet	30 feet

*Collector street see (Section S 152.009 Definitions, S 152.052 (E), S 152.064 (B) Standards)
**Local street see (Section S 150.004 Definitions, S 152.051 (D), S 152.064 (A) Standards)
Curbs and gutters as required by drainage design

10. Cul-de-sac Design

(a) Maximum length	1000 feet
(b) Radius of pavement	37.5 feet
(c) Right-of-way radius	50 feet

11. Major Streets (2000 ADT or greater) in accordance with IDOT standards.

(H) Other street requirements. At times special roadway types, such as scenic drives, industrial roads, freeways, half-streets, and marginal access and frontage roads may be necessary. The following requirements govern such situations.

(1) Freeways. Whenever a freeway, railroad track, or expressway passes through or adjacent to a proposed subdivision, the plat officer may require a street approximately parallel to and on each side of the right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(2) Marginal access road. Marginal access roads should have 24-foot widths with sidewalks on the development side, and curb and gutter where deemed necessary.

(3) Reserved

(4) Half streets. In general, half streets should be avoided, but where they are essential, a minimum pavement surface of 20 feet in width

shall be constructed with both curb and sidewalk on the development side.

(5) Reserve strips. Reserve ("spite" or "devil") strips controlling access to streets shall not be permitted. Streets roughly paralleling the subdivision boundary shall be located not less than one lot depth from the boundary. All streets intended to provide the subdivision with future means of ingress and egress shall extend to the subdivision boundary.

(6) Streets in floodplains. Elevations of collector or major streets passing through flood areas shall be at least 2 feet above the 100-year recurrence interval flood level, and shall be designed to have minimum adverse effect upon flood flows or velocities. All local streets, other than parkways, shall be 2 feet above the 50-year flood level.

(7) Private roads prohibited. Private roads and streets shall be permitted only when the subdivider submits sufficient evidence to the committee that there can be no public interest in such private road or street, and a variance from the zoning code is obtained.

(8) Alleys and pedestrian ways.

(a) Alleys shall be at least 16 feet wide, where permitted, in residential areas. Alleys at least 22 feet wide shall be provided in commercial areas unless such areas are otherwise provided with off-street loading space.

(b) Pedestrian ways shall be at least 12 feet wide, where permitted, and a 4-foot chain-link fence with a top rail shall be installed at side boundary lines to within 12 feet of street or alley lines.

(c) Dead-end alleys shall not be allowed.

(I) Street and road cross-sections. Examples are on file in the office of the village clerk.

(Ordinance 1974-75-11, passed 9/9/74; amend. Ordinance 1975-76-18, passed 12/1/75; amend. Ordinance 1975-76-19, passed 12/15/75 Ordinance 2010-11- passed 6-21-2010) Penalty, see S 152.99

S 152.052 Easements.

(A) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 10 feet wide.

(B) Easements shall be designed to provide continuity from block to block.

(C) Drainage easements. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, an adequate drainage way or easement shall be provided as may be required by the plan commission. The location, width, alignment, and improvement of the drainage way or easement shall be subject to the approval of the village engineer. Parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the village engineer.

(D) Conservation easements. Conservation easements may be required to protect natural areas of excessive slope or areas subject to flooding in order to prevent erosion or changes of stream quality or flood characteristics. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.053 Blocks.

(A) The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control and safety of street traffic; and the limitations and opportunities of topography.

(B) Blocks or portions thereof intended for commercial or industrial use shall be designated as such, and the plans shall show adequate off-street areas to provide for parking, loading docks, and other such facilities. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.054 Lots.

(A) The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision, and for the type of development use contemplated.

(B) Lot dimensions and areas shall conform to the requirements of the zoning code. However, residential lots not served by public sanitary sewers and water supply shall be not less than 100 feet wide at the building line, and not less than 20,000 square feet in area. Where either community sanitary sewers and sewage treatment or water supply is provided, a lot shall be not less than 80 feet wide, and not less than 7,500 square feet in area.

(C) Lots abutting a watercourse, drainage way, channel, or stream shall have a minimum width or depth as required to provide an adequate building site, and to afford the minimum usable area required in this ordinance or the zoning code for front, side, and rear yards.

(D) All corner lots shall have a minimum width of 80 feet, and be substantially larger than a normal lot to allow minimum building setback lines on both streets.

(E) All lots shall abut on a publicly dedicated street. The Lot shall have an area that abuts the publicly dedicated street equal to a common boundary of at least 50 feet or the width of the publicly dedicated street, if the publicly dedicated street is less than 50 feet, which ever is less; plus a width extending from the right of way to the Lot of at least 50 feet. (Ordinance 2003-04-12, passed 11/17/03)

(F) Double frontage and reverse frontage lots shall be avoided except where essential to provide the separation of residential development from highways or primary thoroughfares, or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet, across which there shall be no right of vehicular access, shall be provided along the rear lot lines of lots abutting such highways and major thoroughfares.

(G) Side lot lines shall be substantially at right angles or radial to street lines. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.055 Building Setback Lines.

Building setback lines in residential areas of new subdivisions shall conform to the front yard provisions of the zoning code, except that in no case shall the building setback line be less than 25 feet from the front property line. The plan commission may require greater setbacks where the plan commission deems it necessary. (Ordinance 1974-75-11, passed 9/9/74)
Penalty, see S 152.999

S 152.056 Parks, Schools, and Public Areas.

(A) In subdividing any land within the village or within 1-1/2 miles of the corporate limits, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots, or similar conditions which, if preserved, will add attractiveness and value to the proposed development. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

(B) As a condition of a final plat of subdivision, or final plat of a planned unit development, each subdivider or developer shall be required to dedicate land for park and recreational purposes or to make a cash contribution in lieu of actual land dedication, or combination of both, at the sole option of the village. As a guide for the case contribution or the parkland dedication, the village shall utilize the criteria set forth below. However, the village recognizes that these matters must be handled on a case-by-case basis. Therefore, the following criteria are merely a guide for determining the cash contribution or parkland size.

(1) Criteria for requiring park and recreation land dedication:

(a) Requirements and population ration. The ultimate density of a proposed development shall bear directly upon the amount of land required for dedication. The total requirement shall be six and on-quarter (6.25) acres of land per one thousand (1,000) of ultimate population in accordance with the following classifications:

Type of Recreation Area	Size Range	Minimum Acres Per 1,000 People
1. Play lot	Minimum 8,000 sq. Ft.	Not applicable
2. School – Park (Neighborhood playground)	Minimum park of 5 acres	1.50
3. Neighborhood Park	Minimum 3 acres, to 5 acres	1.50
4. Community Wide Recreation Park	Minimum 12 acres, to 30 acres	3.25 6.25 *

*6.25 acres of land per 1,000 population

The most recent census of the village shall be used to determine the population per household.

(b) Location and ownership. Comprehensive park ordinance plans, appropriate standards adopted by affected park districts and adopted municipal and county plans shall be used as a guideline in locating an acceptable site. Where an elementary school site of not less than 5 acres exists, it shall be a guideline to dedicate a part of all of the parkland adjoining the school site. A central location which will serve equally the entire development is most desirable. In a large development, these sites can be located throughout the

development according to established standards for park area distances from residential areas. Each park site should have at least 60-foot frontage on dedicated public roads.

Full free simple title to the dedicated parkland shall be held by one of the following as listed in order of preference:

Village
Local Park District/Park Commission
Township
School District

When necessary, operation improvement and maintenance may be done by a homeowner's association with the execution of the appropriate legal documents. It shall be the option of the village to require a land donation or a cash contribution.

(c) Credit for private open spaces and recreation areas. When subdividers or developers provide their own open space for recreation areas and facilities, it has the effect of reducing the demand for local public recreational services. Depending on the size of the development a portion of the park and recreation area in subdivisions or planned unit developments may, at the option of the village board, be provided in the form of "private" open space in-lieu-of dedicated "public" open space. The term "private" shall include as a minimum all of the residents who may at any one time own, lease or hold any legal or equitable interest in any part of the land involved in said development. The extent of same shall be determined by the village board, based upon the needs of the projected residents and in conformance to the total park and recreation land for the general area.

In general, a substitution of private open space for dedicated parks will imply a substantially higher degree of improvement and the installation of recreational facilities, including equipment by the developers as part of their obligation. Detailed plans of such areas, including specifications of facilities to be installed, must be approved by the village board, and before any credit is given for private recreation areas, the subdivider or developer must guarantee that these private recreation areas will be permanently maintained for such use by the execution of the appropriate legal documents. Private "swimming clubs" are included in this provision. When an adjustment for private recreation

areas is warranted, it will be necessary to compute the total parkland dedication that would have been required from the subdivision or planned unit development and then subtract the credit to be given.

(d) Reservation of additional land. Where the comprehensive plan of the village calls for a larger amount of park and recreational land in a particular proposed subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall, if so determined by the village board, be reserved for subsequent purchase by the village or other public body designated by the village provided that such acquisition is made within one year from the date of approval of the final plat.

(2) Criteria for requiring a contribution in-lieu-of park.

When the village, at its sole option, elects to accept a cash contribution in lieu of parkland, the cash contribution shall be paid to the Village of Mt. Zion, solely for the use of the Village of Mt. Zion Parks and Recreation Department.

(a) Fair market value. The cash contribution in-lieu-of land shall be based on the "fair market value" of the improved land. Because of the diversity of lands within the county, a single determination of "fair market value" is not possible. The "fair market value" of the improved land shall be recommended by the Supervisor of Assessment Officer of Macon County. This valuation recommended by the Supervisor of Assessment shall be used unless any subdivider, developer, or public body files a written objection thereto, within fourteen (14) days of the receipt of notice of the valuation. In the event of any such objection, the subdivider, developer, or public body shall submit an appraisal showing the "fair market value" of such improved land in the area of development or other evidence. A hearing shall be had before the village board of trustees within sixty (60) days of the date of filing said objection with notice to be sent to all interested parties in addition to notices by publication. All notices shall be given not less than fifteen (15) but no more than thirty (30) days prior to the said date of hearing. Final determination of said "fair market value" per acres of such improved land shall be made by the village board based on such information submitted by the subdivider or developer

and from other sources as may be submitted to the board the village staff and/or by affected parties.

(b) Criteria for requiring dedication and a fee. There will be situations in subdivisions or planned unit developments when a combination of land dedication and a contribution in-lieu-of land are both necessary. These occasions will arise when:

(1) Only a portion of the land to be developed is proposed as the location for a park site. That portion of the land within the subdivision falling within the park location shall be dedicated as a site as aforesaid, and a cash contribution in-lieu-thereof shall be required for any additional land that would have to be dedicated.

(2) A major part of the local park or recreation site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication, and a cash contribution in-lieu-thereof shall be required.

(c) Conveyance.

(1) Previous to or at the time the Village Board of Trustees authorizes the signing of the final plat, the developer/land owners must dedicate the total amount of parkland as required in the preceding provisions. The developer must submit a bond to the Village of Mt. Zion stating that the developer shall maintain the property to be donated until all improvements in the subdivision are built and accepted by the Village Board as meeting Village Construction Standards.

(2) Time of conveyance of payment. The total cash contribution shall be determined prior to the time of final plat approval. At this time the developer shall, as security of payment, provide the village with a corporate surety bond or certificate of deposit in the full amount of the cash contribution from an acceptable bonding company or local banking institution. The total cash contribution shall be made prior to the time when either two-thirds of the lots are

sold by the developer or the letter of credit expires. The letter of credit shall expressly provide that it may be drawn against by the village at any time the developer fails to make the required payments at the appropriate time. The developer shall make the cash contribution required directly to the body as determined at the time of final plat approval. Said collector shall issue a receipt as evidence of payment.

(3) Title to sites. All sites shall be conveyed to the village either by warranty or trustee's deed. The subdivider or developer shall be responsible for conveying good, merchantable title to such sites, and shall be responsible for payment of all real estate taxes to the date of conveyance. (Ordinance No. 9:1979)

(4) Improved sites. All sites shall be dedicated in a condition ready for full service of electrical, water, sewer, and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site or acceptable provision made therefore.

(d) Criteria for evaluating acceptability of site. The site of the dedicated property must be acceptable to the village, acceptability will be determined solely by the village on the following criteria:

(1) Topography and grading. The topography, soil, and subsurface conditions of the dedicated site, as well as its surrounding, must be suitable for its intended purpose.

(2) Floodplain and suitable access. The land is to be dry and usable at all times and not subject to flooding or used as detention. No bogs or swamps shall be acceptable, unless approved by the village where, in the opinion of the village board, the area offers an exceptional amenity or the chance to protect a significant natural resource. No site that has been part of an unlicensed landfill or a toxic waste dump shall be acceptable as required park acreage. Suitable access for the dedicated site shall be provided.

(3) Environmental quality. Every effort will be made to conserve the natural and environmental value of these areas. Except in those specific areas

designated by the village for development as playfields or other natural features, all trees, other plant materials, streams and other natural features shall be retained on land to be dedicated for park site use, unless specifically cited by the village for removal by the developer.

(4) Shape. Dedicated park sites shall be regularly configured to permit efficient park programming, security and maintenance. Sites shall be rectangular, or nearly rectangular, in shape. Narrow strips of land, small parcels that intrude into adjacent orderly development, or left over parcels that are oddly shaped or located shall be avoided.

(e)) Greenways Open Space/ Greenway - Open space shall be provided for Village residents in the form of greenbelts, consistent with regulatory and policy directives of the Village. Where greenways illustrated on the Greenway Plan passed through a proposed subdivision, land and a 10-foot wide trail, shall be provided. The Village has determined that the dedication of land in these areas is essential for implementing the continuous greenbelt and open space system adopted as part of the Village's Comprehensive Land Use Plan.

Purpose:

1. To establish natural limits of growth around the Village.
2. To visually set Mt. Zion apart from adjacent communities and /or the rural environment.
3. To preserve existing natural resources, and protect critical stormwater drainage corridors.
4. To provide conveniently located recreational amenities and facilities for residents of Mt. Zion.

Greenbelts:

1. Where a green belt illustrated on Mt. Zion's Greenway Plan passes through a proposed subdivision, a minimum width of Twenty Five (25) feet shall be set aside and a trail constructed for this amenity. This 25-foot minimum width shall be increased to incorporate floodplains, steep slopes, wetlands, high quality native plant communities, major stands of trees, riparian zones, and/or other significant natural features that may exist within, or adjacent to these areas. The location and extent of a green belt shall be determined at the time of preliminary plan and /or plat. The 25

foot minimum width required can be a part of street right-of-way provided that none of the 25 foot minimum contains pavement other than the required trail.

2. The greenbelt shall be recorded with the final plan and /or plat of subdivision and is to be dedicated to the village. Land dedicated for greenbelt requirements may be included in required parkland dedication.

3. The trail shall be built to specifications listed in S152.063 or as agreed to by the Village Administrator, through the greenbelt area with a minimum width of ten (10) feet.

S 152.057 Drainage.

(A) All major drainage ways shall be designed as shown on the community storm drainage plan. Where no drainage plan exists, drainage ways shall be designed as follows:

(1) Major waterways. Major waterways are defined as those with a tributary area in excess of 4 square miles. Such major waterways shall be designed for an average flood recurrence interval of 100 years.

(2) Secondary waterways. Secondary waterways are defined as those with a tributary area of between one and 4 square miles. Such secondary waterways shall be designed for an average flood recurrence interval of 25 years.

(3) Minor waterways. Minor waterways are defined as those with one square mile or less of tributary area. Such minor waterways shall be designed for an average flood recurrence interval of 10 years.

(B) Design flows for secondary and minor drainage facilities shall be computed by the subdivider's engineer by use of the Ration Formula: Q=CIA in the urban areas.

Wherein: Q = cubic feet per second

Wherein: C = run-off coefficient

I = intensity of rainfall, inches per hour

A = tributary area

(C) Drainage structures and their easements shall be adequate to handle the flow from this formula under free fall conditions. Such calculations must be submitted to the village engineer.

(D) In the agricultural areas within the review area of the village but outside the urban area, runoff calculation shall be made using the most appropriate method according to the current state of art of hydrology and current engineering practice, i.e., Cook's or Soil Conservation Service methods.

(Ordinance 1974-75-11, passed 9/9/74; amend. Ordinance 1977-78-28, passed 12/19/77; amend. Ordinance 1978-79-28, passed 2/2/6/79) Penalty, see S 152.999

Required Improvements and Specifications

S 152.060 General Requirements.

(A) On approval of the preliminary plan and the engineer's plans and specifications, the subdivider shall construct and install the required subdivision improvements prior to filing with the plat officer the final plat for final approval.

(B) All subdivision improvements within the plat jurisdiction of the village shall be designed, furnished, and installed by the subdivider at his own expense in accordance with the provisions of SS 152.060 through 152.073, and other applicable village, county, and state regulations. All improvements shall be subject to inspection and approval by village engineer.

(C) In lieu of construction, the subdivider may post with the village a cashier's check, negotiable securities, or a surety bond payable to the village sufficient to cover the full cost of the improvements as estimated by a registered professional engineer, and approved by the plat officer, to assure the satisfactory installation of the improvements as outlined in SS 152.080 through 152.084.

(D) The developer is responsible for all required improvements until released by inspection and approval one year after completion and construction. A construction guarantee of 10% of the cost of the improvements shall be retained by the plat officer during this time.

(E) All construction must be completed within 2 years. Construction of all improvements required by this ordinance must be completed within 2 years from the date of the approval of the preliminary plan by the village board, unless good cause can be shown for granting an extension of time.

(F) Inspection at subdivider's expense.

(1) A preconstruction conference between village officials, the developer, and contractors will be required before construction begins.

(2) All public improvements proposed to be made under the provisions of this ordinance shall be inspected during the course of construction by the village engineer or a duly designated deputy. The following inspections are required:

(a) Before and during the time base material is deposited in place, for inspection of all street sub-grades, monumentation, and grading.

(b) Before and during the time paving is placed on the base material, for inspection of the base construction.

(c) Before any backfilling operations whatsoever following the installation of water, sanitary or storm sewers, or any other underground public improvements.

These inspections shall be paid for by the subdivider. Payment shall be made monthly to the village treasurer based on itemized invoices prepared by the village engineer. The village may halt construction if the subdivider fails to make any payment when due. No bond provided by the subdivider shall be released until all inspection expenses have been paid.

(G) All dedications must be accepted by the village. Final acceptance of the dedication of streets, utilities, open space, or other public area shall be the responsibility of the village board, and shall only be done by resolution at the regular meeting of the village board. However, action should only take place after receiving the report of the village engineer and inspector.

(H) Improvements required to existing street.

(1) For any subdivision determined to be a minor subdivision, a dedication of the public right-of-way, as per S 152.051 (G), and construction of the sidewalk as per S 152.063 will be required along existing streets, subject to the provisions contained in divisions (H) (3) and (4) below.

(2) In addition to the requirements for minor subdivisions, for any subdivision determined to be a major subdivision, widening of the street to the required width as per S 152.051 (G), paving with material equal to the existing pavement, but not less than A-III surface, and construction of curbs and gutters along with improved

border of the existing street, subject to the provisions contained in divisions (H) (3) and (4) below, shall also be required. The requirements of this section shall apply except in such cases as it can be shown that the required improvements would not be in the best interests of the village.

(3) Where a proposed subdivision abuts an existing street, the improvements required in divisions (H) (1) and (2) above shall apply only to that side of the existing street adjacent to the proposed subdivision. The dedication of the right-of-way or the widening and paving of the street, as required in divisions (H) (1) and (2) above, shall refer to the addition of ½ the difference between the existing right-of-way or surface width and that required in S 152.051 (G).

(4) Where the existing street runs through a proposed subdivision, the required improvements to the existing street shall apply to both sides of the street. The dedication of the right-of-way or the widening and paving of the street, as required in divisions (H) (1) and (2) above, shall refer to the addition of the difference between the existing street right-of-way or surface width and that required in S 152.051 (G).

(Ordinance 12974-75-11, passed 9/9/74; amended by Ordinance 1978-79-28, passed 2/26/79; Ordinance 1982-83-10, passed 9/13/82) Penalty, see S 152.999.

S 152.061 Grading and Monumentation.

(A) Grading generally.

(1) Any action causing the removal of major trees; filling of any area with more than 3 feet of fill material; cutting the soil or cover material from any area by more than 2 feet; or the alteration of any natural watercourse or major drainage way shall be considered grading, and shall only be allowed when shown and approved in conformance with a preliminary grading plan.

(2) All grading should be kept to the minimum necessary to provide the proper relationships between lots, blocks, streets, utilities, and storm drainage systems. All grading shall be shown on the grading plan. Where it is necessary to fill to a depth of 5 feet or more, the fill shall be laid in layers of 6 inches or less, adequately watered and compacted, and then subsequent layers of 6 inches added in a similar manner until the desired grade is reached.

(3) Where areas other than roadways must be cut or filled, topsoil should either be skimmed off before grading and uniformly replaced or new topsoil of a quality acceptable to the building inspector must be added after the grading at an average, uniform depth of not less than 4 inches.

(4) Where areas are not to be graded and are in excess of 15% slope, the village plan commission may require rip rapping, planting, or other methods of slope stabilization. In some cases the dedication of natural easement covering such areas may be required.

(B) Block and lot grading.

(1) The finished grade of all subdivided blocks should be such that water-runoff will flow freely from the block to streets, storm inlets, natural watercourses, and drainage swales, and drain from the subdivision without causing erosion, flood damage, ponding, or similar problems. Where the natural grade will not permit such flow, additional grading must be provided.

(2) All individual lots should be of such elevation and grade that storm water and sanitary waste will freely leave the site without causing erosion or flooding problems. All sites should therefore be at a reasonable level above streets and drainage and sanitary waste collection.

(C) Trees and grading. As many trees as can be reasonably utilized in the final development plan shall be retained, and the grading adjusted where practical to the existing grades at the trees.

(D) Street grading. All streets shall be uniformly graded in accordance with the typical cross-section shown in the engineering specifications of the preliminary plan. All trees and brush shall be removed, and the roadways shall be graded to the subsoil level.

(E) Monumentation. Reference monuments shall be installed within all subdivisions as follows:

(1) The perimeter of all subdivisions shall have permanent monuments of concrete reinforced with one #4 vertical rod, not less than 4 inches square or in diameter at the top, and tapered to 6 inches at the bottom and 36 inches long, set flush with the adjacent ground. Each permanent monument shall have a suitable mark in the center top. Permanent monuments shall be erected at all corners or changes in bearing of the exterior boundary of the subdivision.

(2) Each block shall have permanent monuments placed at all block corners at points of tangency of survey lines, and where street lines intersect the boundary of the subdivision.

(3) Monuments shall consist of iron pipes ¾ of an inch in diameter and not less than 24 inches in length, and shall be driven vertically into the ground so that the top thereof does not project more than 2 inches above the ground.

(4) All lot corners shall be marked by ½ inch iron pins not less than 24 inches in length driven into the ground similar to those monuments described in the above division.

(F) Grading and monument inspection. No sidewalk, utility, or street pavement shall be constructed within any subdivision or addition thereof until the grading and documentation of the subdivision has been inspected.

(Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.062 Street Improvements.

Each street shall be graded, drained, constructed, and surfaced in conformance with the standards contained in S 152.064. Modification may be required, however, because of soil, topographical, and other natural conditions. All street improvements shall be appropriate to the type of development anticipated and durable under use and maintenance contemplated for such streets. All street bases and sub bases shall be inspected before the paving surface is applied. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.063 Sidewalks.

(A) Portland poured concrete sidewalks shall be installed as required in S 152.064, and in areas around and leading to schools, parks and shopping areas. Sidewalks shall be at least 4 feet wide in residential areas, and 5 feet 4 inches wide in business areas. All sidewalks shall be constructed of concrete 4 inches thick with thickness increased to 5-1/2 inches where sidewalks are crossed by driveways or areas of unfavorable soil. A sand or gravel base at least 2 inches thick may be required. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

(B) Trails shall be constructed in areas shown on the approved Greenway Plan. Trails shall be a minimum 10-foot wide and constructed of 6-inch aggregate base course, Type A in accordance with Section 351 of IDOT Standard Specifications, with 2.5-inch Bituminous Concrete, Class I in accordance with Section 406 of IDOT Standard Specifications. Or 3-inch Bituminous Aggregate Mixture base

course (MS-1700) in accordance with Section 355 of IDOT Standard Specifications. With 2-inch Bituminous Concrete, Class I in accordance with Section 406 of IDOT Standard Specifications. Trails shall be separated from street pavement by at least 5 feet. (Ordinance 1999-2000-14)

S 152.064 Improvement Standards.

(A) Local – residential streets. (ATD 1000 vehicles)

(1) Pavement type – rigid.

(a) Sub-base – none.

(b) Base – 2 inches of sand or light gravel required by engineer.

(c) Pavement – 6 inches non-reinforced portland cement concrete pavement.

(d) Required pavement width – see S 152.051 (G) Urban Street Design Standards.

(2) Pavement type – flexible.

(b) Sub-base – none.

(c) Base – 5 inches BAM (MS 1500).

(d) Pavement – 2 inches class IMS 1700

(e) Required pavement width – See S 152.051 (G) Urban Street Design Standards.

Or

(f) Sub-base – 12 inches of lime stabilized sub-base.

(g) Base – 4 inches BAM (MS 1500).

(h) Pavement – 2 inches class I MS 1700.

(i) Required pavement width – See S 152.051 (G) Urban Street Design Standards.

(B) Collector streets. (ATD 1000 – 2000 vehicles).

(1) Pavement type – rigid.

(a) Sub-base – none.

(b) Base – 2 inches sand or gravel if required by the village engineer.

(c) Pavement – 6 inches non-reinforced portland cement concrete.

(d) Required pavement width – See S 152.051 (G) Urban Street Design Standards.

(2) Pavement type – flexible.

(a) Sub-base – none.

(b) Base – 6 inches BAM (MS 1500)

(c) Pavement – 2 inches class IMS 1700

(d) Required pavement width – See S 152.051 (G) Urban Street Design Standards

Or

(e) Sub-base – 12 inches of lime stabilized sub-base.

(f) Base – 5 inches BAM (MS 1500).

(g) Pavement – 2 inches Class IMS 1700.

(h) Required pavement width – See S 152.051 (G) Urban Street Design Standards.

(Ordinance 98-99-34)

(C) Major arterial business and industrial streets (ATD 2000 vehicles) will be designed in conformance with IDOT Standards (Ordinance 98-99-34)

(1) Asphalt surface not allowed for major streets or business and industrial streets, except by special permission of the village board.

(2) Countryside residential (rural). Same as above.

(Ordinance 1974-75-11, passed 9/9/74; amend. Ordinance 1978-79-28, passed 2/26/79) Penalty, see S 152.999

S 152.065 Curbs.

(A) Concrete curbing or combined concrete curb and gutter shall be constructed on each side of all street pavements except where waived by the village board.

(B) Curbing on local light traffic residential streets shall consist of poured cement concrete, and may be either plain concrete curb, 6 inches in thickness and 18 inches in depth, or a combination curb and gutter consisting of a gutter flag not less than 15 inches in overall width and 7 inches in thickness with a straight or roll type curb superimposed thereon, having an average thickness of 6 inches. The minimum height of the curbs shall be not less than 3-1/2 inches above the gutter grade.

(C) Curbing on business streets or major thoroughfares shall not be less than 5 inches in height above gutter grade, and shall be of a type and section adopted as standard for the village, or such variation thereof as may be approved by the village engineer. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.066 Trees and Parkway Vegetation.

(A) All parkways within the dedicated street area shall be graded and seeded in an approved manner, and care should be taken to prevent damage to water and gas shut-off valves, and the owner shall be held responsible for any damage which is incurred.

(B) Trees shall be planted along all streets where trees do not exist. Trees should have a trunk diameter, measured 12 inches above the ground, of not less than 1-1/2 inches, and shall be spaced not less than one per lot, except no trees shall be planted within 50 feet of the intersection of 2 street right-of-way lines. This requirement will be satisfied if an equivalent number of trees of the same size or larger are planted in a natural manner in the front yards of the adjoining lots. The plantings shall be restricted to trees approved by the plan commission for the particular subdivision. Chinese elm, box-elder, silver maple, willow, poplar, and similar fast-growing brittle wood species which are usually subject to attack by insects and disease shall be prohibited.
(Ordinance 1974-75-11, passed 9/9/74; amend. Ordinance 1978-79-29, passed 2/26/79) Penalty, see S 152.999

S 152.067 Public Utilities.

Whenever practical, telephone and electric utilities shall be underground. When utility lines for telephone and electric service must be carried on overhead poles, such utilities shall be placed in rear lot line easements or designated side lot line easements. Where telephone, electric, and gas service lines are placed underground entirely throughout a subdivision area, conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. All transformer boxes shall be located so as not to be unsightly or hazardous to the public. All underground utility installations which traverse privately-owned property shall be located in recorded easements. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.068 Storm Drainage.

(A) The subdivider shall design and construct a storm drainage system adequate to handle potential maximum flows of water drainage from the subdivision or passing through the subdivision without causing hazard to life or property within the subdivision or surrounding land areas. All storm systems shall be designed and constructed according to the preliminary plat, and shall consider the appropriate streets, storm sewers, roadway ditches, grassed swales, natural watercourses, catch basins, and inlets as may be required. All facilities should be complimentary in design and construction. In general all areas of overall grade less than 3% and more than 10% shall be required to install storm sewers.

(B) Natural watercourse.

(1) Whenever practical, natural open drainage ways shall be utilized as part of the subdivision storm drainage system. Whenever a natural stream or other man-made important surface drainage course or agricultural drainage tiles are located within a subdivision, the subdivider shall dedicate an adequate easement along each side of the stream or tile for the purposes of widening, deepening, sloping, improving, or protecting the stream or tile for drainage or floodwater retention.

(2) The filling, alteration, widening, or any other restriction or alteration of a natural stream and flood basin shall be permitted only as shown and approved on the preliminary plat. In areas where stream slopes exceed 12%, slopes shall either be graded, stabilized by rip rapping or some sort of planting, or shall be dedicated as a natural easement.

(C) Drainage ditches and swales. Where roadway ditches or swales are permitted, the ditches or swales shall be contained within easements at least 10 feet wide, and the drainage shall be improved as follows:

(1) With grades to 4%, ditches may have sod bottoms and banks.

(2) With grades from 4 to 8%, ditches or swales must have ditch checks.

(3) With greater than 8% grades, ditches or swales must have riprap or be paved.

(4) The filling, alteration, widening, or any other restriction or alteration of a roadway ditch or swale shall not be permitted without prior written approval of the village board.

(5) No shrubbery, fence, or other such structure shall be planted or constructed in or over any drainage ditch or swale in such a manner as would impede the flow of water and storm runoff through these ditches and swales.

(D) Storm drainage structures.

(1) Culverts. The size and capacity of all drainage structures shall be computed using the method outlined in S 152.057. Wherever practical, pipe culverts shall be used. The minimum length of culverts shall be at least equal to the distance from edge of shoulder to edge of shoulder, plus 6 times the vertical distance from the edge of the shoulder to the flow line of the culvert. No culvert shall have a diameter of less than 12 inches. In no case shall driveway culverts be less than 20 feet in length.

(2) Bridges. All bridges and culverts having a span of more than 10 feet shall be approved by the bridge engineer, Department of Transportation, Division of Highways of the State of Illinois.

(3) Storm sewers. The sewer system shall be designed by the rational method with self-cleaning velocities as follows:

(a) That part of the system which serves as main or terminal collectors shall be of sufficient capacity to carry the maximum storm water flows which may occur in a 10-year period.

(b) That part of the system which serves as lateral collectors, and which can readily be augmented by future additions, shall be of sufficient capacity to carry maximum storm water flows which may occur in a 5-year period.

(c) The engineer shall select coefficients of runoff based on the types of development anticipated in all parts of the watershed affecting the drainage structure. Information regarding future development of the watershed shall be obtained from the planning director.

(d) The system shall include all necessary appurtenances such as inlets, catch basins, and manholes as may be required for proper operation and maintenance. The sizing of such structures and spacing should provide that encroachment into the street not exceed 8 feet from the back curb, and that the head on top of the grate be no higher than the top of the curb or 6 inches, whichever is the least dimension.

(e) Where the main storm sewer serving a subdivision can be expected to carry a substantial amount of storm water from adjoining lands higher in the drainage area, and where the runoff from these lands can be expected to increase in the future because of more intense development, the developer may be permitted to substitute an open ditch for such sewer. The ditch shall comply with grading, seeding, and sodding specifications of this ordinance, and the ditch shall be located on a drainage easement of sufficient width to permit its proper maintenance, and to allow the eventual construction of an underground storm sewer adequate to serve the entire drainage area above the subdivision.

(f) All storm sewers shall be at least 12 inches in diameter, and shall be of material and construction approved by the village engineer.

(g) All materials for the construction of bridges, culverts, storm sewers, catch basins, manholes, inlets, and other facilities shall be approved by the village engineer.

(E) Oversized storm sewers. If greater than 24-inch diameter sewers are required to handle the contemplated flows, the cost of the larger sewers may be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by the larger sewer, and the excess cost either borne by the village or township.

(Ordinance 1974-75-11, passed 9/9/74; amend. Ordinance 1977-78-28, passed 12/19/77; amend. Ordinance 1978-79-28, passed 2/26/79)
Penalty, see S 152.999

(F) Whenever natural topography does not allow the flow of ground water from individual sump pumps to be discharged into a natural watercourse, the developer shall provide an under-drain system to provide an outlet for discharges for said sump systems. The drain system shall consist of a six-inch rigid PVC pipe laid to a minimum depth of three feet six inches; the trench shall be backfilled with aggregate. Clean outs with riser shall be installed every 200 linear feet and at the end of each run. Pipe and aggregate backfill shall be in accordance with the applicable provision of Section 505, 208 of the "Standard Specifications for Road and Bridge Construction, State of Illinois".

Each lot will be provided with a two-inch PVC riser pipe for future connection of a sump pump discharge line. Each riser's location shall be duly noted on record drawings provided by the developer. This sump pump drain system will not be required for a lot if a storm sewer system is available and suitable for sump pump drainage. This sump pump drain system shall be located on Village right-of-way or easements recorded for this purpose. (Ord. 2008-09-)

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Cross-reference;
Drainage, S 152.057

S 152.069 Dams and Impoundment Structures.

Dams for water impoundments, pools, ponds, reservoirs, and small lakes shall be planned, designed, and constructed under the supervision of a qualified engineer, and shall meet the approval of the Department of Conservation of the State of Illinois.

(A) Earth dams. Minimum requirements for earth dams shall be as follows:

(1) Foundations. A minimum thickness of at least 24 inches of an impervious material is required for dams up to 12 feet. The entire area in which the dam is to be founded shall be free from all top soil, roots, vegetation, stones, rock, or debris, and shall be plowed and roughed up to provide an interlocking tight bond with the new fill.

(2) Cores. Cores should have a width of 30% to 50% of the water head, and shall be constructed of materials which will not lead to core failure and leaks.

(3) Crest. The crest shall be at least 10 feet wide to allow adequate space for maintenance equipment, and shall have sufficient height above the water surface (freeboard) to prevent waves from going over it.

(4) Slopes. The upstream slope shall not be steeper than 3 feet horizontal to one foot vertical, and shall be sufficiently protected from ice and wave action by an impervious earth blanket, riprap, or concrete. The downstream slope shall not be steeper than 2 feet horizontal to one foot vertical, and shall be protected against erosion by a growth of permanent sod.

(5) Drainage. Sufficient drainage and “reverse filtering” facilities to insure the permanent stability of the dam and its foundation shall be provided. Proper precautions shall be taken to prevent any seepage along drain pipes running through the dam.

(6) Spillways. Facilities for handling the maximum normal surplus waters shall be provided, together with a sodded relief spillway constructed 18 inches above the normal water level. Proper precautions shall be taken to prevent seepage along any of the spillways facilities constructed within the dam.

(7) Materials. All materials, equipment, and construction methods shall conform to the requirements of the American Association of State Highway Officials Specifications for Highway Bridges and the Standard Specifications.

(8) Test and analysis. Results of the following tests and analysis shall accompany all plans for dams:

(a) Tests on the foundation material showing compressibility, shear strength, and permeability.

(b) A complete stability analysis of the proposed dam using any of the available analysis techniques.

(c) Permeability tests of the proposed core materials.

(B) Masonry dams. Minimum requirements for masonry dams shall include provisions to insure proper foundation bearing and prevent slippage, excessive seepage, “piping,” and scouring. The structure shall be designed by a registered structural engineer. The design and construction requirements shall conform to the American Association of State Highway Officials Specifications for Highway Bridges and the Standard Specifications.

(C) Existing dams. An engineering report shall be submitted to the plat officer of all existing dams within a proposed subdivision. Any dam found to be

structurally unsafe shall be reconstructed or reinforced in accordance with the above standard.

(Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.070 Water Lines.

(A) Where a subdivision is located within ½ mile of the village main, each lot within the subdivision shall be provided with a public water system. The water service is to terminate at the property line with a curb stop in a curb box (water line to extend 1 foot beyond curb box). Fire hydrants shall also be installed in all subdivisions within the corporate limits, and the location of same shall be approved by the director of public works. The supply system shall be constructed under the direction and control of, and all construction shall be subject to, the approval of the director of the water department.

(B) Subdivisions located ½ mile or more outside the village limits, and where the lots contain 20,000 square feet or more, may install private water supply systems for each lot at the time improvements are erected thereon.

(C) Construction specifications.

(1) Pipe for water mains shall be in accordance with the latest revision to the “Standard Specifications for Watermain Construction for the City of Decatur, Illinois,” which is hereby adopted by reference. All polyvinyl chloride (PVC) pipe shall conform to AWWA-C-900, Pressure Class 150, Standard Dimension Ration (SDR) 18, Laying Condition Type I. All fittings, joints and couplings shall meet AWWA specifications for appropriate type pipe. All ductile iron pipe shall be designed in accordance with ANSI A31.50 and have a standard pipe coating outside and lined with thin cement lining and seal coated inside in accordance with ANSI A.21.4 – latest revision (AWWA C-104- latest revision). A Blue #12 THHN tracer wire shall be laid with all PVC pipe. The main trace shall be continuous throughout. (Ordinance 91-92-8)

(2) All 6-inch water mains shall be adequately valved in a manner, that in the event of a broken main, the same can be isolated without discontinuing water service to more than one block during repair of the same. Gate valves shall be American Water Works Association Specification, 300-pound hydrostatic test, iron body, bronze mounted double disc gate valves, right hand (open clockwise), and of a type approved by the village engineer and the superintendent of waterworks.

(3) Each gate valve shall be provided with a cast-iron adjustable valve box. Valves on 8-inch pope or larger may be spaced at intervals of not exceeding ¼ mile.

(D) Fire hydrants.

(1) Fire hydrants shall be provided and installed in the water system. They shall be installed on all property zoned for residential use in the parkways near the block corners and at such intermediate points, as approved by the village engineer, so that an average spacing of 325 feet is maintained between hydrants, and in a manner that the areas formed by the arc of a circle of 200 feet overlap the entire service area.

(2) Spacing of hydrants on property zoned for multiple-family, business, or industrial use shall be correspondingly closer, as approved by the village engineer.

(3) Each fire hydrant shall be provided with a 6-inch auxiliary valve and cast-iron adjustable valve box, and shall be connected to the water main by means of a 6-inch cast-iron pipe hydrant lead. Fire hydrants shall be of a type approved by the village engineer and the director of public works. Fire hydrants shall be 5 feet bury, shall have a 5-inch valve opening, and a 6-inch standpipe, and shall be provided with two 2-inch hose nozzles and one 4-inch streamer connection, all according to the standards and hose thread in use in the village. Hydrants shall meet A.W.W.A. Spec. 300-pound hydrostatic test.

(4) All water mains and appurtenances shall be installed in trenches to a depth which will provide forty-two inches (42”) of cover between the established grade and the top of the pipe.

(Ordinance 1974-75-11, passed 9/9/74; Ordinance 1982-83-10, passed 9/13/82; Amend. Ordinance #20, passed 3/18/91) Penalty, see S 152.999

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Cross-reference:

Plumbing code, see S 153.01.

S 152.071 Sanitary Sewers.

(A) Where the subdivision is located within the village limits, each lot within the subdivided area shall be provided with a connection to a sanitary sewer, to terminate not less than 2 feet beyond the curb, or one foot outside the sidewalk when the sidewalk adjoins the curb. All connections to the sanitary sewer system and the subdivision sewer system shall

comply with the ordinances of the village pertaining to sewers, and all construction of the system shall be subject to the direction and approval of the village engineer.

(B) If, at any time of final platting, sanitary sewer facilities are not available to the plat, but under contract to be built, and will become available within a period of 2 years from the date of plat recording, the subdivider shall install or cause to be installed mains throughout the subdivision service to each street lot line in accordance with this section, and shall cap all laterals as may be specified by the village engineer. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the village engineer.

(C) The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. If public sewer facilities are not available, the subdivider shall make provision for adequate private sewage disposal systems if soil and water conditions are favorable, or if adequate methods are undertaken to overcome limitations of the natural capabilities of the land for waste disposal systems. Installation shall meet standards specified by the village and the state and county boards of health. Construction of sanitary sewerage systems shall be contingent upon issuance, and subject to all conditions of appropriate state environmental protection agency's permit.

(D) Sanitary sewer pipe 8- to 15-inch diameter shall be Acrylonitrile-Butadiene-Styrene (ABS) or Polyvinyl Chloride (PVC) pipe. Both will be of composite construction of thermoplastic wall truss manufacture with an ASTM Specification D2680. Sewer pipe over 15-inch diameter shall be of material approved by the village engineer of director of public works. Alternate materials shall conform to specifications approved by the village board, and copies of the same shall be on file with the village clerk. Four or 6-inch house service stubs shall be installed as required to provide sewer service to every lot in the subdivision wherever house sewers cannot subsequently be installed without tunneling under or crossing the street pavement. House services shall extend to the street or lot line, and shall have a depth of not less than 7 feet at the terminus, wherever possible. Lateral sewers, wherever possible, shall have a minimum depth of 8 feet below the established street grade. All sewers should be backfilled with sand or other materials specifically approved by the village engineer. (Ordinance #1990-91-11)

(E) Air testing of all mainline sewers shall be mandatory. Manholes shall be given an infiltration test by plugging all entering lines and observing the rate of filling. A 2-hour test shall not result in water exceeding one inch depth in the invert.

The air testing shall conform to the following table for a loss of pressure from 3.5 psig to 2.5 psig for size and length of pipe indicated:

Specification of time for Length (L) shown (min:sec)

Pipe Diameter (in.)	100 ft.	150 ft.	200 ft.	250 ft.	300 ft.	350 ft.	400 ft.	450 ft.
8	3:47	3:47	3:47	3:47	3:48	4:26	5:04	5:42
10	4:43	4:43	4:43	4:57	5:56	6:55	7:54	8:54
12	5:40	5:40	5:42	7:08	8:33	9:48	11:24	12:50
15	7:05	7:05	8:54	11:08	13:21	15:35	17:48	20:02
18	8:30	9:37	12:49	16:01	19:14	22:26	25:38	28:51
21	9:55	13:05	17:27	21:49	26:11	30:32	34:54	39:10
24	11:24	17:57	22:48	28:30	34:11	39:53	45:35	51:17
27	14:25	21:38	28:51	36:04	43:16	50:30	57:42	64:54
30	17:48	26:43	35:37	44:31	53:25	62:19	71:13	80:07

(F) At all locations where the sewer manholes do not fall within an approved surface a Blue #12 THHN tracer wire shall be laid with all non-ferrous pipe. The main tracer shall be continuous throughout. When the main tracer must be spliced with a new spool, the connection shall be with a “Kernie” wire connector. This being a screw down clamp.

The tracer wire shall be connected to each manhole casting. The connection may be done with a brass pipe, or grounding, clamp with brass screws, or similar device approved by the engineer. The tracer wire shall be buried no more than forty-two (42) inches below the ground surface.

All connections shall be taped and moisture sealed with electrical mastic and Scotch #2210 E-2 seal. (Ordinance #1990-91-11)

(G) Prior to final acceptance of the sewer by the village all sewer lines shall be internally inspected with a color inspection camera. The camera lens shall have not less than a 65-degree viewing angle and shall have either automatic or remote focus and iris controls. Camera lighting shall be sufficient for use with the color inspection camera. Accurate and continuous footage readings shall be superimposed on the video recording and also the date of the inspection. The videotape provided the village shall be of the 2-hour, VHS-format and shall be labeled showing the lines recorded and the name of the contractor who constructed the sewer. (Ordinance #1990-91-11)

(Ordinance 1974-75-11, passed 9/9/74; Ordinance 1982-83-10, passed 9/13/82; Amend. Ordinance #1990-91-11) Penalty, see S 152.999

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Cross-reference:

Sewer regulations, Ch. 51.

S 152.072 Street Lamps.

The subdivider shall install street lamps along all streets of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection, and at such interior block spacing as may be required by the village engineer.
(Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.073 Street Signs.

The subdivider shall install at the intersection of all streets proposed to be dedicated a street sign of a design specified by the village engineer. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

Dedications, Easements, Reservations, Vacations, Bonds, and Financial Guarantees

S 152.080 Dedications.

(A) Areas required to be dedicated.

(1) All new streets created by a subdivision shall be shown and dedicated on the plat as public streets of the village.

(2) Where a subdivision abuts on an existing street, and the provisions of the village require an additional width of right-of-way, the subdivider shall dedicate the same.

(3) Pedestrian ways bisecting long blocks, or wherever else located, shall be dedicated to the village.

(B) Identification of dedications. Areas to be dedicated shall be clearly identified and names on the plat, and dedicated to the public use.

(Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.081 Easements.

(A) Areas to be shown as easements.

(1) Public utilities, storm water facilities, and installations shall be located on suitable easements as specified in this ordinance.

(2) Planting strips or other buffer zones located between reverse frontage lots and a thoroughfare, or between incompatible uses, wherever required, shall be shown as easements.

(B) Identification of easements. Easements shall be clearly identified on all plats, e.g., “drainage easement,” “utility easement,” and “planting strip easement.”
(Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.082 Reservations.

(A) Areas to be reserved. Whenever the area being subdivided embraces all or part of any lands set aside on the Mt. Zion official map for a street, school, conservation area, other community facility, or any other public use, all land so designated shall be shown on the tentative plat as being dedicated or reserved for that proposed use, and it shall be reserved by the subdivider for a period of one year from the date of approval of the final plat, during which time it shall be made available for sale to the public agency concerned. If the sale price cannot be agreed upon, the cash fair market value of the property may be established by an appraiser acceptable to all parties. The sale price shall be based on the cash fair market value on the date of the filing of the first tentative plat.

(B) Reservations of preliminary plats.

(1) Areas reserved shall be clearly identified on the preliminary plat as reserved in accordance with this ordinance.

(2) The preliminary plat shall also contain the proposals of the subdivider, as they might otherwise be platted, for the areas under reservation, to be applied in the event the land is not acquired by the public within the period of reservation.

(3) Upon completion of the one-year period of reservation, the preliminary plat shall remain a valid preliminary plat for the formerly reserved areas for a period of one year, subject to restrictions imposed by this ordinance.

(C) Reservations and final plats.

(1) Where practicable, final plats shall not include areas reserved. Final plats should affect only that portion of the subdivider’s land which is unrestricted by the reservations.

(2) Where final plats must include areas reserved, such areas shall be clearly identified as reserved in accordance with this ordinance, and shall not contain any proposals of the developer.

(3) Final plats may be submitted for reserved land not acquired by the public at the close of one year. Such plats will be considered additional units of the subdivisions for which initial final plats were recorded.

(D) Easements. The vacation of any plat, or part thereof, or right-of-way or easement, or part thereof, shall not be deemed to be a vacation of the rights of any public utility where the public utility has installed its facilities therein.

(Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.083 Vacations.

(A) Procedure. In all cases the vacation of any plat, or part thereof, or any public right-of-way or easement, or part thereof, shall follow the procedure for the review of plats established in this ordinance except that:

(1) Final action shall be taken by the village.

(2) The plat officer shall recommend to the village board a sum to be paid by the owner of abutting properties in consideration of any public property involved in the vacation.

(B) Standards.

(1) No vacation shall be approved which creates a condition which would not be permitted under the standards of design set forth in this ordinance, unless such vacation would at the same time correct a more serious condition which exists contrary to the standards of this ordinance.

(2) No vacation shall be approved which will result in a conflict with the official plan or official map, unless passed by a 2/3 vote of the village board.

(3) No vacation shall be approved which will result in a violation of the village zoning code or other applicable village ordinances or regulations, unless the vacation will at the same time correct a more serious conditions which exists contrary to such ordinances or regulations.

(C) Petition form and content. The sketch and preliminary plat of vacation shall be prepared in accordance with the specifications for plats and plans where pertinent, except that the preliminary plat of vacation shall be accompanied by a certified statement of the assessed valuation of all properties surrounding any public right-of-way to be vacated. Final petitions for vacation shall include the following items:

(1) Three copies of the original plat or the applicable part thereof certified by the recorder to be a true copy of same, on which is shown the portion to be vacated outlined in a heavy line and hatched.

(2) The following petitions, deeds, and certifications, all drafted from models obtainable from the plat officer:

(a) Deed of vacation.

(b) Petition (3 copies).

(c) County clerk's certificate.

(d) Resolution.

(e) Assessor's certificate.

(3) The petition as it is presented to the village board shall be accompanied by a report from the committee.

(D) Easements. The vacation of any plat, or part thereof, or right-of-way or easement, or part thereof, shall not be deemed to be a vacation of the rights of any public utility where the public utility has installed its facilities therein.

(Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.084 Bonds and Financial Guarantees.

(A) To insure proper compliance with the provisions of this ordinance, the following bonds and financial guarantees shall be required therefore:

(1) A construction agreement,

(2) A performance guarantee,

(3) A maintenance guarantee, and

(4) Proof of adequate liability and title insurance.

(B) All bonds and insurance required under this section shall be secured from companies authorized to do business in the State of Illinois, and shall be deposited and remain at all times with the clerk of the village.

(C) Construction agreement.

(1) To assure construction and installation of improvements required by these regulations, the subdivider shall execute a construction agreement with the village board in form and substance approved by the legal counsel. This agreement shall provide that all improvements shall be constructed and installed at the subdivider's expense in compliance with the standards and specifications for each of the various types of improvements; the improvements shall be available to and for the benefit of the lands within the subdivision; and the improvements will be completed and installed within 24 months of the date of approval of the preliminary plat.

(2) The construction agreement shall further provide that, in the case where approval of the final plat has been given before construction of the improvements, and a performance guarantee has been provided, and if the village, upon proper notice, may complete the improvements and recover full costs and expenses thereof from the subdivider, and may appropriate such portion of money or bonds posted for the faithful performance of the works.

(D) Commencement of improvements. No construction of any improvements, or clearing, grubbing, and grading shall be commenced prior to the approval of the construction agreement by the village board.

(E) Performance guarantee.

(1) Type of guarantee. The subdivider may execute and file financial guarantees with the village board in lieu of the actual installation or completion of the required improvements when requesting conditional approval of the final plat. Guarantees may be in the form of a performance or surety bond, a certified check, or any other type of guarantee approved by the village board.

(2) Term of guarantee. Guarantees shall be for a period of not longer than 2 years unless the village board extends the time period by resolution.

(3) Amount of guarantee. The financial guarantee shall be in an amount equal to the village engineer's estimate of:

(a) The cost of construction of all improvements; plus

(b) The engineer's fees for office checking and field inspection.

(4) When any portion of an improvement has, upon inspection, been found satisfactorily completed, a reduction in the bonds or partial withdrawal of funds equal to the estimated costs of the completed improvements may be authorized by the village board.

(F) Maintenance guarantees.

(1) The maintenance bonds shall be of such amount as determined by the village engineer, and shall be arranged for a period of one year from the date of acceptance of the improvements by the village engineer.

(2) The maintenance bond shall be determined by taking into consideration topography, soil conditions, and prevailing costs of labor and materials. No maintenance bond shall be less than $1,000.

(3) The subdivider shall be responsible for routine maintenance of all improvements and shall repair all failures due to faulty construction as soon as they become apparent.

(4) He shall also make repairs due to erosion or abuse by utility companies installing utilities, and shall repair all failures for all other reasons during the maintenance bond period. He shall also restore the roads and streets at the end of the maintenance period.

(G) Liability insurance. The subdivider shall furnish such insurance as is deemed necessary by the village board which shall indemnify and save harmless the village from any and all liability arising by reason of the conditions of the streets of the subdivision which may arise or grow out of the construction or installation of the facilities. The insurance shall be of such duration as determined by the village board, but shall in no case be allowed to expire earlier than the effective period of any maintenance bond. A copy of the insurance policy shall remain at all times with the village clerk.

Title insurance. Evidence must be shown that title insurance in an amount of not less than $1,000 will be issued insuring the title of the lands to be dedicated, as shown on the final plat.

Fees

S 152.090 Fees.

There is established a fee for the approval of preliminary and final plats, as follows:

(A) Minor Subdivision Plat. The initial expense for each preliminary plat shall be determined by the number of lots. For a preliminary plat of five lots or less, the fee shall be $100 plus $20 per lot within the proposed subdivision. (Ordinance 2003-2004-1, 5/19/03)

(B) Major Subdivision plat. The initial expense for each preliminary plat shall be determined by the number of lots. For a preliminary plat of five lots, the fee shall be $100 plus $20 per lot within the proposed subdivision. For subdivision with 6 to 10 lots, the fee shall be $125 for each preliminary plat plus $15 per lot within the proposed subdivision. For preliminary plat with 11 or more lots, the fee shall be $175 plus $10 per lot within the proposed subdivision. (Ordinance 2003-2004-1, 5/19/03)

(Ordinance 1974-75-11, passed 9/9/74) (Amended 2003-04-1, passed 5/19/03) Penalty, see S 152.999

Variances

S 152.100 Variation and Relief.

(A) The village board may, on recommendation of the plan commission, grant special exceptions or variances under these regulations.

(B) Variances. The corporate authority may grant variances to these regulations where unusual or exceptional factors or conditions require modification, provided that the plan commission, after a hearing, shall:

(1) Find that unusual topographical or exceptional physical conditions exist.

(2) Find that compliance with these regulations would create an extraordinary hardship in the face of the exceptional conditions.

(3) Permit any modification to depart from these regulations only to the extent necessary to remove the extraordinary hardship.

(4) Find that the modifications would improve the village over what would be allowed under the terms of this ordinance.

(5) Find that any modification granted will not be detrimental to the public interest, nor in conflict with the intent and purpose of these regulations.

(6) Require such other conditions to be met by the proposed plat as the planning commission may find necessary to accomplish the purpose of this ordinance when modified.

(Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.101 Special Subdivisions.

The standards and requirements of this ordinance may be modified on a broad scale by the village board in the case of a plan or program for a special subdivision or neighborhood unit. Such modification shall not be approved until after written recommendation of the plan commission, which recommendation may be given when, in the judgment of the plan 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 covenants or other legal provisions as will assure conformity to and achievement of the plan. The village further reserves the right to require the subdivider to meet any additional specifications or restrictions it may deem necessary to accomplish the purpose of this ordinance when modified. (Ordinance 1974-75-11, passed 9/9/74) Penalty, see S 152.999

S 152.999 Penalty.

(A) Whoever willfully violates any rule or provision of these regulations, or fails to comply with any order pursuant thereto, shall forfeit and pay not less than $100 nor more than $1,000. Each and every day a violation exists shall constitute a new and separate violation under this ordinance.

(B) Any person, whether he is the owner or agent of the owner, who transfers any sub lot, parcel, or tract of land before a plat has been approved by the village and recorded in the office of the country recorder, shall forfeit and pay the sum of not less than $100 nor more than $500 for each sub lot, parcel, or tract of land so sold. The description of the sub lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section.

(C) Any person who disposes of or offers for sale or lease for a time exceeding 5 years any sub lot or any part of a sub lot, in a subdivision before provisions of these regulations are complied with, shall forfeit and pay $500 for each sub lot or part of a sub lot so sold, offered for sale, or leased, to be recovered with costs in a civil action, in the name of the village treasurer, for the use of the village.

Chapter 153: Building Code

Section

153.01 Adoption of codes
153.02 Code changes adopted
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153.05 Plot plan requirements
153.06 Driveway entrance policy, commercial – industrial
153.07 Driveway entrance policy, residential
153.08 Parking lot policy
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153.10 Permits and inspections
153.11 Insurance, bonds, and permits
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153.103 Survey and investigations required; maintain records
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153.105 Authority to disconnect
153.106 Customer's responsibility
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S 153.01 Adoption of Codes.

That certain documents, known as, the 2009 International Building Code; 2009 International Residential Code for One and Two Family Dwellings; 2009 International Mechanical Code; 2008 National Electrical Code; 2009 International Property Maintenance Code; 2009 Fire Code; the most current edition of the Illinois Plumbing Code and the Illinois Energy Conservation Code, be and are hereby adopted by reference as the applicable minimum standards covering construction of commercial, industrial and dwelling structures within the Village of Mt. Zion, Illinois, together with all the regulations, provisions and terms contained therein, except where superseded by State Law or Local Ordinances amending the Building Code.

The above does not negate any other statutorily authorized code or regulation administered by State agencies. This includes, but is not limited to, the Illinois Environmental Barriers Act, the Illinois Accessibility Code, and administrative rules adopted by the Office of the State Fire Marshall (including the NFPA Life Safety Code). (Ordinance 2015-2016-3)

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Statutory reference:

Electrical commission, S.H.A. Ch. 24, S 11-37-1 et seq.

Plumbing, authority of city to regulate, S.H.A. Ch. 24, S 11-20-5

S 153.02 Code Changes Adopted.

That the 1996 BOCA Building Code is hereby amended in the following respects:

(A) Section 109.5 shall be stricken.

(B) Section 109.6 is amended to read as follows:

"Qualifications of building official: A person shall not be appointed as building official unless he has had at least three (3) years practical experience in the technical work which he is appointed to supervise, or in responsible charge of building construction, or as a skilled worker. A person shall not be appointed as inspector of construction who has had less than three (3) years experience in general building construction.

(C) Section 117.4 is amended to read as follows:

"In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of any of the provisions of the code enacted in (1) above, the proper authorities of the village, or any person the value of whose property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceedings in equity to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, to restrain, correct, or abate such violation, to prevent the occupancy of said building or structure.

The violation of any of the terms of the provisions enacted by this Ordinance shall be punishable by fine not exceeding five hundred dollars ($500.00), in the discretion of the court, for each offense, and each and every day a violation continues to exist shall constitute a separate offense."

(D) Section 118.2 is amended to read as follows:

"Unlawful continuance: Any person who shall continue any work in or about the structure after having been served the stop work order, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be liable for a fine not exceeding five hundred dollars ($500.00) upon conviction. Each day a violation continues shall be deemed a separate offense."

(E) Section 123.3 is amended to read as follows:

"Compensation of board of survey: The third member of the board shall receive for his services a fee of $25.00 to be paid by the appellant."

(F) Section 124.2.1 is amended to read as follows:

(G) Section 1005 is amended to read as follows:

1205.1 Frost Protection: Except as provided in Section 1205.1.1, and except when erected upon solid rock or otherwise protected from frost, foundation walls, piers and other permanent supports of all buildings and structures larger than 200 square feet supports of all buildings and structures larger than 200 square feet (18.60 mm) in area of 10 feet (3048 mm) in height shall extend below the frost line of the locality, and spread footings of adequate size shall be provided when necessary to properly distribute the load within the allowable bearing value of the soil. Or, such structures shall be supported on piles or ranging timbers when solid earth to rock is not available. Footings shall not be founded on frozen soils unless such frozen condition is of a permanent character. (Ordinance 1989-9-12)

1205.1.1 Detached Garages: All detached residential garages shall, at a minimum, have a floating slab of poured concrete which is four inches thick in the center, eight inches thick around the perimeter of the structure and resting on a sand base of at least four inches. (Ordinance 1989-90.12)

1205.3 Isolated Footings: Footings on granular soil of Classes 5 to 10 inclusive in Table 1201.3 shall be so located that the line drawn between the lower edges of adjoining footings shall not have a steeper slope than 30 degrees (0.52 rad.) with the horizontal, unless the material supporting the higher footing is braced or retained or otherwise laterally supported in an approved manner or a greater slope has been properly established by engineering analysis. (Ordinance #1989-90-12)

1205.4 Floating Mat: Floating mat foundations shall be located on permanently undistributed soil of adequate bearing capacity. The building official may approve a continuous foundation mat which is located directly on the ground when adequate subsoil drainage and a rat proof apron as specified in Section 2101.7 are provided when required. Where subject to freezing, the footings shall be designed to resist frost action. (Ordinance 1989-90-12)

S 153.03 Fees Adopted.

Those parts of the code designated in Section 153.01 as being adopted by reference by this chapter which provides for inspection fees, permit fees, fines and penalties for violations of code provisions, connection and installation fees, and fines for unlawful continuance of work, shall be superseded by village ordinances adopted from time to time which provide for said inspection fees, permit fees, fines and penalties for violations of code provisions, connection and installation fees, and fines and unlawful continuance of work. (Ordinance 1976-77-48, passed 5/5/77; amended by Ordinance 1978-79-40, passed 3/19/79; Ordinance 1983-84-30, passed 4/16/84; amended by Ordinance 2015-16-16, passed October 19, 2015)

(B) Commercial construction:

(1) Structural: $0.10 per square foot a minimum fee of $100.00

(2) Plumbing: $150.00

(3) Mechanical: $60.00

(4) Electrical: $120.00

Minimum covers three inspections. There will be an additional charge of $30.00 per each additional required inspection to be determined by the building inspection department.

(C) Residential, including room additions/garages (detached and attached) and accessory uses:

(1) Structural: $0.10 per square foot with a minimum of $100.00

(2) Plumbing: $150.00 minimum

(3) Mechanical: $60.00 minimum

(4) Electrical: $120.00 minimum

Minimum covers three inspections. There will be an additional charge of $30.00 per each additional required inspection to be determined by the building inspection department.

(D) Other fees:

(1) Deck: $100.00 minimum

(2) Pool (in ground): $100.00 minimum

(3) Sign permit: $100.00 minimum (Temporary Signs $40.00)

Minimum covers permit and two inspections (rough and final). There will be a charge of $30.00 per each additional required inspection to be determined by the building inspection department.

(4) Refunds: All permits and permit fees are non-refundable and are not transferable.

(E) Disapproval of any final inspection will result in a $40.00 re-inspection fee. Any and all finals will be disapproved if occupancy has occurred. This determination will be made by the village's Building Inspection Department. (Ordinance 1996-97-33; Ordinance 2015-16-16, 10/19/2015)

S 153.04 Building Plans.

All building plans should show types of ceiling, walls, and exit facilities. Front, rear, and side elevations shall be included. Cross-sections of typical walls must be submitted. Schematics of all mechanical systems shall be a part of the building plans. (Ordinance 1976-77-48, passed 5/5/77)

S 153.05 Plot Plan Requirements.

Each submitted plot plan shall provide the following information:

(A) A north arrow and the engineer's scale shall be shown.

(B) The legal description, street address, zoning, lot dimension, and property lines of the proposed development shall be shown. This must include existing or proposed street and alley right-of-way and easements, and any other legal interest in the land being developed.

(C) All existing topographic features, including, but not limited to, driveways, pavements, curbs and gutters, sidewalks, drainage structures, utility lines and appurtenances above and below ground, parking areas and structures, including use, shall be shown with appropriate dimensions given. Existing drainage shall be clearly indicated by contour lines, or in the case of a flat parcel, by adequate spot elevations. The existing topographic features shown shall include enough of the surrounding areas to clearly establish the proposed development's impact and effect thereon.

(D) Dimensions of all required yard setbacks shall be provided.

(E) Required off-street parking spaces. If parking is computed other than by means of the gross floor area ration, the respective data should be stated on plot plans. For example, a manufacturing or warehouse establishment

requires one parking space for each 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith. When preparing a plot plan for such a use, state the maximum number of employees as specified, and also state all equipment that will be stored within a structure or indicate parking area on a surfaced lot. In essence, clearly state the method used for computing parking spaces in order that it can easily be checked for accuracy and completion.

(F) The parking lot and entrances shall be shown, and shall conform to the applicable articles of the village specifications. The plan shall clearly indicate the area to be surfaced and the type of surface material for parking, and the landscaping proposed for any setback area.

(G) All parking areas in nonresidential zones adjoining residential premises shall be screened by a uniform sight break fence or screening fence not less than 4 nor more than 6 feet in height, or landscaped appropriately to produce a screening effect. The location, height, and type of fence proposed shall be shown, or, in the case of landscaping, the appropriate site plan.

(H) The proposed building or buildings shall have the following information clearly indicated:

(1) Basement or first floor grade given in actual sea level elevation.

(2) All proposed utility service lines including size, type, proposed connection points, and grade where applicable.

(3) The building or buildings shall be dimensioned relative to the size and proximity to lot lines and adjacent structures.

(4) The method of disposing of roof water or subsurface water shall be clearly shown. Only strictly sanitary flow may be introduced directly into an existing sanitary sewer.

(I) Proposed drainage for the development shall conform to the requirements set forth in the zoning and subdivision codes, and shall be shown in detail on the plan. All ditches, drainage swales, storm sewers, drainage structures, headwalls, and other drainage appurtenances shall be shown including size, lengths, types, flow line elevations, and so on.

(J) Any proposed street or alley, widening, or surfacing, new curbs, gutters, sidewalks, and other improvements shall also be shown in detail on the plan.

(K) Proposed sewage disposal facilities shall be shown indicating the location of septic tanks, distribution boxes, and subsurface tile disposal fields if a

sanitary sewer is not available. Absorption areas of the disposal fields shall be shown, based on percolation tests taken at the site, in accordance with the state plumbing code.

(L) In general, a plot plan shall show all the construction items which will be a part of the overall project outside of the building proper. (Ordinance 1976-77-48, passed 5/5/77)

S 153.06 Driveway Entrance Policy, Commercial – Industrial.

(A) Driveway and street excavation policy. All driveways and streets hereafter constructed, reconstructed, excavated, or repaired upon any public right-of-way in the village shall be constructed of concrete. All materials and construction methods shall conform to the standard specifications for road and bridge construction prepared by the Illinois Department of Transportation, and all supplements thereto.

(B) Width of drive. Minimum effective opening width shall be 12 feet for one-way operation, and 24 feet for 2-way operation. Maximum effective opening width shall be 35 feet.

(C) Return radii. Minimum radius shall be 20 feet for passenger car use, increased as required for truck traffic, heavy volume, or high speed traffic. The maximum will be determined by type of vehicle to use facility base on turning path. No portion of the drive, including radii, shall be constructed closer than 3 feet to the frontage of adjacent property. Radii shall begin at full height at the curb line, and depress to nothing at the sidewalk line.

(D) Angular placement of drives. Driveways shall normally be built perpendicular to the roadway unless their use is restricted to ingress and egress. In such case, the center line of the driveway may be angled to a maximum of 45 degrees from the perpendicular.

(E) Driveway separation. A section of curb, a minimum 6 feet long, shall separate the radii for 2 entrances. A curb length of not less than 3 feet shall be left adjacent to each property line as extended perpendicular to the curb line. Internal directional islands shall be constructed in approaches where ingress and egress control is desired. The island shall be of Type M configuration, and shall be parallel to the edges of the entrance radii and the curb line. The island shall be cut as required to maintain the sidewalk line and grade. The curb line of the island parallel to the street curb line shall be offset a minimum of 2 feet.

(F) Sidewalk maintenance. Sidewalk line and grade shall be required to be maintained across all driveways except when permission to do otherwise

shall have been obtained from the village engineer or public works director.

(G) Slope of drive. The drive shall slope up and away from the road surface at a rate not less than 0.02 feet per foot, nor more than 0.1 feet per foot, provided that in no case shall the elevation of the driveway at the property line be less than 6 inches above the roadway edge. The slope across the sidewalk portion of the approach shall not exceed 0.04 feet per foot, nor be less than 0.02 feet per foot.

(H) Removal of existing curb, or curb and gutter. Unless provided for previously, all drives shall require the removal of all of the existing curb, or curb and gutter, from the end of the drive radius to the end of the drive radius.

(I) Materials permitted. All drives must be constructed of a minimum 6 inches of poured concrete, including the sidewalk portion.

(J) Drives on state highways. Driveways shall conform to state or county requirements dependent upon maintenance responsibility. (Ordinance 1976-77-48, passed 5/5/77; amend. Ordinance 1978-79-40, passed 3/19/79)

S 153.07 Driveway Entrance Policy, Residential.

(A) Width of drive. The minimum effective opening width shall be 12 feet. The maximum shall be 24 feet.

(B) Return radii. The minimum shall be 15 feet; the maximum is to be determined by the proposed vehicle usage.

(C) Angular placement of drives. Driveways shall normally be built perpendicular to the roadway unless their use is restricted to ingress or egress. In such case, the centerline of the driveway may be angled to a minimum 45 degrees to the curb line.

(D) Location. Except when special conditions dictate otherwise, no part of a drive shall encroach on the frontage of an adjacent property. The primary driveway of a residence shall be surfaced in accordance with this section from the curb or street edge to the inside edge of the property line.

A special condition shall be deemed to exist with regard to secondary driveways, installed for the purpose of storing trailers, vehicles with gross weights exceeding 8,000 pounds, boats, campers and other vehicles on an off-street location which does not adjoin the primary driveway serving a residential property. Such secondary driveway entrances may be constructed of 2-inches of crushed, compressed rock, for their entire length.

(E) Sidewalk maintenance. Sidewalk line and grade shall be required to be maintained across all driveways except when permission to do otherwise shall have been obtained from the director of public works.

(F) Slope of drive. The drive shall slope up and away from the road surface at a rate not less than 0.02 feet per foot, nor more than 0.1 feet per foot, provided that in no case shall the elevation of the driveway at the property line be less.

(G) Materials. Driveway entrances must be constructed of either 6 inches aggregate base coarse surface with 2 inches of Class I asphalt or 4 inches poured concrete pavement. When driveway entrances cross an existing or proposed sidewalk, the sidewalk portions of the driveway entrance shall be constructed of 5½ inches of poured concrete. (Ordinance 1976-77-48, passed 5/5/77; Ordinance 1980-81-31, passed 2/2/81; Ordinance 1986-87-12, passed 8/13/86)

S 153.08 Parking Lot Policy.

(A) Materials. Parking lots may be constructed of either 6 inches aggregate base coarse surface with 2 inches of Class I asphalt or 6-inches poured concrete pavement.

(B) Drainage. Parking lot drainage shall be disposed of by one of the following methods:

(1) Across a paved surface into an existing urban cross section street.

(2) Into its own storm sewer system that discharges into an existing storm sewer structure. Direct connection to combination sewers is not permitted.

(3) Into a roadside ditch or drainage way through properly designed facilities.

(C) Parking layout. Minimum overall length should be 20 feet, with a minimum width of 10 feet for a minimum of 200 square feet. A maximum 2-foot overhang will be allowed on private property. No overhang on adjacent property or public right-of-way shall be permitted, and should not be considered as part of the 20-foot minimum. Design shall provide for ingress and egress from all nonparallel parking stalls with one movement. Jockeying or see-sawing movements for ingress or egress will not be acceptable. Minimum aisle width shall be as follows:

(1) 11 feet for 30 degree parking.

(2) 13 feet for 45 degree parking.

(3) 18 feet for 60 degree parking.

(4) 24 feet for 90 degree parking.

(D) Driveway location. Driveways shall be centered on and of approximately the same width as the aisle being served. If ingress or egress is to be made over an adjoining unpaved alley, the alley shall be paved for its entire width along the entire alley frontage of the proposed development. Paving methods shall conform to the same requirements as a parking lot. (Ordinance 1976-77-48, passed 4/25/77)

Cross-reference: Entrance requirements for driveways, see S 153.06

S 153.09 Storm Water Requirement.

Discharge of storm water. The following requirements will be the basis for determining the method of designing for storm water disposal.

(A) Existing or proposed building roof and footing drains shall not be connected to any sanitary or combination sewer.

(B) Surface drainage may be disposed of in one of the following ways:

(1) Across a paved surface, such as a driveway, into an existing urban cross section street.

(2) Into an onsite storm sewer system designed to discharge into any existing storm sewer structure having adequate capacity for the additional load. Direct connection without benefit of a structure will not be acceptable.

(3) Into a roadside ditch or open drainage swale through properly designed facilities. Headwalls, paved ditches, or other erosion control and energy dissipating devices may be required in accordance with acceptable engineering practices. In the event that the existing system is inadequate to handle the runoff from the area being drained, special consideration may be required to limit the rate at which the flow is introduced into the existing system.

(4) Storm drainage design shall be in accordance with the applicable design criteria as set forth in Subdivision Regulations. (Ordinance 1976-77-48, passed 4/25/77)

S 153.10 Permits and Inspections.

(A) At the time when the building permit is issued, the party receiving the permit will receive 6 cards for each of the inspections that will have to occur during the construction period. There is one card for each of the following: footing and foundation (green card), forming (blue card), electrical (red), heating, (orange), plumbing (purple card), and final (yellow card). These cards are simply mailed or turned into the office when the work is ready to be inspected. On receipt, the inspector will make the desired inspection to see if the construction meets the various codes of the village.

(B) After all the necessary inspections have been made and the construction meets the desired standards, the village building inspector will issue a certificate of occupancy which will be mailed to the contractor or owner.

(C) After the certificate of occupancy has been completed by the building inspector, the secretary of building inspections will complete a “New Construction File Card,” and place it on file in the office of the building inspector.

(D) In addition to obtaining building permits for new construction, permits must also be obtained for the repair or remodeling of buildings. A permit will also be required to be obtained for the demolition of structures.

(E) The building inspector shall also have the authority to issue a notice for dangerous and unsafe buildings. In addition, the building inspector shall have the authority to issue “stop orders” when building construction methods do not comply with the building code.

(F) If the inspection fails or the inspector does not have access for a proper inspection, a notice of such will be posted. The secretary will be notified of the structure, type of inspection, and reason for not approving the structure. The secretary will enter this information on a recall list. A notice shall be sent noting an additional $40 inspection fee to be paid before re-inspection. (Ordinance 1996-97-33)

(G) The party receiving the Building Permit must initiate construction within twelve (12) months of the issuance of the Building Permit. The correct construction must be completed and a final certificate of occupancy must be issued within 18 months of the issuance of the Building Permit. If the party receiving the Building Permit fails to comply with these time limitations, the Building Permit is revoked; the party receiving the Building Permit is in violation of this Ordinance. (Ordinance 1994-95-8)

S 153.11 Insurance, Bonds, and Permits.

(A) Any person, firm, trust, association, or corporation engaging in the business of constructing, reconstructing, excavating, or repairing driveways or public streets shall provide the following insurance and bond:

(1) Workmen's compensation insurance for all their employees and all employees of their subcontractors. A certificate of this insurance shall be filed with the village clerk.

(2) Bodily injury liability insurance in the amount of $100,000/$300,000 and property damage liability insurance in the amount of $100,000 with the village as a named insured. The insurance shall cover the use of all equipment, including but not limited to excavating machinery, trenching machines, cranes, hoists, rollers, concrete mixers, and motor vehicles. A certificate of insurance shall be filed with the village clerk and must provide that as 30-day notice will be given to the village before cancellation.

(3) A surety bond in the penal sum of $3,000 as security against faulty or defective workmanship and materials, and to cover any loss or expense caused by the failure of the contractor to construct the work according to the above specifications. The bond shall remain in effect for a period of 3 years from the time of construction.

(B) No person, firm, trust, association, or corporation shall engage in the business of constructing, reconstructing, excavating, or repairing sidewalk, curb, gutter, driveway, parking lot or public street without a village license for construction. The license shall be issued by the village clerk and the fee for the license shall be $25.00 per year. The license shall expire on April 30, of each year.

(C) The licensee shall procure a construction permit from the village clerk before starting construction, reconstruction, or repair of any sidewalk, curb, gutter, driveway, parking lot or public street. The permit shall state the name of the property owner, the legal description and address of property, the description and extent of the construction and permit fee. The fee shall be $20.00. Permits are effective for a period of 30 days after the date of issue and are not transferable. (Ordinance 1978-79-40, passed 3/19/79) (Ordinance 91-92-3) Penalty, see S 153.99

S 153.99 Penalty.

Any person, firm, trust, association, or corporation, who violates any provision of Chapter 153, Building Code, shall upon conviction of violating any provision thereof, be fined a sum not to exceed $500.00. Each day that a violation continues shall be deemed a separate offense. (Ordinance 1990-91-12)

S 153.100 Back Flow Rules Adopted.

These rules and regulations are adopted to comply with Rule 890.1510 of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.1510 and IPEA Regulations 35 Ill. Adm. Code 653.801, et seq. (Ordinance 1989-90-6)

S 153.101 Installation of Back Flow Devices.

That, if in accordance with the Illinois Plumbing Code or in the judgment of the Director of Public Works (the Director), an approved backflow prevention device is necessary for the safety of the public water supply system, said Director will 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 and all applicable local regulations, and shall have inspections and tests made of such approved devices as required by the Illinois Plumbing Code and local regulations. (Ordinance 1989-90-6)

S 153.102 Prohibit Private Water Supply to Village Water System.

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 enter the supply or distribution system of the village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the director and the Illinois Environmental Protection Agency. (Ordinance 1989-90-6)

S 153.103 Survey and Investigation Required; Maintain Records.

That it shall be the duty of the Director to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the Director shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years. (Ordinance 1989-90-6)

S 153.104 Right of Entrant.

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 for the purpose of verifying the presence or absence of cross-connections, and that the Director 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 distribution system of the village 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 Director 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 Director, be deemed evidence of the presence of improper connections as provided in this ordinance. Ordinance 1989-90-6)

S 153.105 Authority to Disconnect.

That the Director 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 as provided at Sections 50.03 and 50.16 of the Village Code is paid to the village. Immediate disconnection with verbal notice can be effected when the Director 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. (Ordinance 1989-90-6)

S 153.106 Customer's Responsibility.

That the consumer responsible for back siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system. (Ordinance 1989-90-6)

S 153.107 Authority to Promulgate Rules.

That the Village Administrator be, and he is hereby authorized to promulgate reasonable rules and regulations not in conflict with the provisions hereof as he may deem appropriate to facilitate the implementation and administration of said provisions. (Ordinance 1989-90-6)

Chapter 155: Site Development Regulations

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Mt. Zion – Site Development Regulations

Article I
Legislative Intent

S 155.01 Title.

This chapter shall be known, referred to and cited as “The 1980 site Development Ordinance of the Village of Mt. Zion.” (Ordinance 1980-81-15, passed 10/20/80)

S 155.02 Jurisdiction and Scope of Regulations.

This chapter shall govern all developments, within the village of more than one principal structure on a single, un-subdivided tract of land, commercial, industrial, and multi-family structures. (Ordinance 1980-81-15, passed 10/20/80)

S 155.03 Purpose.

The purpose of this chapter is to regulate and control the development of any tract of land with any structure, or altering any existing commercial, industrial or multi-family structure, but excluding single family structures, and to regulate the manner of development so as to prevent serious hazards and problems to the citizens of the community. Therefore, this chapter is established in order to insure proper development of the village and to promote the public health, safety, convenience, prosperity, aesthetics and general welfare of the community. (Ordinance 1980-81-15, passed 10/20/80)

S 155.04 Interpretation.

In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village of Mt. Zion, and shall not be deemed a limitation or repeal of any other power granted by the Illinois Statutes. (Ordinance 1980-81-15, passed 10/20/80)

S 155.05 Severability.

If any section, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. (Ordinance 1980-81-15, passed 10/20/80)

Article II
Definitions

S 155.06 Definitions Adopted By Reference.

Adopt by reference Article II of the Mt. Zion Subdivision Ordinance. (Ordinance 1980-81-15, passed 10/20/80)

Mt. Zion – Site Development Regulations

Article III
Administration

S 155.07 Initial Review.

The village's plat officer shall meet with developers and other parties wishing to submit site development plans to explain the intent and regulations of this chapter. The plat officer shall be responsible for interpreting this chapter, subject to review by the site development review committee. (Ordinance 1984-85-29, passed 3/18/85)

S 155.08 Site Plan Review Committee.

All site plans covered by this chapter shall be approved in advance of any construction by the site plan review committee. The site plan review committee shall consist of the village administrator (chairman), village engineer, and director of public works, building inspector and other village inspectors as necessary. (Ordinance 1984-85-29, passed 3/18/85)

Article IV
Procedure

S 155.09 General.

Any person, corporation, firm or agent thereof intending to develop any tract of land with more than one principal structure; or a commercial, industrial or multi-family structure, shall proceed according to the steps outlined in this chapter. The village administrator shall determine whether any development falls under the jurisdiction of this chapter. (Ordinance 1984-85-29, passed 3/18/85)

S 155.10 Action By Site Plan Review Committee.

A site development plan, consisting of a general layout plan and detailed engineering drawings, shall be eligible for review by the site plan review committee when the owner/developer has submitted to the village administrator 6 copies of the layout plan and 3 copies of the engineering drawings of the plan (see Article V).

The site development review committee is empowered to review and approve site layout and engineering plans and make recommendations for their amendment which are in the interests of the public welfare.

The site development review committee is not empowered to approve site plans which call for variances from the subdivision, sign, zoning or building codes of the village, or which necessitate special use or rezoning decisions by the planning and zoning commission and board of trustees.

Decisions of the site development review committee may be appealed to the planning and zoning commission. (Ordinance 1984-85-29, passed 3/18/85)

S 155.11 Action By The Owner/Developer.

Upon approval of the site development plan, the owner/developer or his contractor shall meet with the building inspector to receive approval to start work on the public improvements within the site. During construction, he shall meet the following requirements:

(A) The contractor shall be duly certified and bonded by the village to undertake such work.

(B) The owner/developer or his contractor shall supply the village certifications showing the type materials and amount used in construction to meet the standards of this chapter.

(C) The owner/developer of his contractor shall also arrange for various inspections of improvements, to be made by the village engineer or inspector at pre-arranged points during the course of construction as provided for in this chapter.

(D) Upon completion of said improvements, the village engineer or inspector shall make a final inspection of the work and shall submit to the village administrator a full report, including an inspection certificate (see Article V), on improvements and certification thereof. If the engineer and/or inspector finds that all improvements have been constructed to the standards and designs set in the approved site development plan, or if a bond, in proper legal form, has been submitted, then the development is ready for applications for building permits. (Ordinance 1984-85-29, passed 3/18/85)

S 155.12 Application For Building Permits.

Upon certified completion of all public improvements, or upon submittal of a bond for the completion of said improvements, building permits will be issued when the normal application requirements of the building code are met and after the following documentation has been submitted:

(A) An approved site development plan.

(B) Notarized certifications, by owner or owners and by mortgagor or lien holder of record, acknowledging the dedication of streets and other public areas.

(C) A notice from the village stating that the following have been filed and approved by the same:

(1) A certificate by the village engineer that all the improvements and installations to the site required for its approval have been made or installed in accordance with the specifications or a bond has been posted in the amount of said improvements.

(2) For those improvements to be dedicated to the public, evidence of a deposit with the corporate authority in escrow, in cash, or by maintenance bond equal to an amount determined by the village to be held by the corporate authority for a period of 12 months after the final completion of such works as a guarantee connection with such improvements latent in character and not desirable at the time of final approval of such improvement, and to guarantee against any damage to such improvements by reason of settling of the ground base or foundation thereof.

After the termination of such 12-month period, such deposit shall be refunded to the depositor on the order of such depositor, if no defects have developed; or if any defects have developed, then the balance of such deposit after reimbursement to the corporate authority for the amounts expended by it in the repairing of such defects. (Ordinance 1984-85-29, passed 3/18/85)

Article V
Plans and Maps

S 155.13 General Provision.

All plats, plans, maps, surveys, certificates, owner's declarations, engineering specifications and restrictive covenants to be filed for action of the planning commission and the village board shall be prepared in accordance with the regulations contained in this article. (Ordinance 1980-81-15, passed 10/20/80)

S 155.14 Required Plan Submittal.

Formal application for site development approval requires submittal of a plan prepared at the size of 24 inches by 36 inches (one or more sheets) and at a graphic scale as appropriate. Eleven of the layout plans and 3 copies of the engineering

drawings for the village administrator, village engineer and village director of public works shall be submitted.

The “layout plan” shall consist of one or more sheets including information of a more general nature, including but not limited to the following: legal description; placement and size of all public utilities and improvements; easements and dedications; drainage; parking and circulation; location and size of all buildings; and units per building.

The “engineering drawings” shall consist of one or more sheets including those specific details for the plan not already included on the required “layout plan.” (Ordinance 1980-81-15, passed 10/20/80)

S 155.15 The Site Development Plan.

(A) Each submitted plan shall provide the following information:

(1) The name and address of the owner/developer.

(2) An area map, highlighting the proposed site.

(3) A north arrow and the engineer’s scale.

(4) The name and seal of the registered engineer and land surveyor.

(5) The legal description, street address, zoning, lot dimension, total acreage, and property lines of the proposed development. This must include existing and/or proposed street and alley right-of-way and easements and any other legal interest in the land being developed.

(6) All existing topographic features, including, but not limited to driveways, pavements, curb, and gutters, sidewalks, drainage structures, utility lines and appurtenances above and below ground, parking areas and structures (including use) and shall be shown with appropriate dimensions given. Existing drainage shall be clearly indicated by contour lines, or in the case of a flat parcel, by adequate spot elevations. The existing topographic features shown shall include enough of the surrounding areas to clearly establish the proposed developments impact and effect thereon. All elevation data shall refer to the United States Geological North American Datum, mean sea level elevation. All proposed contour lines shall be clearly indicated.

(7) Dimensions of all required yard setbacks (see Village of Mt. Zion Zoning Ordinance).

(8) Required off-street parking loading spaces (see Zoning Ordinance). If parking loading is computed other than by means of the gross floor area ration, so state respective data on plot plans. For example: A manufacturing or warehouse establishment requires one parking space for each 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith. When preparing a plot plan for such use, state maximum will be stored within a structure or indicate parking loading area on a surfaced lot. In essence, clearly state the method used for computing parking loading spaces in order that it can easily be checked for accuracy and completion.

(9) The parking loading area and entrances shall be shown and shall conform to the applicable ordinances of the village. The plan shall clearly indicate the area to be surfaced and type of surface material for parking and the landscaping proposed for any setback area.

(10) All parking loading areas in nonresidential zones adjoining residential premises shall be screened in conformance with the Mt. Zion Zoning Ordinance.

(11) The proposed building or buildings shall have the following information clearly indicated:

(a) Basement and/or first floor grade given in actual sea level elevation.

(b) All proposed utility service lines including size, type, proposed connection points and grade where applicable.

(c) The building or buildings shall be dimensioned relative to size and proximity to lot lines and adjacent structures.

(d) The method of disposing of roof water and/or subsurface water shall be clearly shown.

(12) Proposed drainage for the development shall conform to the requirements set forth in the Zoning and Subdivision Ordinances and shall be shown in detail on the plan. All ditches, drainage swales, storm sewers, drainage structures, headwalls, and other drainage appurtenances shall be shown including size, length, types, flow-line elevations, etc.

(13) Whether proposed as public or private, any proposed street and/or alley widening or surfacing, new curbs, gutters, sidewalks, etc., shall also be shown in detail on the plan.

(14) Proposed sewage disposal facilities shall be shown indicating location of septic tanks, distribution boxes and subsurface tile disposal fields, if a sanitary sewer is not available. Absorption areas of the disposal fields shall be shown, based on percolation tests taken at the site, in accordance with the State of Illinois Plumbing Code.

(15) Site data including total acres, number of buildings and dwelling units, site dimension and area, lineal feet in streets, acres in streets, parking lots and similar public or semi-public areas.

(16) Cross sections of proposed streets, alleys, crosswalks, parking lots, etc., and a profile of each with proposed grades, existing drainage courses, watershed area and structures, width or roadway surfacing, curbs, planting strips, curb openings, street lights and traffic signals.

(17) Complete construction plans for utilities including water, sanitary sewers, storm sewers, and other facilities, if applicable.

(18) A “drainage certificate”, signed by the owner and a registered professional engineer, to the effect that the drainage of surface waters will not be adversely affected by this development, or that if change does occur, adequate provision has been made to protect adjoining property owners from damages which might result from such change in drainage.

(19) Certification to the fact that “no part of the property covered by this plat or subdivision is situated within 500 feet of any drainage or watercourse serving a tributary area of 640 acres or more.” (Ordinance 1980-81-15, passed 10/20/80)

S 155.16 Approval Certificate.

The site development plan shall also contain an appropriate place for the signature of the chairman of the site development review committee and the date of its approval. (Ordinance 1980-81-15, passed 10/20/80; amended by Ordinance 1984-85-29, passed 3/18/85)

Chapter 156: Mobile Home Parks

Section

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S 156.01 Definitions.

"Accessory Building." A building subordinate to and smaller than the principal building, the use of which is incidental to, or customarily found in connection with, and, except as otherwise provided in this Chapter, is located on the same premises, and contributes to the comfort, convenience, or necessity of the occupants of the principal building or mobile home, or contributes to the operations of the principal use of the lot.

"Construction Field Office." A mobile home used as an on-site, temporary office for a construction project.

"Mobile Homes." A detached single-family dwelling unit with the following characteristics:

(A) Designed for non-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;

(B) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels; and,

(C) Arriving at the site where it is to be occupied as a dwelling, complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports and connection to utilities.

"Mobile Home Lot." A parcel of land within a mobile home park designed for exclusive use of the occupants of the mobile home placed on the lot.

"Mobile Home Stand." The portion of a mobile home lot which is designed and reserved for the placement of a mobile home.

"Parking Space." A surface area of at least 200 square feet located on the same lot as the building, mobile home, or use it is intended to serve, and of such shape as to be suitable for parking or storing motor vehicles. The area is exclusive of driveways which give convenient access between the parking space and a street serving the lot.

"Yard, Front." A yard extending across the front of a lot between the side lot lines, and between the main building of and projections thereof, other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimensions.

"Yard, Rear." A yard extending across the rear of the lot between the side lot lines, and between the rear lot line and the rear of the main building, or any projection other than steps, unenclosed porches, or entrance ways.

"Yard, Side." A yard between the primary building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the primary building or any projection thereof.

S 156.02 Mobile Home Placement.

No mobile home shall be located, placed, maintained, inhabited or occupied within the village other than in a mobile home park licensed under the provisions hereof or except as otherwise provided herein.

S 156.03 Construction Field Office.

A construction field office may be temporarily placed at a construction site while such project is in progress and may include facilities for night watchmen, but the same shall not be used, temporarily or otherwise, as a residence or habitation and shall be removed upon completion of construction.

S 156.04 License Required.

No person, firm or corporation shall establish, maintain, conduct or operate a mobile home park within the corporate limits of the Village of Mt. Zion without first obtaining a license therefore issued by the Village Clerk.

S 156.05 Term of License.

Mobile home park licenses issued under the provisions hereof shall expire on the 30th day of April of the year for which the same are issued.

S 156.06 Application For License.

Application for an original license shall be made to the Village Clerk and shall consist of the following:

(A) The name and address of the applicant or applicants, and the names and addresses of all partners, if the applicant is a partnership, and the names and addresses of all officers and directors, if the applicant is a corporation;

(B) The legal description and common address, if any, of the tract of land upon which it is proposed to operate and maintain a mobile home park;

(C) As-build plans of the proposed mobile home park in conformance with the requirements of Section 15 hereof as certified by a Registered Professional engineer and the Village Engineer together with copies of the site plan submitted in conformance with the provision of Section 13 hereof for those portions of said park, if any, remaining unimproved or uncompleted at the time of application;

(D) The annual license fee required by the provisions;

(E) An affidavit of the applicant or applicants, as the case may be, as to the truth of the matters contained in the application.

S 156.07 Renewal or Transfer.

Application for a renewal or a transfer of a license shall be made to the Village Clerk and shall consist of that which is required under Section 6 (a), (b), (d), and (e) hereof, together with a certification by the Village Administrator that said mobile home park is in conformance with the provision of Section 15 hereof, provided that an application for a transfer of license shall be accompanied by the license transfer fee required by the provisions hereof and not the annual license fee.

S 156.08 License Fee.

The annual fee for a mobile home park license shall be $100 plus $1 for every mobile home lot in such mobile home park. The license transfer fee for a mobile home park license shall be $50.

S 156.09 Revocation and Suspension of License.

The Village Administrator may suspend or revoke a mobile home park license for failure to comply with the rules and regulations established herein or published or promulgated pursuant to the authority granted herein or any other applicable codes or ordinances of the Village of Mt. Zion. Such suspension or revocation may take place only after the licensee has been given written notice warning of possible suspension or revocation and a hearing, if requested by the licensee, before the Village Administrator. Such request for a hearing must be made within five days of receipt of such written notice.

S 156.10 Compliance With Chapter.

It shall be unlawful for a licensee to own, operate or maintain a mobile home park in violation of the rules, regulations and requirements established by this Chapter.

S 156.11 Site Plan Required.

No person, firm or corporation shall lay out, establish, develop, improve, construct, substantially alter, extend or enlarge a mobile home park in the Village of Mt. Zion, unless and until a site plan of said mobile home park has been approved by the Village Engineer and Village Administrator.

S 156.12 Reviewing Fee.

Three copies of all mobile home park site plans required by the provisions hereof shall be submitted to the Village Administrator together with a reviewing fee of $150.00.

S 156.13 Site Plan Requirements.

Mobile home park site plans shall be in such scale, detail and format as may reasonably be required by the Village Engineer and Village Administrator to enable them to administer the provisions hereof, and at a minimum shall show the layout, location, relationship, grades, contours and dimensions of all property lines, lots, buildings, streets, sidewalks, utilities, drains, surface water drainage, parking facilities, drives, easements, fire hydrants, area lighting, and other improvements and structures all in conformance as near as may be with those provisions of similar nature of the Subdivision Ordinance.

S 156.14 Approval of Site Plan.

The approval of the mobile home park site plan shall constitute authority to layout, establish, develop, improve, construct, substantially alter, extend or enlarge such mobile home park in accordance with the site plan thereof approved; however, no mobile home may be placed on any lot within said park, or if developed in phases on any lot within any phase thereof, until as-built plans certified by a Registered Professional Engineer have been filed with the Village Administrator and a Certificate of Occupancy obtained there from.

S 156.15 Minimum Standards.

Al mobile home parks located within the Village of Mt. Zion, and all site plans of mobile home parks required by the provisions hereof, shall meet the minimum standards of design and construction imposed by the provisions of Section 16 through 32 hereof.

S 156.16 Acreage.

A mobile home park site shall contain ten or more acres.

S 156.17 Distance From Perimeter Line.

No mobile home shall be placed within twenty-five feet of any perimeter line of a mobile home park site.

S 156.18 Recreational Area.

Not less than 5 percent of the total site area of a mobile home park shall be developed for outdoor recreational purposes either as a single unit or by division into separate units of not less than 2,500 square feet.

S 156.19 Size of Lots.

Mobile home lots shall contain not less than 3,600 square feet and be not less than forty feet in width and ninety feet in depth.

S 156.20 Minimum Yards.

Mobile homes shall be placed on mobile home lots so as to provide a minimum front yard of fifteen feet and minimum rear and side yards of eight feet.

S 156.21 Parking Spaces.

Not less than two paved off-street parking spaces shall be provided and maintained on each mobile home lot.

S 156.22 Central Sewer and Water Systems.

Central sewer and water systems constructed and maintained to village standards and specifications for village water mains and sewer mains shall be provided by mobile home parks, and said systems shall be connected to the village systems.

S 156.23 Individual Sewer and Water Services.

Each mobile home located in a mobile home park shall be connected to the central sewer and water systems of said park through individual services for each mobile home lot.

S 156.24 Sewer Service Construction.

Sewer service in mobile home parks shall be so constructed so as to be free from freezing and so as to be conveniently closed or plugged when not connected to a mobile home and shall be so closed or plugged when not so connected.

S 156.25 Water Service Construction.

Water services in mobile home parks shall be so constructed as to be free from freezing and shall have an individual shut-off valve so located and constructed as to be conveniently operable and so as not to permit siphoning of surface water or other drainage or contaminant into the water service or system.

S 156.26 Electricity.

Each mobile home lot shall be provided with electricity.

S 156.27 Drainage.

All mobile home park sites shall be drained of surface water by installation of systems of drains and drain ways that accord with customarily accepted good engineering drainage practices.

S 156.28 Access.

Each mobile home lot shall abut and have direct access to an internal mobile home park street and no such lot shall abut or have direct access to a public or other street or way external or peripheral to said park.

S 156.29 Internal Streets.

Internal mobile home park streets shall be paved and maintained to a width of twenty-eight feet with such geometries as to permit convenient travel thereon of fire suppression equipment.

S 156.30 Sidewalks.

A sidewalk shall be constructed and maintained on at least one side of every street in a mobile home park.

S 156.31 Cul-De-Sacs.

Cul-de-sac streets in mobile home parks shall not exceed 250 feet in length and shall have a minimum turn around radius of forty feet.

S 156.32 Fire Hydrants.

Mobile home parks shall provide fire hydrants in compliance with village standards and specifications and be maintained in good working order at locations directed by the Fire Chief of Mt. Zion Fire Protection District and Director of Public Works.

S 156.33 Mobile Home Stands.

(A) Mobile home stands shall be located, constructed and maintained in such manner that placement and removal of a mobile home is conveniently practical and shall be so graded and drained that surface water does not collect or stand under any mobile home thereon.

(B) Mobile home stands shall be constructed of portland cement concrete not less than five inches thick and so that when properly located and blocked each longitudinal frame member for the entire length thereto is supported by a slab or runway not less than two feet wide.

S 156.34 Tie Down Anchors.

Each mobile home stand shall be provided with tie down anchors which at a minimum comply with the promulgated rules and regulations of the Illinois Department of Public Health under the Illinois Mobile Home Tie down Act.

S 156.35 Register of Owners and Occupants.

Mobile home park licensees under the provisions hereof shall maintain a register listing both current owners and occupants of all mobile homes within such park and all owners and occupants for any mobile home lot within such park for the three years last past. Such register shall be made available to officers or agents of the village upon request.

S 156.36 Rules and Regulations.

The Village Administrator is hereby authorized to cause to be established, promulgated, published and enforced such reasonable rules, regulations, and procedures, not in conflict with the provisions hereof, as may to said officer appear to be necessary or convenient to administer the provisions of this Chapter and to carry out the purpose and intent hereof.

S 156.37 Severability.

The provisions hereof are and shall be construed to be severable and invalidity of any section or provisions of this Chapter shall not invalidate other sections or provisions hereof.

S 156.38 Penalty.

Any person, firm or corporation that violates any of the provisions of this Chapter shall, upon conviction thereof, be fined not to exceed $500 for each such offense. Each day that a violation is permitted to exist shall constitute a separate offense.

S 156.39 Other Remedies.

The imposition of the penalties herein prescribed shall not preclude the institution of appropriate actions to prevent or abate any unlawful establishment, operation or enlargement of any mobile home park. (Ordinance 91-92-13)

Chapter 157: Stormwater Management

Section

157.01	Definition
157.02	Application
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S 157.01 Definitions.

The following definitions shall apply to the Stormwater Management Plan:

"Detention Pond." See Section 8

"Dry Bottom Reservoir" means an earthen retention basin constructed so that it drains completely after the rainstorm and associated flows subside.

"Excess Storm Water Run-Off" means that portion of storm water run-off resulting from the proposed land use and which exceeds the run-off from the existing land use for a storm with the five-year average recurrence interval.

"Protected Channel" means a channel which receives stormwater discharge and is constructed of pavement, rip-rap or man-made materials to reduce the potential for erosion.

"Stormwater Channel" means a natural or man-made open watercourse with definite bed and banks which periodically or continuously contains moving water, or forms a connecting link between two bodies of water.

"Stormwater Run-Off" means that fraction of the water resulting from precipitation which flows from the served land during and immediately after the rainfall.

"Stormwater Run-Off Release Rate" means the rate at which stormwater run-off is released from dominant to servant land or, in the case of detention, the discharge rate from the detention facility.

“Five-Year Rainfall” means a precipitation event having a twenty (20.0) percent chance of occurring in any one calendar year.

“Parking Lot Detention” means that parking lots may be utilized for stormwater detention with the following restrictions:

(A) There should be no more than 7” of water depth in remote areas of the parking lot or 4” in heavy traffic areas under design storm conditions.

(B) The parking lot may not violate appropriate provisions of other ordinances governing their design and operation.

“Retention Pond.” See Section 9

“Floodway” means the channel of a river or other watercourse that must be reserved for passage of the base flood.

“Base Flood” means a flood having a one percent chance of being equaled or exceeded in any given year.

“Floodplain” means that land area susceptible to being inundated temporarily by floodwater from an adjacent watercourse.

“Reservoir” means the place where water is collected and kept in quantity for use or for later release for a beneficial purpose.

“Impervious Area” means that this would be an area that will not absorb water in a developed site such as a parking lot, driveway, roof area, sidewalk, etc.

S 157.02 Application.

A combination of storage and controlled release of storm water run-off shall be required to be constructed and maintained in the following:

(A) All residential subdivision development within the corporate limits or subject to the provisions of the subdivision ordinance of the Village of Mt. Zion, excepting minor subdivisions as defined therein.

(B) Commercial, business or office and research development.

(C) Any planned unit development.

S 157.03 Drainage Plan Drawings.

(A) A drainage plan shall be filed with the preliminary plat for residential subdivisions and planned unit developments and shall be filed and

approved prior to the issuance of a building permit for commercial, business, office and research developments.

(B) The drainage plan shall include engineering drawings and supporting calculations, which describe existing stormwater drainage systems and environmental features, as well as the drainage system and the environmental which are proposed before development of the property.

The drainage plan shall contain the following:

(1) Topographic survey of the property at 2 ft. contours or spot elevations that adequately define drainage.

(2) Banks and centerline of streams and channels.

(3) Shoreline of lakes, ponds and detention basins.

(4) Farm drain and tiles.

(5) Sub-watershed boundaries within the property. Property's location within larger watershed.

(6) Location, size, and slope of stormwater conduits and drainage of water.

(7) Sanitary sewers.

(8) Delineation of upstream and downstream drainage features and watersheds which might be affected by the development.

(9) Retention/Detention facilities.

(10) Roads, streets, inlets, and storm sewers.

(11) Site plan with lots, public improvements, drainage easements, and building outlines.

(12) Base flood elevation and regulatory floodway where identified for the property.

(13) Drainage certificate signed by a Professional Engineer and Owner.

(14) Preparation of Stormwater Management plan: All computations, plans, and specifications related to the implementation of this plan must be prepared and sealed by a Professional Engineer registered with the State of Illinois.

S 157.04 Maximum Allowable Run-Off.

Maximum allowable run-off shall be limited to:

(A) 1 cfs/acre (1 cubic foot per second per acre)

(B) The flow that would occur during a five-year storm under existing conditions for any undeveloped sites larger than two acres.

(C) For developed sites undergoing redevelopment or expansion:

(1) If 30 percent or more of the impervious area is increased or modified, detention must be provided for the entire site and outflow is not to exceed what would occur for a five-year storm under existing conditions. For example, if more than 30 percent of an area that will not absorb stormwater such as a parking lot or roof area is increased, then a water detention facility must be provided for the entire site to control and detain the stormwater out flowed so that it will not exceed that of a five-year storm.

(2) If less than 30 percent of the site is affected, then detention shall be provided for only the area that is developed or modified.

(D) Such flows that will not cause damage or exceed the capacity of any downstream drainage facilities within the Village of Mt. Zion.

S 157.05 Collection of Flows.

All flows shall be collected on-site by a lateral storm sewer system provided by the developer and shall be a minimum 12” diameter pipe where access to a storm sewer is available.

S 157.06 Design Formula.

Unless otherwise approved by the village trustees the Modified Rational Method will be used to compute drainage.

S 157.07 Minimum Detention Outlet Size.

Where a single pipe outlet or orifice plate is to be used to control discharge, it shall have a minimum diameter of 6”. If the minimum size permits release rates greater than those specified, alternative outlet designs shall be utilized which incorporate self-cleaning flow restrictors.

S 157.08 Detention Storage Requirement.

The design maximum storage to be provided in a detention basin shall be based on the run-off from a 100-year storm. Detention storage shall be computed using the Modified Rational Method as outlined in Chapter 12 of the Illinois Division of Highway Standards Drainage Manual.

S 157.09 Detention Pond Design Criteria.

A detention pond shall be defined as an area designated to store excess run-off temporarily with no permanent pool and shall incorporate the following design criteria:

(A) A minimum 2 percent bottom slope or implementation of a low flow system or under drain.

(B) A low flow by-pass system wherever feasible.

(C) Be located at least one foot from the property line.

(D) Have 3:1 or flatter side slopes.

(E) Provide a minimum of 2 feet of freeboard or 50 percent of the maximum pond depth whichever is less.

(F) Energy dissipation and/or erosion control for areas where velocities meet or exceed six feet/sec.

(G) Emergency overflow designed to pass the peak inflow which would occur in a 100-year storm.

(H) Landscaping and multiple use shall be considered in all pond designs.

(I) Subdivision detention ponds shall be incorporated into multiple properties to encourage maintenance or shall incorporate recreational use and be the responsibility of the Home Owner’s Association.

(J) Flows from ponds shall be deposited directly into an approved storm sewer system where available.

(K) Facilities adjacent to a state highway may design for all flows entering the highway system on IDOT standards for stormwater run-off.

S 157.10 Retention Pond Design Criteria.

A retention pond shall be defined as a permanent pool with sufficient capacity to store excess run-off and shall incorporate the following design criteria:

(A) Shall be designed so that a significant flush occurs in a 5-year storm.

(B) Approaching slopes are a maximum 5:1 or flatter.

(C) The pond shall have a shelf area along the sides, a minimum of three feet in width and a depth of no more than one foot before the pond pool area.

(D) The pond area shall be a minimum of three feet in depth.

(E) A two-stage weir shall be incorporated. First stage to allow flushing of the pond and second stage to limit the outflow for detention. Pond size shall be designed so that a significant flush occurs in a 5-year storm.

(F) The pond shall incorporate an emergency overflow able to pass the inflow that would occur in a 100-year storm.

(G) The pond shall be designed so that as much flow as possible shall enter the pond through grass swales or sheet flow across grass areas.

(H) Developer shall submit a maintenance plan for sediment removal and water quality control.

(I) A structure capable of dewatering the pond within 48 hours shall be incorporated into the pond design.

(J) Flows from ponds shall be deposited directly into an approved storm sewer system where available.

(K) Facilities adjacent to a state highway may design for all flows entering the highway system on IDOT standards for stormwater run-off.

S 157.11 Maintenance Responsibilities.

(A) Commercial Development: Maintenance of all structures, conduits, and pooling areas required to convey flow or provide detention for the development shall be the maintenance responsibility of the owner to its connection to a village-owned system or its release onto right-of-way. A

signed drainage covenant as provided by the Village of Mt. Zion shall be provided prior to site plan approval.

(B) Residential Development:

(1) Pond area shall be a part of build able lots and shall be maintained by adjacent residents. All conduits and structures shall be placed in easements and shall be the responsibility of the village.

(2) Pond areas not incorporated into build able lots shall be designated as a recreation area and shall be the responsibility of a Home Owner's Association. Proof of Home Owner's Association requirements and responsibilities shall be submitted with preliminary plat.

(3) Regional Detention retention basins not incorporated into build able lots and owned by the village shall be designated a public recreation area and shall be the responsibility of the Village of Mt. Zion. (Ordinance 96-97-38)

Chapter 158: Soil Erosion Control

1. STATEMENT OF PURPOSE. The purpose of this Ordinance is to protect, maintain and enhance the environment of the Village of Mt. Zion and the public health, safety and welfare of the citizens of the Village of Mt. Zion by controlling discharges of pollutants to the Village of Mt. Zion storm water system, by maintaining and improving the quality of the receiving waters into which the storm water outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands and groundwater of the Village of Mt. Zion and to enable the Village of Mt. Zion to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations for storm water discharges in 40 CFR sect. 122.26.

2. DEFINITIONS. For the purpose of this Ordinance, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(a) *"Agricultural"* means related to or used for the production of food and fiber, including but not limited to, general farming, livestock and poultry enterprises, grazing, nurseries, horticulture, viticulture, truck farming, forestry, sod production and wild crop harvesting and includes lands used for on-site buildings and other structures necessary to carry out such activities.

(b) "*As built plans"* means drawings depicting conditions as they were actually constructed.

(c) *"Best management practices"* or *"BMPs"* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(d) *"Channel"* means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(e) *"Commencement of construction"* means the initial disturbances of soils associated with clearing, grading, or excavating activities or other construction activities.

(f) *"Community water"* means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the Village of Mt. Zion.

(g) *"Construction site erosion and sediment control"* means preventing or reducing soil erosion and sedimentation from land disturbing activity, whether naturally occurring or acting in connection with or promoted by human-made activities or effects.

(h) *"Contaminant"* means any physical, chemical, biological, or radiological substance or matter in water.

(i) *"Design storm event"* means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a storm water facility.

(j) *"Discharge"* means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(k) *"Easement"* means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

(l) *"Erosion" (soil erosion)* means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

(m) *"Erosion and sediment control plan"* means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

(n) *"Excavation"* means any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the resulting conditions.

(o) *"Existing development"* means buildings and other structures and impervious area existing prior to Ordinance adoption.

(p) *"Fill"* means any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved to a new location and shall include the resulting conditions.

(q) *"Final stabilization"* means that soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of, at least, 70 percent the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent stabilization measures (such as the use of riprap, gabions or geotextiles) have been employed.

(r) *"Hot spot"* or *"priority area"* means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

(s) *"Illicit connections*" means illegal and/or unauthorized connections to the municipal separate storm water system whether or not such connections result in discharges into that system.

(t) *"Illicit discharge"* means any discharge to the municipal separate storm sewer system that is not composed entirely of storm water and not specifically exempted in Section 23 of this Ordinance.

(u) *"Impervious surface"* means any land cover that prevents rain or melting snow from soaking into the ground, such as roofs (including overhangs), roads, sidewalks, patios, driveways and parking lots. For purposes of this Chapter, all road, driveway or parking surfaces including gravel surfaces, shall be considered, impervious, unless specifically designed to encourage infiltration and approved by the local approval authority.

(v) *"Incident of Noncompliance"* or *"ION"* means any violation of the storm water pollution prevention plan observed during an inspection at a construction site.

(w) *"Land disturbing activity"* means any land alterations or activities that may result in soil erosion, sedimentation, or change in runoff including but not limited to removal of ground cover, grading, excavating, and filling of land.

(x) *"Maintenance"* means any activity necessary to keep a storm water facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a storm water facility if reconstruction is needed to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the storm water facility.

(y) *"Maintenance agreement"* means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

(z) *"Municipal separate storm sewer system (MS4)" ("Municipal separate storm water system")* means the conveyances owned or operated by the municipality for the collection and transportation of storm water, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

(aa) *"National Pollutant Discharge Elimination System permit"* or *"NPDES permit"* means a permit issued pursuant to 33 U.S.C. 1342.

(bb) *"New development"* means structural development, including construction of a new building or other structures; expansion or alteration of an existing structure that results in an increase in the surface dimensions of the building or structure; land-disturbing activities; or creation or expansion of impervious surface.

(cc) *"Non-structural BMPs"* means institutional and pollution prevention type practices through education and source control, recycling, and maintenance that prevent pollutants from entering storm water runoff or reduce the volume of storm water requiring management.

(dd) *"Notice of Intent"* or *"NOI"* means the completed permit form submitted to the Illinois Environmental Protection Agency in accordance with its rules and regulations for the authorization to discharge storm water from a construction site.

(ee) *"Notice of Termination"* or *"NOT"* means the completed form submitted to the Illinois Environmental Protection Agency in accordance with its rules and regulations where a construction site has been finally stabilized and all storm water discharges from the construction site authorized under a Notice of Intent are eliminated.

(ff) *"Off-site facility"* means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

(gg) *"On-site facility"* means a structural BMP located within the subject property boundary described in the permit application for land development activity.

(hh) *"Peak flow"* means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(ii) *"Person"* means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(jj) *"Pervious surface"* means any land cover that permits rain or melting snow to soak into the ground.

(kk) *"Priority area"* means "hot spot", see definition for "hot spot".

(ll) *"Qualified person" or "qualified personnel"* means a person or personnel knowledgeable in the principles and practice of erosion and sediment controls, such as a licensed professional engineer or other knowledgeable person who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any erosion and sediment control measures selected to control the quality of storm water discharges from the construction activities.

(mm) *"Runoff"* means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm water system.

(nn) *"Sediment"* means 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, gravity, or ice and has come to rest at a different site.

(oo) *"Sedimentation"* means the deposition of eroded soils at a site different from the one where the erosion occurred.

(pp) *"Site"* means the bounded area described in an erosion control plan or storm water management plan.

(qq) *"Soils Report"* means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified person, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

(rr) *"Stabilization"* means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(ss) *"Storm Events"* means the runoff, rainfall or flood occurrence having a probability of being equaled or exceeded in any given year (e.g., a two-year event has a 50 percent probability of being equaled or exceeded in a given year; a 10-year event has a 10 percent probability; a 100-year event has a probability of 1 percent; etc.).

(tt) *"Storm water"* means the flow of water which results from, and which occurs during and immediately following, a rainfall, snow-melt or ice-melt event.

(uu) *"Storm water management"* means any measures taken to permanently reduce or minimize the negative impacts of storm water runoff after land development activities.

(vv) *"Storm water management plan"* means the set of drawings and other documents including the erosion and sediment plan that is part of the storm water pollution prevention plan (SWPPP) that comprise the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques to be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed.

(ww) *"Storm water management system"* means all publicly or privately owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(xx) *"Storm water pollution prevention plan"* or *"SWPPP"* means a written document which describes the best management practices and activities to be implemented to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance

systems, and / or receiving waters to the maximum extent practicable and assure compliance with NPDES Permit No. ILR10 and ILR40.

(yy) *"Storm water runoff"* means the waters derived from rains falling or snow-melt or ice-melt occurring within a drainage area, flowing over the surface of the ground and collected in channels, watercourses or conduits.

(zz) *"Structural BMPs"* means practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharges of pollutants from exposed areas of a construction site.

(aaa)*"Surface water"* includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(bbb) *"Total maximum daily load" or "TMDL"* means the sum of the individual waste load allocations (WLAs) for point sources and load allocations (LAs) for non point sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any non point sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

(ccc) *"Watercourse"* means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(ddd) *"Watershed"* means all the land area that contributes runoff to a particular point along a waterway.

3. LAND DISTURBANCE PERMITS REQUIRED. Every person shall comply with the Village of Mt. Zion storm water policy for runoff control. In addition, a land disturbance permit will be required to be obtained from the Village Administrator (or designee) in the following cases:

(a) Land disturbing activity disturbs one (1) or more acres of land;

(b) Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acre of land;

(c) Land disturbing activity of less than one (1) acre of land, if in the discretion of the Village Administrator such activity poses a unique threat to water, or public health or safety because the activity by itself or of a cumulative effect negatively impacts water quality;

(d) The creation and use of borrow pits.

4. BUILDING PERMIT. No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this Ordinance.

5. EXEMPTIONS. The following activities are exempt from the land disturbance permit requirement:

(a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(b) Additions or modifications to existing single family structures not subject to the minimum standards as set forth in Section 3 of this Ordinance.

(c) Existing agricultural use of land involving:

(1) Any activity directly related to the planting, growing and harvesting of agricultural crops; or

(2) Implementation of conservation measures approved by the USDA – NRCS and the Macon County Soil and Water Conservation District; or

(3) The construction of agricultural structures not subject to the minimum standards as set forth in Section 3 of this Ordinance.

(d) Industrial activities having separate NPDES Storm Water permits that are current and for which they are in compliance.

6. WAIVERS. Every applicant shall provide for storm water prevention pollution plan as required by this Ordinance, unless a written request is filed to waive this requirement. Requests to waive the storm water prevention pollution plan requirements shall be submitted to the Village Administrator for approval.

7. CONDITIONS FOR WAIVER. The minimum requirements for the storm water pollution prevention plan may be waived in whole or in part upon written request of the applicant, provided at least one of the following conditions applies:

(a) It can be demonstrated the proposed development is not likely to impair attainment of the objectives of this Ordinance.

(b) Alternative minimum requirements for on-site management of storm water discharges have been established in a storm water management plan that has been approved by the Village Administrator.

(c) Provisions are made to manage storm water by an off-site facility. The off-site facility must be in place and designed to provide the level of storm water control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.

(d) It is demonstrated to the satisfaction of the Village Administrator that the waiver will not lead to any of the following conditions downstream:

(1) Deterioration of existing culverts, bridges, dams, and other structures;

(2) Degradation of biological functions or habitat;

(3) Accelerated stream bank or streambed erosion or siltation;

(4) Increased threat of flood damage to public health, life or property.

8. LAND DISTURBANCE PERMIT NOT TO BE ISSUED WHERE WAIVER REQUESTED. No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a storm water management plan.

9. APPLICATION FOR A LAND DISTURBANCE PERMIT.

(a) Each application shall include the following:

(1) The name, address, and telephone number of the property owner.;

(2) The address and legal description of subject property including the tax parcel number of the subject property;

(3) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;

(4) A description of the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit will be applicable.

(5) A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading).

(6) The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water(s).

(7) Copy of the Notice of Intent submitted, if required, to the Illinois Environmental Protection Agency.

(8) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not prohibit the Village of Mt. Zion from imposing additional development requirements and conditions, commensurate with this Ordinance, on the development of property covered by those permits.

(b) Each application shall be accompanied by:

(1) A storm water pollution prevention plan as required by NPDES IL R10 plus the additional information required by the Village of Mt. Zion. Said plan shall include:

i. An erosion and sediment control plan as set forth in Section 15 of this Ordinance.

ii. A storm water management plan as set forth in Section 16 of this Chapter, providing for storm water management during the construction and after the construction has been finished.

(2) Payment of land disturbance permit and other storm water management pollution prevention plans fees, fee shall be $100.00 plus engineering costs associated with review of plans.

10. REVIEW AND APPROVAL OF APPLICATION

(a) The Village Administrator will review each application for a land disturbance permit to determine its conformance with the provisions of this Ordinance. The Village Administrator shall provide one of the following responses to the applicant:

(1) Approval of the permit application;

(2) Approval of the permit application, subject to such reasonable conditions as may be necessary to substantially secure the objectives of this Ordinance, and issue the permit subject to these conditions; or

(3) Denial of the permit application, indicating the reason(s) for the denial.

(b) If the Village Administrator has granted conditional approval of the land disturbance permit, the applicant shall submit a revised plan that conforms to the conditions established by the Village Administrator. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the Village Administrator.

11. PERFORMANCE BOND OR PERFORMANCE SECURITY.

(a) The Village of Mt. Zion shall, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit to ensure the permit holder conforms to the conditions and requirements of the approved storm water pollution prevention plan. The amount of the performance security or performance bond shall be the total estimated construction cost of the structural and non-structural BMPs approved under the permit plus 10 percent of the total estimated costs.

The performance security shall contain forfeiture provisions for failure to complete work specified in the storm water management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the Village Administrator. Alternatively the Village Administrator shall have the right to calculate the cost of construction cost estimates.

(b) The performance security or performance bond shall be submitted and accepted by the Village Administrator prior to the issuance of a building permit by the Village of Mt. Zion.

(c) The performance security or performance bond shall be released in full only upon submission of record drawings and written certification by a registered professional engineer licensed to practice in the State of Illinois that the structural and non-structural BMPs have been installed in accordance with the approved plan and other applicable provisions of this Ordinance. The Village Administrator will make a final inspection of the BMPs to ensure it is in compliance with the approved plan and the provisions of this Ordinance prior to the release of the performance bond or performance security. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages may be made at the discretion of the Village Administrator.

(d) Occupation permits will not be granted until all corrections to all BMPs have been made and accepted by the Village Administrator.

2. PERMIT DURATION. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction.

13. BMP MANUAL FOR STORM WATER POLLUTION PREVENTION PLANS. The Village of Mt. Zion adopts as its best management practices (BMP) manual the following publications, which are incorporated by reference in this Ordinance as is fully set out herein:

(a) Illinois Urban Manual, latest amendment prepared by the United States Department of Agriculture, Natural Resources Conservation Services. This manual includes a list of acceptable BMPs including the specific design criteria and operation and maintenance requirements for each storm water practice. The manual may be updated and expanded from time to time, at the discretion of the governing body of the municipality, upon the recommendation of the Village Administrator, based on improvements in engineering, science, monitory and local maintenance experience. Storm water facilities that are designed, constructed and maintained in accordance with

these BMP criteria will be presumed to comply with requirements of NPDES Permit No. ILR10.

(b) "Illinois Procedures and Standards for Urban Soil Erosion and Sediment Control" commonly referred to as the "Green Book", latest version, developed through the efforts of the Northeastern Illinois Soil Erosion and Sedimentation Control Steering Committee, chaired by Mr. James K. Michels, P.E.

(c) Illinois Department of Transportation Erosion Control / NPDES Guidelines

(d) Village of Mt. Zion Storm Water Policy

(e) Other publications pertaining to best management practices and / or erosion and sediment control as may be approved, in writing, by the Village Administrator.

14. STANDARDS AND PERFORMANCE CRITERIA FOR STORM WATER POLLUTION PREVENTION PLAN. Unless granted a waiver or judged by the Village Administrator to be exempt, the following performance criteria shall be addressed for the storm water pollution prevention plan to permanently reduce or minimize the negative aspects of storm water runoff after land development activities at all sites.

(a) All site designs shall control the storm water discharge in compliance with Village of Mt. Zion requirements.

(b) The storm water pollution prevention plan shall be signed, at a minimum, for a storm event equal to or greater than a 25-year 24-hour rainfall event.

(c) The management practices, controls and other provisions contained in the storm water management plan must be at least as protective as the requirement contained in the Illinois Urban Manual.

(c) Watercourses shall be protected from degradation through the application of recommended design and construction guidelines in the BMP manual.

(c) Prior to or during the site design process, applicants for land disturbance permits shall consult with the Village Administrator to determine if they are subject to additional storm water management plan requirements which may include storm water discharges:

To waters for which there is a TMDL allocation for sediment or a parameter that addressed sediment (such as total suspended solids, turbidity, or siltation).

To waters listed in the Illinois 2004 303(d) list.

To critical areas with sensitive resources (i.e. swimming beaches, recharge areas, water supply reservoirs) that may be subject to additional performance criteria, or may need to utilize or restrict certain storm water management practices.

From "hot spots" that may require the application of specific structural BMPs and pollution prevention practices.

15. EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS. The erosion and sediment control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length in time and the complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall be sealed by a qualified person. The plan shall also conform to the requirements found in the

BMP manual as referenced in Section 13 of this Ordinance, and shall include at least the following:

(a) Project Description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) A topographic map with contour intervals of five (5) feet or less showing present conditions and proposed contours resulting from land disturbing activity.

(c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

(d) A general description of existing land covers. Individual trees and shrubs do not need to be identified.

(e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately.

(f) Approximate limits of proposed clearing, grading and filling.

(g) Approximate flows of existing storm water leaving any portion of the site.

(h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(i) Location, size and layout of proposed storm water and sedimentation control improvements.

(j) Proposed drainage network.

(k) Proposed drain tile or waterway sizes.

(l) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, the capacity of waterways, if any, accepting storm water off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural or non-structural BMPs.

(n) Specific remediation measures to control erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(o) Specific details for the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil,

sediment, and debris on streets and public ways at a level acceptable to the Village Administrator. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the Village Administrator. Failure to remove the sediment, soil or debris shall be deemed a violation of this Ordinance.

(p) Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.

(q) Requirement that qualified personnel shall inspect disturbed areas of the construction site that have not been finally stabilized, structural control measures, and locations where vehicles or equipment enter or exit the site at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater or equivalent snowfall.

16. STORM WATER MANAGEMENT PLAN REQUIREMENTS. The storm water management plan shall include sufficient information to allow the Village Administrator to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. To accomplish this goal the storm water management plan shall be prepared in accordance with the Village of Mt. Zion Storm Drainage Policy and include the following:

(a) Soils information when a storm water management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be prepared by a qualified person and submitted with the plan. The soils report shall be based upon on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(b) A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility using the North American Vertical Datum of 1988 (NAVD).

(c) A landscaping plan detailing the re-vegetation of the site after the construction is finished as set forth in Section 18 of this Ordinance.

(d) A maintenance plan for all storm water management facilities to ensure the continued performance of the facilities subject to the approval of the Village Administrator. The plan shall:

(1) Identify the parts or components of said facilities that need to be maintained and inspected.

(2) Provide detailed maintenance and repair procedures for the said facilities.

(3) Identify necessary training, skills or certifications that may be required to maintain, operate or repair any of the said facilities.

(4) Provide that the minimum maintenance and repair needs include, but are not limited to:

i. The removal of silt, litter, landscape wastes and other debris which adversely impacts the effectiveness of the facilities.

ii. The management of landscaped areas integral to the said facilities including the cutting of grass, trimming of bushes and trees or the removal of vegetation overgrowth that is not incorporated into the storm water management plan.

iii. To revise current or implement and the need for revisions or additional maintenance procedures.

iv. The cleaning of storm drainage inlets, pipes and structures.

(5) Provide for the regular periodic review, inspection and evaluation of the effectiveness of the maintenance program by qualified personnel for the purpose of documenting maintenance needs. Such reviews and inspections shall be conducted at least once every year after the construction is finished.

(6) Provide for established reporting procedures.

(7) Provide that maintenance needs are addressed in a timely manner.

(e) An executed maintenance agreement as agreed to by the Village Administrator that assigns the responsibility for compliance with the maintenance plan required in paragraph (d) of this Section to the owner of the property on which the storm water facilities are located to ensure compliance with the purpose and requirements of this Ordinance. Said agreement shall be a part of the owner's declaration and by appropriate notation referenced on the plat and:

(1) Include as part of said agreement the maintenance plan as approved by the Village Administrator.

(2) Provides that the property owner will arrange to have the periodic inspection of the storm water facilities specified in the maintenance plan conducted by a qualified person who will submit a sealed report of the inspection to the Village Administrator.

(3) Grant permission to the Village Administrator to enter the property at reasonable times and inspect the storm water facility to ensure that it is being properly maintained.

(4) Provide that the property owner shall be responsible for additional maintenance needs consistent with the needs and standards outlined in the Illinois Urban Manual.

(5) Provide that maintenance needs must be addressed in a timely manner, on a schedule determined by the Village Administrator.

(6) Provide that if the property is not maintained within the schedule prescribed by the Village Administrator, the Village Administrator shall have the authority to have the maintenance work performed at the City's expense, and bill the same to the property owner which shall be a lien against the property.

(f) Dedication of easements necessary to ensure access to the site for the purpose of maintenance and inspection of the storm water management facilities. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

(g) The Village of Mt. Zion shall have the discretion to accept the dedication of any existing or future storm water management facility, provided such facility meets the requirements of this Ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any storm water facility accepted by the municipality must also meet the municipality's construction standards and any other standards and specifications that apply to the particular storm water facility in question.

17. LANDSCAPING AND STABILIZATION REQUIREMENTS.

(a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be re-vegetated according to a plan approved by the Village Administrator.

(b) A plan for establishing permanent vegetative cover to stabilize disturbed or exposed areas must be submitted with the storm water management plan. The plan shall describe the vegetative stabilization and management techniques to be used at a site after construction is completed using BMPs. This plan will explain how the site will be stabilized after construction, which will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure adequate vegetative cover is preserved.

(c) Where it is required by the BMP, this plan must be prepared by a registered Landscape Architect in the State of Illinois.

18. CONSTRUCTION MAINTENANCE, INSPECTION AND REPORTING RESPONSIBILITY.

(a) The permittee must notify the Village Administrator in advance of the commencement of construction.

(b) The permittee shall have inspections of the management practices, controls and other provisions contained in the storm water pollution prevention plan conducted by qualified personnel acceptable to the Village Administrator. Said inspections shall be conducted and documented and written reports prepared in accordance with the NPDES Permit No. ILR10 that contain, at a minimum, the following information:

(1) The date and location of the inspection;

(2) Name of inspector;

(3) Type of inspection. Whether it is a weekly inspection or following a precipitation event in excess of 0.5 inches;

(4) Name of contractor and, as applicable, subcontractors;

(5) Project name;

(6) NPDES permit number;

(7) Whether all temporary and permanent erosion and sediment controls in the storm water pollution prevention plan (SWPPP) or as subsequently directed by Village Administrator are in place and in compliance with the SWPPP;

(8) Whether all temporary and permanent erosion and sediment controls that have been installed are operating correctly;

(9) Whether erosion and sediment controls are being properly maintained;

(10) Whether there is tracking of sediment from locations where vehicles and equipment enter and leave project site;

(11) Whether additional controls, adjustments or maintenance directed as a result of previous inspection have been implemented within seven calendar days;

(12) Any incidents of non-compliance and what corrective action has been undertaken and completed.

19. RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES. Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation of the storm water facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the Village Administrator during inspection of the facility and at other reasonable times upon request.

20. FAILURE TO MEET OR MAINTAIN DESIGN OR MAINTENANCE STANDARDS. If a responsible party fails or refuses to meet the design or maintenance standards required for storm water facilities under this Ordinance, the Village Administrator, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing the necessary work to place the facility in proper working condition. In the event the storm water management facility becomes a danger to the environment or the public health, safety and welfare, the Village Administrator shall notify in writing the party responsible for maintenance of the storm water management facility. Upon receipt of that notice, the responsible person shall have seven (7) calendar days to affect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the Village of Mt. Zion shall take necessary corrective action. The cost of any action by the Village of Mt. Zion under this section shall be charged to the responsible party.

21. EXISTING LOCATIONS AND DEVELOPMENTS. All locations and development at which land disturbing activities have occurred prior to the enactment of this Ordinance and meeting the criteria established in Section 3 of this Ordinance shall comply as follows:

(a) Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the Village Administrator.

(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.

(d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.

(e) Storm water runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:

(1) Ponds

i. Detention pond

ii. Extended detention pond

iii. Wet pond
iv. Alternative storage measures
(2) Constructed wetlands
(3) Infiltration systems
i. Infiltration/percolation trench
ii. Infiltration basin
iii. Drainage (recharge) well
iv. Porous pavement
(4) Filtering systems
i. Catch basin inserts/media filter
ii. Sand filter
iii. Filter/absorption bed
iv. Filter and buffer strips
(5) Open channel
i. Swale

(f) The Village Administrator shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting such locations and developments, and the actions required to correct those problems. The notice shall also specify a reasonable time for compliance.

22. INSPECTION OF EXISTING FACILITIES. The Village Administrator may, to the extent authorized by state and federal law, establish inspection programs to verify that storm water management facilities, including those built before as well as after the adoption of this Ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality's NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

23. ILLICIT DISCHARGES. For all water generated on developed or undeveloped land entering the municipality's separate storm sewer system, no person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of storm water. The commencement, conduct or continuance of any non-storm water discharge to the municipal separate storm sewer system is prohibited except as described as follows:

(a) Uncontaminated discharges from the following sources:
(1) Water line and fire hydrant flushing or other potable water sources,
(2) Landscape irrigation water or lawn watering with potable water,

(3) Rising ground water,
(4) Ground water infiltration,
(5) Pumped groundwater,
(6) Discharges from potable water sources,
(7) Foundation drains,
(8) Air conditioning condensate,
(9) Irrigation water, (except for wastewater irrigation),
(10) Springs,
(11) Water from crawl space pumps,
(12) Footing drains,
(13) Storm sewer cleaning water,
(14) Water from individual residential car washing,
(15) Routine external building wash down which does not use detergents,
(16) Flows from riparian habitats and wetlands,
(17) Dechlorinated pH neutral swimming pool discharges,
(18) Residual street wash water,
(19) Discharges or flows from fire fighting activities,
(20) Dechlorinated water reservoir discharges,
(21) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed), and;
(22) Any other uncontaminated water source.
(b) Discharges specified in writing by the Village Administrator as being necessary to protect public health and safety.
(c) Dye testing is an allowable discharge if the Village Administrator has so specified in writing.

24. PROHIBITION OF ILLICIT CONNECTIONS. The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

25. ELIMINATION OF STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

26. NOTIFICATION OF SPILLS. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into storm water, the municipal separate storm sewer system, the person

shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the Village Administrator in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Village Administrator within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

27. ENFORCEMENT AUTHORITY. The Village Administrator shall be responsible for enforcing the provisions in this Ordinance. The Village Administrator is also hereby authorized to promulgate such rules and regulations as may be necessary to supplement this Ordinance for effective enforcement, provided such rules and regulations shall not be valid until they have been filed in the office of the City Clerk for not less than ten (10) days before their respective dates.

28. PENALTY. It shall be unlawful for any person to commit any act declared unlawful under this Ordinance, to violate any provision of this Ordinance, to violate the provisions of any permit issued pursuant to this Ordinance or to fail or refuse to comply with any lawful communication or notice to abate or take corrective action as required. Any person or entity found to be in violation of the provisions of this Ordinance of the Code shall be fined in an amount not less than fifty dollars ($50) nor more than Five Hundred Dollars ($500) for each offense.

29. OTHER REMEDIES. The provisions or imposition of the penalty aforesaid shall not preclude the institution of appropriate action to prevent, abate or stop acts, activities, work or maintenance not in compliance with the provisions of this Ordinance. In addition to any other remedy that may be provided otherwise, the provisions of this Ordinance may be enforced in any appropriate action, by injunction or otherwise.