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Updated 09/06/19
CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS


The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Village of Fox River Grove, Illinois," and may be so cited.  

State law reference-Revision and codification of ordinances, 65 ILCS 5/1-2-3 et seq.

Sec. 1-2. Rules of construction and definitions.

In the construction of this Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the Board of Trustees. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter of context of such section may be repugnant thereto.

Generally. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Board of Trustees may be fully carried out.

In the interpretation and application of any provision of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Board, Board of Trustees, Village Board. Whenever the words "Board," "Board of Trustees" or "Village Board" are used, they shall be construed to mean the Board of Trustees of the Village of Fox River Grove.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be held shall not be counted. Where the day on which an act is to be done or a proceeding held falls on a Sunday or a legal holiday, said act shall be done or proceeding held on the next regular business day. Time shall mean Central Standard Time, except when the State of Illinois is on daylight saving time and then it shall mean Central Daylight Saving Time.
General Provisions

Corporate or Village limits. The term "corporate limits" or "Village limits" shall mean the legal boundaries of the Village of Fox River Grove.

County. The words "the county" or "this county" shall mean the County of McHenry and/or the County of Lake in the State of Illinois. (94-10, Sec. 1, 3-17-94)

Delegation of authority. Whenever a provision appears requiring the head of a department or some other Village officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Month. The word "month" shall mean a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officers generally. Whenever any officer is referred to by title, such as "Village Clerk," "Chief of Police," "President," etc., such reference shall be construed as if followed by the words "of the Village of Fox River Grove."

Owner. The word "owner," applied to a building or land, shall include any part, owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

Person. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property includes every species of property except real property, as herein described.
Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Property. The word "property" shall include real and personal property.

Real property shall include lands, tenements and hereditaments.

Shall. The word "shall" is mandatory.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curbline and the adjacent property line, intended for the use of pedestrians.

Signature or subscription includes a mark when the person cannot write.

State. The words "the state" or "this state" shall be construed to mean the State of Illinois.

Street. The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the Village, and shall include all areas thereof embraced between the property lines and dedicated to the public use.

Tenant or occupant. The word "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such buildings or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Village shall mean the Village of Fox River Grove, Illinois.

Wholesale, wholesaler, etc. In all cases where the words "wholesale," "wholesaler," or "wholesale dealer" are used in this Code, unless otherwise specifically defined, they shall be understood and held to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for purposes of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer.

Written or in writing shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.

State law reference--Similar rules of statutory construction, 5 ILCS 70/0.01 et seq.

Sec. 1-3. Catchlines of sections.
The catchlines of the several sections 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 such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-4. Amendments to Code.

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

Sec. 1-5. Unauthorized alteration or tampering with Code.

It shall be unlawful for any person in the Village to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code, in any manner whatsoever which will cause the law of the Village to be misrepresented thereby.

Sec. 1-6. Effect of repeal of ordinances.

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it shall be therein so expressly provided. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution, or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

Sec. 1-7. Severability of parts of Code.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.


(a) Whenever in this Code or in any ordinance of the Village, any act is prohibited or is made or declared to be unlawful or a misdemeanor or a violation of this Code, or whenever in such Code
or in any Village ordinance the doing of any act is required, the failure to do any act is declared
to be unlawful or a misdemeanor or a violation of this Code, where no specific penalty is
provided therefore, the violation of any such provision of this Code or any such ordinance shall
be punished by a fine of not less than seventy five dollars ($75.00) nor more than five hundred
dollars ($500.00) for each offense. Each date a violation of any provision of this Code or any
ordinance shall continue shall constitute a separate offense. The revocation of a license or permit
shall not be considered a recovery or penalty so as to bar any other penalty from being enforced.

Ord. No. 96-13, Sec. 1, 3-21-96)

(b) In addition to the penalty provided in Subsection 1-8(a) above, or any penalty specifically
provided in this Code or any ordinance of the Village, the Village may institute an action or
proceeding for temporary or permanent injunctive relief, restraining order, or other equitable
relief against any person violating this Code or any ordinance of the Village, to correct such
violation. In the event such action is instituted and an injunction, restraining order or other
equitable relief is issued, the person whose conduct is enjoined, restrained or otherwise
prohibited, shall be liable to the Village for the Village’s attorneys’ fees and other costs incurred
in obtaining such relief. (Ord. No. 07-30, Sec. 2, 9-20-07)

Cross reference-Settlement and compromise of certain offenses, Sec. 13-96 et seq.
State law reference-Limitation on penalties, 65 ILCS 5/1-2-1

Sec. 1-9. Officers, employees not liable to fine for failure to perform duties.

No provision of this Code designating the duties of any officer or employee shall be so construed as to
make such officer or employee liable for any fine or penalty provided in this Code for a failure to
perform such duty, unless the intention of the Village Board to impose such a fine or penalty on such
officer or employee is specifically and clearly expressed in the section creating the duty or unless a
penalty or fine is prescribed by state law.

Sec. 1-10. Unpaid, past due fees, charges and fines.

(a) If a fee, charge, fine or other monetary payment due to the Village is not paid on or before its due
date, the amount of the fee, charge, fine or other monetary payment shall be increased at the rate
of 1.5% of the amount past due for each month or part thereof which elapses between the date
the payment was due and the date payment is made to the Village. The provisions of this
paragraph (a) shall not be applicable if any other provision of this Code or any other applicable
ordinance provides for a penalty or surcharge or for interest to accrue as a result of the failure to
make timely payment of the fee, charge, fine or other monetary payment.

(b) If a fee, charge or other monetary payment is owed to the Village in connection with an
application for a building permit, subdivision approval or a zoning variation or other
modification of the requirements of the Village's Zoning Ordinance, the payment of the amount
due shall be a joint and several obligation of the applicant and the owner of the property for which the building permit, zoning modification or subdivision approval is requested.

(c) In addition to any other remedy or right provided for in this Code or available under any other applicable ordinance or law, the Village may withhold the issuance of any permit, authorization or approval provided for under this Code or under the Zoning Ordinance of the Village to any person who is more than thirty (30) days delinquent in the payment of any fee, service charge, water and sewer bill or other monetary payment of any kind which is owed to the Village until such time as the entire amount owed is paid to the Village. (Ord. No. 91-26, Sec. 1, 7-17-91)
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   Div. 2. Administrative Adjudication of Code Violations, Sec. 2-310--2-320
   Div. 3. Administrative Adjudication of Vehicular Standing and Parking Violations,
      Sec. 2-330—2-343
   Div. 4. Administrative Adjudication of Automated Traffic Law Enforcement System
      Violations, Sec. 350—2-363
Art. XVI. Electric Power Aggregation
   Div. 1. Electric Power Aggregation, Sec. 2-400

* Cross reference - Taxation, Sec. 20-1 et seq.
ARTICLE I. IN GENERAL

Sec. 2-1. Administrative code--establishment.

In order to establish a more effective and efficient Village administrative government, it is the policy of the Village that an administrative code shall be established as resolved by the Board of Trustees. (Ord. of 6-23-73)

Sec. 2-2. Same--responsibility for creation, maintenance, administration.

The Village Administrator, with the advice and consent of the President and Board of Trustees, shall be responsible for the creation, maintenance and administration of the Administrative Code. (Ord. of 6-23-73)

Sec. 2-3. Same--contents.

The Administrative Code shall include, but not be limited to, the following items:

1. Organizational chart of the Village government.
2. Functions of the several departments.
4. Administrative procedures by departments.
5. Personnel policy and procedures. (Ord. of 6-23-73)

Sec. 2-4. Same--annual review.

The Administrative Code shall be reviewed annually by the President and Board of Trustees. (Ord. of 6-23-73)

Sec. 2-5. Wages for laborers, mechanics and other workmen employed in public works.

(a) To the extent and as required by the Prevailing Wage Act, 820 ILCS 130 et seq., effective July 1, 1941, and as amended from time to time, the general prevailing rate of hourly wages for work of a similar character on public works in this locality and including the general prevailing rate of hourly wages for legal holiday and overtime work, shall be paid to all laborers, workers and mechanics employed by or on behalf of the Village. The general prevailing rate of hourly wages for the Village is hereby ascertained to be the same as the prevailing rate of wages for construction work in McHenry and Lake Counties as determined by the Illinois Department of Labor during the month of June of each calendar year.

The definition of all terms appearing in the Act are hereby incorporated into this Section by reference as if fully set forth herein.
(b) Only such laborers, workers and mechanics as are directly employed by contractors or subcontractors in actual construction work on the site by the building or construction job, and laborers, workers and mechanics engaged in the transportation of materials and equipment to or from the site, but not including the transportation by the sellers and suppliers or the manufacture or processing of materials or equipment, in the execution of any contract or contracts for public works with the Village shall be deemed to be employed upon public works and entitled to the general prevailing rate of hourly wages as herein ascertained.

(c) The Village shall adopt as its own the Department of Labor's determination of the prevailing rate of wages for McHenry and Lake Counties and shall publicly post or keep available for inspection by any interested party in the Village Clerk's office the prevailing rate of wage as determined by the Department of Labor during the month of June of each calendar year.

(d) The Village Clerk shall promptly file a certified copy of such prevailing rate of wage in the office of the Secretary of State and the Department of Labor in Springfield, Illinois.

(e) The Village Clerk shall, within 30 days of filing with the Secretary of State and Department of Labor, cause to be published in a newspaper of general circulation within the area that the determination is effective and a notice of the determination. The Village Clerk shall mail a copy of this determination to any employer, and to any association of employees who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates. (94-07, Sec. 1, 3-17-94)

Sec. 2-6.  Official Comprehensive Plan confirmed and adopted.

(a) The official Comprehensive Plan of the Village of Fox River Grove, Illinois, is hereby, in all things, confirmed and adopted as the official Comprehensive Plan of the Village of Fox River Grove, Illinois.

(b) The official Comprehensive Plan and this Section shall be in full force and effect from and after the passage, approval, filing, and recording of the official Comprehensive Plan and this section as provided by law. (Ord. No. 74-14, Sec. 1, 2, 11-13-74)

Editor's note--Ord. No. 74-14, Sec. 1, 2, being non-amendatory of this Code, has been included herein as Sec. 2-6 at the discretion of the editors.

Sec. 2-7.  Reimbursement procedures for time and materials expended by the Village in review of petitions and plan for lands to be rezoned or annexed.

(a) The Village President, Board of Trustees or the Village Administrator may request that any Village consultant, department head or employee review petitions, plats, plans and documents pertaining to (i) the re-zoning or annexation of land, (ii) the development or redevelopment of land, or (iii) relating to the public improvement portion of any private project either within or outside of the corporate boundaries of the Village of Fox River Grove. Village consultants
include, but are not limited to, the Village Attorney, Village Engineer, Village Planner and Village Forester. Public improvements include, but are not limited to, right-of-way, water systems, sanitary sewer systems, storm water systems, streets, sidewalks, curb and gutter, street lighting and street signage. The re-zoning of land includes, but is not limited to, requests for variations, special uses, text amendments, and changes in zoning classification.

(b) The cost to the Village of all work performed by Village staff and consultants pursuant to Section 2-7(a) shall be recoverable by the Village from the owner or developer when the services performed involve either (i) a new building or an addition to an existing building except if the building is a single family dwelling unit, (ii) a home occupation or non-single family residential use of an existing building or parcel of land, (iii) property containing more than two (2) lots, including but not limited to lots that are intended to be developed or which have been developed with single family dwelling units, or (iv) a property containing more than one (1) dwelling unit on a lot. Recoverable costs include, but are not limited to, costs incurred in the design, installation, review, inspection, cleaning, maintenance, repair and replacement of the public improvement portion of any private project prior to its acceptance by the Village, as well as costs related to the review of all petitions, plans, plats and documents. Time spent by full-time employees of the Village providing general information, interpreting regulations, concept reviews, or attendance at public meetings will not be recoverable. All work performed by Village consultants shall be billed to the owner or developer in the amount which the Village was billed by the consultants. The Village will issue invoices for any work performed by Village consultants and employees for which the Village is entitled to recover the cost pursuant to this Section or any other provisions of this Code. Invoices not paid in full within thirty (30) days shall be considered to be delinquent. All fees, charges and deposits established herein are in addition to the fees charged, reimbursement of cost required, and security required pursuant to Chapter 6, “Building and Building Regulations”, Chapter 18 “Streets and Sidewalks”, Chapter 19, “Subdivisions”, and Chapter 23 “Water and Sewers”, provided that a developer or owner shall not be billed twice for the same costs incurred by the Village or the same work performed by Village employees.

(c) Planning consultants, engineers, attorneys, foresters and any other consultants shall submit itemized bills for service, materials and out-of-pockets costs incurred in performing tasks falling within the scope of Section 2-7(a). Standard hourly or per diem rates normally billed to the Village shall be charged. The time spent by Village employees in performing tasks falling within the scope of Section 2-7(a) shall be billed to the developer or owner on an hourly basis calculated by multiplying the number of hours spent by the Village employee by 150% of the average hourly cost to the Village for the employee’s salary, to cover the cost of the employee’s salary, fringe benefits (35%) and overhead (15%).

(d) The Village may require that a developer or owner of property deposit with the Village an amount equal to all or a portion of the estimated costs the Village will incur that are recoverable from the developer or owner pursuant to Section 2-7(b). The Village Administrator shall determine the amount which a Developer shall deposit in escrow, provided that unless approved

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by the Village’s Corporate Authorities, the amount to be deposited in escrow shall not exceed twenty five thousand ($25,000.00) dollars. Amounts held by the Village in escrow pursuant to this Section shall not be used to pay bills issued to the developer or owner by the Village pursuant to this Section 2-7 or any other provision of this Code. The Village may utilize funds deposited in escrow to pay amounts that are owed by the developer or owner to the Village which are delinquent. The Village may also utilize the funds deposited in escrow to pay the cost of completing an unfinished public improvement. In addition to the escrow deposit, the Village when authorized by the Village’s Corporate Authorities may also require that a bond letter of credit or similar security be established for the life of a project to ensure completion of public improvements. The amount of such a bond, letter of credit or similar security shall be determined by the Village Engineer. The Village may issue a stop work order on a project until all delinquent bills are paid and the escrow is fully replenished. If any developer or owner fails to maintain the required escrow or fails to make payment to the Village of any amount due under this Section 2-87 or any other provision of this Code, the Village may withhold the issuance of a building permit or occupancy permit.

(e) The unused portion of an amount deposited to be held in escrow by the Village pursuant to Section 2-7(d) will be refunded upon the approval of the Corporate Authorities after receipt of payment of all invoices and the completion of all public improvements.

(Ord. No. 98-30, Sec. 1, 7-16-98; Ord. No. 2011-07, Sec. 2, 3-17-11)

Sec. 2-8. Fiscal year.

Beginning May 1, 1997, the fiscal year for the Village of Fox River Grove shall begin on May 1 and end on April 30 the next calendar year. The 1996-97 fiscal year for the Village of Fox River Grove shall end on April 30, 1997. (Ord. No. 96-50, Sec. 1, 12-19-96)

Sec. 2-9. Fee for dishonored or unpaid checks and drafts

If any person tenders a check, draft or other negotiable instrument to the Village as payment, in full or in part, of a fee, tax, bill, charge or other monetary obligation owed to the Village, and the check, draft or other negotiable instrument is dishonored or otherwise returned to the Village without payment, the person who tendered the check, draft or other negotiable instrument to the Village shall be required to pay the Village the amount of twenty five dollars ($25.00) in addition to the amount of any fee, tax, bill, charge, or other obligation for which the dishonored or returned check, draft or other negotiable instrument was tendered. (Ord. No. 92-32, Sec. 1, 11-18-92)

Sec. 2-10. Leasing of Village Property

The Village President is authorized to enter into leases of property owned by the Village for terms not to exceed one (1) year provided that the Village President determines that the property is no longer necessary, appropriate, required for the use of, profitable to or for the best interests of the Village and, provided further that the Village’s Corporate Authorities shall approve the length of the lease and the
amount of rent to be paid to the Village pursuant to the lease. (Ord. No. 97-43, Sec. 1, 11-20-97)

Sec. 2-11. Fees for Police Department reports.

The following fees shall be charged for furnishing, copying and certifying Police Department reports, provided that no fee shall be charged if a report is furnished, copied and/or certified in response to a subpoena served on the Village which is accompanied by the applicable statutory witness or appearance fee:

(a) Accident reports - $5.00 per report.

(b) Reports relating to arrests for felonies and for violations of Section 11-501 of the Illinois Vehicle Code, “Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof” (625 ILCS 5/11-501) or Section 15-39 of this Code, “Driving while under the influence of alcohol, other drug, or combination thereof” - $25.00 per report.

(c) All other reports - $5.00 for the first page and $1.00 for each additional page.

(d) Radio (Audio) Traffic - $30.00/hour

(e) Video - $20.00 (Ord. No. 05-33, Sec. 1, 10-20-05; Ord. No. 06-15, Sec. 1, 4-20-06)

Sec. 2-12. Fees for Fingerprinting.

The following fees shall be charged whenever a person requests to be fingerprinted by the Police Department for reasons not related to the operation of the Police Department or the Village:

(a) Fingerprinting for Adult Residents. Persons who are residents of the Village of Fox River Grove and who are eighteen (18) years or older or an emancipated minor who request that they be fingerprinted by the Police Department shall be charged a fee of ten ($10.00) dollars per set of fingerprints.

(b) Fingerprinting for Adult Non-Residents. Persons who are not residents of the Village of Fox River Grove and who are eighteen (18) years or older or an emancipated minor who request that they be fingerprinted by the Police Department shall be charged a fee of twenty-five ($25.00) dollars per set of fingerprints.

(c) Fingerprinting of Children. Unemancipated minors who are less than eighteen (18) years old shall not be fingerprinted by the Police Department unless the minor’s parent or legal guardian consents to the minor being fingerprinted, unless the fingerprinting is done in connection with the operation of the Police Department or the Village. There shall be no fee for the fingerprinting of unemancipated minors who reside in the Village of Fox River.
Grove. Unemancipated minors or their parents or guardian who do not reside in the Village shall be charged a fee of twenty-five ($25.00) dollars for each set of fingerprints. (Ord. No. 07-12, Sec. 1, 4-19-07)

Secs. 2-13-2-15. Reserved.

ARTICLE II. OFFICERS AND EMPLOYEES GENERALLY *

Sec. 2-16. Application.

The provisions of this article shall apply alike to all officers and employees of the Village, regardless of the time of the creation of the office or position or the time of the appointment of the officer or employee. (Code 1958, Sec. 8.101)

Sec. 2-17. Appointment of officers.

All appointive officers of the Village shall be appointed by the Village President with the advice and consent of the Board of Trustees, except as otherwise provided by this Code or by state law. (Code 1958, Sec. 8.102)

Sec. 2-18. Terms of appointive officers.

Unless otherwise specifically provided, every appointive officer of the Village shall hold office until the first day of May following his appointment or until his successor is appointed and qualified. (Code 1958, Sec. 8.103)

Sec. 2-19. Filling vacancies in appointive office.

In case of a vacancy in any appointive office, it shall be filled in the same manner as original appointments are made, in the absence of any provision to the contrary. (Code 1958, Sec. 8.103)

Sec. 2-20. Duty of officers to turn money over to Village Treasurer together with statement of source.

Every officer of the Village shall at least once each month turn over all money received by him in his official capacity, to the Village Treasurer with a statement showing the source from which the money was received. (Code 1958, Sec. 8.104)

*Cross reference - Officers and employees not liable to fine for failure to perform duties, Sec. 1-9; the Board of Trustees, Sec. 2-39 et seq.; the Village President, Sec. 2-68 et seq.; the Village Manager, Sec. 2-84 et seq.; the Village Clerk, Sec. 2-100 et seq.; the Village Treasurer, Sec. 2-121 et seq.; the Village Attorney, Sec. 2-154 et seq.; the Superintendent of Streets & Parks, Sec. 2-171 et seq.; the Office of Building & Zoning, Sec. 6-19 et seq.; Director of Municipal Civil Defense Organization, Sec. 7-4; the Health Officer, Sec. 11-16 et seq.; Chief of Police, Sec. 17-30 et seq.
Sec. 2-21. **Oath of office required.**

Every officer of the Village shall, before entering upon his duties, take the oath of office prescribed by statute. (Code 1958, Sec. 8.105)

State law reference--Oath of office for municipal officers, 65 ILCS 5/3.1-10-25, 5/5-3-9

Sec. 2-22. **Salaries.**

All officers and employees of the Village shall receive such salary as may be from time to time provided by ordinance or resolution of the Board of Trustees. (Code 1958, Sec. 8.106)

Sec. 2-23. **Assignment of duties to appointive officers; disputes regarding powers and duties.**

The Board of Trustees shall have the power to assign to any appointive officer any duty which is not assigned by this Code or other ordinance of the Village to some other specific officer and shall determine disputes or questions relating to the respective powers or duties of appointive officers. (Code 1958, Sec. 8.107)

Sec. 2-24. **Records to be open for inspection by Village President and Board of Trustees.**

All records kept by any officer of the Village shall be open for inspection by the Village President or any member of the Board of Trustees at all reasonable times, whether or not such records are required to be kept by statute or the provisions of this Code. (Code 1958, 1.102, 8.108)

Sec. 2-25. **Bond.**

Every officer and employee shall, if required by the Board of Trustees, upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by the Board of Trustees, conditioned upon the faithful performance of the duties of his office or position. (Code 1958, Sec. 8.109)

State law reference--Bonds of officers and employees, 65 ILCS 5/3.1-10-30

Sec. 2-26. **Surrender of effects of office.**

Every officer and employee of the Village, upon the expiration of his term for any cause whatsoever, shall deliver to his successor all books and records which may be the property of the Village, and if no successor has been appointed within one (1) week after the termination of office such property shall be delivered to the Village Clerk or Village Treasurer. (Code 1958 Sec. 8.112)

Sec. 2-27. **Impersonation of officer or employee.**

It shall be unlawful for any person to impersonate, without lawful authority, any Village officer or employee. (Code 1958, Sec. 8.113)
Sec. 2-28. Interfering with officers or employees.

It shall be unlawful for any person to interfere with or hinder any officer or employee of the Village while engaged in the duties of his office or employment. (Code 1958, Sec. 8.114)

State law reference--Obstructing peace officers, 720 ILCS 5/32-5

Secs. 2-29--2-38. Reserved.

ARTICLE III. THE BOARD OF TRUSTEES*

DIVISION 1. GENERALLY

Sec. 2-39. Composition; term; powers and duties.

The Board of Trustees, consisting of six (6) members, shall be elected to office for a four (4) year term, according to the method provided by statute. This Board shall be the legislative department of the Village government, and shall perform such duties and have such powers as may be delegated by statute to it. (Code 1958, Sec. 2.101)

State law references--Board of Trustees to have legislative powers, 65 ILCS 5/5-3-6; election of Board of Trustees, 65 ILCS 5/5-2-12 et seq.

Sec. 2-40. Oath of office.

The members of the Board of Trustees shall take the oath of office prescribed by statute. (Code 1958, Sec. 2.102)

State law reference--Oath of office of Board of Trustees, 65 ILCS 5/3.1-10-25, 5/5-3-9

Sec. 2-41. Stipend.

The stipend for the members of the Village Board of Trustees who are elected or appointed to fill a vacancy for a term of office which begins on or after May 1, 2015, shall be two hundred twenty-five ($225) dollars per month, which will be paid every three (3) months. (Ord. No. 96-45, Sec. 1, 10-17-96; Ord. No. 11-02, Sec. 1, 1-20-11; Ord. 14-11, Sec. 1, 6-19-14)

State law reference--Compensation of Board of Trustees, 65 ILCS 5/3.1-50-15

Sec. 2-42. Committees of Board of Trustees.

(a) The Village’s Board of Trustees shall meet as Committee of the Whole on the first and third Tuesdays of each month after the conclusion of Village Board’s regular meeting. (Ord. No. 19-10, Sec. 1, 6-6-19)

* Cross reference - Village President to be President of Board of Trustees, Sec. 2-71
(b) Special committees shall be created from time to time as directed by the President and Board of Trustees.

(c) All special committees shall be appointed by the President. (Code 1958, Sec. 2.208; Ord. No. 2013-10, Sec. 1, 5-16-13)

Sec. 2-43. Commencement of term of office.

The term of office of elected municipal officers shall, pursuant to 65 ILCS 5/3, 1-10-15, commence at the first regular or special meeting of the Village’s Board of Trustees after receipt of the official election results from the McHenry and Lake County Clerks after the municipal election at which such municipal officers were elected. (Ord. No. 81-08, Sec. 1, 3-18-81; Ord. No. 83-03, Sec. 1, 6-15-83; Ord. No. 2013-10, Sec. 2, 5-16-13)

Secs. 2-44-2-47. Reserved.

DIVISION 2. MEETINGS

Sec. 2-48. Time and place of regular meetings.

The Village Board of Trustees shall hold its regular meetings on the first and third Tuesday of each month at 6:30 p.m. and no notice of such regular meetings shall be required except as provided in the Illinois Open Meetings Act (5 ILCS 120/1 et seq.). The meeting place of the Board of Trustees shall be at the Village Hall unless otherwise ordered by the Board or the Village President. The Village President or any three (3) trustees of the Village may direct that a regular monthly meeting of the Board of Trustees be rescheduled. Notice of any such rescheduling of a regular monthly meeting of the Village Board of Trustees shall be given in accordance with the Illinois Open Meetings Act. (Code 1958, Sec. 2.103; Ord. of 9-10-73, Sec. 1; Ord. No. 76-14, Sec. 1, 9-8-76; (Ord. No. 02-13, Sec. 1, 6-27-02; Ord. No. 07-05, Sec. 1, 2-22-07, Ord. No. 2013-10, Sec. 3, 5-16-13; Ord. No. 19-10, Sec. 2, 6-6-19)

State law reference--Authority to enact ordinance setting meetings, 65 ILCS 5/3.1-40-25

Sec. 2-49. Special meetings; call; notice.

Special meetings of the Village Board of Trustees may be called by the President of the Village or any three (3) trustees upon at least twenty-four (24) hours' notice to all members and the President; provided, that, if all of the trustees are present at a special meeting no notice of the meeting shall be necessary and such notice shall be deemed waived. (Code 1958, Sec. 2.103)

State law reference--Special meetings; call; authority to call: 5 ILCS 120/2.02, 5 ILCS 120/2.03, 65 ILCS 5/3.1-40-25

Sec. 2-50. President to be presiding officer.

The Village President shall be the presiding officer of all regular and special meetings of the Board of Trustees and at all times when the Board meets as a committee of the whole. (Code 1958, Sec. 2.104)
Sec. 2-51. Quorum; required votes.

A majority of the Village Board of Trustees shall constitute a quorum to do business. No ordinance shall be passed except upon the favorable vote of a majority of the elected members, as provided by statute. (Code 1958, Sec. 2.207)

State law reference--Presiding officer at meetings of Board, 65 ILCS 5/3.1-40-30

Sec. 2-52. Reconsideration of prior action; prerequisites.

No vote or action of the Board of Trustees shall be rescinded at any special meeting of the Board of Trustees unless there be present at such special meeting as many members of the Board of Trustees as were present at the meeting when such vote or action was taken, as provided by statute. (Code 1958, Sec. 2.202)

State law reference--Quorum at meetings of Board, 65 ILCS 5/3.1-40-20

Sec. 2-53. When resolutions to be in writing.

Any resolution submitted to the Board of Trustees shall be reduced to writing before being voted upon on the request of any two (2) members of the Board. (Code 1958, Sec. 2.208)

Sec. 2-54. Consent of Board required to address meetings; exceptions.

No person other than the Village President or a member of the Board of Trustees shall address that body at any regular or special meeting except upon consent of a majority of the members present. (Code 1958, Sec. 2.204)

Sec. 2-55. Robert's Rules of Order applicable.

Robert's Rules of Order as revised shall govern the deliberations of the Board of Trustees except when in conflict with any of the provisions of this division. (Code 1958, Sec. 2.206)

Sec. 2-56. Suspension of rules.

The rules of order, other than those prescribed by statute, may be suspended at any time by the consent of a majority of the members present at any meeting. (Code 1958, Sec. 2.205)

Sec. 2-57. Disturbing meetings.

It shall be unlawful for any person to disturb any meeting of the Village Board of Trustees or of any committee thereof. (Code 1958, Sec. 2.209)
ARTICLE IV. THE VILLAGE PRESIDENT*

Sec. 2-68. Election, term of office.

The Village President shall be elected for a term of four (4) years. (Code 1958, Sec. 1.101)
State law reference Election of President, 65 ILCS 5/5-2-12

Sec. 2-69. Stipend.

From and after May 1, 2015, stipend for the Village President shall be five hundred ($500) dollars per month, which will be paid every three (3) months. (Ord. No. 96-45, Sec. 2, 10-17-96; Ord. No. 11-02, Sec. 2, 1-20-11; Ord. 14-11, Sec. 2, 6-19-14)
State law reference--Compensation of President, 65 ILCS 5/3.1-50-5

Sec. 2-70. General duties as chief executive.

The Village President shall be the chief executive officer of the Village and shall perform all duties required of him by statute, this Code or other ordinance of the Village. He shall have supervision over all the appointed officers of the Village, and over all of the employees of the Village. (Code 1958, Sec. 1.102)
State law references--Powers and duties of Village President, 65 ILCS 5/3.1-15-10 et seq.

Sec. 2-71. To be President of Board of Trustees.

The Village President shall be the President of the Board of Trustees as provided by state law. (Code 1958, Sec. 1.101)
State law reference--Village President to act as President of Board of Trustees, 65 ILCS 5/3.1-40-30

Sec. 2-72. Bond; oath of office.

Before entering upon the duties of his office the Village President shall give a bond with sureties to be approved by the Board of Trustees conditioned upon the faithful performance of his duties, in the sum of three thousand ($3,000.00) dollars. He shall take the oath of office as prescribed by statute. (Code 1958, Sec. 1.104) State law reference--Bond & oath of office of municipal officers, 65 ILCS 5/3.1-10-25, 65 ILCS 5/3.1-10-30

Sec. 2-73. President pro temp.

During the temporary absence or disability of the Village President, the Board of Trustees shall elect one of its number to act as President pro temp, who during the absence or disability of the President shall perform the duties pertaining to the office. (Code 1958, Sec. 1.105)

*Cross reference – Village President to be local liquor control commissioner, Sec. 3-2.
Sec. 2-74. **Commencement of term of office.**

The term of office of the person elected to be Village President shall commence on the first day of the month of May. (Ord. No. 81-08, Sec. 2, 3-18-81; Ord. No. 83-03, Sec. 2, 6-15-83)

Sec. 2-75. **States of emergency**

(a) The Village President shall have the authority to declare that a state of emergency exists in the Village whenever in the exercise of his reasonable discretion he determines that an imminent threat to the public health or public safety exists as a result of fire, flood, blizzard, drought, manmade or natural disaster, riot, lack of water or other commodity essential to the public health or safety, or any other condition which endangers the health or safety of the residents of the Village or endangers the safety of property within the Village.

(b) During a state of emergency, the Village President shall have the authority to exercise, by executive order, such of the powers of the Village's Corporate Authorities as may be reasonably necessary to respond to the emergency. During the state of emergency, any such executive order shall have the force and effect of an ordinance. All executive orders issued during a state of emergency shall be in writing and shall be posted in the building designated as the Village Hall unless it is impractical to do so. If it is impractical to post an executive order in the Village Hall, then the executive order shall be posted in some other public place within the Village. In addition, all executive orders issued during a state of emergency shall, to the extent possible, be disseminated to local news media.

(c) Any person who violates an executive order that has been issued during a state of emergency as provided in this section shall upon conviction be subject to a fine of not less than one hundred dollars ($100) nor more than seven hundred fifty ($750) dollars for each offense. Each separate four (4) hour period during which any violation of an executive order shall continue shall constitute a separate offense.

(d) The Village President shall not exercise any extraordinary power and authority nor issue any executive orders pursuant to this section until after the Village President signs under oath a written declaration that a state of emergency exists. Such written declaration shall contain a statement finding that the standards set forth in paragraph (a) of this section have been met, shall describe the nature of the emergency and shall set forth facts which substantiate that the emergency exists. A statement declaring the existence of a state of emergency shall be filed with the Village Clerk as soon as practicable.

(e) Any state of emergency declared as provided in this section shall expire either upon issuance of a written statement by the Village President that the state of emergency ceases to exist or upon the adjournment of the first regular meeting of the Corporate Authorities of the Village after the state
of emergency is declared, whichever occurs first. (Ord. No. 88-10, Sec. 1, 6-8-88)

Secs. 2-76-2-83. Reserved.

ARTICLE V. THE VILLAGE ADMINISTRATOR

Sec. 2-84. Office created; appointment.

There is hereby created the office of Village Administrator. The Village Administrator shall be appointed by the Village President by and with the consent of the Board of Trustees. The Village’s Corporate Authorities may enter into an employment agreement with an appointed Village Administrator that may include provisions addressing compensation, benefits, continuing professional education and professional association activities, separation pay and other terms and conditions of employment as deemed necessary. The term of any agreement with an administrator shall not exceed any Municipal Code limitations.

Sec. 2-85. Compensation.

The Village Administrator shall receive such compensation as the Board of Trustees shall determine from time to time.

Sec. 2-86. To be chief administrative officer.

The Village Administrator shall be the chief administrative officer of the Village and shall report to and be subject to the direction of the Village President, and the Board of Trustees, as provided by law.

Sec. 2-87. General Duties.

The Village Administrator shall have the following duties:

(a) To assist the Budget Officer in the preparation of the Village’s annual budget for Village operations and recommend capital programs; and administer the approved budget after adoption.

(b) To recommend the necessary appropriations and levies to the Board of Trustees.

(c) To create the agenda in conjunction with the Village President and committee chairs and attend all meetings of the Village Board of Trustees, all meetings of Committees of the Village Board and such other meetings as may be directed by the Village President/Board of Trustees, except those from which the Village President/Board of Trustees has determined that attendance is not required because of a conflict or other reason. The Village Administrator shall have the right to take part in the discussion of all matters coming before the Board of Trustees or other official Village Boards and Commissions, but shall have no right to vote. The Village Administrator
shall be entitled to notice of all special and regular meetings of Board of Trustees.

(d) To be the purchasing agent for the Village, making all the purchases authorized by the Village President and the Board of Trustees, unless otherwise provided by the Board of Trustees. The Village Administrator shall recommend necessary purchases, secure bids and advertise for bids as directed by the Village President and Board of Trustees.

(e) To keep the Village President and Board of Trustees advised of the financial condition and needs of the Village.

(f) To recommend to the President and Board of Trustees the measures he deems necessary for the improvement of the administrative services of the Village or in the best interests of the Village.

(g) To act as a personnel officer with respect to all Village employees and furnish the Village President and Board of Trustees, his recommendations concerning the appointment, removal and compensation of Village employees.

(h) To coordinate the functions of the various departments, committees, officers and employees of the Village and to act through the Chief of Police, Superintendent of Public Works, Office of Building & Zoning, the Village Clerk, except as may be provided by law, and such other department heads or appointed officers as have been or are hereafter created to ensure that all Village business is accomplished efficiently and economically.

(i) To perform such other duties as may be directed by the Village President, not inconsistent with the provisions of this Code, other ordinances of the Village or laws of the state.

(j) The proper administration of the affairs of the Village and policies adopted by the Board of Trustees.

(k) Provide for the enforcement of all laws and ordinances within the Village.

(l) Propose to the Village President and Board of Trustees such personnel rules and regulations as the Administrator deems necessary to manage the personnel of the Village. These rules may cover procedures and policies to govern the following:

1. The administration of the position description, classification and pay plans;
2. Recruitment, selection, promotion, evaluation, transfer, discipline and separation of Village personnel;
3. Establishment of hours of work, attendance, leave regulations and working conditions;
4. Rules covering the outside employment, nepotism and political activity of Village personnel;
5. Maintenance and use of necessary records and forms;
6. System of handling all grievances.
(m) Recommend the creating, consolidating, and combining of offices, positions, departments or units of the administrative and executive departments of the Village.

(n) Investigate all complaints in relation to matters concerning the administration of the government of the Village and services maintained by the public utilities in the Village, and see that all franchises, permits and privileges granted by the Village are faithfully observed.

(o) Keep a current inventory of all real and personal property of the Village and location of such property. The Village Administrator shall be responsible for the care and custody of all Village property which is not assigned to some other officer or body for care and control.

(p) Submit to the Village President and Board of Trustees and make available to the public a complete report on the finances and administrative activities of the Village as of the end of each fiscal year.

(q) Represent the Village in its dealings with other governmental agencies and officials, businesses, not-for-profit organizations, residents, and the general public as necessary.

(r) Cause to be prepared grant and/or loan applications on behalf of the Village; administer grant and/or loan funds and shall have caused the preparations of relevant reports to the Corporate Authorities and all appropriate agencies.

(s) Evaluate Village projects, programs, agreements and services and make recommendations on modifications and improvements thereto.

(t) Devote his or her entire time to the discharge of his or her official duties.

(u) Hold such other appointive offices as may be consistent with law, as the Village President and Board of Trustees may determine, and to faithfully and honestly discharge the duties and powers associated with such office.

The powers assigned to the Village Administrator are not intended to diminish those powers otherwise assigned to other officers by Statute or Ordinance, including, but not limited to the Village President or Board of Trustees. (Ord. No. 12-19, Sec. 2, 7-19-12)

Sec. 2-88. Removal from office.

The Village Administrator may be removed from office at any time by the Village President as provided by law. (Ord. No. 97-40, Sec. 1, 11-20-97)

Sec. 2-89. Bond.
The Village Administrator shall furnish a bond in such amount and with such surety as may be approved by the Corporate Authorities, such bond to be conditioned upon the faithful performance of his or her duties. The cost of the bond shall be paid by the Village and may be part of a blanket bond. (Ord. No. 12-19, Sec. 3, 7-19-12)

Sec. 2-90. Acting Administrator.

Whenever the office of Village Administrator is vacant, or if the Village Administrator is absent from the Village for personal reasons, or on account of Village business, or is otherwise unable to perform the duties and responsibilities of Village Administrator due to short term illness or disability, the Village’s Corporate Authorities may designate an individual to serve as acting administrator and to carry out the duties of the administrator. (Ord. No. 12-19, Sec. 4, 7-19-12)

Secs. 2-91--2-99. Reserved.

ARTICLE VI. THE VILLAGE CLERK *

Sec. 2-100. Appointment.
The Village Clerk shall be appointed by the Village President with the concurrence of the Village's Board of Trustees. Because the office of Village Clerk requires technical training and knowledge, a person appointed to the office of Village Clerk shall not be required to be a qualified elector of the Village of Fox River Grove and shall not be required to reside within the Village of Fox River Grove for one (1) year prior to appointment. (Ord. No. 84-16, Sec. 1, 12-17-84; Ord. No. 85-13, Sec. 1, 10-16-85)

State law reference--Appointment of Clerk, 65 ILCS 5/3.1-25-90

Sec. 2-101. Bond required.

Before entering upon the duties of the office, the Village Clerk shall execute a bond in such amount and with such sureties as may be required by the Village's Corporate Authorities conditioned upon the faithful performance of the duties of the office. (Ord. No 84-16, Sec. 1, 12-17, 84)

State law reference--Bond of municipal employees, 65 ILCS 5/3.1-10-30

Sec. 2-102. Compensation.

The Village Clerk shall receive the annual salary specified for the office of Village Clerk in the annual

* Editor's note - Section 1 of Ord. No. 84-16, adopted Dec. 17, 1984 amended Art. VI, relative to the City Clerk, in its entirety. Former Art. VI, Sec. 2-100--2-111, pertained to the same matter and derived from Ord. of March 13, 1961, Secs.1-10; Ord. No.76-18, Sec. 1, adopted Dec. 15, 1976; Ord. No. 79-10, Sec. 3, adopted April 14, 1979; and Ord. No. 81-10, Sec. 1, adopted April 15, 1981.

Cross Reference - Village Clerk to be secretary to Board of local improvements, Sec. 2-217.
budget adopted by the Village's Corporate Authorities. The Village Clerk shall also receive such benefits as are determined by the Village's Corporate Authorities. (Ord. No. 84-16, Sec. 1, 12-17-84)

Sec. 2-103. General duties.

In addition to the duties provided in this article, the Village Clerk shall perform such other duties and functions as may be required by this Code, other Ordinances of the Village, the Village Administrator, by any applicable law, including the Illinois Compiled Statutes, or by direction of the Village's Corporate Authorities. (Ord. No. 84-16, Sec. 1, 12-17-84

State law reference--General duties of clerks, 65 ILCS 5/3.1-35-90

Sec. 2-104. Custody, use of seal, attestation of documents.

The Village Clerk shall be the custodian of the Village seal and shall affix its impression on documents whenever this is required. The Village Clerk shall attest documents whenever attestation is required or requested. (Ord. No. 84-16, Sec. 1, 12-17-84)

State law reference--For similar provisions, see 65 ILCS 5/3.1-35-90

Sec. 2-105. Duty to keep records.

The Village Clerk shall keep a record of ordinances and shall keep and maintain any other records which the clerk is required by law to keep. The Village Clerk shall also keep and maintain a record showing all of the officers and regular employees of the Village, and shall keep and maintain and cause to be displayed any descriptions of the Village's government that may be required by the Illinois Freedom of Information Act. The Village Clerk shall keep and maintain such other records as may be required by the Village Administrator or the Village's Corporate Authorities. (Ord. No. 84-16, Sec. 1, 12-17-84)

Sec. 2-106. Duty to sign and keep a record of warrants.

The Village Clerk shall, upon the allowance of any account or claim by the Village's Corporate Authorities, sign a warrant therefor upon the Village treasury payable to the order of the claimant, which warrant, when signed by the Village President and the Village Clerk, shall be paid by the Village Treasurer. The Village Clerk shall keep in a suitable book an accurate list of all warrants drawn on the treasury stating the date, number and amount thereof, and name of the person in whose favor drawn. (Ord. No. 84-16, Sec. 1, 12-17-84)

Sec. 2-107. Custody of documents.

The Village Clerk shall be the custodian of all documents belonging to the Village which are to be assigned to the custody of some other officer. (Ord. No. 84-16, Sec. 1, 12-17-84)

State law reference--For similar provisions, see 65 ILCS 5/3.1-35-90

Sec. 2-108. Duty to index documents and records.
The Village Clerk shall keep or cause to be kept and maintained a proper index to all documents and records kept by the Village Clerk so that ready access thereto and use thereof may be had. This index shall be kept and maintained so that there is compliance with the Illinois Freedom of Information Act. (Ord. No. 84-16, Sec. 1, 12-17-84)

**Sec. 2-109. The Deputy Clerk.**

The Village Clerk is hereby authorized to appoint a Deputy Village Clerk who shall have the power and duties given to Deputy Village Clerks by law. The Deputy Clerk will perform such other duties as may be directed by the Village Administrator or the Village's Corporate Authorities. (Ord. No. 84-16, Sec. 1, 12-17-84)

**Sec. 2-110. Duty to publish and post treasurer's annual statement of accounts.**

The Village Clerk shall cause to be published in one or more newspapers which have a general circulation within the Village, all statements of the annual accounts as provided by the Village Treasurer acting in compliance with section 2-129 of this Code. One copy of such statement shall be posted within the office of the Village Clerk, in a conspicuous and accessible place. The statement so posted will remain posted for thirty (30) days. (Ord. No. 84-16, Sec. 1, 12-17-84)

**Secs. 2-111-2-120. Reserved.**

**ARTICLE VII. THE VILLAGE TREASURER**

**Sec. 2-121. Office created; appointment.**

There is hereby created the office of Village Treasurer, who shall be appointed by the Village President and Board of Trustees as provided by statute. (Code 1958, Sec. 4.201; Ord. No. 81-16, Sec. 1, 4-29-81)

State law reference--Authority to appoint treasurer, 65 ILCS 5/3.1-30-5

**Sec. 2-122. Bond required.**

The Village Treasurer shall give a bond, before entering upon the duties of his office, in a sum required by the Board of Trustees, but such amount shall not be less than that required by statute. This bond shall be continued upon the performance of his duties by the Treasurer, and shall be conditioned to indemnify the Village for any loss by reason of any neglect of duty or any act of the Treasurer. (Code 1958, Sec. 4.203)

State law reference--Bonds of officers, 65 ILCS 5/3.1-10-30

**Sec. 2-123. General duties of Village Treasurer.**

The Village Treasurer shall perform such duties as may be prescribed for him by statute, this Code or other ordinance of the Village. The Village Treasurer shall collect and receive all money paid to the
Village in such depositories as may be selected from time to time as provided by law. The Village Treasurer shall maintain records of all money paid to the Village. The Village Treasurer shall pay out money only on vouchers or orders approved by the Corporate Authorities. Unless otherwise specifically provided by ordinance, all checks shall be signed by the Village Treasurer, and one of the following persons: The Village President or chairman of the finance and administration committee. (Code 1958, Sec. 4.204; Ord. No 81-11, Sec. 1, 4-15-81; Ord. No. 83-01, Sec. 1, 5-18-83; Ord. No. 84-06, Sec. 1, 5-16-84, Ord. No. 2006-21, Sec. 2, 4-20-06)
State law reference--Duties of treasurer generally, 65 ILCS 5/3.1-35-40

Sec. 2-124. Commingling of funds.

The Village Treasurer shall keep Village money separate and distinct from his own money, and shall not make personal or private use of any Village money. (Code 1958, Sec. 4.205; Ord. No. 81-11, Sec. 2, 4-15-81)
State law reference--Deposit of funds, personal use of funds, 65 ILCS 5/3.1-35-55

Sec. 2-125. Records required.

The Village Treasurer shall keep records showing all money received by him, showing the source from which it is received and the purpose for which it is paid, and he shall keep records at all times showing the financial status of the Village. (Code 1958, Sec. 4.206)

Sec. 2-126. Accounts required.

The Village Treasurer shall keep such books and accounts as are required by statute or ordinance, and he shall keep them in the manner required by the Village Board of Trustees. (Code 1958, Sec. 4.207)
State law reference--Duty to keep accounts, 65 ILCS 5/3.1-35-40

Sec. 2-127. Warrants; transfer of funds.

Money shall not be transferred by the Village Treasurer from one fund to another, after it has been received by him, nor appropriated to any other purpose than that for which it has been collected or paid, except as may be ordered by the Village President and Board of Trustees in manner and form prescribed by statute. (Code 1958, Sec. 4.209)

Sec. 2-128. Special assessment funds.

All monies received on any special assessment shall be held by the Village Treasurer as a special fund to be applied only to the payment of the improvement, or bonds and vouchers issued therefor, together with interest thereon, for which the assessment was made, and said money shall be used for no other purpose, unless to reimburse the Village for money expended for such improvement. Payment on bonds or vouchers shall be made in accordance with the state law, and the Treasurer shall keep books and
accounts in such a manner that proper prorations in payments of principal and interest can be made and ascertained. (Code 1958, Sec. 4.208)
State law reference--For similar provisions, see 65 ILCS 5/3.1-35-85

Sec. 2-129. Annual statement of account.

(a) The Village Treasurer shall prepare and file with the Village Clerk, a statement of account of all monies received and expenditures incurred during the preceding fiscal year within six (6) months after the end of the 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, provided that, for the purposes of this subparagraph the term "account" shall not be construed to mean each individual taxpayer, house-holder, licensee, utility user, or such other persons whose payments to the Village are credited to a general account; and

(2) All monies paid out by the Village, giving the name of each person to whom paid, on what account paid, and the total amount, in the aggregate, paid to each person to each such account; and

(3) A statement showing the state of the Village treasury at the close of the fiscal year.

(b) The preceding fiscal year for which such account must be prepared is the fiscal year of the Village which ends during the twelve (12) month period immediately preceding the first day of May of the year in which the report is filed.

(c) The Village Treasurer shall provide the Village Clerk with sufficient copies of the accounts for posting, for viewing and for publication as required by Section 2-111 of this Code.

Sec. 2-130. Report and approval of expenditures

Sec. 2-130. Report and approval of expenditures.

(a) Village staff shall prepare for the Village Board, as often as required, a full and detailed report of all expenditures of the Village, as shown by the Village’s accounting system, up to the time of the report.

(b) Village Board approval of the expenditures described in subsection a at a regular or special meeting of the Village Board shall constitute approval of each expenditure included on the report, provided, however, that the Village Board may, in its sole discretion, except specific expenditures from such approval, in which case such expenditures shall not be made.
In the event that the regularly scheduled meeting of the Village Board is cancelled, the Village staff may submit, electronically or by some other means, the report of expenditures to the Village Board for comment. Village staff shall be authorized to make the expenditures included on such report provided that: 1. At least five days have passed since the date the report was submitted to the Village Board; 2. No expenditure shall be made that has been specifically excepted from approval by any one or more members of the Village Board.

All expenditures made pursuant to this subsection shall be subject to the subsequent ratification at the next meeting of the Village Board. Any expenditure that is specifically excepted from approval under this subsection shall be held for consideration until the next meeting of the Village Board. (Ord. No. 19-09, Sec. 1, 5-16-19)

ARTICLE VIII. THE VILLAGE COLLECTOR

Sec. 2-139 – Sec. 2-153 (Repealed per Ord. No. 2006-21, 4-20-06)

ARTICLE IX. THE VILLAGE ATTORNEY

Sec. 2-154. Authority of Village to retain attorney.

The Village President, with the endorsement of the Board of Trustees, may retain an attorney to represent and advise the Village. (Code 1958, Sec. 4.101)

Sec. 2-155. Duty to render legal advice; when opinions are to be in writing.

The Village Attorney shall be the legal advisor of the Village, and shall render advice on all legal questions affecting the Village, whenever requested to do so by any Village official. Upon request of the Village President or the Board of Trustees, he shall reduce any such opinion to writing. (Code 1958, Sec. 4.104)

Sec. 2-156. Duty to prosecute and defend suits.

The Village Attorney shall prosecute or defend any and all suits or actions to which the Village may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the Village on behalf of the Village, or in the capacity of such person as an officer of the Village. (Code 1958, Sec. 4.102)

Sec. 2-157. Duty to see to enforcement of judgments and decrees.

It shall be the duty of the Village Attorney to see to the full enforcement of all judgments or decrees.
rendered or entered in favor of the Village, and of all similar interlocutory orders. (Code 1958, Sec. 4.103)

Sec. 2-158. Duty to see to completion of special assessment and condemnation proceedings.

It shall be the duty of the Village Attorney to see to the completion of all special assessment proceedings and condemnation proceedings. (Code 1958, Sec. 4.105)

Sec. 2-159. Duty to draft ordinances, contracts and other documents.

It shall be the duty of the Village Attorney to draft or supervise the phraseology of any contract, lease or other document or instrument, to which the Village may be a party; and upon request by the Village Board of Trustees, to draft ordinances covering any subjects within the power of the Village. (Code 1958, Sec. 4.106)

Sec. 2-160. Annual report recommending new ordinances.

The Village Attorney shall, at the first meeting of the Village Board of Trustees in October of each year, present a report recommending the adoption of new ordinances for the purposes of conforming Village ordinances to state law, updating technical codes adopted by the Village and any other purposes deemed necessary by the Village Attorney.

Secs. 2-161--2-170. Reserved.

ARTICLE X. THE SUPERINTENDENT OF STREETS AND PARKS

Sec. 2-171. Position created; appointment.

There is hereby created the office of Superintendent of Streets and Parks, who shall be appointed by the Village President and Board of Trustees. (Ord. No. 88-24, Sec. 2, 6-15-88)

Sec. 2-172. Supervisory power over employees.

All officers or employees assigned to the Department of Streets and Parks shall perform their duties subject to the orders and under the supervision of the Superintendent of Streets and Parks. (Ord. No. 88-24, 6-15-88)

Sec. 2-173. Custodian of Village property.

The Superintendent of Streets and Parks shall be the custodian of all property of the Village which is not assigned to the care or custody of any other Village employee or officer. (Ord. No. 88-24, Sec. 4, 6-15-88)
Sec. 2-174. General powers and duties.

(a) Streets. The Superintendent of Streets and Parks shall have charge of the construction and care of all public streets, alleys and driveways in the Village, and with keeping the same clean. He shall see to it that all gutters and drains therein function properly and that the same are kept free from defects.

(b) Lighting. The Superintendent of Streets and Parks shall supervise the lighting of the public streets and alleys, and shall keep the lighting system in efficient operation and good repair.

(c) Parks. The Superintendent of Streets and Parks shall have charge of the construction and care of all public parks in the Village and with keeping the same clean. He shall see to it that all facilities and equipment therein function properly and that the same are kept free from defects.

(d) Other Duties. The Superintendent of Streets and Parks shall perform such other duties as may be assigned by the Village President or Board of Trustees. (Ord. No. 88-24, Sec. 5, 6-15-88)

Secs. 2-175--2-184. Reserved.

ARTICLE XI. PERSONNEL *

DIVISION 1. GENERALLY

Sec. 2-185. Personnel code adopted; incorporated into employment contract.

(a) The personnel code, a copy of which is attached hereto, as Exhibit A, is hereby adopted as the personnel code of the Village of Fox River Grove. Notwithstanding any provision to the contrary which might be contained in any Village ordinance or in the personnel code itself, the personnel code shall, insofar as it is applicable, govern and control the terms and conditions of employment of all Village employees and all appointed officers who are regularly scheduled to work more than twenty (20) hours per week for the Village.

(b) The provisions of the personnel code shall be incorporated into the terms of the written or unwritten employment contract which exists between the Village and each employee and officer to whom the personnel code is applicable under the provisions of subsection (a) of this section. (Ord. No. 81-09, 1, 2, 4-15-81)

Editor's note Ord. No. 81-09, did not expressly amend this Code, hence inclusion of 1, 2, herein as Sec. 2-185 was at the discretion of the editors. Exhibit A is not set out herein, but is on file and available for inspection in the office of the Village Clerk and the office of the Village Administrator.

Secs. 2-186--2-189. Reserved.

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* Cross reference—Village Administrator to act as personnel officer, Sec. 2-88.
  Cross reference – Personnel policies and procedures to be included in Administrative Code, Sec. 2-3(3).
Sec. 2-190. Limitations on Hiring of Elected Officials and Relatives of Village Employees and Officials.

(a) Statement of Purpose. The Village desires to continue to maintain a transparent and merit-based employment process that attracts and retains employees who provide the highest level of professional service to Village residents. The purpose of this Section is to foster integrity and fairness in the Village’s hiring process by precluding undue influence in Village hiring decisions concerning applications for employment by elected officials or relatives of Village employees or elected officials.

(b) Definitions. For purposes of this Section, the following terms will have the following definitions:

“Elected Official” means any person who serves or has served at any time in the offices of mayor or trustee, whether on an elected or appointed basis.

“Party to a civil union” means a person who has established a civil union pursuant to the Illinois Religious Freedom Protection and Civil Union Act, Public Act 96-1513, as it may be amended from time-to-time.

“Relative of a Village Party” shall mean any father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, half-brother, half-sister, grandchild, or grandparent of any Village Employee or a currently serving Elected Official. A "Relative of a Village Party" shall also include any person who is a party to a civil union with a Village Employee or a currently serving Elected Official, or any person in a co-habitational arrangement with a Village Employee or a currently serving Elected Official.

“Village Employee” shall mean any full-time, part-time, or seasonal employee of the Village and not members of any appointed board or commission.

(c) Limitation on Employment of Elected Officials. No Elected Official may apply for, be considered for, or be hired for employment with the Village, for a period of two years beginning on the last day that the Elected Official serves in office. This subsection shall not preclude an Elected Official from service as an officer, official, or member of any appointive board or commission.

(d) Prohibition on Employment of Relatives of a Village Party.

(1) The Village shall not hire or accept any application for employment from any Relative of a Village Party at any time for any reason.
(2) This subsection shall not preclude the Village from continuing to employ a Village Employee that becomes the Relative of a Village Party during the course of his or her employment.

(3) An applicant for employment whose application is rejected pursuant to this subsection and wishes to present additional factual evidence demonstrating that he or she is not a Relative of a Village Party may submit such additional factual information to the Village Administrator or his designee for review within 15 days after the rejection of such application. The Village Administrator or his designee will review the additional factual information and notify the applicant by first class mail within 30 days after the Village’s receipt of the additional information of the Village’s determination. If the Village Administrator or his/her designee determines that the additional factual information demonstrates that the applicant is not a Relative of a Village Party, the applicant will be notified that the application for employment may be re-submitted to the Village for review. (Ord. 16-11, Sec. 2, 4-21-16)

Secs. 2-191–2-194. Reserved.

DIVISION 2. RESERVED**

Secs. 2-195–2-199. Reserved.

**Editor’s note – Ord. No. 75-01, Sec. 1, enacted Feb 12, 1975, repealed Div. 2, Secs. 2-195, relative to group insurance for Village employees. Said division was derived from Ord. of April 8, 1968.

DIVISION 3. RETIREMENT

Sec. 2-200. Participation in Illinois Municipal Retirement Fund.

(a) The Village of Fox River Grove, McHenry and Lake Counties, Illinois, does hereby elect to participate in the Illinois Municipal Retirement Fund, effective January 1, 1975. (Ord. No. 94-10, Sec. 2, 3-17-94)

(b) The Village Clerk is directed to promptly file a certified copy of this ordinance [Ordinance No. 74-6] with the Board of Trustees of the Illinois Municipal Retirement Fund. (Ord. No. 74-6, Sec. 1, 2, 8-14-74)

Editor's note-Section 2-200 is derived from Ord. No. 74-6, 1, 2, which ordinance was nonamendatory of this Code.

Sec. 2-201. Establishing a Police Pension

The Corporate Authorities of the Village of Fox River Grove do hereby establish a police pension fund as described in Article 3 of the Illinois Pension Code, (40 ILCS 5/3-101 et seq.) for the benefit of the Village of Fox River Grove’s police officers and their surviving spouses, children and certain
other dependents which is to be known as the Village of Fox River Grove Police Pension Fund. The Village of Fox River Grove Police Pension Fund is established effective as of December 8, 2002. Persons who on the effective date of this Ordinance are employees of the Village of Fox River Grove who have been appointed to the police force of the Village’s Police Department and sworn and commissioned to perform police duties shall begin to make contributions to the Village of Fox River Grove Police Pension Fund as provided in Section 3-125.1 of the Illinois Pension Code (40 ILCS 5/3-125.1) based on salary earned on and after December 8, 2002 and shall be considered to have become participants in the Police Pension Fund as of December 8, 2002, provided that such police officers must make written application to become a participant in the Village of Fox River Grove Police Pension Fund no later than March 8, 2003.

The Village of Fox River Grove Police Pension Fund shall be administered and operated in accordance with the provisions of Article 3 of the Illinois Pension Code and any other applicable provisions of the Illinois Statutes.

A five member board to be known as the Board of Trustees of the Village of Fox River Grove Police Pension Fund shall be constituted as provided in Section 3-128 of the Illinois Pension Code to administer the Police Pension Fund of the Village of Fox River Grove Police Pension Fund. The terms of the two members of the Board of Trustees of the Village of Fox River Grove Police Pension Fund who are to be appointed by the Village President of the Village of Fox River Grove as provided in Section 3-128 of the Illinois Pension Code shall begin on May 13, 2003. The election for the members of the Board of Trustees of the Village of Fox River Grove Police Pension Fund shall be held on April 21, 2003 at the Fox River Grove Municipal Center, 305 Illinois Street, Fox River Grove, Illinois during the hours from 8:30 a.m. until 4:30 p.m. Persons desiring to have their name appear on the ballot for election to the Board of Trustees of the Village of Fox River Grove Police Pension Fund shall file a written request to appear on the ballot at the April 21, 2003 election, with the Village Clerk of the Village of Fox River Grove no later than 4:30 p.m. on April 17, 2003. The terms of those members of the Board of Trustees of Village of Fox River Grove Police Pension Fund who are elected at the election to be held on April 21, 2003 shall begin on May 13, 2003.

Until such time as the members of the Board of Trustees of the Village of Fox River Grove Police Pension Fund select members of the Board to serve as president, vice-president, secretary and assistant secretary of the Board as provided in Section 3-130 of the Illinois Pension Code, the Village President shall select the members of the Board of Trustees of the Village of Fox River Grove Police Pension Fund who shall serve as the president, vice-president, secretary and assistant secretary of the Board.

Until such time as the Board of Trustees of the Village of Fox River Grove Police Pension Fund directs otherwise, the Treasurer of the Village of Fox River Grove shall deposit any funds belonging to the Village of Fox River Grove Police Pension Fund in interest bearing savings accounts or certificates of deposits with terms not longer than ninety (90) days or shall invest such funds which have an equivalent level of security and liquidity as a certificate of deposit which has a term not longer than ninety (90) days.
It is the intention of the Corporate Authorities of the Village of Fox River Grove that the provisions of this Ordinance shall be interpreted in a manner that is consistent with Article 3 of the Illinois Pension Code and any other applicable Statute of the State of Illinois. In the event that there is a conflict between the provisions of this Ordinance and the provisions of Article 3 of the Illinois Pension Code or any other applicable statute of the State of Illinois, the provisions of Article 3 or the applicable statute shall govern and control. (Ord. No. 2002-38, Sec. 1-6, 12-19-02)

Secs. 2-202--2-209. Reserved.

ARTICLE XII. BOARDS AND COMMISSIONS

DIVISION 1. IN GENERAL

Sec. 2-210. Power of Board of Trustees to establish commissions.

The Village Board of Trustees shall have the power to establish from time to time, by resolution, any commission it may deem necessary.

Secs. 2-211--2-215. Reserved.

DIVISION 2. BOARD OF LOCAL IMPROVEMENTS *

Sec. 2-216. Established; composition.

There is hereby established the Board of Local Improvements for the Village, which shall consist of the Village President and all the members of the Board of Trustees. (Code 1958, Sec. 7.601)

Sec. 2-217. Village Clerk to be secretary of board.

The Village Clerk shall be secretary of the Board of Local Improvements. (Code 1958, Sec. 7.602)

Sec. 2-218. General duties.

The Board of Local Improvements shall have the powers and perform the duties assigned to it by statute or ordinance. (Code 1958, Sec. 7.603)

Secs. 2-219--2-223. Reserved.

DIVISION 3. PLANNING & ZONING COMMISSION

* State law reference - Board of local improvements generally, 65 ILCS 5/9-2-7
Sec. 2-224. Created; composition; appointment; chair; duties, decisions, meetings and rules.

1. Creation and Membership

A Planning and Zoning Commission is hereby established. The word ‘Commission’ when used in this section shall mean the Planning and Zoning Commission. The Commission shall consist of 7 members appointed by the Village President with the consent of the Village’s Trustees. Within 30 days of the effective date of this ordinance, the Village President, with the advice and consent of the Trustees, shall appoint four persons to serve two year terms and three persons to serve four year terms as members of the Commission. Thereafter, the term of each member of the Commission shall be four (4) years. Members of the Commission shall serve for the term for which they are appointed or until their successors are appointed and qualified, whichever is the last to occur. Vacancies on the Commission shall be filled for the unexpired term of the member whose place has become vacant in the manner provided for the original appointment of such member. One of the members of the Commission shall be designated by the Village President, with the advice and consent of the Trustees, as Chairperson of the Commission, and shall hold office as Chairperson until a successor is appointed. The Village President, with the advice and consent of the Trustees, shall have the power to remove any Commission member for cause.

The President of the Village shall be an ex officio member of the Planning & Zoning Commission.

2. Powers and Duties

The Commission shall have the following general powers and duties:

   a. To hear appeals from any order, requirement, decision or determination made by the Village Staff in the enforcement of this zoning ordinance.

   b. To conduct public hearings on the following types of petitions or applications pursuant to Illinois law.

      i. Variations

      ii. text amendments to this Zoning Ordinance

      iii. zoning map amendments

      iv. special uses, including planned unit developments

   c. To review proposed plats of subdivision or re-subdivision and make recommendations regarding those plats to the Village Board as provided in Chapter 19 of the Village Code.
d. The Commission shall have the following duties, but only at the specific direction of the Village Board:

i. To review the text and the maps comprising this Zoning Ordinance.

ii. To prepare and recommend to the Village Board a comprehensive plan for the present and future development of the Village.

iii. To recommend, from time to time, changes in the Village’s comprehensive plan.

iv. To prepare and recommend to the Village Board, from time to time, plans for specific improvements or specific neighborhoods pursuant to the comprehensive plan.

v. To give aid to the officials of the Village charged with the direction of projects for improvements embraced within the official plan, to further the making of such improvements and generally to promote the realization of the official Comprehensive Plan.

vi. To establish and maintain reasonable standards of design for subdivisions and for re-subdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements.

vii. To establish reasonable requirements governing the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment.

viii. To designate land suitable for annexation to the municipality and the recommended zoning classification for such land upon annexation.

ix. To cooperate with municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.

e. To undertake all other matters referred to it by the Village Board.

3. Procedures Pertaining to Variations, Text Amendments, Map Amendments and Special Uses

a. Applications for Variations, Text Amendments and Map Amendments and Special Uses.

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1 See Article XI, paragraph D, subparagraph 4 for Procedures for Appeals from Village Staff Zoning Decisions.
Applications shall be filed with the Village Clerk, who shall forward a copy of the application to the Chairperson of the Commission and the Village Administrator within 5 business days of receipt of the application. The application shall state with specificity the relief or action sought from the Commission. It shall contain such other reasonable information as the Village Staff may from time to time, by written rule require. A hearing on the application shall be scheduled not more than thirty (30) days after the filing of a completed application. Notice of such hearing shall be made according to Section 2-225 below.

b. Recommendation of the Plan and Zoning Commission

Within 30 days after the public hearing is concluded, the Commission shall submit its written recommendation and findings in the form of a written report or in the form of detailed minutes that indicate those findings to the Village Board. The findings shall address any standards set forth in Article XI of the Zoning Ordinance for the particular relief sought.

c. Final Decision by Village Board

Variations, text amendments, map amendments and Special Uses may be authorized only by the Village Board by Ordinance in accordance with the provisions of this Section 2-224 and Article XI of the Zoning Ordinance. The Village Board shall render its decision within 30 days of its receipt of the recommendations of the Commission.

4. Decisions of the Commission

With respect to the review of decisions of the Village Staff with respect to zoning matters, the decisions of the Commission shall be final. With respect to all other matters, the Commission shall have the power of recommendation only. Such recommendations shall include findings in accordance with the provisions of this ordinance. The Commission shall submit such recommendations to the Village Board for final action.

The concurring vote of four (4) members of the Commission shall be necessary to reverse any zoning order, requirement, decision or determination of the Village Staff, or to decide to recommend in favor of the approval in any other matter upon which it is required to pass under this Ordinance.

In the event a written protest against a proposed zoning map amendment, variation or special use is filed with the Village Clerk prior to the Village Board’s vote upon the recommendation of the Commission, and provided that the written protest is signed and acknowledged by the owners of twenty (20%) percent of the frontage immediately adjoining or across an alley from the affected property, or by the owners of twenty (20%) percent of the frontage directly opposite the frontage of the affected property, a two-thirds vote of all the members of the Village Board shall be required to effect passage of the zoning map amendment, granting of the variation or issuance of the special use.

5. Meetings and Rules
All meetings of the Commission shall be held at the call of the Chairperson, the Village Board, the Village President or the Village Administrator. All hearings conducted by the Commission shall be open to the public. Any person may appear and testify at a public hearing on matters germane to the subject matter, either in person or by a duly authorized agent or attorney. The Chairperson, or in the Chairperson’s absence, the Acting Chairperson, may administer oaths. The Commission shall keep minutes of its proceedings and show the vote of each member upon each question. If a member is absent or fails to vote, such failure or absence shall be indicated on the record. A copy of every rule, regulation or amendment and every order, requirement, decision or determination of the Commission shall be filed immediately in the office of the Village Clerk and shall be a public record. The Commission may adopt its own rules of procedure not in conflict with this Ordinance or Illinois law. (Code 1958, Sec. 7.501; Ord. No. 19-03, Sec. 1, 4-4-19)

Sec. 2-225. Notices of Public Hearing.

Each application for a map or text amendment, a variation or a special use shall provide notice of the public hearing as follows and present proof of such notice at the public hearing.

1. Published Notice:

Published notice shall be given of the subject, time and place of the hearing not more than thirty (30) nor less than fifteen (15) days before a required public hearing on a variation, a map or a text amendment or a special use. Upon completion of the application form and submission of all required information and fees by the applicant, the Village Clerk shall publish such notice in a newspaper of general circulation within the Village.

2. Personal Notice:

Not more than thirty (30) nor less than fifteen (15) days before a required public hearing on a variation, a map amendment or a special use, the applicant, his agent or attorney, shall notify the person who last paid the general real estate taxes on each property located within 250 feet of the boundaries of the subject hearing site (1) by personal service or (2) by certified mail, return receipt requested, addressed to such taxpayer at the address shown on the most recent real estate tax bill. Such notification shall include the subject, time and place of the hearing. This notice shall not be required for amendments to the text of the Zoning Ordinance.

3. Posting of Notice on the Subject Property:

a. Notice shall be posted on the real estate which is the subject of the application, not less than fifteen (15) nor more than thirty (30) days prior to a required public hearing on a variation, a map amendment or a special use, setting forth the time, place and purpose of such public hearing on a sign which is two (2) feet X three (3) feet in size and which is
set back not more than ten (10) feet from the front property line of the subject real estate. If the subject real estate does not have a clearly determinable front property line, the sign shall be posted as directed by the Village Staff. This notice shall not be required for amendments to the text of the Zoning Ordinance or to map amendments initiated by the Commission or the Village Board.

b. The sign required to be posted shall be placed so it is fully visible from a public street on which the subject real estate is located and, if the subject real estate has frontage on more than one public street so that it is fully visible from each such street, if reasonably possible.

c. The sign shall be white with black print as follows:

NOTICE OF PUBLIC HEARING
(PURPOSE OF HEARING)
DATE AND TIME
Fox River Grove Village Hall
305 Illinois Street
The Planning and Zoning Commission of the
Village of Fox River Grove

The size of the lettering shall be large enough to be read from the public street.

d. It shall be the responsibility of the petitioner to remove the public notice sign within five (5) days after the final Village Board action. The petitioner shall submit to the Village, with petitioner's sign permit application, a cash bond of fifty dollars ($50.00) per sign to assure removal of the sign. The cash bond will be refunded to the petitioner after the removal of the sign within the specified period, the Village may remove the sign and may use the cash bond to pay the cost of removal. (Ord. No. 19-03, Sec. 1, 4-4-19)

Sec. 2-226. Stipend.

Each member of the Planning & Zoning Commission shall receive a stipend in the sum of twenty ($20.00) dollars for attendance at each meeting of the Planning & Zoning Commission. (Ord. No. 91-32, Sec. 1, 10-16-91; Ord. No. 11-2, Sec.3, 1-20-11; Ord. No. 19-03, Sec. 1, 4-4-19)

Sec. 2-227. Fees for Planning & Zoning Commission hearings on variations, amendments, special uses, or changes in zoning classification.

Any person requesting a variation from the requirements of the Zoning Ordinance of the Village of Fox River Grove, a special use, a text amendment or requesting a change in zoning classification for a lot or parcel on which a single family house is located or proposed to be constructed for which a public hearing is required to be conducted by the Planning & Zoning Commission shall, at the time the application for
the variation, special use, text amendment or rezoning is filed, pay a fee of three hundred ($300.00) dollars, provided that no fee shall be required if the person is applying only for a variation to permit the construction of a deck or terrace in the rear yard of a lot which is subject to a conservation easement or conservancy area if the deck or terrace is proposed to be located less than five (5) feet from the conservation easement or conservancy area.

Any person requesting a variation from the requirements of the Zoning Ordinance of the Village of Fox River Grove, a special use, a text amendment or requesting a change in zoning classification other than for a lot or parcel on which a single family house is located or proposed to be constructed for which a public hearing is required to be conducted by the Planning & Zoning Commission shall, at the time the application for the variation, special use, text amendment or rezoning is filed, pay a fee of five hundred ($500.00) dollars.

These fees are intended to cover the costs incurred by the Village in conducting the hearing, including but not limited to: the stipend paid to the Planning & Zoning Commission members, the Planning & Zoning Commission Secretary, the Village Attorney and any other Village consultants in attendance, the cost of the hearing and the cost of giving public notice of the hearing. No hearing before the Planning & Zoning Commission shall be scheduled unless and until the required fee is paid in full. If an applicant requests that a hearing be rescheduled after public notice of the hearing has been given, the applicant must pay an additional fee of one hundred fifty ($150.00) dollars before the hearing is rescheduled. (Ord. No. 90-32, Sec. 1, 10-17-90; Ord. No. 99-18, Sec. 1, 6-17-99; Ord. No. 2000-49, Sec. 1, 10-19-00; Ord. No. 2008-16, Sec. 1, 8-21-08; Ord. No. 2011-7, Sec. 2, 3-17-11; Ord. No. 2019-03, Sec. 1, 4-4-19)

Secs. 2-228-2-231. Reserved. (Ord. No. 2019-03, Sec. 1, 4-4-19)

Sec. 2-232. Official map authorized; contents.

At any time or times, before or after the formal adoption of the official Comprehensive Plan by the Village Board, an official map may be designated by ordinance, which map may consist of the whole area included within the official Comprehensive Plan or one or more separate geographical or functional parts, and may include all or any part of the contiguous unincorporated area within one and one-half (1-1/2) miles from the corporate limits of the Village. All requirements for public hearing, filing of notice of adoption with the county recorder of deeds, and filing of said plan and ordinances, including the official map, with the Village Clerk shall be complied with as provided for by law. (Ord. No. 2019-03, Sec. 2, 4-4-19)

Sec. 2-233. Subdivisions to comply with ordinances, map.

No map or plat of any subdivision or re-subdivision presented for record, affecting land within the corporate limits of the Village, or within contiguous territory which is not more than one and one-half (1-1/2) miles beyond the corporate limits, shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design, and standards governing streets, alleys, public ways,
ways for public service facilities, streetlights, public grounds, size of lots to be used for residential purposes, storm and flood water runoff channels and basins, water supply and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the ordinances including the official map. (Ord. No. 2019-03, Sec. 3, 4-4-19,

DIVISION 4. PLANNING & ECONOMIC DEVELOPMENT COMMISSION

Repealed per Ordinance 2019-03, Section 4, 4-4-19.

Secs. 2-234-2-249. Reserved.

DIVISION 5. PARKS COMMISSION

Sec. 2-250. Parks Commission established.

A Village commission to be known as the Parks Commission is hereby created.

Sec. 2-251. Membership of Parks Commission; Chairperson, Vice-Chairperson and Secretary.

The Parks Commission shall have seven (7) members who shall be appointed by the Village President with the advice and consent of the Village’s Board of Trustees. The members of the Parks Commission shall be residents of the Village. In making appointments to the Parks Commission, the Village President shall endeavor to appoint persons who have a background, have had experience or have shown an interest in either outdoor recreational activities, environmental and ecological matters, and/or land or nature conservation. The Village President with the advice and consent of the Village’s Board of Trustees shall appoint one (1) of the members of the Parks Commission to serve as Chairperson of the Commission and shall appoint one (1) of the members of the Parks Commission to serve as Vice-Chairperson. The persons appointed as Chairperson and Vice-Chairperson shall serve in those capacities until they cease to be a member of the Parks Commission or until their successor as Chairperson or Vice-Chairperson has been appointed and has qualified, whichever is the first to occur. The members of the Parks Commission shall designate one (1) of their members to serve as the secretary of the Commission.

Sec. 2-252. Term of office of members of the Parks Commission.

The term of office of members of the Parks Commission shall be four (4) years, and until their successors are appointed and qualified. Except, when a term expires after January 1, 2009, the person that is either appointed or reappointed to serve a new term shall serve for a period of three (3) years. (Ord. 08-28, Sec. 1, 12-18-08)

Sec. 2-253. Stipend.

Members of the Parks Commission shall receive a stipend of twenty ($20.00) dollars for each
Sec. 2-254. Vacancies and resignation.

Vacancies on the Parks Commission shall be filled by appointment by the Village President subject to the advice and consent of the Village’s Board of Trustees. A member of the Parks Commission shall be deemed to have resigned if the member fails to attend three (3) consecutive meetings of the Commission unless the member’s absence from one (1) or more of the meetings has been excused by the Commission’s Chairperson.

Sec. 2-255. Meetings and records.

The Parks Commission shall meet the months of January, February, March, April, May, June, September, October, November and December on the first Wednesday at 7:00 p.m. Each month’s required meeting day may be changed by a majority of the Commission in the event of a holiday, lack of quorum or similar circumstance. Meetings will not be held the months of July or August unless at the discretion of the Commission’s Chairperson. (Ord. 08-28, Sec. 2, 12-18-08)

Sec. 2-256. Powers and duties of Parks Commission.

The Parks Commission shall have the following powers and duties:

(a) To undertake activities intended to promote the use of the Village’s parks as directed and authorized by the Village’s Board of Trustees.

(b) To make recommendations and otherwise provide advice to the Village’s Board of Trustees regarding the adoption and revision of policies and plans relating to the use and development of the Village’s parks.

(c) To make recommendations and otherwise provide advice to the Village President and to the Village’s administrative staff regarding the implementation of policies and plans relating to the use and development of the Village’s parks.

(d) To review budget proposals relating to parks and other recreation areas in the Village as developed by the Village’s administrative staff and to comment on such proposals to the Village’s Board of Trustees.

(e) To review proposals developed by the Village’s administrative staff for funding grants relating to the Village’s parks and to make comments regarding such proposals to the Village’s Board of Trustees.

(f) Subject to the authorization of the Village’s Board of Trustees and the direction of the Village President and Village Administrator, to undertake fund raising activities for the purpose of
raising funds that are intended to be used to pay for improvements to the Village’s parks or the acquisition of additional park land in the Village.

(g) To annually conduct a meeting with each club, service organization, community group, association, unit of local government or other organization which provides recreational activities in the Village’s parks, provides support for active and passive recreational activities in the Village’s parks or which provides land that is used for public recreational activities in the Village for the purpose of facilitating communication regarding planned recreational activities in order to enhance coordination relating to the scheduling of events and to avoid duplication of efforts and conflicts with regard to recreational activities. The purpose of such meeting shall also be to enhance the recreational activities provided in the Village parks and to develop recommendations to be made to the Village’s Board of Trustees as to how to increase the use of the Village’s parks for both active and passive public recreational activities.

(h) To conduct an annual meeting with each of those service organizations and other entities which have Village Parks named after them for the purpose of discussing and making recommendations relating to improvements to those parks and developing funding sources for the recommended improvements.

(i) To provide assistance and advice when requested to do so to those Village officials and employees whose duties include management or maintenance of the Village’s parks.

(j) To work with existing local and regional organizations to promote the use and development of park land and public conservation areas in the Village.

(k) To perform such other duties and to undertake such other activities germane to the use and development of the Village’s parks as may be directed or suggested by the Village’s Board of Trustees.

Sec. 2-257. Materials and services; requests for funds.

If the Parks Commission deems it necessary or advisable to purchase materials or obtain services, it may do so upon authorization from the Village’s Corporate Authorities and appropriations by the Village Corporate Authorities therefore. Any requests which the Parks Commission may make to the Village’s Corporate Authorities to authorize the expenditure of funds shall be made in writing.

Sec. 2-258. Deposits of receipts and accounting of funds.

Any funds that may be collected by or on behalf of the Parks Commission shall be deposited with the Village Treasurer no later than the end of the next business day after the date on which the funds are received by or on behalf of the Commission. The Parks Commission shall account for all funds and other things of value which are received by or on behalf of the Commission in a manner specified by the Village’s Finance Director. The Parks Commission shall promptly provide the Village President, the
Board of Trustees and the Village’s Finance Director with such reports relating to the funds and other items of value that have been received of, collected by or on behalf of the Parks Commission as may be requested. (Ord. No. 05-29, Sec. 1, 10-20-05)

Division 5 “Economic Development Commission” of Article XII “Boards and Commissions” of Chapter 2 “Administration” of the Code of Ordinances of the Village of Fox River Grove shall be and hereby is repealed in its entirety Sections 2-150-258. (Ord. No. 85-04, Sec. 1, 5-15-85; Ord. No. 05-19, Sec. 1, 7-21-05)

Secs. 2-259--2-261 Reserved.
Editor’s Note: Repealed by Ord. 94-37.

DIVISION 6. SPECIAL EVENTS COMMISSION *

Sec. 2-261. Created.

There is hereby created a Special Events Commission for the Village.

Sec. 2-262. Composition.

The Special Events Commission shall consist of seven (7) members who will either be residents of the Village or an owner, officer or employee of a business, industry or community organization located within the Village.

Sec. 2-263. Appointment of members.

Members of the Special Events Commission shall be appointed by the Village President, subject to the approval of the Village's Board of Trustees.

Sec. 2-264. Terms of office.

The members of the Special Events Commission shall serve a term of four (4) years. The terms of office of each member of the Special Events Commission shall begin on May 1 and end the following April 30, provided that a member of the Special Events Commission shall continue to serve on the Commission until the member's successor is appointed and qualified. (Ord. No. 97-12, Sec. 1, 5-15-97; Ord. 13-26, Sec. 1, 10-3-13)

Sec. 2-265. Organization and meetings.

The Village President shall designate one of the members of the Special Events Commission to be the Chairman of the Commission. The members of the Special Events Commission shall designate one of

* Ord. No. 94-37, 12-15-94
their members to serve as the secretary of the Commission. Meetings of the Special Events Commission shall be held at the time and place specified in notices to be issued at the direction of the Chairman. Notice of the meetings of the Special Events Commission shall be given in accordance with the Illinois Open Meetings Act. The meetings of the Special Events Commission shall be open to the public in accordance with the requirements of the Illinois Open Meetings Act.

Sec. 2-266. Vacancies.

Vacancies on the Special Events Commission shall be filled by appointment by the Village President subject to the approval of the Village's Board of Trustees. A member of the Special Events Commission shall be deemed to have resigned if the member fails to attend three (3) consecutive meetings of the Commission unless the member's absence from one or more of the meetings has been excused by the Commission's Chairman.

Sec. 2-267. Minutes.

The Special Events Commission shall keep minutes of its meetings. Copies of the minutes of meetings of the Special Events Commission shall be kept on file in the office of the Village Clerk. Copies of the minutes of the meetings shall also be provided to the Village's President and Trustees.

Sec. 2-268. Duties of the commission.

The Special Events Commission shall have the following duties:

1. To sponsor, administer, coordinate, and promote public special events in the Village including but not limited to parades, commemorative celebrations, picnics, fireworks displays, carnivals and athletic exhibitions.

2. To initiate and administer programs designed to raise funds and provide other forms of support for public special events that occur within the Village.

3. To make written recommendations to the Village's Corporate Authorities regarding the manner in which funds should be expended that have been raised or are otherwise available to support public special events within the Village.

4. To provide marketing and publicity for public special events within the Village.

5. To prepare an annual budget for each Village fiscal year which will set forth the amount and source of any revenues anticipated to be received by the Special Events Commission and the purpose and amount of any expenditures which it is anticipated will be made by or on behalf of the Special Events Commission during the fiscal year. The budget for each fiscal year shall be prepared and submitted to the Village's Corporate Authorities not less than sixty (60) days prior to the end of the fiscal year.
(6) In performing its duties, the Special Events Commission shall not infringe upon or interfere with the special event activities sponsored by other groups and organizations. The Special Events Commission may cooperate with other organizations and groups in the sponsorship and support of public events in the Village. (Ord. No. 97-12, Sec. 1, 5-15-97)

Sec. 2-269. Materials and services; requests for funds and labor.

If the Special Events Commission deems it necessary or advisable to purchase materials or obtain services, it may do so upon authorization from the Village's Corporate Authorities and appropriations by the Village's Corporate Authorities therefore. Any requests which the Special Events Commission may make to the Village's Corporate Authorities for the Village to authorize the expenditure of funds to purchase materials or obtain services and any requests which the Special Events Commission may make for the Village to furnish labor in connection with a public special event shall be made in writing.

Sec. 2-270. Deposits of Receipts and Accounting of Funds

All funds collected by or on behalf of the Special Events Commission shall be deposited with the Village Treasurer no later than the end of the next business day after the date on which the funds are received by or on behalf of the Commission. The Special Events Commission shall account for all funds and other things of value which are received by or on behalf of the Commission in a manner specified by the Village’s Finance Director. The Special Events Commission shall promptly provide the Village President, the Board of Trustees and the Village’s Finance Director with such reports relating to the funds and other items of value that have been received or collected by or on behalf of the Special Events Commission and relating to the financial operations of the Special Events Commission as may be requested. (Ord. No. 97-12, Sec. 1, 5-15-97)

Sec. 2-270(1). Stipend

Members of the Special Events Commission shall receive a stipend of twenty ($20.00) dollars for each month in which they are a member of the commission. (Ord. No. 13-26, Sec. 1, 10-3-13)

ARTICLE XIII. BUDGET AND FINANCE*

Sec. 2-271. Budget Officer.

There is hereby created the office of Budget Officer. The Budget Officer shall be appointed by the Village President by and with the consent of the Board of Trustees. The Budget Officer shall serve at the pleasure of the Village President.

* Ordinance 96-39; state law reference, 65 ILCS 5/8-2-9.1
(a) Bond Required. The Budget Officer shall take an oath and execute a bond in such amount and with such sureties as may be required by the Village's Corporate Authorities conditioned upon the faithful performance of the duties of the office.

(b) Compensation. The Budget Officer shall receive such compensation as the Board of Trustees shall fix from time to time by ordinance. The Budget Officer may hold another municipal office, either elected or appointed, and may receive compensation for both offices.

Sec. 2-272. Powers and duties of the Budget Officer.

The Budget Officer shall have the following powers and duties:

(a) Permit and encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all Village departments, commissions, and boards.

(b) Compile an annual budget in accordance with Section 5/8-2-9.3 of the Illinois Municipal Code and as set forth below in Section 2-272 of this Code.

(c) Examine all books and records of all Village departments, commissions, and boards which relate to monies received by the Village, Village departments, commissions, and boards, and paid out by the Village, Village departments, commissions, and boards, debts and accounts receivable, amounts owed by or to the Village, Village departments, commissions, and boards.

(d) Obtain such additional information from the Village, Village departments, commissions, and boards as may be useful for purposes of compiling a Village budget. This information is to be furnished by the Village, Village departments, commissions, and boards in a form as required by the Budget Officer. Any department, commission or board which refuses to make such information as requested available to the Budget Officer shall not be permitted to make expenditures under any subsequent budget for the Village until such time as the department, commission or board complies in full with the Budget Officer's request.

(e) Establish and maintain such procedures as shall insure that no expenditures are made by the Village, Village departments, commissions, or boards except as authorized by the budget.

Sec. 2-273. Compilation and contents of budget.

The annual budget shall contain the following:

(a) Estimates of revenues available to the Village for the fiscal year for which the budget is prepared;

(b) Recommended expenditures for the Village and all of the Village's departments, commissions, and boards.
(c) Revenue estimates and expenditure recommendations shall be presented in a manner which is in conformity with good fiscal management. A chart of accounts recommended by the National Committee on Governmental Accounting, the Illinois Auditor of Public Accounts, the Division of Local Government Affairs and Property Taxes of the Illinois Department of Revenue, or successor agencies, shall be utilized in compiling the annual budget. The annual budget as adopted by the Corporate Authorities of the Village shall be balanced.

(d) Actual or estimated revenues and expenditures for the two (2) years immediately preceding the fiscal year for which the budget is prepared. The fiscal data for the two (2) preceding years shall be itemized in a manner which is in conformity with the chart of accounts utilized in Section 2-272(c).

(e) The budget shall show the specific fund from which each anticipated expenditure shall be made.

(f) The budget shall show goals, objectives and performance measurements of each department.

Sec. 2-274. Capital Improvement, Repair or Replacement Fund.

The annual budget may provide for a separate fund to be created for the purpose of specific capital improvements, repairs and/or replacements of specific types of Village equipment or other tangible property, both real and personal. Such fund shall be designated as the "Capital Improvement, Repair or Replacement Fund". The amount set aside in this Fund in any given fiscal year shall not exceed three (3%) percent of the equalized assessed value of real estate subject to taxation by the Village. Expenditures from the Capital Improvement Fund must be budgeted in the fiscal year in which the capital improvement, repair or replacement will occur. If any funds or surplus monies remain in the Capital Improvement Fund upon the completion or abandonment of any designated improvement, repair or replacement, then such funds shall be transferred into the general corporate fund of the Village on the first day of the fiscal year following the completion, abandonment or discovery of surplus fund.

Sec. 2-275. Funds for contingency purposes.

Money may be set aside in the annual budget for contingency purposes. The amount set aside shall not exceed ten (10%) percent of the total budget, less the amount set aside for contingency purposes. Money that is allocated for contingency purposes in any given fiscal year may be expended on unanticipated expenditures which arise during that fiscal year upon approval by a majority vote of the Corporate Authorities.

Sec. 2-276. Revision of annual budget.

The annual budget may be revised as follows:
(a) Funds may be transferred between budget line items upon approval by a two-thirds (2/3) vote of the Corporate Authorities.

(b) The Corporate Authorities, by a two-thirds (2/3) vote, may create new classifications of expenditures, and delete, change or create sub-classes within expenditure classifications.

(c) Department heads, commissions and boards may delete, add to, change or create sub-classes within the classifications budgeted to the department, commission or board. Any such revision made by department heads, commissions, or boards must have prior approval by the Budget Officer.

(d) Revisions cannot be made to the annual budget which increase the Village's overall expenditures unless there is an increase in revenue sufficient to cover proposed expenditure increase.

Sec. 2-277. Public inspection, notice, hearing.

The proposed annual budget shall be made available for public inspection at least ten (10) days prior to its passage. A public hearing shall be held on the proposed annual budget not less than one (1) week after its publication and prior to final action on the budget. Notice of the hearing shall be given by publication in a newspaper having general circulation in the Village at least one (1) week prior to the date of the hearing. After the hearing(s) on the proposed annual budget, the proposed annual budget may be further revised and passed without any further inspection, notice or hearing.

Sec. 2-278. Passage of annual budget.

The annual budget shall be adopted by a majority vote of the Village's Corporate Authorities prior to the beginning of the fiscal year to which the budget applies.

Sec. 2-279. Purchases and Contracts

(a) Purchase Orders and Contracts Requiring Competitive Bids

(1) Required. All purchases over one thousand ($1,000) dollars shall require a purchase order.

(2) Any person requesting the purchase of items in excess of one thousand ($1,000) dollars must obtain a purchase order approved by the applicable Department Head and, if applicable, the Village Administrator, prior to purchase or making any commitment, agreement, or order for any goods, services or merchandise.

(3) Once applicable approvals are obtained and the purchase order has been executed, the purchase order shall be submitted to the Village Administrator’s Office for record keeping purposes.
(4) No purchase order is required for purchases below one thousand ($1,000) dollars, which are subject to approval by the applicable Department Head. In addition, the Village Administrator may approve exemptions from the purchase order policy for certain normal, routine, monthly operating expenses.

(b) Competitive Bidding and competitive Price Comparisons

(1) General. Except as otherwise provided in Subsection 1 of this Section, competitive bidding or competitive price comparison (as defined below) is required for all purchases and contracts over two thousand ($2,000) dollars in accordance with the procedures set for the in Subsection C. All purchases and contracts over two thousand ($2,000) dollars must be submitted to the Village Administrator for approval prior to competitive bidding or competitive price comparison. Where applicable, the Village Administrator shall determine which contracts are competitively bid.

Competitive price comparison shall mean receiving and documenting pricing information on specified goods or services from at least three (3) potential suppliers, unless otherwise determined by the Village Board. Purchases shall be made from the responsible supplier who best meets the Village’s needs. Reasons for selecting a supplier other than the supplier with the lowest costs shall be documented with the purchasing documents.

(2) Exemptions.

(i) The competitive bidding requirements and procedures set forth in the Illinois Municipal Code shall apply to all public works contracts that exceed twenty thousand ($20,000) dollars, unless otherwise authorized by a two-thirds vote of all Trustees in accordance with State statute. 65 ILCS 5/8-9-1, as amended from time to time.

(ii) Except as specified elsewhere in Sub-section B, any labor, lease, goods, or service to be purchased, when the cost will exceed twenty thousand ($20,000) dollars, shall be purchased by a contract, or agreement, awarded to the lowest responsible bidder after advertising for bids, unless otherwise authorized by the Board of Trustees.

(iii) Contracts which by their nature are not adaptable to award by competitive bidding are exempt, such as:

(iv) In the case of a bona fide emergency, a contract or agreement may be let or a purchase made, to the extent to resolve such emergency, without competitive bids. Prior to making any purchase or contract hereunder, the
Village Administrator shall obtain the verbal concurrence and within twenty-four (24) hours of making any purchase or contract shall obtain written concurrence of the Village President and Senior Trustee or Chair of the Finance and Administration Committee, or in their absence, at least two (2) other trustees, that an emergency exists. The Village Administrator shall file a description of such expenditures, including amounts, in writing, with the Village Board at its next regular meeting, and shall provide the date and time the emergency commenced and terminated, and the amount or amounts expended.

(c) Competitive Bid Procedures

(1) Advertisement for Bids

(i) All proposals to award purchase orders or contracts requiring competitive bidding, as stated in Subsection B shall be published at least ten (10) days (excluding Sundays and legal holidays) in advance of the date announced for the receiving of bids, in a daily newspaper in circulation throughout the municipality. Nothing contained in this Section shall be construed to prohibit the municipality from placing additional announcements in recognized trade journals.

(ii) Advertisements for bids shall describe the character of the proposed contract or agreement in sufficient detail to enable bidders thereon to know what their obligations will be, either in the advertisement or by reference to detailed plans and specifications on file at the time of the publication of the first announcement. The advertisements shall state the date, time and place assigned for opening of bids.

(iii) No bids shall be received at any time subsequent to the time indicated in the announcement, provided, that an extension of time may be granted for the opening of the bids. The time of the bid extension opening shall not be less than five (5) days after the publication thereof, Sundays and legal holidays excluded.

(2) Opening of Bids

All sealed bids shall be publicly opened and read by the Village Administrator or the Village Administrator’s designee.

(3) Deposit on Bids

A cashier’s check, a certified check, or a bid bond may be required of each bidder, but not to exceed ten (10%) percent of the contract or purchase amount, if specified in the bid specifications.
(4) **Awarding of Contracts**

The award of any purchase order, contract, or agreement shall be in accordance with all applicable Village Ordinances.

(5) **Determining Responsibility of Bidders**

In determining the responsibility of any bidder, the Village Board may take into account other factors in addition to financial responsibility, such as past records of transactions with the bidder, experience, adequacy of equipment, ability to complete performance within the specified time limit, and other pertinent considerations.

(d) **Invalid Contracts**

Any purchase or contract executed in violation of this Chapter shall be null and void as to the Village and, unless the Village later ratifies such purchase, if public funds have been extended thereon, the amount thereof may be recovered in the name of the Village.

(e) **Contracts, Work Orders, Change Orders & Other Agreements**

The Village Administrator is authorized to execute contracts, work orders, change orders, and other agreements (hereinafter referred to as “Contracts) that are specifically authorized by the Village Board as well as contracts for routine day-to-day operating activities without specific contract approval by the Village Board in accordance with the limits established below and in accordance with the purchasing policies of the Village.

(1) **Contracts that are specifically authorized by the Village Board.**

(2) **Contracts for routine operating activities specifically included in the approved fiscal year budget up to the limits provided for each activity in the budget or other routine operation and maintenance activities not specifically included in the budget up to two thousand ($2,000) dollars, provided funds are on hand to pay for the resulting costs.**

(3) **Contracts for the services of individuals possessing a high degree of professional skill (as defined in Subsection B) which are included in the approved fiscal year budget up to the limits provided for each professional service in the budget or for other professional services not specifically included in the budget up to two thousand ($2,000) dollars.**

(4) **Contracts for design and construction engineering, when the Village Board has formally authorized bidding of a project or included a project in the approved**
fiscal year budget, up to the amounts for engineering in the project cost estimate which was the basis for bidding or approval of the project.

(5) Contract Change Orders in an amount up to ten thousand ($10,000) dollars where it is determined that extra work is required outside of the original contract where (1) the work to be performed as an extra and is essential to the fulfillment of the contract, (2) the work could not reasonably be expected to be performed at a lesser sum if the work was authorized through an independent contract rather than as an extra, and (3) the emergency nature of the work, the availability of the contractor or materials or some other similar reason would not permit the extra work to remain uncompleted until the next regularly schedule Village Board meeting. In order to sign Contract Change Orders in excess of ten thousand ($10,000) dollars, the Village Administrator must seek verbal approval of the Mayor and Senior Trustee or Chair of the Finance Committee, or in their absence at least two (2) other Trustees. All Contract Change Orders will be subject to ratification by the Village Board to confirm that they were signed in accordance with this Ordinance. Within twenty-four (24) hours, written concurrence shall be obtained.

(6) Engineering Contract Change Orders in an amount of up to two thousand ($2,000) dollars of the original contract when unforeseen difficulties outside the control of the Village Engineer result in an increase in the engineering contract amount that was included in the construction estimate. In order to sign Engineering Contract Change Orders in exceed of five thousand ($5,000) dollars of the original contract, the Village Administrator must seek verbal approval of the Village President and Senior Trustee or Chair of the Finance & Administration Committee, or in their absence at least two (2) other Trustees. Within twenty-four (24) hours, written concurrence shall be obtained. (Ord. No. 13-02, Sec. 2, 3-21-13)

ARTICLE XIV. “PROHIBITED POLITICAL ACTIVITIES AND BANNED GIFTS”

Sec. 2-285. Definitions

For purposes of this Article, the following terms shall be given these definitions:

(a) “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.
(b) "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).

(c) "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).

(d) "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 Article, 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.

(e) "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.

(f) "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).

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

(h) "Employer" means the Village of Fox River Grove.

(i) "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.

(j) "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 Village of Fox River Grove.

(k) "Officer" means a person who holds, by election or appointment, an office with respect to the
Village of Fox River Grove that is created by statute or ordinance, regardless of whether the
officer is compensated for service in his or her official capacity.

(l) “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.

(m) “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.

(n) “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 questions.

(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.

(o) “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.

Sec. 2-286 Prohibited Political Activities

(a) No employee or officer holding an appointive office 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 Fox River Grove 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) No officer or employee shall be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the employee’s participation in any prohibited political activity.

(e) 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 Article.

(f) 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.

Sec. 2-287 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.

Sec. 2-288 Exceptions to Gift Ban.

Section 2-287 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 Village 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, 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 the “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.

Sec. 2-289. 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 Section 2-287 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.

Sec. 2-290. Penalties.

(a) A person who intentionally violates any provision of Section 2-286 may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than three hundred sixty-four (364) days, and may be fined in an amount not to exceed two thousand five hundred ($2,500) dollars.

(b) A person who intentionally violates any provision of Section 2-287 is subject to a fine in an amount of not less than one thousand one ($1,001) dollars and not more than five thousand ($5,000) dollars.

(c) Any person who intentionally makes a false report alleging a violation of any provision of this Article to the Police Department of the Village, 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 three hundred sixty-four (364) days, and may be fined in an amount not to exceed two thousand five hundred ($2,500) dollars.

(d) A violation of Section 2-286 shall be prosecuted as a criminal offense by an attorney for the Village of Fox River Grove 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 of a violation of Section 2-286 shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation of Section 2-287 may be prosecuted as a quasi-criminal offense by an attorney for the Village of Fox River Grove.

(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 Section 2-286 or Section 2-287 is subject to discipline or discharge. (Ord. No. 2004-15, Sec. 1, 4-15-04)
ARTICLE XV. ADMINISTRATIVE ADJUDICATIONS

DIVISION 1. GENERAL PROVISIONS

Sec. 2-300. Applicability.

This Division shall be applicable to Divisions 1 through 4 of this Article. The administrative hearing procedures set forth in this Article are not exclusive. This Article does not preclude the Village of Fox River Grove from using other methods to enforce any provisions of its Code. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-301 Hearing Officer.

(a) In Divisions 1 through 4 of this Article “Hearing Officer” shall mean a municipal employee or an officer or agent of a municipality, other than a building inspector or law enforcement officer, whose duty it is to:

(1) preside at administrative hearings required under Divisions 1 through 4 of this Article;

(2) hear testimony and accept evidence from relevant parties at administrative hearings;

(3) preserve and authenticate the transcript and record of the hearings and all exhibits and evidence introduced at the hearing;

(4) issue and sign a written finding, decision and order stating whether a violation exists.

(b) Hearing Officer Qualifications. A Hearing Officer must be an attorney licensed to practice law in the State of Illinois for a period of at least three (3) years. Prior to conducting administrative adjudication proceedings, administrative hearing officers shall have successfully completed a formal training program which includes the following:

(1) instruction on the rules of procedure of the administrative hearings which they will conduct;

(2) orientation to each subject area of the code violations that they will adjudicate;

(3) observation of administrative hearings; and

(4) participation in hypothetical cases, including ruling on evidence and issuing final orders.
Sec. 2-302.  Code Hearing Department.

A Code Hearing Department shall be established in the municipal government of the Village. The function of the Code Hearing Department is to expedite the prosecution and correction of violations in the manner set forth in Divisions 1 through 4 of this Article. The Code Hearing Department shall consist of a Hearing Officer that shall be chosen by the Village, the Chief of Police, the Village Administrator and any such other personnel that shall be deemed necessary to process and operate the Administrative Adjudication System and conduct the administrative hearings as set forth in Divisions 1 through 4 of this Article. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-302.  Traffic Compliance Administrator.

The Chief of Police, or any other police officer designated by the Chief of Police, shall serve as the Traffic Compliance Administrator. The Traffic Compliance Administrator is authorized to adopt, distribute and process parking, and automated traffic law violation notices and other notices required by this Article, collect money paid as fines and penalties for violation of parking and automated traffic law violations, and operate an administrative adjudication system for parking and automated traffic law violations. The traffic compliance administrator also may make a certified report to the Secretary of State under Section 6-306.5 of the Vehicle Code (625 ILCS 5/6-306.5). (Ord. No. 08-25, Sec. 2, 11-20-08)

DIVISION 2. ADMINISTRATIVE ADJUDICATION OF CODE VIOLATIONS

Sec. 2-310.  Definitions.

When used in this Division the following terms shall be defined as follows:

*Code* means any municipal ordinance except for: (i) any offense under the Illinois Vehicle Code (625 ILCS 5/1-100 et. seq.) or a similar offense that is a traffic regulation governing the movement of vehicles; (ii) any reportable offense under Section 6-204 of the Illinois Vehicle Code (625 ILCS 5/6-204); (iii) any violations adjudicated under Division 3 of this Article; or (iv) any violations adjudicated under Division 4 of this Article.

*Building Inspector* means the Village of Fox River Grove Office of Building and Zoning or any employee or agent of the Village whose duties include the inspection or examination of structures or property in a municipality to determine if zoning or other code violations exist;

*Property Owner* means the legal or beneficial owner of a structure. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-311.  Instituting Code Hearing Proceedings.

(a) When a Building Inspector or other individual authorized to issue a Code violation finds a violation, he shall note the violation on a multiple copy violation notice and report form, indicating the name and address of the structure owner or other defendant, the type and nature of
the violation, the date and time the violation was observed, the names of witnesses to the violation, and, if relevant, the address of the structure where the violation is observed. Nothing contained in this Division shall prevent a Building Inspector from giving an individual a period of time to correct a deficiency before a determination is made that a violation of a Code exists and a violation report needs to be made.

(b) The violation report form shall be forwarded to the Code Hearing Department where a Docket number shall be stamped on all copies of the report, and a hearing date noted in the blank spaces provided for that purpose on the form. The hearing date shall not be less than thirty (30) nor more than forty (40) days after the violation is reported.

(c) One (1) copy of the violation report form shall be maintained in the files of the Code Hearing Department which shall be maintained by the Village Clerk and shall be part of the record of hearing, one (1) copy of the report form shall be returned to the individual that issued the violation so that he/she may prepare evidence of the code violation for presentation at the hearing on the date indicated, and (1) one copy of the report form shall be served by first class mail on the defendant, along with a summons commanding the owner to appear at the hearing. If the name of the owner of the structure cannot be ascertained or if service on the owner of a structure cannot be made by mail, service may be made on the owner by posting or nailing a copy of the violation report form on the front door of the structure where the violation is found, not less than twenty (20) days before the hearing is scheduled. The violation report may also be personally served and the person serving the violation shall prepare a signed written record indicating the date, time and place of such personal service. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-312. Subpoenas; Defaults.

At any time prior to the hearing date, the Hearing Officer assigned to hear the case may, at the request of any party issue subpoenas directing witnesses to appear and give testimony at the hearing. If on the date set for hearing the defendant or his attorney fails to appear, the Hearing Officer may find them in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-313. Continuances - Representation at Code Hearings.

No continuances shall be authorized by the Hearing Officer in proceedings under this Division except in cases where a continuance is absolutely necessary to protect the rights of the defendant. Lack of preparation shall not be grounds for a continuance.

The case for the municipality may be presented by the Building Inspector, by any other individual authorized to issue violations or by an attorney designated by the municipality. However, in no event shall the case for the municipality be presented by an employee of the Code Hearing Department. The case for the defendant may be presented by the defendant, his attorney, or any other agent or representative. (Ord. No. 08-25, Sec. 2, 11-20-08)
Sec. 2-314.  Hearing; Evidence.

At the hearing, a Hearing Officer shall preside and shall hear testimony and accept any evidence relevant to the existence or non-existence of a code violation. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this Division. The hearing shall be recorded. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-315.  Eviction - Rights of the Occupants.

No action for eviction, abatement of a nuisance, forcible entry and detainer or other similar proceeding shall be threatened or instituted against an occupant of a dwelling solely because such occupant agrees to testify or testifies at a code violation hearing. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-316.  Defenses to Code Violations.

In cases where the violation relates to some condition of a structure, it shall be a defense to a code violation charged under this Division if the owner of the structure, his attorney, or any other agent or representative proves to the Hearing Officer's satisfaction that:
(a) The code violation alleged in the notice does not in fact exist, or, at the time of the hearing, the violation has been remedied or removed;

(b) The code violation has been caused by the current property occupants and that in spite of reasonable attempts by the owner to maintain the dwelling free of such violations, the current occupants continue to cause the violations;

(c) An occupant or resident of the dwelling has refused entry to the owner or his agent to all or a part of the dwelling for the purpose of correcting the code violation.

In other cases, any defense relevant to the violation may be raised by the defendant. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-317.  Findings, Decision, Order.

At the conclusion of the hearing, the Hearing Officer shall make a determination on the basis of the evidence presented at the hearing whether or not a code violation exists. The determination shall be in writing and shall be designated as findings, decision and order. The findings, decision and order shall include the Hearing Officer's findings of fact, a decision whether or not a code violation exists based upon the findings of fact, and an order which imposes a monetary sanction specified in the Village Code and/or orders the owner to correct the violation. Where a monetary sanction has been imposed, the findings, decision and order shall further provide that an additional late fee equal to twenty-five (25%) percent of the monetary fine shall also be imposed if the monetary sanction shall not be paid to the Village within fourteen (14) days after either: (1) the period for seeking Administrative Review pursuant to Section 2-318 has expired with no Administrative Review being instituted; or (2) the Administrative
Review process has been completed and all appeals, or rights to appeal therefrom have expired with a finding in favor of the Village. In the event a violation is not proved, the order shall dismiss the case. The Hearing Officer may also impose a monetary sanction that in whole or part may be abated at a future hearing date upon compliance with the Village Code. A copy of the findings, decision, and order shall be served on the owner within five (5) days after they are issued. Service shall be in the same manner as the report form and summons are served pursuant to Section 2-311 of this Division. Payment of any penalty or fine shall be to the Village. (Ord. No. 08-25, Sec. 2, 11-20-08; Ord. No. 09-04, Sec. 2, 1-15-09)

Sec. 2-318. Administrative Review; Late Fee.

The findings, decision and order of the Hearing Officer shall be subject to review in the Circuit Court pursuant to the provisions of the Administrative Review Law and the Illinois Code of Civil Procedure, and all amendments and modifications thereto. Where a monetary sanction has been imposed, an additional late fee equal to twenty-five (25%) percent of the monetary sanction shall also be imposed if the monetary sanction shall not be paid to the Village within fourteen (14) days after either: (1) the period for seeking Administrative Review has expired with no Administrative Review being instituted; or (2) the Administrative Review process has been completed and all appeals, or rights to appeal therefrom have expired with a finding in favor of the Village. (Ord. No. 08-25, Sec. 2, 11-20-08; Ord. No. 09-04, Sec. 3, 1-15-09)

Sec. 2-319. Judgment on Findings, Decision, Order.

(a) Any fine, other sanction or costs imposed, or part of any fine, other sanction or costs imposed remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law shall be a debt due and owing the Village and, as such, may be collected in accordance with applicable law.

(b) After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the code violation, the Village may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the findings, decision and order. Nothing in this Section shall prevent the Village from consolidating multiple findings, decisions and orders against a person in such a proceeding. Upon commencement of the action, the Village shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order was issued in accordance with this Division and the applicable Village ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines, other sanctions and costs imposed by the findings, decision and order does not exceed two thousand five hundred ($,2500) dollars. Any judgment entered in favor of the Village and against the property owner for the amount indicated in the findings, decision and order may be enforced in the same manner as other judgments for the recovery of money. (Ord. No. 08-25, Sec. 2, 11-20-08)
Sec. 2-320. Sanctions Applicable to Owner - Property.

An order to correct a code violation and any sanction pertaining to a structure or a parcel of property as a result of a finding of a code violation shall attach to the property as well as to the owner of the property, so that a finding of a code violation against one owner cannot be avoided by conveying or transferring the property to another owner. Any subsequent transferee or owner of property takes subject to the findings, decision and order of a Hearing Officer under this Division.

DIVISION 3. ADMINISTRATIVE ADJUDICATION OF VEHICULAR STANDING AND PARKING VIOLATIONS

Sec. 2-330. Purpose.

The administrative adjudication system provided for in this Division shall have as its purpose the fair and efficient enforcement of municipal regulations through the administrative adjudication of vehicular parking and standing violations within the Village of Fox River Grove (“Village”). The administrative adjudication system established by this Division shall only have authority to adjudicate civil offenses carrying fines not in excess of two hundred fifty ($250) dollars that occur after the effective date of the ordinance adopting this Division. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-331. Scope of Division.

This Division shall only apply to violations of any vehicular parking and standing violations of the Village of Fox River Grove’s Code of Ordinances which shall include but not be limited to any violation of any provision of Article IV “Parking” of Chapter 15 of the Village of Fox River Grove’s Code of Ordinances. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-332. Notice of Violation.

(a) The administrative adjudication provisions of this Division shall be initiated by a written Notice of Violation that shall be issued to the registered owner or lessee of the vehicle. The Notice of Violation shall be served by affixing the original or a facsimile of the Notice of Violation to an unlawfully parked vehicle or by handing the Notice of Violation to the operator of the vehicle if he or she is present.

(b) A Village Police Officer or other person authorized by Village Ordinance to issue and serve parking and standing violation notices shall certify the correctness of the facts entered on the violation notice by signing his or her name to the notice at the time of service or in the case of a notice produced by a computerized device, by signing a single certificate to be kept by the Traffic Compliance Administrator attesting to the correctness of all notices produced by the device while it was under his or her control. The original or a facsimile of the Notice of Violation or, in the case of a notice produced by a computerized device, a printed record generated by the device
showing the facts entered on the Notice, shall be retained by the Traffic Compliance Administrator, and shall be a record kept in the ordinary course of business. A Notice of Violation signed and served in accordance with this Section 2-332, a copy of the Notice, or the computer generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the Notice. The Notice, copy, or computer generated record shall be admissible in any subsequent administrative or legal proceedings.

(c) The Notice of Violation shall include the following information:

1. the date, time and place of the violation of any parking or standing regulation;
2. the particular regulation violated;
3. the vehicle make and state registration number of the motor vehicle involved in the violation;
4. the fine and any penalty that may be assessed for late payment;
5. the identification number of the person issuing the Notice of Violation;
6. a statement that the fine must be paid or a written request for an administrative hearing must be made within 14 days from the date of issuance of the Notice of Violation;
7. a statement that the payment of the fine and of any applicable penalty shall operate as a final disposition of the violation;
8. a statement that a failure to pay the fine or request an administrative hearing within 14 days after the date of issuance of the Notice of Violation will result in a 25% increase of the fine and may further result in an additional late fee of $50.00 being assessed against the owner or lessee;
9. a warning that the failure to pay the civil penalty or request an administrative hearing by the date specified may result in a final determination of liability and may result in the suspension of driving privileges for the registered owner or lessee of a vehicle;
10. a statement indicating that a request for an administrative hearing must be made in writing to the Traffic Compliance Administrator and either hand-delivered to the Village or Post-Marked no later than 14 days after the date the Notice of Violation was issued; and
11. a statement of the procedure that a person that is not a resident of the Village of Fox River Grove may use to contest the merits of a violation without attending an administrative hearing. (Ord. No. 08-25, Sec. 2, 11-20-08)
Sec. 2-333. Service of Written Notices.

Service of any written Notices required by this Division shall be sent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or, if any Notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database, or, under Section 11-1306 of the Vehicle Code (625 ILCS 5/11-1306), to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database. If the owner or lessee provides the Village with an address for the service of any Notices, that address shall be used. The service shall be deemed complete as of the date of deposit in the United States mail. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-334. Termination of Violation Proceedings.

Payment of the full amount of any civil penalty and any late payment penalty that is due for a violation shall operate as a final disposition of a violation. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-335. Failure to Respond to a Notice of Violation; Second Notice of Violation.

If the registered owner or lessee of the vehicle fails to pay or contest the Notice of Violation within fourteen (14) days after the Notice of Violation is issued, they shall be summoned to appear at hearing which shall be held at a date which is not less than fourteen (14) days after the date a Written Notice of Violation is mailed. The Written Notice of Violation shall, include the following items:

(a) the date, time and place of the violation of any parking or standing regulation;
(b) the particular regulation violated;
(c) the vehicle make and state registration number of the motor vehicle involved in the violation;
(d) the fine and any penalty that may be assessed for late payment;
(e) the identification number of the person issuing the Notice of Violation;
(f) a statement that the payment of the fine and of any applicable penalty shall operate as a final disposition of the violation;
(g) a statement of the procedure that a person that is not a resident of the Village of Fox River Grove may use to contest the merits of a violation without attending an administrative hearing.
(h) a summons indicating the specific date, time and location at which a hearing will be held and at which the violation may be contested on its merits;
(i) a statement that the failure either to pay the indicated fine for the violation prior to the date of the
scheduled hearing, and the failure to appear at a scheduled hearing on the merits, will result in a
determination of violation liability for the cited violation in the amount of the fine indicated, and
that, upon the exhaustion of, or failure to exhaust, available administrative or judicial procedures
for review, any unpaid fine, will constitute a debt due and owing the municipality that, if not
paid, will be subject to an additional late fee of fifty ($50.00) dollars.  (Ord. No. 08-25, Sec. 2,
11-20-08)

Sec. 2-336.   Hearing Procedures.

(a)  General. The owner or lessee of a vehicle may request a hearing within fourteen (14) days from
the date of issuance of the Notice of Violation to challenge the evidence or set forth an applicable
defense. A request for an administrative hearing must be made in writing to the Traffic
Compliance Administrator and either hand-delivered to the Village or postmarked no later than
fourteen (14) days after the date the Notice of Violation was issued. Upon receipt of a request for
an administrative hearing, the Traffic Compliance Administrator shall send a Notice of Hearing
to the owner or lessee by first class U.S. mail postage prepaid setting forth the date, time and
location of the scheduled Administrative hearing. If the owner or lessee is not a resident of the
Village of Fox River Grove, the Notice of Hearing shall include a statement of the procedure that
a person that is not a resident of the Village of Fox River Grove may use to contest the merits of
a violation without attending an administrative hearing. The hearing shall be scheduled and held
on the next available hearing date which is not less than fourteen (14) days after the date the
Notice of Hearing is mailed.

(b)  Failure to Appear at a Scheduled Hearing; Final Determination of Liability. A finding of
liability shall be made if the owner or lessee has not paid the fine indicated and either: (1) fails to
appear at the hearing; or (2) fails to comply with the procedures set forth in Section 2-337 that
allow a non-resident to contest the merits of a violation without attending an administrative
hearing. In both such instances a “Findings, Decision and Order” shall be served upon the owner
or lessee along with a Notice of Determination of Liability within five (5) days. The Notice of
Determination of Liability and the “Findings, Decision and Order” may be incorporated into one
(1) document. The Notice of Determination of Liability shall indicate that the amount of the fine
that is due to the Village for the violation. The Notice of Determination of Liability shall inform
owner or lessee that the liability determination will become final if the owner or lessee does not,
within twenty-one (21) days, either pay the indicated penalty to the Village or petition the Village
to set aside the determination of liability based on any one of the grounds set forth in Section 2-
340 of this Division. If the penalty is not paid or a petition pursuant to Section 2-340 of this
Division is not filed within twenty-one (21) days after the date of issuance of a Notice of
Determination of Liability, a Notice of Final Determination of Liability will be issued. The
Notice of Final Determination of Liability shall include all the items set forth in Section 2-339 of
this Division. If the penalty due the Village is not paid within fourteen (14) days after the date
that a Notice of Final Determination of Liability is issued, the registered owner or lessee shall
pay an additional late fee of fifty ($50.00) dollars.
(c) **Contested Hearings; Decision; Final Determination of Liability.**

(1) When the owner or lessee appears at the hearing, the Hearing Officer shall hold a hearing and issue his/her Findings, Decisions, and Order indicating whether the owner or lessee is, or is not, in violation of the relevant Section of the Village’s Code of Ordinances. If a non-resident of the Village of Fox River Grove complies with the procedures to contest the merits of a violation without attending the administrative hearing, the Hearing Officer shall review all the documents and statements submitted by the non-resident owner or lessee and issue his/her Findings, Decisions, and Order indicating whether the owner or lessee is, or is not, in violation of the relevant Section of the Village’s Code of Ordinances. The Findings, Decision and Order shall include the amount of any monetary sanction due the Village. The Hearing Officer shall require that the Village prove the existence of a violation by a preponderance of the evidence. The formal rules of evidence shall not apply to the hearing. The hearing shall be recorded and the Hearing Officer shall be empowered to administer oaths and to secure by subpoena both the attendance of witnesses and the production of relevant books, papers and documents. Persons appearing at the hearing may be represented by counsel at their expense.

(2) If a finding of liability is made at the hearing, the “Findings, Decision and Order” and a Notice of Determination of Liability shall be sent to the registered owner or lessee within five (5) days. The Notice of Determination of Liability and the “Findings, Decision and Order” may be incorporated into one (1) document. The Notice of Determination of Liability shall inform the owner or lessee that have been found liable and impose a civil penalty indicated for the Violation. The Notice of Determination of Liability shall inform the owner or lessee of the date that the “Findings, Decision and Order” and the Notice of Determination of Liability was served upon them by depositing same in the U.S. Mail, in a sealed envelope addressed to them with postage prepaid (“Date of Service”) and advise the owner or lessee that they may respond by:

a. paying the indicated civil penalty within thirty-five (35) days of the Date of Service in which case the matter will be terminated; or

b. seeking judicial review of the Hearing Officer’s decision in the Circuit Court within the time limits and pursuant to the procedures set forth in the Administrative Review Act (735 ILCS 5/3-101 et.seq.) and of the Illinois Code of Civil Procedure.

The Notice of Determination of Liability shall state that the liability determination will become final if they fail to either: (1) timely pay the civil penalty; or (2) timely seek judicial, review.

(3) A Final Determination of Violation Liability shall occur after a Hearing Officer’s determination of violation liability and the exhaustion of or failure to exhaust any judicial review. A Notice of Final Determination of Violation Liability shall be sent to the
registered owner and/or lessee following the final determination of violation liability and
the exhaustion of or failure to exhaust any judicial review. The Notice of Final
Determination of Liability shall include all the items set forth in Section 2-339 of this
Division. If the fine due the Village is not paid within fourteen (14) days after the date
that a Notice of Final Determination is issued, the registered owner or lessee shall pay the
additional late fee due for the violation. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-337. Optional Hearing Procedures for Non-Residents.

Where the registered owner or lessee of a vehicle is not a resident of the Village but seeks to contest the
merits of a violation, such person may contest the charges using the same available defenses as stated in
this Division without attending an administrative hearing by submitting any and all documentary
evidence and any written statement to the Traffic Compliance Administrator no later than the day prior
to the date of the scheduled hearing along with a signed written statement reflecting that they are Non-
Residents of the Village of Fox River Grove. The Traffic Compliance Administrator shall forward all
timely-submitted materials to the Hearing Officer for review and determination. (Ord. No. 08-25, Sec. 2,
11-20-08)

Sec. 2-338. Defenses.

The following may be considered defenses by a Hearing Officer for any violation of the Village of Fox
River Grove’s Code of Ordinances which are adjudicated pursuant to this Division:

(a) that the motor vehicle or registration plates of the motor vehicle were stolen before the violation
occurred, and not under the control of or in the possession of the owner at the time of the
violation; or

(b) that the vehicle that was in violation was no longer owned by the defendant at the date and time
of the violation.

To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred
and were not under the control or possession of the owner at the time of the violation, the owner must
submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law
enforcement agency in a timely manner. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-339. Contents of a Notice of Final Determination of Liability.

The Notice of Final Determination of Liability shall include the following information:

(a) a statement that the unpaid fine indicated for the violation is a debt due and owing to the Village
of Fox River Grove;

(b) a warning that the failure to pay the indicated fine within fourteen (14) days after the date that
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the Notice of Final Determination is issued will result in a late fee of fifty dollars ($50.00) being added to the original fine; and

(c) a warning that the failure to pay any amounts due the Village may result in the Village filing a petition in the Circuit Court to have the unpaid fines rendered as a judgment against the registered owner or lessee;

(d) a warning that the failure to pay any amounts due the Village may result in the suspension of the person’s drivers license for failure to pay fines or penalties for ten (10) or more parking violations. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-340. Petitions to Set Aside Determination.

(a) If the registered owner or lessee of the vehicle receives a Notice of Determination of Liability because they failed to appear at a scheduled hearing on the violation in person or comply with the provisions of Section 2-337, they may file a Petition to set aside a determination of liability with the Traffic Compliance Administrator within twenty-one (21) days of the date of issuance of the Notice of Determination of Liability. The Petition to set aside a determination of liability must be filed with or mailed to the Traffic Compliance Administrator within twenty-one (21) days after the date of issuance of the Notice of Determination of Liability.

(b) The grounds for the Petition are limited to:

(1) proof the person was not the owner or lessee of the cited vehicle on the date of the violation in question;

(2) the person having already paid the fine for the violation in question; or

(3) excusable failure to attend or request a hearing.

(c) Upon receipt of a timely petition to set aside the determination of liability, the Traffic Compliance Administrator shall review the petition to determine if cause has been shown to set aside the determination. If cause has been shown, the Village shall forward the petitioner a new hearing date on which the petitioner must appear to present his case. The Village shall notify the petitioner of the decision to grant a hearing or deny the petition within fourteen (14) days after the Petition is received. If the owner or lessee fails to appear at a hearing that is scheduled after a petition filed under this Section is granted, they shall be issued a Notice of Final Determination of Liability. The Notice of Final Determination of Liability shall include all the items set forth in Section 2-339 of this Division. If the fine due the Village is not paid within fourteen (14) days after the date that a Notice of Final Determination is issued, the registered owner or lessee shall pay the additional late fee indicated for the violation. (Ord. No. 08-25, Sec. 2, 11-20-08)
Sec. 2-341.    Notice of Impending Drivers License Suspension

(a)    A Notice of Impending Drivers License Suspension shall be sent to the person liable for any fine or penalty that remains due and owing on ten (10) or more parking violations. The Notice of Impending Drivers License Suspension shall state the following information:

(3)    the failure to pay the fines owing within forty-five (45) days of the notice’s date will result in the Village notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of the Vehicle Code (625 ILCS 5/6-306.5); and

(4)    a statement that the person may obtain a copy of the original tickets imposing a fine by sending a self-addressed, stamped envelope to the Village along with a request for the copy.

(b)    The Notice of Impending Drivers License Suspension shall be sent by first class mail, postage prepaid, to the address recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-342.    Drivers License Suspension.

(a)    The Traffic Compliance Administrator, by certified report, may request that the Secretary of State suspend the driving privileges of an owner of a registered vehicle who has failed to pay any fine or penalty due and owing as a result of ten (10) or more parking violations. The report shall be certified and contain the following:

(1)    the name, last known address as recorded with the Secretary of State of the owner or lessee, or at the last address known to the lessor of the cited vehicle at the time of the lease or as recorded in a United States Post Office approved database if any notice sent under this Division is returned as undeliverable, and the driver’s license number of the person who failed to pay the fine or penalty and the registration number of any vehicle known to be registered to such person in a state;

(2)    the name of the municipality making the report pursuant to this Section; and

(3)    a statement that a Notice of Impending Driver’s License Suspension has been sent to the person named in the report at the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of the lease or, if any notice sent under this Article is returned as undeliverable at the last known address recorded at a United States Post Office approved database; the date on which such notice was sent; and address to which such notice was sent.
(b) The Traffic Compliance Administrator shall notify the Secretary of State whenever a person named in the certified report has paid the previously recorded fine or penalty or whenever the municipality determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein.

(c) Any person receiving notice from the Secretary of State that their driving privileges may be suspended at the end of a specified period may challenge the accuracy of the certified report prepared by the Traffic Compliance Administrator. The person shall, within seven (7) days after having received notice from the Secretary of State, request an opportunity to speak with the Traffic Compliance Administrator to challenge the accuracy of the certified report. If the Traffic Compliance Administrator determines that the original report was in error due to the fact that the person challenging the report was not the owner or lessee of the vehicle or that the person has already paid their fine for the ten (10) or more parking violations, the Traffic Compliance Administrator shall immediately notify the Secretary of State of such error in a subsequent certified report. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-343. Schedule of Fines for Parking Violations.

The following schedule of fines shall apply to parking violations adjudicated pursuant to this Division:

<table>
<thead>
<tr>
<th>Code Section(s)</th>
<th>Violation Description</th>
<th>Fine A</th>
<th>Fine B</th>
<th>Late Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-146</td>
<td>Parking in no parking zone</td>
<td>$50.00</td>
<td>$62.50</td>
<td>$50.00</td>
</tr>
<tr>
<td>15-147-148</td>
<td>Parking prohibitions</td>
<td>$25.00</td>
<td>$31.25</td>
<td>$50.00</td>
</tr>
<tr>
<td>15-149</td>
<td>Restricted parking winter months - snow</td>
<td>$25.00</td>
<td>$31.25</td>
<td>$50.00</td>
</tr>
<tr>
<td>15-150</td>
<td>Exceeding parking time limits for certain streets</td>
<td>$25.00</td>
<td>$31.25</td>
<td>$50.00</td>
</tr>
<tr>
<td>15-154</td>
<td>Displaying vehicle for sale on street</td>
<td>$25.00</td>
<td>$31.25</td>
<td>$50.00</td>
</tr>
<tr>
<td>15-155</td>
<td>Loading zones</td>
<td>$25.00</td>
<td>$31.25</td>
<td>$50.00</td>
</tr>
<tr>
<td>15-156</td>
<td>Illegal parking/blocking alley</td>
<td>$50.00</td>
<td>$62.50</td>
<td>$50.00</td>
</tr>
<tr>
<td>15-159</td>
<td>Parking on street prohibitions</td>
<td>$25.00</td>
<td>$31.25</td>
<td>$50.00</td>
</tr>
<tr>
<td>15-160</td>
<td>Unattended vehicle</td>
<td>$50.00</td>
<td>$62.50</td>
<td>$50.00</td>
</tr>
<tr>
<td>15-163</td>
<td>Unauthorized use of parking space used for persons with disabilities or disabled veterans</td>
<td>$250.00</td>
<td>$312.50</td>
<td>$50.00</td>
</tr>
<tr>
<td>15-164</td>
<td>Parking municipal lot violations</td>
<td>$25.00</td>
<td>$31.25</td>
<td>$50.00</td>
</tr>
<tr>
<td>15-166</td>
<td>Parking without permit</td>
<td>$50.00</td>
<td>$62.50</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

Note 1: The amount listed under the column titled “Fine A” shall be the fine if either the fine is paid or a request for an administrative hearing is made within fourteen (14) days after the date of issuance of the Notice of Violation.
Note 2: The amount listed under the column titled “Fine B” shall be the fine if the fine is not paid and a request for an administrative hearing is not made within fourteen (14) days after the date of issuance of the Notice of Violation.

Note 3: The Late Fee shall be an additional amount due the Village if the fine owed the Village is not paid within fourteen (14) days after the date that a Notice of Final Determination is issued. If a Late Fee is applicable, it shall be added to the fine due under either the column titled “Fine A” or “Fine B,” whichever is applicable, in order to determine the total amount due the Village for a violation.

DIVISION 4. ADMINISTRATIVE ADJUDICATION OF AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM VIOLATIONS

Sec. 2-350. Definitions.

(a) Automated traffic law enforcement system means a device within the Village with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a steady or flashing red signal indication in violation of Section 11-306 of the Illinois Vehicle Code (“Vehicle Code”), 625 ILCS 5/11-306, or similar violation of the Village Municipal Code.

(b) Recorded images means images produced by the automated traffic law enforcement system, which consist of either: (1) two (2) or more photographs; (2) two (2) or more microphotographs; (3) two (2) or more electronic images; or, (4) a video recording showing a motor vehicle and, on at least one (1) image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

When the Village produces a recorded image of a motor vehicle’s violation of a provision of this Division, the Village must make the recorded images of the violation accessible to the vehicle owner or lessee by providing the owner or lessee with a website address, accessible through the Internet. (Ord. No. 08-25, Sec. 2, 11-20-08; Or. 10-37, Sec. 1, 12-16-10)

Sec. 2-351. Purpose.

The administrative adjudication system provided for in this Division shall have as its purpose the fair and efficient enforcement of municipal regulations through the administrative adjudication of automated traffic law violations within the Village of Fox River Grove (“Village”). The administrative adjudication system established by this Division shall only have authority to adjudicate civil offenses carrying fines not in excess of two hundred fifty ($250.00) dollars (that occur after the effective date of the ordinance adopting this Division. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-352. Scope of Division.
This Division shall only apply when an automated traffic law enforcement system records a motor vehicle entering an intersection in violation of Section 15-224 of the Village of Fox River Grove’s Code of Ordinances. An automated traffic law enforcement system shall not be used to provide recorded images of a motor vehicle for the purpose of recording its speed. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-353. Notice of Violation.

(a) When the automated traffic law enforcement system records a motor vehicle entering an intersection in violation of Section 15-224 of the Village of Fox River Grove’s Code of Ordinances, a written Notice of Violation shall be issued to the registered owner or lessee of the vehicle.

(b) A Notice of Violation associated with an automated traffic law violation shall require a review of the associated recorded image by the Traffic Compliance Administrator, who shall inspect the image and determine whether the motor vehicle was being operated in violation of Section 15-224, or whether one of the defenses enumerated in Section 2-359 is visibly applicable upon inspection. Upon determination that the recorded image captures a violation and that no defense applies, the Notice of Violation shall be served upon the registered vehicle owner or lessee in the manner provided for in Section 2-354. If the Traffic Compliance Administrator determines that service of the Notice of Violation has not been, and cannot be obtained, no further action shall be taken upon the Notice of Violation. The original or a facsimile of the Notice of Violation or, in the case of a notice produced by a computerized device, a printed record generated by the device showing the facts entered on the notice, shall be retained by the Traffic Compliance Administrator, and shall be a record kept in the ordinary course of business. A Notice of Violation signed and served in accordance with this Section 2-353, a copy of the notice, or the computer generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The notice, copy, or computer generated record shall be admissible in any subsequent administrative or legal proceedings.

(c) The Notice of Violation shall include the following information:

1. the name and address of the registered owner or lessee of the vehicle determined pursuant to Section 2-354 of this Division;
2. the make (only if discernable) and registration number of the motor vehicle involved in the violation;
3. the violation charged;
4. the location where the violation occurred;
5. the date and time of the violation;
administration

(6) a copy of the recorded images;

(7) a statement that a civil penalty in the amount of one hundred ($100.00) dollars or a written request for an administrative hearing must be made within fourteen (14) days from the date of issuance of the Notice of Violation;

(8) a statement that the payment of the civil penalty and any applicable fine shall operate as a final disposition of the violation;

(9) a statement that a failure to pay the civil penalty or request an administrative hearing within fourteen (14) days after the date of issuance of the Notice of Violation may result in an additional late fee of one hundred ($100.00) dollars being assessed against the owner or lessee;

(10) a warning that the failure to pay the civil penalty or request an administrative hearing by the date specified is an admission of liability that will result in a final determination of liability and may result in the suspension of driving privileges for the registered owner or lessee of a vehicle;

(11) a statement that the recorded images constitute "prima facie" evidence of a violation of Section 15-224 of the Village of Fox River Grove’s Code of Ordinances;

(12) a statement indicating that a request for an administrative hearing must be made in writing to the Traffic Compliance Administrator and either hand-delivered to the Village or postmarked no later than fourteen (14) days after the date the Notice of Violation was issued; and

(13) a statement of the procedure that a person that is not a resident of the Village of Fox River Grove may use to contest the merits of a violation without attending an administrative hearing.

(14) a website address, accessible through the Internet, where the vehicle owner or lessee may view the recorded images of the violation.

(d) The Traffic Compliance Administrator may, in his/her discretion, but is not obligated to send additional Notices of Violation. In the event that an additional Notice of Violation is sent, no determination of liability shall be made until the time to either pay the civil penalty or contest the violation has passed. (Ord. No. 08-25, Sec. 2, 11-20-08; Ord. No. 10-37, Sec. 2, 12-16-10)

Sec. 2-354. Service of a Notice of Violation and all Subsequent Notices.

(a) The Notice of Violation shall be served within thirty (30) days after the Illinois Secretary of State notifies the Village of the identity of the registered owner or lessee of the vehicle, and in no event
later than ninety (90) days following the violation. Service of the Notice of Violation and all subsequent Notices required by this Division shall be sent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database, or, under Section 11-1306 of the Vehicle Code (625 ILCS 5/11-1306), to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database. If the owner or lessee provides the Village with an address for the service of any Notices, that address shall be used. The service shall be deemed complete as of the date of deposit in the United States mail.

(b) The Village shall only be required to notify a lessee of a Notice of Violation if the leasing company/lessor provides the lessee’s name by an affidavit and a copy of the lease within sixty (60) days of the notice’s issuance. If the driver information is not provided within sixty (60) days, the leasing company/lessor may be found liable. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-355. Termination of Violation Proceedings.

Payment of the full amount of any civil penalty and any late payment penalty that is due for a violation shall operate as a final disposition of a violation. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-356. Failure to Respond to a Notice of Violation; Final Determination of Liability.

If the registered owner or lessee of the vehicle fails to pay or contest the Notice of Violation within fourteen (14) days after the Notice of Violation is issued, a Notice of Determination of Liability will be sent to the owner or lessee indicating that a fine in the amount of one hundred ($100.00) dollars is due to the Village. The Notice of Determination of Liability shall inform owner or lessee that the liability determination will become final if the owner or lessee does not, within thirty-five (35) days, either pay the one hundred ($100.00) dollar penalty to the Village or petition the Village to set aside the determination of liability based on any one of the grounds set forth in Section 2-361 of this Division. If within thirty-five (35) days after the date of issuance of a Notice of Determination of Liability, the owner or lessee does not pay the one hundred ($100.00) dollar penalty or petition the Village to set aside the determination pursuant to Section 2-361 of this Division, then a Notice of Final Determination of Liability will be sent to the owner or lessee. The Notice of Final Determination of Liability shall include all the items set forth in Section 2-360 of this Division. If the one hundred ($100.00) dollar debt due the Village is not paid within fourteen (14) days after the date that a Notice of Final Determination of Liability is issued, the registered owner or lessee shall pay an additional late fee of one hundred ($100.00) dollars. (Ord. No. 08-25, Sec. 2, 11-20-08; Ord. No. 10-37, Sec. 3, 12-16-10)

Sec. 2-357. Hearing Procedures.

(a) General. The owner or lessee of a vehicle may request a hearing within fourteen (14) days from
the date of issuance of the Notice of Violation to challenge the evidence or set forth an applicable defense. A request for an administrative hearing must be made in writing to the Traffic Compliance Administrator and either hand-delivered to the Village or postmarked no later than fourteen (14) days after the date the Notice of Violation was issued. Upon receipt of a request for an administrative hearing, the Traffic Compliance Administrator shall send a Notice of Hearing to the owner or lessee by first class U.S. mail postage prepaid setting forth the date, time and location of the scheduled Administrative hearing. If the owner or lessee is not a resident of the Village of Fox River Grove, the Notice of Hearing shall include a statement of the procedure that a person that is not a resident of the Village of Fox River Grove may use to contest the merits of a violation without attending an administrative hearing. The hearing shall be scheduled and held on the next available hearing date which is not less than fourteen (14) days after the date the Notice of Hearing is mailed.

(b) **Failure to Appear at a Scheduled Hearing; Final Determination of Liability.** A finding of liability shall be made if the owner or lessee either: (1) fails to appear at the hearing; or (2) fails to comply with the procedures set forth in Section 2-358 that allow a non-resident to contest the merits of a violation without attending an administrative hearing. In both such instances a “Findings, Decision and Order” shall be served upon the owner or lessee along with a Notice of Determination of Liability within five (5) days. The Notice of Determination of Liability and the “Findings, Decision and Order” may be incorporated into one (1) document. The Notice of Determination of Liability shall indicate that a fine in the amount of one hundred dollars ($100.00) is due to the Village. The Notice of Determination of Liability shall inform owner or lessee that the liability determination will become final if the owner or lessee does not, within thirty-five (35) days, either pay the one hundred ($100.00) dollar penalty to the Village or petition the Village to set aside the determination of liability based on any one of the grounds set forth in Section 2-361 of this Division. If the one hundred ($100) dollar penalty is not paid or a petition pursuant to Section 2-361 of this Division is not filed within thirty-five (35) days after the date of issuance of a Notice of Determination of Liability, a Notice of Final Determination of Liability will be issued. The Notice of Final Determination of Liability shall include all the items set forth in Section 2-360 of this Division. If the one hundred ($100.00) dollar debt due the Village is not paid within fourteen (14) days after the date that a Notice of Final Determination of Liability is issued, the registered owner or lessee shall pay an additional late fee of one hundred ($100.00) dollars. (Ord. 10-37, Sec. 4, 12-16-10)

(c) **Contested Hearings; Decision; Final Determination of Liability.**

(1) When the owner or lessee appears at the hearing, the Hearing Officer shall hold a hearing and issue his/her Findings, Decisions, and Order indicating whether the owner or lessee is, or is not, in violation of Section 15-224 of the Village’s Code of Ordinances. If a non-resident of the Village of Fox River Grove complies with the procedures to contest the merits of a violation without attending the administrative hearing, the Hearing Officer shall review all the documents and statements submitted by the non-resident owner or lessee and issue his/her Findings, Decisions, and Order indicating whether the owner or
lessee is, or is not, in violation of Section 15-224 of the Village’s Code of Ordinances. The Hearing Officer shall require that the Village prove the existence of a violation by a preponderance of the evidence. The formal rules of evidence shall not apply to the hearing. The hearing shall be recorded and the Hearing Officer shall be empowered to administer oaths and to secure by subpoena both the attendance of witnesses and the production of relevant books, papers and documents. Persons appearing at the hearing may be represented by counsel at their expense.

(2) If a finding of liability is made at the hearing, the “Findings, Decision and Order” and a Notice of Determination of Liability shall be sent to the registered owner or lessee within five (5) days. The Notice of Determination of Liability and the “Findings, Decision and Order” may be incorporated into one document. The Notice of Determination of Liability shall inform the owner or lessee that have been found liable and impose a civil penalty for the violation in the amount of one hundred ($100.00) dollars. The Notice of Determination of Liability shall inform the owner or lessee of the date that the “Findings, Decision and Order” and the Notice of Determination of Liability was served upon them by depositing same in the U.S. Mail, in a sealed envelope addressed to them with postage prepaid (“Date of Service”) and advise the owner or lessee that they may respond by:

a. paying the one hundred ($100.00) dollar civil penalty within thirty-five (35) days of the Date of Service in which case the matter will be terminated; or

b. seeking judicial review of the Hearing Officer’s decision in the Circuit Court within the time limits and pursuant to the procedures set forth in the Administrative Review Act (735 ILCS 5/3-101 et.seq.) and of the Illinois Code of Civil Procedure.

The Notice of Determination of Liability shall state that the liability determination will become final if they failure to either: (1) timely pay the civil penalty; or (2) timely seek judicial, review.

(3) A Final Determination of Violation Liability shall occur after a Hearing Officer’s determination of violation liability and the exhaustion of or failure to exhaust any judicial review. A Notice of Final Determination of Violation Liability shall be sent to the registered owner and/or lessee following the final determination of an automated traffic law violation liability and the exhaustion of or failure to exhaust any judicial review. The Notice of Final Determination of Liability shall include all the items set forth in Section 2-360 of this Division. If the one hundred ($100.00) dollar debt due the Village is not paid within fourteen (14) days after the date that a Notice of Final Determination is issued, the registered owner or lessee shall pay an additional late fee of one hundred ($100.00) dollars. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-358. Optional Hearing Procedures for Non-Residents.
Where the registered owner or lessee of a vehicle is not a resident of the Village but seeks to contest the merits of a Notice of Violation, such person may contest the charges using the same available defenses as stated in this Division without attending an administrative hearing by submitting any and all documentary evidence and any written statement to the Traffic Compliance Administrator no later than the day prior to the date of the scheduled hearing along with a signed written statement reflecting that they are Non-Residents of the Village of Fox River Grove. The Traffic Compliance Administrator shall forward all timely-submitted materials to the Hearing Officer for review and determination. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-359.   Defenses.

The following may be considered defenses by a Hearing Officer for a violation of Section 15-224 of the Village of Fox River Grove’s Code of Ordinances:

(a) that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred, and not under the control of or in the possession of the owner at the time of the violation;

(b) that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession; or

(c) that the vehicle that was in violation was no longer owned by them at the date and time of the violation.

To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-360.   Contents of a Notice of Final Determination of Liability.

The Notice of Final Determination of Liability shall include the following information:

(a) a statement that the unpaid fine of one hundred ($100.00) dollars is a debt due and owing to the Village of Fox River Grove;

(b) a warning that the failure to pay the one hundred ($100.00) dollar fine within fourteen (14) days after the date that the Notice of Final Determination is issued will result in a late fee of one hundred ($100.00) dollars added to the original fine; and

(c) a warning that the failure to pay any amounts due the Village may result in the Village filing a petition in the Circuit Court to have the unpaid fines rendered as a judgment against the registered owner or lessee;
(d) a warning that the failure to pay any amounts due the Village may result in the suspension of the person’s drivers license for failure to pay fines or penalties for five (5) or more violations under this Division.  (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-361. Petitions to Set Aside Determination.

(a). If the registered owner or lessee of the vehicle receives a Notice of Determination of Liability because they either:

(1) failed to pay or contest the Notice of Violation within fourteen (14) days after the date the Notice of Violation was issued (See: Section 2-356), or

(2) failed to appear at a hearing in person or comply with the provisions of Section 2-358 (See: Section 2-357(b));

they may file a Petition to set aside a determination of liability with the Traffic Compliance Administrator within thirty-five (35) days of the date of issuance of the Notice of Determination of Liability. The Petition to set aside a determination of liability must be filed with or mailed to the Traffic Compliance Administrator within thirty-five (35) days after the date of issuance of the Notice of Determination of Liability. (Ord. 10-37, Sec. 5, 12-16-10)

(b) The grounds for the Petition are limited to:

(1) proof the person was not the owner or lessee of the cited vehicle on the date of the violation in question;

(2) the person having already paid the fine for the violation in question; or

(3) excusable failure to attend or request a hearing.

(c) Upon receipt of a timely petition to set aside the Determination of Liability, the Traffic Compliance Administrator shall review the petition to determine if cause has been shown to set aside the Determination. If cause has been shown, the Village shall forward the petitioner a new hearing date on which the petitioner must appear to present his case. The Village shall notify the petitioner of the decision to grant a hearing or deny the petition within fourteen (14) days after the Petition is received. If the owner or lessee fails to appear at a hearing that is scheduled after a petition filed under this Section is granted, they shall be issued a Notice of Final Determination of Liability. The Notice of Final Determination of Liability shall include all the items set forth in Section 2-360 of this Division. If the one hundred ($100.00) dollar debt due the Village is not paid within fourteen (14) days after the date that a Notice of Final Determination is issued, the registered owner or lessee shall pay an additional late fee of one hundred ($100.00) dollars. (Ord. No. 08-25, Sec. 2, 11-20-08)
Sec. 2-362. Notice of Impending Drivers License Suspension

(a) A Notice of Impending Drivers License Suspension shall be sent to the person liable for any fine or penalty that remains due and owing on five (5) or more violations of this Division. The Notice of Impending Drivers License Suspension shall state the following information:

(1) the failure to pay the fines owing within forty-five (45) days of the notice’s date will result in the Village notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of the Vehicle Code (625 ILCS 5/6-306.5);

(2) a statement that the person may obtain a copy of the original tickets imposing a fine by sending a self-addressed, stamped envelope to the Village along with a request for the copy.

(b) The Notice of Impending Drivers License Suspension shall be sent by first class mail, postage prepaid, to the address recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database. (Ord. No. 08-25, Sec. 2, 11-20-08)

Sec. 2-363. Drivers License Suspension.

(a) The Traffic Compliance Administrator, by certified report, may request that the Secretary of State suspend the driving privileges of an owner of a registered vehicle who has failed to pay any fine or penalty due and owing as a result of five (5) automated traffic violations. The report shall be certified and contain the following:

(1) the name, last known address as recorded with the Secretary of State of the owner or lessee, or at the last address known to the lessor of the cited vehicle at the time of the lease or as recorded in a United States Post Office approved database if any notice sent under this Division is returned as undeliverable, and the driver’s license number of the person who failed to pay the fine or penalty and the registration number of any vehicle known to be registered to such person in a state;

(2) the name of the municipality making the report pursuant to this Section; and

(3) a statement that a Notice of Impending Driver’s License Suspension has been sent to the person named in the report at the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of the lease or, if any notice sent under this Article is returned as undeliverable at the last known address recorded at a United States Post Office approved database; the date on which such notice was sent; and address to which such notice was sent.
(b) The Traffic Compliance Administrator shall notify the Secretary of State whenever a person named in the certified report has paid the previously recorded fine or penalty or whenever the municipality determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein.

(c) Any person receiving notice from the Secretary of State that their driving privileges may be suspended at the end of a specified period may challenge the accuracy of the certified report prepared by the Traffic Compliance Administrator. The person shall, within seven (7) days after having received notice from the Secretary of State, request an opportunity to speak with the Traffic Compliance Administrator to challenge the accuracy of the certified report. If the Traffic Compliance Administrator determines that the original report was in error due to the fact that the person challenging the report was not the owner or lessee of the vehicle or that the person has already paid their fine for the five (5) or more automated traffic violations, the Traffic Compliance Administrator shall immediately notify the Secretary of State of such error in a subsequent certified report. (Ord. No. 08-25, Sec. 2, 11-20-08)

ARTICLE XVI. ELECTRIC POWER AGGREGATION

Sec. 2-400. Electric Power Aggregation.

(a) The Corporate Authorities of the Village hereby are authorized to aggregate in accordance with the terms of the Act residential and small commercial retail electrical loads located within the corporate limits of the Village, and for that purpose may solicit bids and enter into service agreements to facilitate for those loads the sale and purchase of electricity and related services and equipment.

(b) The Corporate Authorities of the Village are granted the authority to exercise such authority jointly with any other municipality or county and, in combination with two or more municipalities or counties, may initiate a process jointly to authorize aggregation by a majority vote of each particular municipality or county as required by the Act.

(c) The Aggregation Program shall be approved by a majority of the members of the Corporate Authority of the Village.

(d) The Corporate Authorities of the Village has or shall develop a plan of operation and governance for the Aggregation Program and has or shall conduct such public hearings and provide such public notice as required under the Act.

(e) The Aggregation Program for the Village shall operate as an opt-out program for residential and small commercial retail customers. The Village shall fully inform customers in advance that they have the right to opt-out of the Aggregation Program. The disclosure and information provided to the customers shall comply with the requirements of the Act.
(f) The electric aggregation shall occur automatically for each customer owning, occupying, controlling, or using an electrical load center proposed to be aggregated in the corporate limits of the Village, subject to a right to opt-out of the program as described under this ordinance and the Act.

(g) The Village authorizes NIMEC to solicit bids and coordinate the implementation of the Aggregation Program.

(h) Because of the way the short time frame within which bid rates are good for, the Village Administrator, with the concurrence of the Trustee who is the Chairperson of the Finance & Administration Committee or the Village President, will have the authority to sign a contract with the lowest cost electricity provider on the same day that the bids are received by NIMEC. (Ord. No. 2011-16, Sec. 3, 6-16-2011)
Chapter 3

ALCOHOLIC BEVERAGES

Art. I. In General, Sec. 3-1--3-17

Art. II. Retail Licenses, Sec. 3-18--3-44

Art. III. Operation, Sec. 3-45--3-63

Art. IV. Minors, Sec. 3-64--3-72

ARTICLE I. IN GENERAL

Sec. 3-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alcoholic liquor shall mean any alcohol, spirits, wine, beer, ale and every liquid or solid, patented or not, containing more than one-half of one (1/2 of 1) percent of alcohol by volume, which is capable of being consumed as a beverage by a human being.

Club shall mean 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 two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member 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.

Hotel shall mean every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are
offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations of such guests and having one (1) or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms 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.

*Resident* shall mean a person whose permanent home is in the Village of Fox River Grove and who actually lives in said home and who is eligible to vote in the Village elections from said home.

*Restaurant* shall mean any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served 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.

*Retail sale* shall mean the sale for use or consumption and not for resale.

*Supper club* shall mean a corporation organized under the laws of the state for pecuniary profit and operating as a restaurant only with a seating capacity at tables for food service for not less than seventy-five (75) persons and serving complete meals regularly, including the dinner meals, in which the serving of alcoholic beverages is incidental and complimentary to the service of meals. (Ord. of 3-23-70, Sec. 13.101; Ord. of 5-30-73, Sec. 1)

State law reference--For similar provisions, see 235 ILCS 5/1-3.01 et seq.

Sec. 3-2. Village President to be local liquor control commissioner; powers and duties as commissioner.

The Village President is hereby authorized to be the local liquor control commissioner and shall be charged with the administration of the Liquor Control Act of 1934, being Chapter 235 of the Illinois Compiled Statutes, and of this chapter and other ordinances and resolutions of the Village relating to alcoholic liquor as may be enacted. The Village President may appoint a person or persons to assist him in the exercise of and the powers and the performance of the duties as local liquor control commissioner. (Ord. of 3-23-70, Sec. 13.124, Ord. No. 97-27, Sec. 2, 8-21-97)

State law reference--For similar provisions, see 235 ILCS 5/1-1 et seq.

Sec. 3-3. Right of entry of liquor control commissioner.

The Liquor Control Commissioner is hereby given the power to enter or to authorize any law enforcing officer to enter at any time upon any premises licensed under this chapter to determine whether any of the provisions of this chapter, the Liquor Control Act of 1934, being Chapter 235 of the Illinois Compiled Statutes, or any sales 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 said licensee in connection therewith.
Sec. 3-4. Peddling alcoholic liquor prohibited.

It shall be unlawful for any person to peddle alcoholic liquor in the Village. (Ord. of 3-23-70, Sec. 13.116)

Sec. 3-5. Public intoxication.

It shall be unlawful for any person to be in an intoxicated condition in any street, alley or other public place in the Village.

Sec. 3-6. Sale for consumption and consumption on unlicensed premises prohibited.

It shall be unlawful for anyone not having a license providing for consumption on the premises where sold, to offer for sale or sell any alcoholic liquor for consumption on the premises or to permit the same to be consumed on the premises where sold. (Ord. of 3-23-70, Sec. 13.113)

Sec. 3-7. Intoxicating liquor prohibited in parking lots and drive-in restaurants.

It shall be unlawful for any person occupying a vehicle in a parking lot or drive-in restaurant to drink any intoxicating liquor while occupying the vehicle. (Code 1958, Sec. 14.505)

Sec. 3-8. Consumption of alcoholic liquor and possession of open containers of alcoholic liquor in parks and on sidewalks, streets and public rights of way prohibited.

(a) Except as provided in Subparagraphs (i), (ii) and (iii), no person may consume, carry, possess or have any alcoholic liquor in a park or on a public street, sidewalk or other public right of way except in the unopened original container and with the seal, if any, unbroken.

(i) The provisions of this Section shall not apply where a person who has or is consuming, carrying or possessing the alcoholic liquor is attending an event for which a temporary liquor license as provided in Section 3-25(e) of this Code has been issued by the Village.

(ii) The provisions of this Section shall not apply to the passengers in a limousine when it is being used for purposes for which a limousine is ordinarily used, the passengers on a chartered bus other than a bus used for school purposes when the chartered bus is being used for purposes for which chartered buses are ordinarily used, or on a motor home or mini motor home as defined in Section 1-145.01 of the Illinois Vehicle Code (625 ILCS 5/1-145-01). However, the driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver’s area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of such driver’s failure to obey...
this Section. For the purposes of this Section, a limousine is a motor vehicle of the first division as defined in the Illinois Vehicle Code with the passenger compartment enclosed by a partition or dividing window used in the for-hire transportation of passengers and operated by an individual in possession of a valid Illinois driver's license of the appropriate classification pursuant to Section 6-104 of the Illinois Vehicle Code (625 ILCS 5/6-104)

(iii) The provisions of this Section shall not apply where a person who has or is consuming, carrying or possessing the alcoholic liquor is attending an event in a Village park for which the Village has issued a permit that allows alcoholic liquor to be distributed and consumed in connection with the event. When a permit has been issued for an event in any Village Park, the pouring of alcohol shall cease at 10:00 p.m. on Friday and Saturday and 9:00 p.m. Sunday through Thursday. (Ord. No. 2010-23, Sec. 1, 6-17-10; Ord. No. 11-17, Sec. 1, 6-16-11)

(b) Any person violating the provisions of this Section shall be subject to a fine of not less than two hundred fifty ($250.00) dollars nor more than five hundred ($500.00) dollars for each offense. (Ord. 2003-37, Sec. 1, 7-17-03)

Sec. 3-9. Dispensing, possession and consumption of alcoholic liquor on premises of restaurant prohibited, unless Class AAA license issued.

It shall be unlawful for any person to dispense, consume, or possess any alcoholic beverage in a restaurant as defined in Section 3-1 of this Code, which was not sold on the premises of the restaurant unless the restaurant has been issued a Class “AAA” License as provided in Section 3-25 of this Code. (Ord. 2006-44, Sec. 1, 10-19-06)

Secs. 3-10-3-17. Reserved.

ARTICLE II. RETAIL LICENSES *

Sec. 3-18. Required; sales in violation of term of license.

It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license. (Ord. of 3-23-70, Sec. 13.102)

Sec. 3-19. Application; contents.

Applications for licenses required by this article shall be made to the Village President of the Board of

* Cross reference - Licenses generally, 12-1 et seq.

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Trustees in writing, signed by the applicant, if an individual, by all the partners, if a partnership, or by a duly authorized officer thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following information and statements:

(a) The name, age and residence address of the applicant, if an individual or in the case of a partnership, of each person entitled to share in the profits thereof and, in the case of a corporation for profit or a club, the date and state of incorporation, the object for which organized, the names and addresses of the officers and directors and if a majority in interest of the stock of such corporation is owned by one (1) person or his nominees, the name and address of such person.

(b) The name, age and residence address of the manager or agent, if any, by whom such business will be conducted.

(c) The citizenship of each person mentioned in subparagraph (a) of this section, his place of birth and if a naturalized citizen, the time and place of his naturalization.

(d) The character of business then conducted by the applicant and his partners, if any, and also the length of time that said applicant or his partners, if any, has been in business of that character.

(e) The location and description of the premises or place of business which is to be operated under such license and that the licensee owns said premises or has a lease thereon for the full terms for which the license is requested.

(f) A statement whether the applicant, his partners, if any, corporation or club has made application for a similar license on premises other than described in said application, and the disposition thereof.

(g) A statement that the applicant and each of his partners, if any, have never been convicted of a felony in the last five (5) years and are not disqualified to receive a license by reason of any matter or thing contained in this chapter, the laws of this state, or other ordinances of the Village.

(h) Whether a previous license issued by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor.

(i) A statement that the applicant will not violate any of the laws of the state or of the United States, or any ordinance of the Village in the conduct of his business.

(j) The date of incorporation if an Illinois corporation, or the date of becoming qualified under the Illinois Business Corporation Act to transact business in Illinois if a foreign corporation.

(k) In the case of a corporation or club, the name, age and residence address of an agent who may receive notices herein and deal for the club or corporation in connection with said license.
(l) In the case of a corporation, a list of each stockholder of more than five (5) percent of the corporation's stock.

(m) A statement listing each and every occupation, or business with which the applicant has been associated in any capacity for fifteen (15) years prior to the filing of said application.

(n) Fingerprints, of all the fingers of each hand of the applicant, taken by personnel of the Village.

(o) A Certificate of Liability Insurance, which shows that the applicant has obtained a General Liability insurance policy with policy limits of not less than one million ($1,000,000) dollars per each occurrence and aggregate and a Liquor Liability insurance policy, which provides coverage for liability arising under the Illinois Dram Shop Act and has policy limits of not less than one million ($1,000,000) dollars per occurrence. The insurance certificate shall also show that the Village of Fox River Grove and its employees and officers are named as additional insureds under the General Liability and Liquor Liability insurance policies.

(p) Such other and future information as the Village President may prescribe, not inconsistent with law. (Ord. of 3-23-70, Sec. 13.103; Ord. No. 75-17, Sec. 1, 8-13-75; Ord. No. 86-02, Sec. 1, 3-19-86, Ord. 08-02, Sec. 1, 2-21-08)

Sec. 3-19.1. Additional training requirements for locations where alcoholic liquor is allowed to be consumed on the premises.

As of May 1, 2011, no liquor license shall be issued or renewed for any establishment where alcoholic liquor is allowed to be consumed on the premises unless the license holder or manager of the establishment provides the Liquor Commissioner with current valid certification that the license holder or manager have successfully completed a Beverage Alcohol Sellers and Servers Education and Training (BASSET) program licensed by the State of Illinois Liquor Control Commission and approved by the Village’s Chief of Police. If a manager that holds the BASSET certification for an establishment where alcoholic liquor is allowed to be consumed on the premises changes, the new manager or license holder shall have ninety (90) days after the initial date of their employment to complete their BASSET training and provide the Village’s Liquor Commissioner with certification showing successful completion of a BASSET program licensed by the State of Illinois Liquor Control Commission and approved by the Village’s Chief of Police. It shall be unlawful for any establishment where alcoholic liquor is allowed to be consumed on the premises to be in violation of this Section. The penalty for a violation of this Section may include a fine and/or the suspension or a revocation of a liquor license. This Section shall not be applicable to Temporary Liquor Licenses. (Ord. No. 11-3, Sec. 1, 1-20-11)

Sec. 3-20. Village President to forward copies of application to Board members.

The Village President shall cause a copy of each application made pursuant to this article to be
Sec. 3-21. Persons not eligible for license.

No license required by this article shall be issued to:

(a) Reserved.

(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 liquor control commissioner determines, after investigation, that such 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 who at the time of application for renewal of any license issued under this article would not be eligible for such license under a first application.

(h) A person whose license issued under this article has been revoked for a cause.

(i) A partnership, unless each of the members of such partnership shall be qualified to obtain a license.

(j) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5) percent of the stock of such corporation, would not be eligible to receive a license under this article for any reason other than citizenship and residence within the Village.

(k) A corporation 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.

(l) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.

(m) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or has forfeited his bond to appear in court to
answer charges for any such violation.

(n) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

(o) Any law enforcing public official, the President of the Village Board of Trustees, any member of a Village Board of Trustees, or member of a county Board. No such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.

(p) Any person, association or corporation not eligible for a state retail liquor dealer's license.

(q) A person who is not a beneficial owner of the business to be operated by the licensee.

(r) A person who has been convicted of a gambling offense as prescribed by any of subsections (a) (3) through (a) (10) of 720 ILCS 5/28-1 or subsections (a) (3) through (a) (10) of section 13-17 of this Code, as heretofore or hereafter amended, or as prescribed by a statute replaced by any of the aforesaid statutory provisions. (Ord. No. 97-27, Sec. 4, 8-21-97)

(s) A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.

(t) A partnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.

(u) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty (20) percent of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.

(v) Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period. (Ord. of 3-23-70, Sec. 13.104; Ord. of 5-20-72, Sec. 1; Ord. No. 86-02, Sec. 2, 3-19-86)

Sec. 3-22. Location restrictions.

No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school, hospital, home for the aged or indigent persons, or for veterans, their wives or children, or any military or naval station. This prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such a purpose prior to March 23, 1970. No license for the sale at retail of any alcoholic liquor on premises within one hundred (100) feet of any church where such church has been
established within such one hundred (100) feet since the issuance of the original lease shall be renewed. No person shall hereafter engage in business as a retailer of any alcoholic liquor within one hundred (100) feet of any undertaking establishment or mortuary. (Ord. of 3-23-70, Sec. 13.114)

Sec. 3-23. License not to be issued to establishments dealing primarily with minors.
No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age. (Ord. of 3-23-70, Sec. 13.123)

Sec. 3-24. Inspections and examinations of applicants and licensees
The Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by statute, and to examine or cause to be examined the books and records of any such applicant or licensee, to hear testimony and take proofs for his information in the performance of his duties and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the Liquor Control Commissioner under this section, he may authorize his agent to act on his behalf, as provided by statute (Ord. of 3-23-70, Sec. 13.125)

State law reference--For similar provisions, see 235 ILCS 5/4-5

Sec. 3-25. Classification of licenses; scope; fees.
Every person engaged in the retail sale of alcoholic liquor in the Village shall pay a license fee. If a new license is applied for, fees shall be pro rata. Such fees for new licenses shall be lessened by an amount equal to one-twelfth (1/12) of the total annual fee for each full calendar month which passes, before such application is made, after the month of May. Licenses shall be divided into the following classes and the fees shall be as follows:

(a) Class "A" licenses shall authorize the retail sale of alcoholic liquor on the premises designated therein for consumption on such premises only. The annual fee for such license shall be two thousand dollars ($2,000).

(b) Class "A-1" licenses shall authorize the retail sale of alcoholic liquor on the premises designated therein for consumption on such premises only. The holder of a Class "A-1" license shall be required to derive not less than $250,000 in gross annual sales from food and alcoholic liquor. The holder of a Class "A-1" license, when submitting the annual license renewal application, shall provide all the Illinois ST-1 forms submitted to the Department of Revenue in the twelve (12) months preceding the renewal application. If the Licensee fails to meet the $250,000 for any twelve (12) month period, the Liquor Commissioner may revoke that Class "A-1" license. The annual fee for such license shall be two thousand dollars ($2,000). (Ord. No. 18-14, Sec. 1, 10-4-18)
(c) **Class "AA" license.** Each holder of a Class "A" license may apply, in addition to the Class "A" license, for a Class "AA" license. The holder of a Class "AA" license shall be subject to all regulations relating to holders of Class "A" license, but a holder of Class "AA" license may also sell packaged alcoholic liquors for consumption off the premises where sold, provided that, all alcoholic liquors are dispensed by the licensee or his bartender. The annual fee for such license shall be one hundred ninety dollars ($190) in addition to the annual fee paid for an "A" license.

(d) **Class “AAA’ license.** A holder of a Class “A” license may, if eligible, apply for a Class “AAA” license in addition to the Class “A” license. The holder of a Class “AAA” license shall be subject to all regulations relating to a holder of Class “A” license. A Class “AAA” license permits the holder of a Class “A” license who operates a restaurant to allow patrons of the restaurant to bring, possess and consume wine, as defined in Section 1-3.03 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-3.03), that is brought onto the premises of the restaurant by a patron subject to the conditions set forth below. The annual fee for such license shall be three hundred fifteen dollars ($315) in addition to the annual fee paid for a Class “A” license. The holder of a Class “AAA” license is subject to the following restrictions:

1. To be eligible for a Class “AAA” license, the premises to be licensed must constitute a restaurant as defined in Section 3-1 of this Code where full meals at tables are served on the licensed premises by the licensee, its agents, employee or waitstaff.
2. Consumption of wine brought onto the licensed premises by patrons shall only be permitted if the patrons order and are served a meal by the licensee.
3. Every bottle or other container of wine brought onto the licensed premises by a patron must be opened and poured by the licensee, its agent, employee or waitstaff.
4. It shall be unlawful for the licensee, its agent, employee or waitstaff to permit any patron to leave the licensed premises with an opened bottle or other container of wine. The licensee, its agent, employee or waitstaff shall dispose of any and all wine bottles or other wine containers brought onto the premises by a patron. (Ord. No.06-44, Sec. 2, 10-19-06)

(e) **Class “B” licenses** shall authorize the retail sale of beer and wine for consumption on the premises only. The holder of a Class “B” license shall be required to derive not less than $250,000 in gross annual sales from food, beer and wine. The holder of a Class “B” license when submitting the annual license renewal application, shall provide all the Illinois ST-1 forms submitted to the Department of Revenue in the twelve (12) months preceding the renewal application. If the Licensee fails to meet the $250,000 for any twelve (12) month period, the Liquor Commissioner may revoke that Class “B” license. The annual fee for such license shall be two thousand dollars ($2,000.00). (Ord. 2017-11, Sec. 1, 4-20-17)

(f) **Class "C" licenses** shall authorize the retail sale of alcoholic liquor on the premises designated therein, for consumption on the premises only, by a club, as defined in this chapter. The annual fee for such license shall be one hundred dollars ($100).
(g) *Class "DD" licenses* shall authorize the sale at retail of alcoholic liquors in packages only, where the primary business is other than the retail sale of alcoholic. No consumption thereof shall be permitted on the premises. The sale of liquor shall be restricted to twelve (12) linear feet of shelf space. The annual fee for such license shall be one thousand three hundred seventy five dollars ($1,375) (Ord. 13-18, Sec. 2, 9-5-13).

(h) *Class “D” licenses* shall authorize the sale at retail of alcoholic liquors in packages only, and no consumption thereof shall be permitted on the premises. The annual fee for such license shall be one thousand three hundred seventy-five dollars ($1,375).

(i) *Temporary license.* A temporary license may be issued by the Village President for the retail sale of alcoholic liquor on the premises designated therein for consumption on the premises only to (i) a club, as defined in this chapter, or (ii) a taxing body, (iii) a not-for-profit organization, or (iv) a company or firm which has been retained by one of the aforementioned organizations to cater or provide alcoholic liquor at an event. A temporary license shall not be issued for a period of more than one day. The fee for such license shall be sixty five dollars ($65) for each day. All applications for a temporary license must be made in writing, and state the type of function and whatever other and further information the Village President may from time to time require. Each such application for a temporary license must show proof of dram shop insurance for the day the license applied for would be in use. (Ord. No. 02-21, Sec. 1, 8-15-02; Ord. No. 14-18, Sec. 1, 8-21-14).

(j) *Class "F" licenses* shall authorize the sale at retail of wine and beer in packages only on premises where the primary business is other than the retail sale of alcoholic liquor. No consumption of any alcoholic liquor shall be permitted on the premises which have been granted a Class F License. The annual fee for a Class F License shall be one thousand dollars ($1,000).

*Tasting/Sampling:* All Village liquor license holders shall be authorized to conduct tastings or samplings in accordance with the sampling provisions in the Illinois Liquor Control Act, 235 ILCS 5/6-31, as amended. This provision shall supersede prohibitions relating to consumption on premises. (Ord. No. 14-18, Sec. 1, 8-21-14)

In addition to the annual fees provided for in this section and in section 3-48, a two hundred dollar ($200) non-refundable fee, to help defray investigation expenses, shall be paid at the time of application for the first initial license in the Village. Upon the recommendation of the Chief of Police and the approval of the Liquor Control Commission, said requirement of a two hundred dollar ($200) fee may be waived. (Ord. No. 98-13, Sec. 1, 4-16-98; Ord. No. 01-08, Sec. 1, 3-15-2001; Ord. No. 07-13, Sec. 1, 4-19-07)

State law reference--Classification of state licenses, 235 ILCS 5/5-1

**Sec. 3-26. Term of annual licenses.**

Each annual license issued pursuant to this article, shall terminate on the last day of April next following...
Sec. 3-27. Limitation on number of licenses.

There shall be in force in the Village no more than ten (10) Class "A" License(s), one (1) Class "A-1" License(s), two (2) Class "AA" License(s), zero (0) Class "AAA" License(s), zero (0) Class "B" License(s), one (1) Class "C" License(s), two (2) Class "D" License(s), two (2) Class DD License(s) and one (1) Class "F" License(s). No license shall be issued in excess of this limitation, except temporary licenses, provided for in Section 3-25(f). (Ord. of 3-23-70, Sec.13.107; Ord. of 7-26-71, Sec.1; Ord. of 5-20-72, Sec.1; Ord. of 5-30-73, Sec.3; Ord. 74-2, Sec.2, 4-10-74; Ord. 75-17, Sec.3, 8-13-75; Ord. 80-34, Sec.1, 11-19-80; Ord. 82-01, Sec.2, 2-17-82; Ord. No. 82-08, Sec.2, 6-16-82; Ord. No. 82-09, Sec.11, 6-16-82; Ord. No. 86-04, Sec.1, 5-21-86; Ord. No. 87-10, Sec.2, 6-17-87; Ord. 87-17, Sec.2, 8-19-87; Ord. No. 90-29, Sec.1, 10-17-90; Ord. No. 91-24, Sec.2, 7-17-91, Ord. No. 95-15, Sec.1, 7-20-95, Ord. No. 98-44, Sec.1, 10-15-98, Ord. No. 99-06, Sec.1, 3-18-99, Ord. No. 2000-14, Sec.1, 2-13-2000, Ord. No. 2000-27, Sec.1, 4-27-2000, Ord. No. 2000-44, Sec.1, 8-17-2000; Ord. No. 01-21, Sec.1, 4-19-2001, Ord. No. 01-37, Sec.1, 7-19-2001; Ord. No. 02-28, Sec.1, 9-19-02; Ord. No. 05-18, Sec 1, 7-21-05; Ord. 05-27, Sec. 1, 9-15-05; Ord. No. 06-11, Sec.1, 3-16-06; Ord. No. 06-44, Sec. 3, 10-19-06; Ord. No. 08-22, Sec. 1, 10-16-08; Ord. No. 09-17, Sec. 1, 6-18-09; Ord. No. 11-04, Sec. 1, 2-17-11; Ord. No. 13-11, Sec. 1, 6-16-13; Ord. No. 13-19, Sec. 2, 9-5-13; Ord. No. 14-01, Sec. 1, 1-16-14; Ord. 2014-03, Sec. 1, 4-3-14; Ord. 14-07, Sec. 1, 5-1-14; Ord. 14-10, Sec. 1, 6-5-14; Ord. No. 14-17, Sec. 1, 8-7-14; Ord. 15-03, Sec. 1, 3-5-15; Ord. 16-01, Sec. 1, 2-4-16; Ord. 17-11, Sec. 2, 4-20-17; Ord. No. 17-17, Sec. 1, 9-12-17; Ord. No. 18-14, Sec. 2, 10-4-18; Ord. 19-15, Sec. 1, 7-18-19; Ord. 19-18, Sec. 1, 9-3-19)

State law reference--Authority of Village to limit number of licenses, 235 ILCS 5/4-1

Sec. 3-28. Disposition of fees.

All fees shall be paid to the Village President at the time application for a license required by this article is made, and shall be forthwith turned over to the Village Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the Village Board of Trustees. (Ord. of 3-23-70, Sec. 13.108)

Sec. 3-29. Record of licenses required.

The Village President shall keep or cause to be kept a complete record of all such licenses issued by him pursuant to this Article. (Ord. of 3-23-70, Sec. 13.109)

Sec. 3-30. Personal nature of license; transferability.

(a) A license to sell alcoholic liquor shall be purely a personal privilege, good for not to exceed one (1) year after issuance, unless sooner revoked as provided for in this article, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution, provided that executors or administrators of the estate
of any deceased licensee, and the Trustee of any insolvent or bankrupt licensee, when such estate
consists in part of alcoholic liquor may continue the business of the sale or manufacture of
alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the
deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or
bankruptcy until the expiration of such license but not longer than six (6) months after the death,
bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license
fee paid for any period in which the licensee shall be prevented from operating under the license
in accordance with the provisions of this section.

(b) No license issued pursuant to this article, including a temporary license, shall be transferable by
any licensee, including a club, to another person, agent, club, corporation, association or group.
(c) If more than five (5) percent of the stock in any corporation to which a license has been issued,
or if more than five (5) percent of the beneficial interest in any other entity to which a license has
been issued, shall be transferred without the prior written consent of the liquor control
commission, such license shall forthwith expire. (Ord. of 3-23-70, Sec. 13.110)

Sec. 3-31. Change of location.

A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in
the application and license. Such location may be changed only upon a written permission to make such
change issued by the Village President and the approval of the Village Board of Trustees. No change of
location shall be permitted unless the proposed new location is a proper one for the retail sale of
alcoholic liquor under the laws of this state, this Code and other ordinances of the Village. (Ord. of
3-23-70, Sec. 13.112)

Sec. 3-32. Renewal of license; not to be construed as a vested right.

Any person licensed under the provisions of this article may renew his license at the expiration thereof,
provided that he is then qualified to receive a license and the premises for which such renewal license is
sought is suitable for the purpose. The renewal privilege provided for in this section shall not be
construed as a vested right which shall in any case prevent the Village President from decreasing the
number of licenses to be issued within his jurisdiction. If the supper club applying for a Class "E" license
does not qualify each year, said liquor license shall not be issued or be renewed. (Ord. of 3-23-70, Sec.
13.111; Ord. of 5-30-73, Sec. 5)

Sec. 3-33. Application for license renewal; contents.

Each person licensed under this article seeking renewal of his license shall file, at the time of each
renewal, a new application on such forms as provided by the Village. (Ord. of 3-23-70, Sec. 13.103;
Ord. No. 75-17, Sec. 4, 8-13-75)
Sec. 3-34. Revocation and suspension.

The Village President may suspend for not more than thirty (30) days or revoke for cause any liquor dealer's license for any violation of any ordinance of the Village or for the violation of any state law pertaining to the sale of alcoholic liquor, as provided and in the manner set forth in 235 ILCS 5/7-5. (Ord. of 3-23-70, Sec. 13.127, Ord. No. 97-27, Sec. 5, 8-21-97)

Sec. 3-35. Appeals from orders of the Liquor Control Commissioner. **

(a) Any appeal taken from any order and/or action of the Liquor Control Commissioner to the State Liquor Control Commission shall be limited to a review by the State Commission of the official record of proceedings of the Liquor Control Commissioner.

(b) A certified official record of the proceedings shall be filed with the State Liquor Control Commission by the Liquor Control Commissioner within five (5) days after notice of the filing of an appeal, upon the condition that the licensee appealing the order and/or action pays for the cost of the transcript of the official record of proceedings. (Ord. 96-40, Sec. 1, 9-19-96)

Sec. 3-36. Assessment of Hearing Costs.

Whenever, during or after a hearing held by or on behalf of the Local Liquor Control Commissioner a person is found to have violated an ordinance, rule or regulation applicable to the sale or distribution of alcoholic beverages, such person, in addition to any fines, license suspension, license revocation or other sanction that may be imposed by the Local Liquor Control Commissioner, shall also be assessed and required to pay to the Village hearing costs in the amount of three hundred dollars ($300.00). Any costs assessed pursuant to this section shall be paid to the Village within thirty (30) days after the date on which the costs were assessed, provided further that no person whose license to engage in the retail sale of alcohol liquor has been suspended, shall be allowed to reopen until such time as any costs assessed pursuant to this section have been paid to the Village. (Ord. 97-08, 3-20-97)

Secs. 3-37-3-44. Reserved.

ARTICLE III. OPERATION

Sec. 3-45. Sanitation.

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition and shall be kept in full compliance with the provisions of this Code regulating the condition of premises used for the storage or sale of food for human consumption. (Ord. of 3-23-70, Sec. 13.117)

** State law reference--235 ILCS 5/7-9

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Sec. 3-46. Diseased employees.

It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of any contagious, infectious or venereal disease and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to be engaged in any way in the handling, preparation or distribution of such liquor. (Ord. of 3-23-70, Sec. 13.118)

Sec. 3-47. Employment of minors.

No person who is under the age of eighteen (18) years shall draw, pour or mix any alcoholic liquor as an employee of any retail licensee. (Ord. of 3-23-70, Sec. 13.118; Ord. No. 74-2, Sec. 3, 4-10-74)

Sec. 3-48. Closing hours.

(a) It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the Village between the hours of 2:00 a.m. and 6:00 a.m.

(c) It shall be unlawful to keep open for business or to admit the public to any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited. Establishments with a Class “C”, Class “D” or Class “F” license may be kept open during such hours, but no alcoholic liquor may be sold to or consumed by the public, customers, guests, or employees during such hours. (Ord. No. 2000-15, Sec. 1, 2-17-2000; Ord. 19-12, Sec. 1, 6-20-19)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 3-49. Sales on election days and Sundays.

It shall be permissible to sell at retail alcoholic liquor on the day of any national, state, county or municipal election and on Sundays. (Ord. of 3-23-70, Sec. 13.115; Ord. of 10-9-72, Sec. 1., Ord. No. 99-08, Sec. 1, 4-15-99)

Sec. 3-50. Visibility of interior of premises.

No premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed, other than as a restaurant, hotel, club or any bowling establishment, shall be permitted to have any screen, blind, curtain, partition, article or thing in the windows or upon the doors of such licensed premises nor inside such premises which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition or other obstruction nor any arrangements of lights or lighting shall be permitted in or about the interior of the licensed premises which shall prevent a full view of the entire interior of such premises from the street, road or sidewalk, and the premises must be so located that there shall be a full view of the entire interior
of such premises from the street road or sidewalk. All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises are clearly visible. In case the view into any licensed premises required by the foregoing provision, is willfully obscured by the licensee or by him willfully suffered to be obscured or in any manner obstructed, then such license is subject to revocation in the manner provided in this chapter. In order to enforce the provisions of this section, the Village President shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required. (Ord. of 3-23-70, Sec. 13.119)

Sec. 3-51. Partition required when separate business is conducted on same premises.

Where the holder of a Class “A” or Class “C” liquor license is also engaged in another business, other than a restaurant, such as a department store, grocery or drugstore, within the same building in which alcoholic liquors are sold, all the area in which alcoholic liquors are served, sold, displayed or stored shall be separated from the area in which such other business is conducted. Such separation shall be accomplished by solid partitions at least eight (8) feet high, or to the ceiling if less than eight (8) feet from the floor, in such a manner that traffic within the building between the aforementioned area is physically impossible, except at a single entrance and a single exit, neither to exceed six (6) feet in width and both to be under constant surveillance by the licensee or his adult agent. No other person, other than an employee of the licensee, less than the age of twenty-one (21), shall be permitted in such separated area unless accompanied by his parent or guardian. (Ord. No. 80-03, Sec. 1, 1-16-80, Ord. No. 2000-15, Sec. 2, 2-17-2000)

Sec. 3-52. Sale to intoxicated persons and incompetents.

No licensee under this chapter, nor any officer, associate, member, representative, agent or employee of such licensee, shall sell, give or deliver alcoholic liquor to any intoxicated person or to any person known to him to be a habitual drunkard, or a spendthrift, or to be insane, mentally ill, mentally deficient or in need of mental treatment. (Ord. of 3-23-70, Sec. 13.121)

Sec. 3-53. Gambling on premises.

There shall be no card games or gambling allowed on any premises licensed to sell alcoholic liquor. (Ord. of 3-23-70, Sec. 13.122)

Sec. 3-54. Soliciting for prostitution, the purchase of beverages prohibited in licensed premises; nudity prohibited in licensed premises; and dancing on premises.

(a) No holder of a liquor license, his agent or employee shall allow, permit or suffer to maintain on the licensed premises any person who engages in an act which constitutes soliciting for a prostitute or soliciting for a juvenile prostitute as defined in 720 ILCS 5/11-15 and 720 ILCS 5/11-15.1. No holder of a liquor license, his agent or employee shall commit any act which
constitutes keeping a place of prostitution as set forth in 720 ILCS 5/11-17 on the licensed premises.

(b) No holder of a liquor license, his agent or employee shall allow, permit or suffer to remain on the licensed premises any person who solicits any customer or patron of the licensed premise to purchase alcoholic or non-alcoholic beverages.

(c) No holder of a liquor license, his agent or employee shall allow or permit any employee, contractor or other person who performs any live act, demonstration, dance or exhibition on the licensed premise to solicit or accept payment of money or other valuable consideration from any customer or patron of the licensed premises for such performance.

(d) No holder of a liquor license, his agent or employee shall employ any person or contract with or for any person to engage in any live act, demonstration, or exhibition on the licensed premises where alcoholic beverages are sold, dispensed or delivered unless such act, demonstration, dance or exhibition is performed on a single continuous stage which has an area of not less than one hundred (100) square feet and which if circular has a radius of not less than six (6) feet and which if square or rectangular has a width at its smallest point of not less than ten (10) feet.

(e) No holder of a liquor license, his agent or employee shall allow, permit or suffer any person to appear on the licensed premise in any room where alcoholic beverages are sold or dispensed, other than a hotel or motel sleeping room or suite, in such manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals or any simulation thereof, nor shall suffer or permit any female to appear in such areas of the license premises in such manner or attire as to expose to view any portion of the breast below the top of the areola, or any simulation thereof.

(f) The only dancing that shall be permitted on premises for which a liquor license has been issued is dancing by persons who are solely customers and patrons of the licensed premises. There shall be no dancing on licensed premises by any person who is an employee of the holder of a liquor license or by any person who is appearing on the licensed premises, as a result of an agreement made by the holder of a liquor license or an employee or agent of the licensed premises. (94-01, Sec. 1, 1-20-94)

Secs. 3-55--3-63. Reserved.

ARTICLE IV. MINORS *

Sec. 3-64. Definitions.

* State law references - Sale to minors, 235 ILCS 5/6-16, purchases by minors and misrepresentation of age, 235 ILCS 5/6-20
For purposes of this Article IV, Sections 3-64 through 3-72:

(a) To be in "control of a premises" or to have a "premises under one's control" means a legal or beneficial ownership, rental, lease or license. Control may also exist where none of the aforesaid legal relationships apply, but where an adult is otherwise clearly in charge of and controlling a particular premises.

(b) "False identification" means any document used for identification or proof of age that has been altered or defaced or that contains false or misleading information or that contains a name that is not the actual name of the person using it.

(c) The term "impairment" means any diminution or compromise of a person's physical, mental or perceptual abilities due to the consumption of an alcoholic beverage. Impairment does not require that the blood alcohol content be in excess of any particular gram of alcohol to milliliters of blood or breath ratio.

(d) The "operation of a motor vehicle" means the exercise of any control over the motor vehicle within the Village of Fox River Grove, on any public street or other public property, including, but not limited to, physical control of the motor vehicle. To be in control of the motor vehicle, the person need only be in or around the motor vehicle and need not be actually driving the motor vehicle and the vehicle need not be running. If there is only one person inside of a motor vehicle, that person is presumed to be in control, regardless of the person's location within the vehicle. If there are persons in the motor vehicle, but only one person in the front seat or front passenger area of the motor vehicle, that person shall be presumed to be in control of the motor vehicle. If there are persons in the presence of the motor vehicle, but no persons in the vehicle, and the owner of the motor vehicle is present, then the owner is presumed to be in control of the vehicle. If there are persons in the presence of the motor vehicle, but no persons in the motor vehicle, and the owner is not present, then the person to whom permission was given to operate the vehicle is presumed to be in control of the vehicle.

(e) "Parent" means a natural or adoptive parent or a court designated guardian.

(f) "Underage person" means any person under twenty-one (21) years of age.

(g) Alcohol: Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

(h) Alcoholic beverage: Alcoholic beverage means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer and which contains one-half (1/2) of one (1%) percent or more of alcohol by volume and which is fit for beverage purposes either
alone or when diluted, mixed, or combined with other substances.

(i) Event or gathering: An event or gathering is any group of two (2) or more persons who have assembled or gathered together for a social occasion or other activity.

(j) Host. To host is to overly aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

(k) Illicit drugs: Illicit drugs means any drug, substance, or compound prohibited by law, as defined in the Illinois Controlled Substance Act, 720 ILCS 570/100 et seq., or the Illinois Cannabis Control Act, 720 ILCS 550/1, et seq., including drugs prescribed by a physician which are in the possession of or used by someone other than the person to whom the drug was prescribed.

(l) Response costs: The costs associated with responses by law enforcement, fire, and other emergency response providers to an event or gathering, including but not limited to:

1) Salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with an event or gathering, and the administrative costs attributable to such response(s);

2) The cost of any medical treatment for any law enforcement, code enforcement, fire or other emergency response personnel injured responding to, remaining at, or leaving the scene of an event or gathering; and

3) The cost of repairing any Village equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of an event or gathering. (Ord. 95-08, Sec. 1, 4-26-95; Ord. No. 12-39, Sec. 1, 12-20-12)

Sec. 3-65. Purchase, possession, consumption by underage persons prohibited.

It shall be unlawful for any underage person to purchase, possess or consume alcoholic liquor. Any person violating the provisions of this section shall be subject to a fine of up to five hundred dollars ($500.00) for each offense, with the exception of Section 3-66. (Ord. 98-38, Sec. 1, 8-20-98; Ord. No. 12-39, Sec. 2, 12-20-12)

State law reference--235 ILCS 5/6-20

Sec. 3-66. Prohibited sales, delivery, social hosting.

(a) Prohibited Sales, Delivery. No person shall sell, offer for sale, deliver or give alcoholic beverages to any underage person. No person after purchasing or otherwise obtaining
alcoholic liquor, shall sell, offer for sale, deliver, or give such alcoholic liquor to an underage person.

(b) Social Hosting. Except as permitted by State law, it shall be unlawful for any person to permit, allow, or host an event or gathering at his or her place of residence or other private property, public place, any other premises under his or her control where alcohol, alcoholic beverages, or illicit drugs are consumed by an underage person at the event or gathering, if such person either knows or reasonably should know that an underage person is consuming any alcohol, alcoholic beverages, or illicit drugs at the event or gathering.

(c) Rebuttable presumption of knowledge. It is the duty of any person who permits, allows, or hosts an event or gathering at his or her place of residence or other private property, public place, any other premises under his or her control, where underage persons will be present, to take all reasonable steps to prevent the consumption of alcohol, alcoholic beverages, or illicit drugs by any underage person at the event or gathering. As such, a rebuttal presumption that person knows or reasonably should know that an underage person is consuming any alcohol, alcoholic beverages, or illicit drugs shall exist when:

1) A person permits, allows, or hosts an event or gathering in which an underage person has consumed alcohol, alcoholic beverages, illicit drugs, whether or not the person permitting, allowing, or hosting is present, if the person has not taken all reasonable steps to prevent the consumption of alcohol, alcoholic beverages, or illicit drugs at the event or gathering by underage persons;

2) A person who permits, allows, or hosts an event or gathering is present at the event or gathering at any time an underage person consumes illicit drugs, alcohol, or an alcoholic beverage.

(d) Exception. A person shall not be in violation of this Section or Section 3-65 if approved by a parent that has direct supervision of the minor in the privacy of a home or if he or she hosts a bona fide performance of a religious service or ceremony or an event or gathering where he or she seeks assistance from the Police Department or other law enforcement agency to terminate an event or gathering where underage consumption of alcohol, alcoholic beverage, or illicit drugs is occurring, so long as such assistance is sought before any other person makes a complaint about the event or gathering.

(e) Penalties. Any person who violates or assists in the violations of any provision of this Section shall be deemed to have committed a petty offense and shall be fined not less than five hundred ($500) dollars or more than seven hundred fifty ($750) dollars. Each day on which, or during which, a violation occurs shall constitute a separate offense. In addition, any person found to be in violation of this Section shall be responsible for any and all response costs incurred to investigate the event or gathering. (Ord. of 3-23-70, Sec. 13.120;
Sec. 3-67. False identification not a defense.

It is not a defense to any action brought against any liquor licensee or any other person charged with the sale, offer for sale, or delivery of any alcoholic beverage to an underage person that such a person produced false identification or proof of age. The person or persons hearing and deciding the charges may consider such a claim when determining the penalty to be assessed. (Ord. 95-08, Sec. 1, 4-26-95)

State law reference - 235 ILCS 5/6-20

Sec. 3-68. Use of false identification.

Any underage person found guilty of attempting to obtain an alcoholic beverage by use of false proof of age shall be fined two hundred fifty dollars ($250.00). (Ord. 95-08, Sec. 1, 4-26-95)

Sec. 3-69. Operation of a motor vehicle while in a state of impairment.

It is unlawful for any underage person to ride in or on, other than as a passenger, use, or control in any manner the operation of any motor vehicle on a street or other public property of the Village of Fox River Grove while in a state of impairment due to the consumption of an alcoholic beverage. (Ord. 95-08, Sec. 1, 4-26-95)

Sec. 3-70. Operation of a motor vehicle by underage persons with an alcoholic beverage in or on the vehicle; or when the underage person is impaired due to alcohol

The following applies when any underage person is found in the Village of Fox River Grove operating any motor vehicle in which or on which is found any alcoholic beverage of any kind or nature, or when the underage person is in a state of impairment due to the consumption of alcohol:

(a) The motor vehicle shall be immediately impounded by the Village of Fox River Grove Police Department;

(b) The motor vehicle may be released only to another person showing proof of ownership or lease rights to the motor vehicle, unless the underage operator is the owner or lessor of the vehicle, then the vehicle may be released only to a parent or legal guardian of the underage owner;

(c) If the owner or lessor of the motor vehicle was a passenger in the motor vehicle at the time the alcoholic beverage was found then at least twenty-four (24) hours must pass from the time of the finding before release of the motor vehicle;

(d) The motor vehicle will not be released until the person seeking the release of the vehicle has paid
an administrative fee of two hundred and fifty dollars ($250.00) to the Village of Fox River Grove Police Department, plus any towing or storage costs;

(e) The following factors shall not be considerations in determining whether or not to impound the motor vehicle:

(1) Whether the alcoholic beverage is in an opened or an unopened container;

(2) Whether the operator is the owner of the alcoholic beverage or the vehicle;

(3) Whether the operator had knowledge of the existence of the alcoholic beverage within the motor vehicle.

(f) The above obligations and penalties shall be in addition to the penalties that may be assessed in a court of law for any charges incident to the stop. (Ord. 95-08, Sec. 1, 4-26-95)

Sec. 3-71. Presence of minors on licensed premises prohibited; exception.

It shall be unlawful for any holder of a retail liquor dealer's license, or his agent or employee, to permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located. This section shall not apply to any minor who is accompanied by his parent to any licensed premises which derives its principal business from the sale of service or other commodities than alcoholic liquor. ((Ord. of 3-23-70, Sec. 13.120; Ord. of 10-10-73, Sec. 2; Ord. No. 80-03, Sec. 1,1-16-80; Ord. 95-08, Sec. 1, 4-26-95)

Sec. 3-72. Printed card warning minors to be posted on premises.

In every tavern or other place in the Village where alcoholic liquor is sold there shall be displayed at all times in a prominent place a printed card or sign which shall read substantially as follows:

"Warning to Minors"

You are subject to a fine of up to five hundred dollars ($500.00) under the ordinances of the Village of Fox River Grove if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

(Ord. 95-08, Sec. 1, 4-26-95)
ARTICLE I. IN GENERAL

Sec. 4-1. Application of Article.

The provisions of this Article, except as to licensing and fees, shall apply to all public shows, theatricals, circuses and other amusements in the Village, whether or not specifically licensed in another article in this chapter. (Code 1958, Sec. 11.101)

Sec. 4-2. License required.

It shall be unlawful to conduct or operate any amusement which is open to the public and for admittance to which a fee is charged, without having first obtained a license therefor. (Code 1958, Sec. 11.102)

Cross reference--Licenses generally, Sec. 12-1 et seq.

Sec. 4-3. Applications for license.

Application for licenses required by this Chapter shall be made to the Village Clerk and shall comply with all of the provisions of this Code relating to the particular license. (Code 1958, Sec. 11.102)

Sec. 4-4. License fees for transient amusements.

Licenses for amusements which are not permanently located in the Village shall be as follows:

   (a) Menageries, per day .................................................. $150.00
   (b) Carnivals, per day .................................................. $250.00

* State law reference - Authority of Village to license and regulate amusements generally, 65 ILCS 5/11-42-5
(c) Exhibitions of inanimate objects, per day.......................$100.00
(d) Other amusements, per day....................................... .$100.00

(Code 1958, Sec. 11.102; Ord. No. 82-15, Sec. 4, 9-15-82, Ord. No. 07-10, Sec 1, 4-19-07)

Sec. 4-5. Amusements held in public places to be approved by Board of Trustees.

No license shall be granted or given for any carnival exhibition, show or other amusement to be given on any public street or sidewalk or in such place that the only main accommodation for the public or the audience will be a public place, except on order of the Village Board of Trustees.  (Code 1958, Sec. 11.103)

Sec. 4-6. Inspections.

It shall be the duty of the chief of police to see that every exhibition, amusement, theatrical, or other public show or amusement is inspected and to insure conformity with the provisions concerning such amusements.  (Code 1958, Sec. 11.106)

Sec. 4-7. Order, crowding.

(a) The audience of any amusement, show or theatrical must be orderly and quiet at all times, and it shall be unlawful for any person attending such amusement, show or theatrical to create a disturbance in the audience.

(b) It shall be unlawful to permit or gather a crowd to witness any amusement or show so as to create a dangerous condition because of fire or other risks.  (Code 1958, Sec. 11.105)

Sec. 4-8. Shows tending to cause or promote riots.

It shall be unlawful to present any public amusement or show of any kind which tends to or is calculated to cause or promote any riot or disturbance.  (Code 1958, Sec. 11.109)

Sec. 4-9. Smoking in places of amusement; signs to be posted.

(a) It shall be unlawful for any person to smoke or carry a lighted cigar, cigarette or pipe on or beneath the stage or in a dressing room of any building used as an assembly hall with seating accommodations for more than one hundred (100) persons or in which theatricals, shows, amusements, lectures or other entertainments are offered, presented, operated or exhibited.

(b) It shall be the duty of the owner of such premises or of the occupant in charge to provide and place printed signs on which the words "no smoking" shall appear in letters at least four (4) inches high, in conspicuous places, at least two (2) signs being upon the stage or in the wings thereof and one (1) in each dressing room.  (Code 1958, Sec. 11.110, 11.111)
Sec. 4-10. Exit lights required in certain places of amusement.

It shall be the duty of the owner or occupant in charge of any building or hall used as an assembly hall with accommodations for one hundred (100) persons or more in which theatricals, shows, amusements, lectures and other entertainment is offered, operated or presented to provide and place a sign on which the word "exit" shall appear in letters at least six (6) inches high, over every door or other opening from such hall to every means of egress therefrom, and a light shall be provided with a red globe and placed at or over each sign, which light shall be kept burning during the entire period that the hall is open to the public and until the audience has left the hall. (Code 1958, Sec. 11.112)

Sec. 4-11. Premises to comply with Code provisions.

It shall be unlawful to operate or permit the operation of any amusement licensed in this chapter unless the premises in which such amusement is operated or permitted to be operated conforms with all the provisions or requirements in this Code relating to public buildings and public gatherings. (Code 1958, Sec. 11.113)

Secs. 4-12--4-21. Reserved.

ARTICLE II. PUBLIC GATHERINGS GENERALLY

Sec. 4-22. Compliance with Code.

It shall be unlawful to hold, manage or conduct any meeting or entertainment of any kind in the Village, in any premises other than a building constructed in full compliance with the provisions of this Code and other ordinances and laws pertaining to construction for auditorium, theater or lodge room purposes, excepting in compliance with the other provisions of this article. (Code 1958, Sec. 27.301)

Sec. 4-23. Permits and licenses issued subject to requirements of article.

Any permit or license issued for any such public gathering shall be subject to the condition that this article be fully complied with, whether or not such condition is embodied in the license or permit. (Code 1958, Sec. 27.306)

Sec. 4-24. When inspection by Office of Building and Zoning is required.

No public gathering or entertainment shall be held or conducted in any premises other than a building as described in section 4-22 unless such premises has been examined by the Office of Building and Zoning not more than three (3) days before the date of such gathering and is found to be free from any fire hazard and suitable for the purpose. (Code 1958, Sec. 27.302)
Sec. 4-25. Notice to Village Clerk prior to inspection.

It shall be the duty of any person conducting, calling for or managing any gathering in any premises other than a theater, lodge room or auditorium building constructed as provided in section 4-22, to notify the Village Clerk of the date of such intended use at least ten (10) days before such meeting is to take place; upon such notice the Office of Building and Zoning shall inspect the premises to determine whether or not it complies with the provisions of this article. (Code 1958, Sec. 27.306)

Sec. 4-26. Roof to be nonflammable or treated.

No structure enclosed by a roof shall be used for such purpose unless the same is constructed of nonflammable materials. Tents or structures covered by canvas or similar materials may be so used if such canvas or other material has been properly treated so as to be rendered fire resistive. (Code 1958, Sec. 27.302)

Sec. 4-27. Exits.

Adequate unobstructed exits shall be provided in all premises used for public gatherings to permit rapid egress of all persons attending, and there shall be at least two (2) separate exits located at least thirty (30) feet from each other. There shall be two (2) lineal feet of doorway or exit space for each one hundred (100) people accommodated. (Code 1958, Sec. 27.303)

Sec. 4-28. Persons admitted not to exceed number of available seats.

It shall be unlawful to admit to any such premises regulated by this article a number of persons to exceed the number of actual seats maintained for their accommodation. (Code 1958, Sec. 27.304)

Sec. 4-29. Strength of seats.

Any stands or rows of seats used in any premises regulated by this article shall be so constructed as to be safe for the use designed, and shall be sufficiently strong to carry the same weight and stress as is required for the construction of the auditorium floors of theater buildings, and shall in no event be less than one hundred (100) pounds per square foot. (Code 1958, Sec. 27.304)

Sec. 4-30. Doors to open outward; egress not to be blocked.

All doors or gates on exits from premises regulated by this article shall open outward and no such exit shall be so constructed or locked that egress from inside the premises is blocked. (Code 1958, Sec. 27.305)

Secs. 4-31--4-40. Reserved.
ARTICLE III. ATHLETIC EXHIBITIONS

DIVISION 1. GENERALLY

Sec. 4-41. License required.

It shall be unlawful to conduct, operate or exhibit any race between persons, animals or vehicles, or any baseball game, boxing or wrestling matches or any other athletic contest or exhibition for admission to which a fee is charged without having first procured a license therefor. (Code 1958, Sec. 11.104)

Cross reference--Licenses generally, Sec. 12-1 et seq.

Secs. 4-42-4-43. Reserved.

Editor's note--Sections 4-42 and 4-43, requiring a deposit prior to issuance of a license for athletic exhibitions and specifying the basis for the license fee, derived from Code 1958, Sec. 11.104, were repealed by Ord. No. 82-15, Sec. 3, adopted Sept. 15, 1982.

Sec. 4-44. Verification of gross receipts.

The Village Clerk may post a person or any number of persons at the box office of each performance licensed under this division and may examine all books pertaining to such performance showing or tending to show the gross receipts. (Code 1958, Sec. 11.104)

Sec. 4-45. Police protection.

Sufficient members of the police department shall be admitted free of charge to all exhibitions licensed under this division for the purpose of preserving and maintaining order and for services rendered at such exhibitions. (Code 1958, Sec. 11.104)

Secs. 4-46--4-50. Reserved.

DIVISION 2. RESERVED *

Secs. 4-51--4-63. Reserved.

ARTICLE IV. BILLIARDS AND POOL HALLS *

Sec. 4-64. Definition.

For the purposes of this article, the term "poolroom" shall mean any place where one (1) or more billiard, pocket billiard or pool tables are kept or maintained, to be played upon for a charge of any kind.

* Editors note - Ord. No. 77-12, Sec. 1, enacted April 27, 1977, repealed Div. 2, Secs. 4-51--4-53, relative to ski tournaments. Said division was derived from Code 1958, Secs. 11.501, 11.502, 11.505, and Ord. of Jan. 3, 1969, Sec. 2.

State law reference - Authority of Village to license and regulate pool and other similar tables, 65 ILCS 11-42-2; minors under 16 years of age prohibited from working in pool halls, 820 ILCS 205/7
Sec. 4-65. License required.

No person shall operate or maintain a poolroom open to the public without having first obtained a license therefor. (Code 1958, Sec. 11.201)
Cross reference--Licenses generally, Sec. 12-1 et seq.

Sec. 4-66. Application for license; contents.

Applications for a license required by this article shall state thereon the intended location of the place of business and the number of tables to be used therein. (Code 1958, Sec. 11.201)

Sec. 4-67. Reserved.
Editor's note--Ord. No. 82-15, Sec. 3, adopted Sept. 15, 1982, repealed Sec. 4-67, specifying the license fee for billiard and pool halls, derived from Code 1958, Sec. 11.202.

Sec. 4-68. Presence of certain minors prohibited; exception.

Minors under the age of sixteen (16) years shall not under any circumstances frequent, loiter, go or remain in any hall licensed under this article at any time, unless it be upon some lawful errand and under the direction, consent and knowledge of the parent, guardian or other persons having lawful custody of such minor; and it shall be unlawful for the proprietor of any hall so licensed to allow or permit any such minor to frequent, loiter or remain within the hall in violation of this section. (Code 1958, Sec. 11.203)

Sec. 4-69. Hours of operation.

No billiard hall, or other hall licensed under this article shall be open for business or used between the hours of 1:00 a.m. and 8:00 a.m. on a weekday or between the hours of 1:00 a.m. and 12:00 noon on a Sunday. (Code 1958, Sec. 11.204)

Secs. 4-70--4-79. Reserved.

ARTICLE V. BOWLING ALLEYS *

Sec. 4-80. License required.

No person shall operate or maintain a bowling alley open to the public without having first obtained a license therefor. (Code 1958, Sec. 11.301)

* State law reference - Authority of Village to license and regulate bowling alleys, 65 ILCS 5/11-42-2; minors under age of sixteen prohibited from working in bowling alleys, 820 ILCS 205/7; bowling alley defined under Liquor Control Act, 235 ILCS 5/1-3.26
AMUSEMENTS

Cross reference--Licenses generally, Sec. 12-1 et seq.

Sec. 4-81. Application for license; contents.

Application for a license required by this article shall be made in writing and shall state thereon the intended location of the place of business and the number of alleys to be used. (Code 1958, Sec. 11.301)

Sec. 4-82. Reserved.

Editor's note--Ord. No. 82-15, Sec. 3, adopted Sept. 15, 1982, repealed Sec. 4-82, specifying the license fee for bowling alleys, derived from Code 1958, Sec. 11.302, and Ord. of April 10, 1961, Sec. 1.

Sec. 4-83. Hours of operation.

No person shall keep open, operate or use any bowling alley between the hours of 4:00 a.m. and 6:00 a.m. (Code 1958, Sec. 11.303; Ord. No. 80-23, Sec. 1, 8-20-80)

Sec. 4-84. Gambling on premises.

It shall be unlawful for any person to gamble, bet or permit any form of gambling or betting in any premises used for a bowling alley. (Code 1958, Sec. 11.304)

Secs. 4-85--4-94. Reserved.

ARTICLE VI. CIRCUSES **

Sec. 4-95. License required.

No person shall conduct or operate a circus in the Village without having first obtained a license therefor. (Code 1958, Sec. 11.401)

Cross reference--Licenses generally, Sec. 12-1 et seq.

Sec. 4-96. Application for license; contents.

Application for a license required by this article shall be made to the Village Clerk and shall specify the place in or on which the circus is to be conducted. (Code 1958, Sec. 11.402)

Sec. 4-97. License fee generally.

The fee for a license required by this article shall be two hundred and fifty ($250.00) dollars per day. (Code 1958, Sec. 11.403, Ord. No. 07-10, Sec. 2, 4-19-07)

** State law reference - Carnivals generally, Ill. Rev. Stat., Ch. 85, Sec. 2001 et seq.
Sec. 4-98. License fee for sideshows or concessions operated in connection with circus.

The license fee for each sideshow and concession operated in connection with a circus shall be ten ($10.00) dollars per day. (Code 1958, Sec. 11.404, Ord. No. 07-10, Sec. 3, 4-19-07)

Sec. 4-99. Bond required for parades held in connection with circus.

It shall be unlawful to conduct any parade connected with a circus on any public street, alley or other public way or place in the Village, unless a permit therefor is first obtained from the Village Board of Trustees. Such permit shall specify the route to be followed, and shall be accompanied by a bond in the sum of ten thousand ($10,000) dollars conditioned to indemnify the Village for any loss, damage or liability incurred or caused by the conduct of such exhibition or such parade. (Code 1958, Sec. 11.407)

Sec. 4-100. Cheating, defrauding patrons.

It shall be unlawful for any person to cheat, shortchange, or otherwise defraud any person attending or about to attend a circus performance within the Village. (Code 1958, Sec. 11.406)

ARTICLE VII. AMUSEMENT TAX

Sec. 4-101. Definitions.

When used in this article and unless otherwise distinctly expressed, the following words and phrases shall have the meanings set out herein:

(a) Admission charge: The term "admission charge" shall mean any charge for the right or privilege to any entertainment or amusement and shall include, among others, the following: all charges for seats, chairs, tables, benches, reserved or otherwise, and other similar accommodations.

(b) Entertainment or amusement: The term "entertainment or amusement" shall include among others, the following: circuses, motion picture shows, shows of all kinds, including exhibitions, concerts, lectures, vaudeville, side shows, operatic performances, theatrical performances, and any other form of diversion, show or performance other than athletic exhibitions subject to Article III of this chapter.

(c) Person: The term "person" shall include an individual, firm, corporation, company, partnership, association, an unincorporated association and any person acting in a fiduciary capacity.

(d) Taxpayer: The "taxpayer" shall mean any person who conducts or engages in the business of providing entertainment or amusement. (Ord. No. 79-13, Sec. 1, 4-18-79)
Sec. 4-102. Tax imposed.

There is hereby imposed on every person conducting or engaging in the business of providing entertainment or amusement to which a charge is made for admission within the limits of the Village of Fox River Grove, a tax of twenty-five ($0.25) cents for each admission. Said tax shall be paid on each and every admission, including complementary or promotional admissions for which no charge is made. Said tax shall be in addition to all other taxes and license fees imposed by law and by ordinance. (Ord. No. 79-13, Sec. 1, 4-18-79)

Sec. 4-103. Filing of statement and payment of the tax.

Every person conducting or engaging in the business of providing entertainment or amusement and imposing a charge for admission within the limits of the Village of Fox River Grove shall on or before the seventh day following the presentation of an entertainment or amusement, file with the Village Clerk a statement signed and sworn to by such person indicating the number of admissions (including complementary or promotional admissions) to said entertainment or amusement. A remittance for the amount of the tax levied by this article shall accompany the statement. (Ord. No. 79-13, Sec. 1, 4-18-79)

Sec. 4-104. Inspection of records.

The Village Clerk, either personally or through his authorized agents, shall have the right to inspect and examine the records of every person subject to the tax imposed by this article. (Ord. No. 79-13, Sec. 1, 4-18-79)

Sec. 4-105. Retention of records.

All records of every person conducting or engaging in the business of providing entertainment or amusement shall be retained for a period of three (3) years. (Ord. No. 79-13, Sec. 1, 4-18-79)

Sec. 4-106. Liens for unpaid taxes.

A tax due and unpaid under this article shall be a debt due to the Village of Fox River Grove. It shall be a personal obligation of the taxpayer and shall have priority over all other items and obligations except those due to the State of Illinois and the United States. Said lien shall be enforced by the Village Clerk as any other lien would be enforced against a defaulting debtor. (Ord. No. 79-13, Sec. 1, 4-18-79)

Sec. 4-107. Penalties for nonpayment of tax.

A taxpayer who fails to remit the amount of the tax when due shall, in addition to all other penalties, pay a penalty of five (5%) percent of the amount of the tax due. For each successive thirty (30) days elapsing before payment there shall be added an additional penalty of one and one-half (1.5%) percent. (Ord. No. 79-13, Sec. 1, 4-18-79)
Sec. 4-108. Determination of tax due by Village Clerk.

If a taxpayer fails to file a statement, or the Village Clerk has reasonable cause to believe that an erroneous statement has been filed, the Village Clerk may proceed to determine the amount of the tax due, and in connection therewith shall make such investigations and take such testimony and evidence as may be necessary; provided, however, that the taxpayer shall be given notice and an opportunity to be heard before any determination is made by the Village Clerk. (Ord. No. 79-13, Sec. 1, 4-18-79)

Sec. 4-109. Adoption, filing of rules and regulations.

The Village Clerk shall have power to adopt rules and regulations not inconsistent with the terms of this article for the purpose of carrying out and enforcing the payment of the tax herein levied; and a copy of such rules and regulations shall be on file and available for public examination in the Village Clerk's office. Failure or refusal to comply with any rules and regulations promulgated under this section shall be deemed a violation of this article. (Ord. No. 79-13, Sec. 1, 4-18-79)

Sec. 4-110. Violations and penalties.

Every person who willfully violates any of the provisions of this article shall be subject to a fine of not more than five hundred ($500.00) dollars for each and every violation. (Ord. No. 79-13, Sec. 1, 4-18-79)

ARTICLE VIII. COIN-OPERATED AMUSEMENT DEVICES

Sec. 4-111. Definitions.

Coin-operated amusement device, when used herein, is defined as follows: any machine, game, table or other device, designed, intended, displayed or kept as an amusement game or test of skill and for the playing of which a charge is made and 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, electronic games, skill ball, mechanical grab machines and all games, operations or transactions similar thereto under whatever name they may be indicated.

Person, as used herein, shall include the following: any person, firm or corporation or association which owns or leases any coin-operated amusement device; the person, firm, corporation or association in whose place of business any such device is placed for use by the public; and the person, firm, corporation or association having control over such device.

Operator, when used herein, shall mean any person, firm, corporation or association in immediate control of premises, including any owner or lessee thereof, within or upon which any coin-operated amusement device is displayed or located. Attendant, as used herein, shall mean any person acting for and in behalf of an operator. (Ord. No. 81-23, Sec. 1, 9-2-81)
Sec. 4-111.1. Amusement device license required; term.

Each operator shall obtain an annual coin-operated amusement device license for each coin-operated amusement device located on the premises which he controls. Each coin-operated amusement device license issued pursuant to this Code shall terminate on the last day of September next following the date of issuance. (Ord. No. 81-23, Sec. 1, 9-2-81)

Sec. 4-112. Coin-operated amusement device license fee.

The fee for each coin-operated amusement device license shall be sixty ($60.00) dollars per coin-operated amusement device per year. Except, notwithstanding any other provision of this Section, the license fee for a video gaming terminal licensed under the Illinois Video Gaming Act shall be twenty-five ($25.00) dollars per year per each terminal, or any greater amount that is allowed to be charged by a non-home rule unit of government pursuant to the Illinois Video Gaming Act, 230 ILCS 40/1 et.seq. and shall not in any manner be pro-rated or increased as provided in this Section for other licenses. Such fee for new licenses shall be lessened by an amount equal to one-twelveth (1/12) of the annual fee for each full calendar month which passes before such application is made, after the month of October. If a licensee fails to renew a license for a coin-operated amusement device prior to September 30th of any year and thereafter seeks to renew the license, the license fee shall be ninety ($90.00) dollars for the year for which renewal is sought. (Ord. No. 81-23, Sec. 1, 9-2-81, Ord. No. 01-11, Sec. 1, 3-15-2001; Ord. No. 02-20, Sec. 1, 8-15-02; Ord. 12-21, Sec. 1, 8-16-12)

Sec. 4-113. Display.

The Village shall cause to be issued coin-operated amusement device licenses to each applicant who qualifies under the terms of this Code. Each such coin-operated amusement device license shall be posted in a conspicuous place on each coin-operated amusement device or other location designated by the Village. (Ord. No. 81-23, Sec. 1, 9-2-81)

Sec. 4-114. Application for license; contents; investigation.

Each application for a coin-operated amusement device license shall contain the following information:

1. The name, address and phone number of the applicant and the owner if not applicant.

2. Location and phone number of premises where coin-operated amusement device is to be located.

3. Principal kind of business which will be conducted on the premises.

4. Statement of whether business at the premises will be conducted by a manager or agent, and the name, address and phone number of any such manager or agent.
(5) A diagram showing the number of coin-operated amusement devices to be located on the premises, the location of each device on the premises, and a description of each device.

(6) If a corporation, set forth the following:

(a) Corporate name and address;
(b) Date and place of incorporation;
(c) Names and addresses of corporate officers and directors;
(d) Names and addresses of all persons or legal entities owning five (5%) percent or more of the corporation's stock.

(7) If a partnership, set forth the following:

(a) Date and place when the partnership was formed;
(b) The names of all general partners;
(c) If a limited partnership, the names of all limited partners owning five (5%) percent or more interest in the partnership.

(8) State whether any individual, partner, officer or shareholder has ever been convicted of any criminal offense in any state or federal court or has ever forfeited an appearance bond on a felony charge; if yes, state the offense.

(9) If the business on the subject premises will be conducted by a manager or agent, state whether the manager or agent has ever been convicted of any criminal offense in any state or federal court or has ever forfeited an appearance bond on a felony charge; if yes, state the offense.

Applications for license shall be made out in duplicate, one copy being referred to the chief of police and the other copy to be referred to the Village President. The application shall be investigated by the Chief of Police. The Village President shall direct the Village Clerk to issue the license to the applicant if the Chief of Police's investigation shows that the applicant is qualified to receive the license. (Ord. No.81-23, Sec. 1, 9-2-81)

Sec. 4-115. Limitations on issuance of license.

No license shall be issued hereunder if the applicant, or if a partnership or corporation, any officer or director, five (5%) percent or more shareholder, or any member of the partnership, or any manager or agent in charge of the premises has been convicted of a felony or any crime involving dishonesty or false statement. (Ord. No. 81-23, Sec. 1, 9-2-81)

Sec. 4-116. Duties of licensees.
(a) It shall be unlawful to permit gambling on the premises where a coin-operated amusement device is located. Any operator or attendant who observes any gambling on such premises, or has reasonable grounds to suspect that gambling is taking place, shall immediately cause the removal from the premises of such persons as are involved in the gambling activity. Except, notwithstanding the foregoing, it shall be lawful to operate video gaming terminals licensed and operated in accordance with the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., on a premises where a coin-operated amusement device is located. (Ord. 12-21, Sec. 2, 8-16-12)

(b) The operator or an attendant shall be on the premises where a coin-operated amusement device is located at all times during which the premises are open to the public and shall be in such a position as to have a clear view of all of the coin-operated amusement devices and activity taking place on the premises.

(c) It shall be unlawful for the operator hereunder to permit such noise, either by mechanical means or noise on the part of the patrons which shall cause a disturbance to the adjacent and surrounding uses as would cause the normal operation of said businesses to be damaged or unreasonably disturbed.

(d) The licensee shall cause the premises where a coin-operated amusement device is located to remain in a clean and sanitary condition at all times and shall place such waste receptacles in and around the premises so as to accomplish the above.

(e) A licensee shall provide adequate and orderly parking for all bicycles and motor vehicles and shall keep the storefront unobstructed so that the sidewalks are clear and open to pedestrian traffic.

(f) No coin-operated amusement device shall be placed on premises which are located within five hundred (500) feet of any church or school.

(g) It shall be unlawful for any licensee or attendant to knowingly permit any individual under the influence of drugs on the premises where coin-operated amusement devices are located.

(h) All operators or attendants hereunder shall have the affirmative duty to report to the Police Department any and all incidents of disorderly conduct as defined and regulated in this Code of Ordinances, and which take place within the premises or outside such premises within one hundred (100) feet from the entrance whether personally observed, or upon observation or notification. Failure to report to the police as herein provided shall be deemed sufficient cause to revoke the license issued hereunder. (Ord. No. 81-23, Sec. 1, 9-2-81; Ord. 12-21)

Sec. 4-117. Gambling.
AMUSEMENTS

Nothing contained in this article shall in any way be construed to authorize, license or permit the operation of any gambling devices, as defined in section 5/28-1 of the Illinois Criminal Code of 1961 (720 ILCS). Any such gambling device shall be seized by the police in accordance with 720 ILCS 5/28-5. Video gaming terminals licensed and operated in accordance with the Illinois Video Gaming Act, 230 ILCS 40/1 et.seq., shall not be construed as being gambling devices under this Section. The provision, operation and use of video gaming terminals in accordance with the Illinois Video Gaming Act, 230 ILCS 40/1 et.seq., shall not be construed as gambling. (Ord. No. 81-23, Sec. 1, 9-2-81, Ord. No. 97-27, Sec. 6, 8-21-97; Ord. 12-21, Sec. 3, 8-16-12)

Sec. 4-118. Inspection of premises.

Each licensee shall permit inspection of any premises where a coin-operated amusement device is located during regular business hours by Village officials to determine compliance with the provisions of this Code. (Ord. No. 81-23, Sec. 1, 9-2-81)

Sec. 4-119. Suspension and revocation of license.

Every license issued under this article is subject to the right of the Village President, which is hereby expressly reserved, to suspend or revoke the same should the licensee, directly or indirectly, permit the operation of any coin-operated amusement device contrary to the provisions of this article, the ordinances of the Village of Fox River Grove, or the law of the State of Illinois. If a license is revoked or suspended pursuant to this section, the licensee shall have seven (7) days from the date the revocation or suspension is made to file with the Village Clerk, a written request for a hearing on the revocation or suspension before the Village's corporate authorities. No suspension or revocation shall be effective until the period for filing a request for a hearing has elapsed. If a request for a hearing is made, the suspension or revocation shall not become effective unless after a hearing is held by the Village's corporate authorities, the corporate authorities determine that the license should be suspended or revoked. Any revocation of a license issued in pursuance of the provisions of this Code shall ipso-facto bar reinstatement of the same, or the granting of a new license to any corporation, partnership, or individual shareholder, partner or owner of which was a shareholder, partner or owner or a licensee whose license has heretofore been revoked, for a term of not less than one (1) year immediately following such revocation. (Ord. No. 81-23, Sec. 1, 9-2-81)

Sec. 4-120. Transfer of license.

(a) A coin-operated amusement device license may be transferred from one such device to another device upon application to the Village President to such effect and the giving of a description and the serial number of the new device.

(b) If the licensee shall move his place of business to another location within the Village of Fox River Grove, the license may be transferred to such new location upon application to the Village President, giving the street and number of the new location.
(c) Except as provided herein, a license shall not be transferable from person to person nor place to place, and shall be usable only at the place and by the person designated in the license. (Ord. No. 81-23, Sec. 1, 9-2-81)

Sec. 4-121. Penalty.

In addition to any other penalty imposed by this Code, any person who shall be convicted of violating any provisions of this article shall be fined not less than fifty ($50.00) dollars nor more than five hundred ($500.00) dollars for each such offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 81-23, Sec. 1, 9-2-81)

ARTICLE IX. JUKEBOXES

Sec. 4-122. Definitions.

Jukebox, when used herein, is defined as follows: any machine or other device, designed or intended to be used for the purpose of playing music for which a charge is made and which, upon the insertion of money or a slug, token, plate or disc, may be operated by the public generally.

Person, as used herein, shall include the following: any person, firm or corporation or association which owns or leases any jukebox; the person, firm, corporation or association in whose place of business any jukebox is placed for use by the public; and the person, firm, corporation or association having control over a jukebox.

Operator, when used herein, shall mean any person, firm, corporation or association in immediate control of premises, including any owner or lessee thereof, within or upon which any jukebox is located. (Ord. No. 81-24, Sec. 1, 9-2-81)

Sec. 4-123. Jukebox license required; term.

Each operator shall obtain an annual jukebox license for each jukebox located on the premises which he controls. Each jukebox license issued pursuant to this Code shall terminate on the last day of September next following the date of issuance. (Ord. No. 81-24, Sec. 1, 9-2-81)

Sec. 4-124. Jukebox license fee.

The fee for each jukebox license shall be thirty-five ($35.00) dollars per jukebox per year. Such fee for new licenses shall be lessened by an amount equal to one-twelfth (1/12) of the annual fee for each full calendar month which passes before such application is made, after the month of October. If a licensee fails to renew a license for a jukebox prior to September 30th of any year and thereafter seeks to renew the license, the license fee shall be fifty-two dollars and fifty cents ($52.50) for the year for which
Sec. 4-125. Display of license.

The Village shall cause to be issued jukebox licenses to each applicant who qualifies under the terms of this Code. Each such jukebox license shall be posted in a conspicuous place on each jukebox or other location designated by the Village. (Ord. No. 81-24, Sec. 1, 9-24-81)

Sec. 4-126. Application for license; contents; investigation.

Each application for a jukebox license shall contain the following information:

1. The name, address and phone number of the applicant and the owner, if not the applicant
2. Location and phone number of premises where the jukebox is to be located.
3. Principal kind of business which will be conducted on the premises.
4. Statement of whether business at the premises will be conducted by a manager or agent, and the name, address and phone number of any such manager or agent.
5. A diagram showing the number of jukeboxes to be located on the premises, and the location of each jukebox on the premises.
6. If a corporation, set forth the following:
   (a) Corporate name and address;
   (b) Date and place of incorporation;
   (c) Names and address of corporate officers and directors;
   (d) Names and addresses of all persons or legal entities owning five (5) percent or more of the corporation's stock.
7. If a partnership, set forth the following;
   (a) Date and place when the partnership was formed;
   (b) The names of all general partners;
   (c) If a limited partnership, the names of all limited partners owning five (5) percent or more interest in the partnership.

Applications for license shall be made out in duplicate, one copy being referred to the Chief of Police and the other copy to be referred to the Village President. The application shall be investigated by the Chief of Police. The Village President shall direct the Village Clerk to issue the license to the applicant.
if the Chief of Police's investigation shows that the applicant is qualified to receive the license. (Ord. No. 81-24, Sec. 1, 9-2-81)

Sec. 4-127. Inspection of premises.

Each license shall permit inspection of any premises where a jukebox is located during regular business hours by Village officials to determine compliance with the provisions of this Code. (Ord. No. 81-24, Sec. 1, 9-2-81)

Sec. 4-128. Suspension and revocation of license.

Every license issued under this article is subject to the right of the Village President, which is hereby expressly reserved, to suspend or revoke the same should the licensee, directly or indirectly, permit the operation of any jukebox contrary to the provisions of this article, the ordinances of the Village of Fox River Grove, or the law of the State of Illinois. If a license is revoked or suspended pursuant to this section, the licensee shall have seven (7) days from the date revocation or suspension is made to file with the Village Clerk, a written request for a hearing on the revocation or suspension before the Village corporate authorities. No suspension or revocation shall be effective until the period for filing a request for a hearing has elapsed. If a request for a hearing is made, the suspension or revocation shall not become effective unless after a hearing is held by the Village's corporate authorities, the corporate authorities determine that the license should be suspended or revoked. Any revocation of a license issued in pursuance of the provisions of this Code shall ipso facto bar reinstatement of the same, or the granting of a new license to any corporation, partnership or individual shareholder, partner, or owner of which was a shareholder, partner or owner or licensee whose license has heretofore been revoked, for a term of not less than one (1) year immediately following such revocation. (Ord. No. 81-24, Sec. 1, 9-2-81)

Sec. 4-129. Transfer of license.

(a) A jukebox license may be transferred from one jukebox to another jukebox upon application to the Village President to such effect and the giving of a description and the serial number of the new jukebox.

(b) If the licensee shall move his place of business to another location within the Village of Fox River Grove, the license may be transferred to such new location upon application to the Village President, giving the street and number of the new location.

(a) Except as provided herein, a license shall not be transferable from person to person nor place to place, and shall be usable only at the place and by the person designated in the license. (Ord. No. 81-24, Sec. 1, 9-2-81)
Sec. 4-130. Penalty.

In addition to any other penalty imposed by this Code, any person who shall be convicted of violating any provisions of this article shall be fined not less than fifty ($50.00) dollars nor more than five hundred ($500.00) dollars for each such offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 81-24, Sec. 1, 9-2-81).

ARTICLE X. RAFFLES*

Sec. 4-131. Definitions.

For the purposes of this Article, the following words and phrases shall be defined as follows:

Business means a voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

Charitable means an organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

Educational means an organization or institution organized and operated to provided systematic instruction in useful branches of learning by methods common to school and institutions or learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

Fraternal means an organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

Labor means an organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

Net proceeds means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a

* Ord. 95-13; state law reference 230 ILCS 15/1 et seq.
Ord. 95-13, 6-15-95
raffle.

Nonprofit means an organization or institution organized and conducted on a not-for-profit basis with no personal profit incurring to anyone as a result of the operation.

Raffle means a form of lottery, as defined in the Illinois Compiled Statutes, 230 ILCS 15/1, conducted by an organization in which:

(1) The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by some other medium, one or more of which chances is to be designated the winning chance; and

(2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

Religious means any church, congregation, society or organization founded for the purpose of religious worship.

Veterans mean an organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

Sec. 4-132 Administration - designation of Raffles Commissioner.

The Chief of Police shall, as part of his duties as Chief of Police, serve as the Raffles Commissioner and shall be charged with the administration of the provisions of this Article. The Raffles Commissioner shall receive no additional compensation for performing the powers and duties of such office.

Sec. 4-133 Powers, duties of Raffles Commissioner.

The Raffles Commissioner shall have the following powers, function and duties:

(1) To grant, suspend or revoke all licenses issued;

(2) To receive complaints from any citizen of the Village that any provision of this Article has been or is being violated, and to act upon such complain in the manner provided by law; and

(3) To keep or cause to be kept a complete record of all licenses issued as provided in this Article.
Sec. 4-134. License required - eligibility, restrictions.

No person, firm or corporation shall conduct a raffle or sell or otherwise distribute chances for a raffle within the Village unless a license has been issued for the raffle pursuant to this Article and has not been revoked or suspended.

1) Eligibility. Licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans’ organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license and which have had during that entire five (5) year period, a bona fide membership engaged in carrying out their objectives, or to a non-profit fundraising organization that the Raffles Commissioner determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster.

2) Restrictions. Licenses are subject to the following restrictions.

a) Licenses issued pursuant to this Article shall be valid for only one (1) raffle. Any entity shall be able to apply for no more than four (4) raffles in any given year. Each raffle shall be scheduled and held on only one (1) day or date.

b) The aggregate retail value of all prizes and merchandise awarded by a licensee in a single raffle shall not exceed two hundred thousand ($200,000.00) dollars.

c) The maximum retail value of each prize award in a single raffle shall not exceed two hundred thousand ($200,000.00) dollars.

d) The maximum price which may be charged for each raffle chance issued or sold shall not exceed two hundred ($200.00) dollars.

e) The maximum number of days during which chances may be issued or sold shall not exceed one hundred eighty (180) days.

Sec. 4-135. License - contents of application.

The application for a license required by this Article shall contain the following information:

1) The area or areas within the Village in which raffle chances will be sold or issued;

2) The time period during which raffle chances will be sold or issued;

3) The time of determination of winning chances and the location or locations at which winning
chances will be determined; and

(4) A sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by the presiding officer and the secretary of that organization.

In addition to the foregoing information, the application shall contain such other and further information as the Raffles Commissioner may prescribe by rule or regulation not inconsistent with law.

Sec. 4-136. Person, organizations not eligible for license.

No raffle license shall be issued to:

(1) Any person who has been convicted of a felony;

(2) Any person who is or has been a professional gambler or gambling promoter;

(3) Any person who is not of good moral character;

(4) Any firm or corporation in which a person defined in (1), (2) or (3) has a proprietary, equitable or credit interest, or which such a person is active or employed;

(5) Any organization in which a person defined in (1), (2) or (3) is an officer, director, or employee, whether compensated or not; or

(6) Any organization in which a person defined in (1), (2) or (3) is to participate in the management or operation of a raffle as defined in this Article.

Sec. 4-137. License fees.

All fees for licenses required by this Article shall be paid to the Village Clerk at the time of application. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, the fee shall be deposited in the general fund or such other fund designated by the Board of Trustees. The license fee for each raffle conducted under the terms of this Article shall be based on the total value of the prizes, as follows:

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<th>PRIZE</th>
<th>FEE</th>
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<td>(up to and including)</td>
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$  2,500.00        -0-
5,000.00      $ 15.00
10,000.00     20.00
50,000.00     25.00
100,000.00     50.00
200,000.00     100.00

Sec. 4-138.  Conduct of raffles.

The conducting of raffles is subject to the following restrictions:

1. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that raffle.

2. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.

3. No person may receive any remuneration or profit for participating in the management or operation of the raffle.

4. A license may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Article.

5. Raffle Chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license.

6. No person under the age of eighteen (18) years may participate in the conduct of a raffle or sell or distribute chances for a raffle. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his/her parent or guardian.

Sec. 4-139.  Raffles - manager - bond.

1. Required. The operation of and conduct of raffles shall be under the supervision of a single raffles manager designated by the organization.

2. Bond:

   (a) Required; amount. The manager shall post a fidelity bond with the Raffles Commissioner, naming the licensed organization as obligee. The amount of such bond shall be determined by the Raffles Commissioner and be conditioned upon
the honesty of the manager in the performance of his/her duties.

(b) **Cancellation.** Terms of the bond shall provide that notice shall be given in writing to the Raffles Commissioner not less than thirty (30) days prior to its cancellation.

(c) **Waiver of requirement.** The Board of Trustees may waive this bond requirement by including a waiver provision in the license issued to an organization under this Article, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

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**Sec. 4-140. Records to be kept.**

(1) **By Raffles Commissioner.** The Raffles Commissioner shall keep or cause to be kept, a complete record of all licenses required by this Article issued.

(2) **By licensee.**

(a) Each organization licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(b) Gross receipts from the operation of raffles shall be segregated from other revenues of the organization, including bingo gross receipts, if licensed bingo games are also conducted by the same nonprofit organization pursuant to license therefore issued by the Illinois Department of Revenue and placed in a separate account. Each organization shall have separate records of each of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

(c) Each organization licensed to conduct raffles shall report promptly after the conclusion of each raffle to its membership, and to the Village, its gross receipts, expenses and net proceeds itemized as required in this Section.
(3) **Length of time; availability for inspection.** Records required by this Article shall be preserved for three (3) years. Organizations shall make their records relating to the operation of raffles available for public inspection at reasonable times and places.

**Sec. 4-141. Suspension, revocation procedures.**

(1) The Raffles Commissioner may revoke or suspend any license issued under this Article if he/she determines that the licensee has violated any provision of this Article.

(2) No raffles license shall be revoke or suspended except after a hearing by the Raffles Commissioner with three (3) days' written notice to the licensee affording him an opportunity to appear and defend himself.

(3) Within five (5) days after the hearing, if the Raffles Commissioner determines that the license should be revoked or suspended, the Raffles Commissioner shall state the reason or reasons for such determination in a written order or revocation or suspension and shall serve a copy of this order within such five (5) days upon the licensee.

**Sec. 4-142. Construction.**

Nothing in this Article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than a raffle as provided for in this Article.
Chapter 5

ANIMALS

Art.  I.   In General, Secs. 5-01--5-22
Art.  II.  Dogs, Secs. 5-23-5-41
Art. III. Small Animal Shops, Secs. 5-42--5-47

ARTICLE  I.  IN GENERAL

Sec. 5-01.  Agreement for cooperative animal control service.

The Village President and the Village Clerk are hereby authorized to execute a copy of the agreement for cooperative animal control services between the County of McHenry, Illinois and the Village, a copy of which is attached hereto and made a part hereof. (Ord. No. 74-8, Sec. 1, 9-11-74)

Editor's note--Ord. No. 74-8, Sec. 1, being nonamendatory of this Code, has been included herein as Sec. 5-01 at the discretion of the editors. The agreement referred to in the section is not set out herein, but is on file in the office of the Village Clerk.

Sec. 5-1.  Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Animal yard shall mean any enclosure, shed or structure used to house animals, except for common household pets.

Fowl shall include chickens, ducks, geese and any other poultry.

Poultry yard shall mean any enclosure, shed or structure used to house two (2) or more live fowl.

Sec. 5-2.  Cruelty to animals.

No person shall cruelly treat any animal in the Village in any way. Any person who inhumanely beats, underfeeds, overloads or abandons any animal shall be deemed guilty of a violation of this section. (Code 1958, Sec. 18.101)

State law reference--Authority of Village to prevent cruelty to animals, 65 ILCS 5/11-5-6

Sec. 5-3.  Certain animals prohibited from running at large or grazing in Village; impoundment.

It shall be unlawful to permit any cattle, horses, swine, sheep, goats, cats or poultry to run at large in the village. Any such animal running at large in any place in the Village shall be impounded in the manner provided in this chapter for the impoundment of dogs. It shall be further unlawful to picket or tie any such animal in any of the streets of the Village for the purpose of grazing or feeding. (Code 1958, Sec. 18.104)
State law reference--Authority of Village to prevent certain animals from running at large, 65 ILCS 5/11-20-9

Sec. 5-4. **Hitching animals.**

It shall be unlawful for any person to hitch or fasten to any shade or ornamental tree, to any fence in the Village or to any Village property, without the owner's consent or Village's permission, any horse, mule or other animal.

Sec. 5-5. **Allowing dog or cat to go on premises of another prohibited; declared a nuisance.**

It shall be unlawful for any person owning or having control of any dog or cat to knowingly or negligently permit or allow the dog or cat to go upon any premises other than the premises of the owner or person in control of such animal. Such conduct on the part of the owner or person in control of any dog or cat is hereby declared a nuisance.

Sec. 5-6. **Dangerous animals--Running at large; permit required for exhibition.**

It shall be unlawful to permit any dangerous animal or any vicious animal of any kind to run at large within the village. Exhibitions or parades of animals that are ferae naturae in the eyes of the law may be conducted only upon securing a permit from the Chief of Police. (Code 1958, Sec. 18.102)

Sec. 5-7. **Authority to destroy dangerous animals.**

The members of the Police Department are authorized to kill any dangerous dog or other animal of any kind when it is necessary for the protection of any person or property. (Code 1958, Sec. 18.105)

State law reference--When dangerous animals may be summarily killed, 510 ILCS 5/24

Sec. 5-8. **Killing animals.**

It shall be unlawful for any person to engage in killing any animal in the Village other than as prescribed by law.

Sec. 5-9. **Noisy animals prohibited.**

It shall be unlawful to harbor or keep any animal which disturbs the peace by loud noises at any time of the day or night. (Code 1958, Sec. 18.103)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 5-10. **Diseased animals--exposure to public; removal from owner's premises; shipping; disposition of animal treatment of premises.**

No domestic animal afflicted with a contagious disease or an infectious disease shall be allowed to run at
large, or to be exposed in any public place whereby the health of man or beast may be affected. No such diseased animal shall be shipped or removed from the premises of the owner thereof, except under the supervision of the Superintendent of Building and Zoning. It is hereby made the duty of the Superintendent of Building and Zoning to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of contagion or infection, except in cases where the state veterinarian is empowered to act. (94-14, Sec. 1, 3-17-94)

Sec. 5-11. Keeping certain livestock prohibited; exception.

It shall be unlawful to keep any live goats, swine, pigs, poultry, horses, ponies or cattle in the Village except on a farm. (Code 1958, Sec. 18.107)

Sec. 5-12. Sanitation requirements for housing animals and poultry.

(a) No person shall cause or allow any stable or place where any animal is or may be kept to become unclean, or unwholesome.

(b) Every person maintaining a poultry or animal yard shall keep the same clean and sanitary. The yard shall be thoroughly swept at least once every twenty-four (24) hours, and it shall be unlawful to permit any decaying food, or any refuse of any kind, to remain in such yard. Refuse from such yards shall, when swept up or collected, be kept in airtight containers until disposed of in accordance with the ordinances of the Village, and it shall be unlawful to permit any such refuse to remain uncovered.

(c) Every poultry or animal yard shall be adequately enclosed so as to be impenetrable against rats or other rodents. The presence of any rats in any poultry or animal yard shall be prima facie evidence that such yard is maintained in violation of the provisions of this section.


(a) If any dog, cat or other domestic animal defecates or vomits on any street, alley or other public place, or upon private property, other than that in the possession or under the control of the owner or keeper of the dog, cat or other domestic animal, such owner or keeper shall immediately after the dog, cat or other domestic animal defecates, remove the feces or vomit from the public place or private property and dispose of the feces or vomit in a clean, safe and sanitary manner.

(b) The owner or keeper of a dog who is walking the dog on any street, alley or other public place, or on any private property not in his possession or under his control, is required to carry with him a "pooper scooper" or similar device which will, if the dog defecates, enable the owner or keeper to remove the feces in a clean and sanitary manner.
(c) It shall be unlawful for the owner or keeper of any dog, cat or other domestic animal to fail to comply with the provisions of subparagraph (a) of this section. It shall be unlawful for the owner or keeper of any dog to fail to comply with the provisions of subparagraph (b) of this section. (Ord. No. 2-14, Sec. 1, 6-17-92)

Secs. 5-14--5-22. Reserved.

ARTICLE II. DOGS*

Sec. 5-23. Limit on number which may be kept.

It shall be unlawful for any person to keep or harbor within the Village more than three (3) dogs, male or female, over two (2) months old on any premises occupied by one (1) family or more. Different parties living on the same premises or building, or using the same premises, shall not keep or harbor thereon more than three (3) dogs and, if they do so, each of such persons shall be guilty of violating this section. This section shall not apply to licensed pet shops, kennels and veterinary hospitals.

Sec. 5-24. License required; tax.

Repealed in its entirety. (Code 1958, Sec. 18.201, Ord. 2006-02, Sec. 1, 1-19-06)
Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.
State law reference--Authority of Village to levy dog tax, 65 5/11-20-9

Sec. 5-25. Certificate of inoculation required.

It shall be the duty of the owner or person in custody of any dog kept in the Village to have the dog inoculated against rabies as often as necessary. (Code 1958, Sec. 18.206, Ord. 06-02, Sec. 4, 1-19-06)

Sec. 5-26. Tag required.

Repealed in its entirety. (Code 1958, Sec. 18.201, Ord. 2006-02, Sec. 2, 1-19-06)

Sec. 5-27. Collar required; wearing of tag.

Every person keeping or harboring any licensed dog shall keep and maintain a collar around the neck of the dog and display on the collar any license tag or inoculation tag which is required by any applicable law to be displayed on the collar. (Code 1958, Sec. 18.201, Ord. 06-02, Sec. 5, 1-19-06)

*State law reference--Dogs generally, 510 ILCS 5/1 et seq.
Sec. 5-28. Running at large prohibited and declared a nuisance.

(a) It shall be unlawful for any person to permit any dog owned or kept by him, to run at large within the Village. Any dog found to be running at large is hereby declared to be a nuisance.

(b) Any dog shall be deemed to be "running at large" within the meaning of this section when not on a leash and accompanied by its owner or keeper and when it shall have free and unrestricted access to any public street or alley or to the premises of any person other than the premises of the owner or keeper. (Ord. of 12-10-62, Sec. 1, Ord. 06-02, Sec. 6, 1-19-06)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.
State law reference--Authority of Village to prevent animals from running at large, 65 ILCS 5/11-20-9

Sec. 5-29. When dogs are to be muzzled.

It shall be unlawful for any person to permit any dog to be upon any public place or on any private premises not enclosed by an adequate fence or wall unless such dog is securely muzzled at any time when an emergency exists because of the prevalence of rabies or for any other cause. (Code 1958, Sec. 18.204)

Sec. 5-30. Impounding; redemption; disposition of unredeemed dogs.

Repealed in its entirety. (Code 1958, Sec. 18.203, Ord. 02-02, Sec. 3, 1-19-06)

Sec. 5-31. Biting dogs; rabies.

Whenever any dog bites a person, the owner of the dog shall immediately notify the Police Department who shall order the dog held on the owner's premises or shall have it impounded for a period of two (2) weeks. The dog shall be examined immediately after it has bitten anyone and again at the end of the two (2) week period. If, at the end of two (2) weeks a veterinarian is convinced that the dog is then free from rabies, the dog shall be released from quarantine or the pound as the case may be. If the dog dies in the meanwhile, its head shall be sent to the appropriate state agency for examination for rabies. (Code 1958, Sec. 18.205)

State law reference--Rabies control generally, 510 ILCS 5/24

Secs. 5-32--5-41. Reserved.

ARTICLE III. SMALL ANIMAL SHOPS

Sec. 5-42. Defined.

For the purposes of this article, the term "small animal shop" shall be construed to include any establishment for the raising, training, boarding, grooming or selling of dogs, cats, birds, mice, rats or other small animals for hire or profit, or where more than three (3) dogs or cats are harbored or kept.
Sec. 5-43. License required.

It shall be unlawful to operate a small animal store anywhere in the Village without first securing a license therefor.

Cross reference--Licenses generally, Sec. 12-1 et seq.

Sec. 5-44. Reserved.

Editor's note--Section 5-44, specifying the license fee for small animal shops was repealed by Ord. No. 82-15, Sec. 3, adopted Sept. 15, 1982.

Sec. 5-45. Sanitation.

Every place used as a small animal shop shall be kept in a clean and sanitary condition, and no refuse or waste material shall be allowed to remain thereon for more than twenty-four (24) hours. Any animal having any disease shall be properly isolated and treated.

Sec. 5-46. Humane treatment.

All animals kept in small animal shops within the Village shall be humanely treated.

Sec. 5-47. Retail Sale of Dogs, Cats and Rabbits

(a) Definitions. As used in this section:

“Offer(s) for sale” means to display, sell, deliver, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog, cat or rabbit.

“Retailer” means any person licensed or required to be licensed under this chapter who offers for sale any dog, cat or rabbit in the Village.

“Rescue organization” means any not-for-profit organization that has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats or rabbits.

(b) Restrictions on the retail sale of animals. A retailer may offer for sale only those dogs, cats or rabbits that the retailer has obtained from:

(1) an animal control center, animal care facility, kennel, pound or training facility operated by any subdivision of local, state or federal government; or

(2) a humane society or rescue organization.

(c) Exemptions. The restrictions on retailers set forth in subsection (b) of this section shall not apply to any entity listed in paragraphs (1) or (2) of subsection (b) of this section, or to any veterinary
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hospital or clinic licensed pursuant to the Veterinary Medicine and Surgery Practice Act of 2004, codified at 225 ILCS 115.

(d) Disclosures required. Any retailer who offers for sale a dog, cat or rabbit shall make the following disclosures to the customer about such animal:

(1) for each dog or cat: a written disclosure meeting all of the requirements set forth in Sections 3.5 or 3.15, as applicable, of the Animal Welfare Act, codified at 225 ILCS 605; and,

(2) for each rabbit: (i) the breed, approximate age, sex and color of the animal; (ii) the date and description of any inoculation or medical treatment that the animal received while under the possession of the retailer; (iii) the name and address of the location where the animal was born, rescued, relinquished or impounded; and (iv) if the animal was returned by a customer, the date of and reason for the return.

The disclosures required under this subsection (d) shall be provided by the retailer to the customer in written form and shall be signed by both the retailer and customer at the time of sale.

The retailer shall retain the original copy of such disclosure and acknowledgement for a period of 2 years from the date of sale. Upon request by an authorized Village official, the original copy of such disclosure and acknowledgement shall be made immediately available for inspection by such authorized Village official.

The retailer shall post, in writing, in a conspicuous place on or near the cage of any dog, cat or rabbit offered for sale all of the information about a dog, cat or rabbit required under this subsection and other applicable law. (Ord. 15-16, Sec. 1, 9-3-15)
Chapter 6

BUILDINGS AND BUILDING REGULATIONS*

Art. I. In General, Secs. 6-1--6-18
Art. II. Office of Building and Zoning, Sec. 6-19--6-31
Art. III. Permits and Inspections, Secs. 6-32--6-47
Art. IV. Operations, Secs. 6-48--6-74
Div. I. Generally, Secs. 6-48--6-53
Div. 2. Use of Public Ways, Secs. 6-54--6-74
Art. V. Moving Buildings, Secs. 6-75--6-91
Art. VI. Dangerous Buildings, Secs. 6-92--6-108
Art. VII. Signs and Awnings, Secs. 6-109--6-147 Repealed. See Zoning Ordinance.
Art. VIII. Housing, Secs. 6-148--6-159
Art. IX. Electricity, Secs. 6-160--6-180
Art. X. Plumbing, Secs. 6-181--6-197
Div. 1. Generally, Secs. 6-181--6-189
Div. 2. Permits and Inspections, Secs. 6-190--6-197
Art. XI. Multiple-Family Residential Rental Property Inspections, Secs. 6-200-210
Art. XII. Property Maintenance, Sec. 6-300-6-311 (6-305 to 6-310 Mobile Homes, Recreational Vehicles, Boats)
Art. XIII. Vacant Commercial Buildings, Secs. 6-400-6-406

ARTICLE 1. IN GENERAL

Sec. 6-1. Building code (except one- and two-family buildings) adopted.

That certain document, three (3) copies of which are on file in the office of the Village Clerk being marked and designated as the 2006 International Building Code, as published by the International Code Council, Inc. be and is hereby adopted by reference as the Building Code of the Village and each and all of the regulations, provisions, conditions and terms of the 2006 International Building Code are hereby referred to, adopted and made a part hereof by reference, as if fully set out in this Code. (Ord. 97-10, Sec. 1, 5/15/97, Ord. 02-04, Sec. 1, 2-21-2002, Ord. No. 07-27, Sec. 1, 8-16-07)

State law reference--Adoption of technical codes by reference, 65 ILCS 5/1-3-2 et seq.

Sec. 6-2. Terms in building code defined.

*Cross references--Board of zoning appeals, Sec. 2-224 et seq.; flood damage prevention, Ch. 8 1/2; mobile homes and mobile home parks, Sec. 14-1 et seq.; standards for required improvements, Ch. 17 1/2; streets and sidewalks, Sec. 18-1 et seq.; subdivisions, Sec. 19-1 et seq.; water and sewers, Sec. 23-1 et seq.

Whenever the following words and phrases are used in the Building Code adopted by this Article, they shall have the meanings respectively ascribed to them by this Section:

*Building official* shall mean the Office of Building and Zoning.

*Municipality* shall mean the Village of Fox River Grove.

**Sec. 6-3. Amendments to building code.**

International Building Code: Section 903.0 Fire Sprinklers

A. An approved fire sprinkler system shall be provided for:

1. All new buildings and structures.

2. All remodeling, reconstruction or alteration (as defined in this Section) of an existing building or structure of more than fifty (50%) percent of the aggregate net floor area of the entire building or structure.

   a. Provided, however, that in situations where the change is being constructed in stages, the automatic sprinkler system shall be installed in no more than two (2) phases, with the first phase to be completed and fully serve the initial area being altered and the second phase to be fully completed with the alteration of any other portion of the building or structure. In addition, the area included in the second phase must be provided with approved fire detection at the time the first phase of the automatic sprinkler system is installed.

3. Any change of any portion of an existing building or structure to an assembly occupancy type.

B. Exception: Detached structures, which comply with all of the following, do not require automatic fire sprinklers:

1. Less than five hundred (500) square feet in area.
2. Single story.
3. Not used as a dwelling or sleeping.
5. Not used for high hazard products or hazardous materials.
6. No basements.
7. Minimum separation to other buildings twenty (20) feet.

(Ord. No. 11-18, Sec. 1, 6-16-11)
4. Conditions/scenarios requiring the installation of fire detection and suppression in addition, alteration or remodel projects for existing non-residential (commercial and industrial) buildings. It does not apply to 1-2 story single family homes and duplexes nor 1-3 story apartments, townhomes and condominiums.

A. Repairs and work on undamaged components that are necessary for the required repair of damaged components, shall be considered part of the repair, and shall not be subject to additional fire detection or suppression requirements. Example: Door or window replacement.

1. **Alteration Level 1** – Level 1 Alterations shall maintain the level of fire protection as required under the original construction. It has been the opinion of the ICC Code making panel(s) that modern construction materials, with the standard manufacture4d enhancements, provide adequate protection to meet or exceed the fire resistance qualities of the original construction materials. Example: A localized remodel of a space, or replacement of components (luminaries, plumbing fixtures, HVAC units, addition or replacement of cubicles, etc.). The use and configuration (size of space/structural elements) where the space and the life/safety hazard level is unchanged as a result of the work.

2. **Alteration Level 2** – In Level 2 Alterations automatic fire detection and suppression shall be provided within the work area in accordance with the requirements for new construction of the International Building Code and the International Fire Code, both as currently adopted and amended by the Village of Fox River Grove, plus the following requirements:

   **Mixed Use Buildings**

   A. Subject to the actual Use Group Classifications, in mixed use occupancies, those areas not included in the work area, but which share a common structural element (floor, wall, etcetera) and are not required by their use group to be provided with automatic fire suppression, will be required to be provided with fire resistant rated construction separating these occupancies from the work area(s).

   B. Work areas located in windowless stories shall be provided with automatic fire suppression. This is a requirement for new construction under Section 903.2.10 of the current building code.

   **Use Groups R-1, R-3, R-4, I-1**
A. Individual sleeping units and individual dwelling units in any work area in Group R-1, R-3, R-4, and I-1 shall be provided with smoke alarms in accordance with the International Fire Code. Interconnection of smoke alarms outside the rehabilitation work areas shall not be required. While it is unlikely that any existing facilities predate the current requirements for smoke/fire detection/alarming, it will help assure that facility classification changes created by a change of use will be kept current.

1. Work areas located in windowless stories shall be provided with automatic fire suppression. This is a requirement under Section 903.2.10 of the current building code.

2. Fire detection and suppression systems required under Level 2 Alterations shall be supervised by either a NFPA 72 approved central station system, or a NFPA 72 approved proprietary system, or a NFPA 72 approved remote station system of the jurisdiction. This requirement becomes applicable where, for example, rooms are reconfigured or mechanical and/or electrical systems are either upgraded or replaced.

Alteration Level 2 Examples:

A) Use Group B – A travel agency moves into a vacant unit in an existing building formerly used by an insurance agency. Less than 50% of the area of the unit is being altered (not replaced). Walls/partitions are scheduled to be demolished, mechanical, electrical, and/or plumbing systems are extended, upgraded, or significantly altered to accommodate the needs of new tenant.

B) Use Group A 2– A restaurant is moving into an existing building which was formerly a restaurant. Again, less than 50% of the existing area is being altered, but walls/partitions are scheduled to be demolished, plumbing, mechanical and/or electrical systems are scheduled to be extended, upgraded, or significantly altered to accommodate the needs of the tenant.

C) Use Group M – A gift shop moves into a unit formerly used as a convenience store. Less than 50% of the area of the unit is being altered (not replaced). Walls/partitions are scheduled to be demolished, mechanical, electrical, and/or plumbing systems are extended, upgraded, or significantly altered to accommodate the needs of new tenant.

Notice in these examples, the work area was limited to less than 50% of the total building/unit area, and the use group did not change from the previous tenant.
3. **Alteration Level 3** – Automatic fire suppression systems shall be provided in all remodeled work areas as outlined under Level 2 Alterations and as listed herein.

**High Rise Buildings**

A) New construction High-Rise Buildings are required to be fully sprinklered under the current Codes. At this time, there are no existing structures meeting the code definition of high-rise in the Village. However, in the event an addition was to be made to an existing structure, such an addition could create a high-rise structure as defined in the Codes.

B) Where a high-rise building is created from an existing structure, the entire building, including the existing floors shall be provided with automatic fire suppression and detection. Fire detection systems shall be as required under new construction codes and ordinances.

**All other non-residential buildings**

A) Fire alarm, detection, and suppression systems shall be provided THROUGHOUT the building as required by the codes and ordinances. Level 3 work areas involve exposing so much of the existing facility beyond incidental exposure which occurs at Level 1 and Level 2; it becomes similar to new construction, and so must comply with standards for new construction.

4. **Use Groups E and I-4**

A) Where existing facilities are expanded creating an aggregate area of seven-thousand-two-hundred (7,200) square feet or greater, the entire area of expansion shall be provided with an automatic fire suppression system.

B) A one-hour (1-hr) fire resistance rated assembly shall be provided to separate the new area from the existing area and the entire facility shall be equipped with an automatic smoke detection system.

The requirements for Groups E and I-4 are based on proven State of Illinois requirements established for public Pre-K through 12 schools. Where public pre-K through 12 schools are under the jurisdiction of the Illinois State Board of Education, private education institutions including parochial, pre-K through 12 come under the jurisdiction of the local municipality. Colleges, universities, community colleges, etcetera, also come under the jurisdiction of local municipalities as Use Group B.
Create: “903.6 Safety Factor”

A ten (10%) percent or five (5) PSI safety factor, whichever is greater, shall be provided in the fire protection system hydraulic calculations. The system demand shall be at least five (5) PSI below the seasonal low water flow test supply.

903.7 Definitions

**Aggregate Area** – The work area as measured by the footprint of the entire building including the surrounding exterior walls, or exterior walls and demising or unit sub-dividing walls.

**Aggregate net floor area**: The total of the area contained within the exterior walls of a building or structure on all stories, including portions of stories below grade that are occupied for purposes other than storage or mechanical equipment. For dwellings, areas normally exempt from fire sprinkler requirements shall not be included.

**Aggregate area of alteration**: For the purposes of determining the area affected by alteration, the Building and Zoning Department shall consider the entire building. Included are the floor area of all rooms and areas which are reduced or enlarged by such work, the floor area of all rooms and areas whose electrical, plumbing or mechanical systems or infrastructure are altered, and the floor area of all rooms whose egress capacity or travel distance is adversely affected. Floor areas shall include all interior walls, columns, hallways, partitions and stairways. Exterior walls shall not be included.

**Alteration**: Alteration shall include, but not be limited to, alteration of floors, walls, partitions, ceilings, electrical, plumbing or mechanical systems. Non-load bearing walls and partitions, as well as alterations to decorative coverings of floors, walls, partitions and ceilings shall not be included, nor shall the alteration or replacement of electrical or plumbing fixtures and trims be included, so long as the underlying piping, electrical raceways, etc., are not altered. Exterior façade alternations shall not be included, unless egress capacity is reduced.

**Alteration Level 1** – The work area of a Level 1 Alteration is less than 50% of the aggregate building area and removal and replacement or the covering of existing materials, elements, equipment, using new materials that serve the same purpose.

**Alteration Level 2** – The work area of a Level 2 Alteration is less than 50% of the aggregate building area but includes the reconfiguration of space, the addition or elimination of any door or window (only as affecting egress), the reconfiguration or extension of any system (e.g. plumbing, HVAC, electrical), or the installation of any additional equipment (e.g. new RTU, new production machine).
Alteration Level 3 – Work area(s) exceeding 50% of the aggregate area of the building, or a change of Use Group.

High Rise – Buildings which have an occupied floor located seventy-five (75) feet above the lowest level of fire department vehicle access. (Reference IBC Section 403)

Mixed-Use – Buildings in which two (2) or more separate, but not incidental (i.e. incidental use being located within a space such as A or M Group, but is not the primary use of the building) occupancy groups or uses exist. Example: A 3 tenant strip center has a grocery (Use Group M), an insurance office (Use Group B), and a restaurant (Use Group A). Examples of incidental use include: Storage rooms over 100 square feet, parking garage, refrigerant machinery rooms, or furnace rooms where any piece of equipment is over 400,000 BTU per hour input. (Reference IBC Section 508)

Repairs – Includes the patching, restoration, or replacement of damaged materials, elements, equipment, or fixtures for the purpose of maintaining such components in good or sound condition with respect to existing loads or performance requirements.

Remodeled - Remodeled shall include, but not be limited to reconstruction, upgrade, renovation, improvement, or alteration to existing buildings which require a plan review and/or a building permit application.

Use Group B – Group B includes most business uses such as animal hospitals, kennels, barber and beauty shops, car wash, outpatient clinic, dry cleaning (pick-up, delivery service, and self-service only), educational occupancies above 12th grade, motor vehicle showrooms, print shops, professional services (architect, engineer, attorney, dentist, physician, etc.), or training and skill development not within a school or academic program.

Use Group E – Group E includes generally: educational uses through 12th grade.

Use Group F-1 – Group F-1 includes moderate hazard factory/industrial uses such as automobile and other motor vehicles (manufacturing/customizing), Laundries, food processing, dry cleaning and dyeing (physical plant using chemicals), and etcetera.

Use Group I-1 – Includes generally: Institutional facilities housing more than 16 persons on a 24-hour basis such as Assisted living, Halfway houses, Group Homes, Congregate care facilities, Social rehabilitation facilities, Alcohol and drug centers, or Convalescent facilities.

Use Group I-4 – Group I-4 are institutional uses for children’s day care.
Use **Group M** – Group M includes mercantile businesses such as department stores, drug stores, markets, motor fuel dispensing facilities, retail or wholesale stores.

**Use Group R-1** – Includes generally: Boarding Houses, Hotels, and Motels

**Use Group R-3** – Includes generally: buildings providing congregate living facilities for 16 or fewer persons (excluding staff), or adult care facilities for five or fewer persons of any age for less than 24 hours.

**Use Group R-4** – Includes generally: Residential care/assisted living facilities for more than five, but less than sixteen occupants (excluding staff).

**Work Area** – That portion or portions of a building consisting of all reconfigured spaces as indicated in the construction documents. Work area excludes other portions of the building where incidental work entailed by the intended work must be performed and portions of the building not initially intended by the Owner is specifically required by the Codes. For the purposes of determining the area affected by alteration, addition, or repair, the Building and Zoning Department shall consider the entire building. (Ord. 02-04, Sec. 2, 2-21-2002 deleting this section; amended by Ord. No. 11-1, Sec, 1, 1-20-11; Ord. 12-12, Sec. 1, 4-19-12)

**Sec. 6-4. Construction of discretionary power granted to building inspector by building code.***

Wherever the language of the Building Code adopted by this Article purports to grant the Office of Building and Zoning or other official any discretionary authority, his power shall be limited to determining factually whether or not the conditions required by the Building Code have been complied with. (Ord. of 3-13-72, Sec. A)

**Sec. 6-5. Variations from application of building code.***

The Board of Zoning Appeals of the Village is hereby designated as the body to hear variations from the applicable provisions of the Building Code adopted by this Article. The Board of Appeals shall submit its recommendations in writing to the Village Board of Trustees for final action. (Ord. of 3-13-72, Sec. A)

Cross reference–Board of zoning appeals generally, Sec 2-224 et seq.

**Sec. 6-6. Fire limits established.***

The fire limits of the Village are hereby established as all property zoned within the business district and manufacturing district in accordance with the terms and map of the Zoning Ordinance and amendments thereto of the Village and all business and manufacturing buildings located in the residential districts and in which a business is now carried on under the Zoning Ordinance as a
nonconforming use. (Code 1958, Sec. 19.701)

Sec. 6-7. Stop orders.

The Office of Building and Zoning or such other person as may be authorized by the Village President and Board of Trustees, may order work stopped whenever any construction, alteration or repair work is being done in violation of any provision of this Chapter or the Village Zoning Ordinance. Such stop order, when oral, shall be followed by a written stop order within twenty-four (24) hours. It shall be unlawful to continue work in violation of a stop order until such order has been revoked by the person issuing it or by the Village President and Board of Trustees. (Code 1958, Sec. 4.503, 19.114)

Sec. 6-8. House numbering.

(a) Required. All lots, buildings and structures in the Village shall be numbered in accordance with the house numbering chart approved by the Village Board of Trustees.

(b) Chart. The Village Clerk shall keep a chart showing the proper street number of every lot in the Village which shall be open to inspection by any interested person.

(c) Duties of property owners. It shall be the duty of the owners and occupants of every house in the Village to have placed thereon, in a place visible from the street, figures at least two and one-half (2-1/2) inches high, showing the number of the house, and any person, firm or corporation failing to so number any house, building or other structure occupied by him, or if after receiving notice to do so from the Village Clerk shall continue in his failure to so number such house, building or structure, shall be fined five ($5.00) dollars for each day during or on which a failure to so number continues. (Code 1958, Sec. 8.301-8.303; Ord. 07-10, Sec. 4, 4-19-07)

Cross reference--For settlement and compromise of violations of subsection (c) of this section, see Sec. 13-96 et seq.

Sec. 6-9. Minimum floor area and garage requirements for single family houses.

The following minimum floor area shall be required for single family houses: measured at main or first floor and not including open porches, breezeway, garage or carports:

1. One story with basement - 1300 square feet; One story without basement - 1350 square feet;
2. One and one half story with basement - 1000 square feet; One and one half story without basement - 1075 square feet;
3. Two story with or without basement - 850 square feet.
All single family houses constructed within the Village limits for which a building permit is first issued on or after April 1, 1988 shall have an attached two-car garage. All single family houses for which a building permit was issued prior to April 1, 1988 may have a detached garage provided that any such detached garage for which a building permit is issued on or after April 1, 1988 shall be a two-car garage. (Ord. 88-06, 3-16-88)

Sec. 6-10. Issuance of certificate of occupancy.

(a) Prior to the issuance of a certificate of occupancy, pursuant to the Ordinances of the Village of Fox River Grove, the owner of the property seeking the issuance of a certificate of occupancy shall apply for and receive an unexecuted certificate of occupancy from the Village and shall file said unexecuted certificate of occupancy with the assessor of McHenry County if said property is located in McHenry County or with the assessor of Lake County if said property is located in Lake County.

(b) Upon filing of the unexecuted certificate of occupancy, the county assessor or supervisor of assessments of McHenry or Lake County, as the case may be, shall present the owner with a receipt therefor showing the filing date of the unexecuted certificate of occupancy and that the property is subject to increased assessment from the date of issuance of the certificate of occupancy as provided by law.

(c) The owner of said property shall file the receipt from the county assessor or the supervisor of assessments of McHenry or Lake County, as the case may be, with the Village of Fox River Grove and the Village shall issue a certificate of occupancy to the owner, in accordance with the ordinances of the Village.

(d) Immediately upon the issuance of a certificate of occupancy by the Village of Fox River Grove, the Village Administrator, or his designated, shall file a certified copy of said certificate with the county assessor or supervisor of assessments of McHenry or Lake County, as the case may be, as provided by law. (Ord. No. 74-1, Sec. 4, 3-13-74; Ord. No. 94-10, Sec. 3, 3-17-94)

Editor’s note--Ord. No. 74-1, Sec. 1--4, did not amend this Code, hence inclusion herein as Sec. 6-10 was at the discretion of the editors.

Sec. 6-11. Building code for one- and two-family buildings adopted.

That certain document, three (3) copies of which are on file, in the office of the Village Clerk, being marked and designated as the 2006 International Residential Code, as published by the International Code Council, Inc. with the exception of Sections R105.2 #1, R105.2 #2 and Part VII thereof, be and is hereby adopted by reference as the building code of the Village for the control of all one- and two-family buildings; and each and all of the regulations, provisions, conditions and terms of the 2006 International Residential Code are hereby referred to, adopted and made a part hereof by
903.3.1 Fire Sprinklers

An approved automatic fire sprinkler system shall be installed in new townhouses (1-3 story townhomes, condominiums and apartments) in accordance with Section 903.3.1 of the International Building Code. (Ord. No. 11-18, Sec. 2, 6-16-11)

Sec. 6-12. Fire Prevention Code adopted.

That certain document, three (3) copies of which are on file in the office of the Village Clerk, being marked and designated as the 2006 International Fire Code, as published by the International Code Council, Inc. be and is hereby adopted by reference as the Fire Prevention Code of the Village; and each and all of the regulations, provisions, conditions and terms of said code are hereby referred to, adopted and made a part hereof by reference, as if fully set out in this Code.

International Fire Code: Section 903.3.1 Fire Sprinklers

903.3.1 Fire Sprinklers

An approved automatic fire sprinkler system shall be installed in new townhouses (1-3 story townhomes, condominiums and apartments) in accordance with Section 903.3.1 of the International Building Code.

A. An approved fire sprinkler system shall be provided for:

1. All new buildings and structures.

2. All remodeling, reconstruction or alteration (as defined in this Section) of an existing building or structure of more than fifty (50%) percent of the aggregate net floor area of the entire building or structure.

   a. Provided, however, that in situations where the change is being constructed in stages, the automatic sprinkler system shall be installed in no more than two (2) phases, with the first phase to be completed and fully serve the initial area being altered and the second phase to be fully completed with the alteration of any other portion of the building or structure. In addition, the area included in the second phase must be provided with approved fire detection at the time the first phase of the automatic sprinkler system is installed. (Ord. No. 11-18, Sec. 3, 6-16-11)
3. Any change of any portion of an existing building or structure to an assembly occupancy type.

B. Exception: Detached structures, which comply with all of the following, do not require automatic fire sprinklers:

1. Less than five hundred (500) square feet in area.
2. Single story.
3. Not used as a dwelling or sleeping.
5. Not used for high hazard products or hazardous materials.
6. No basements.
7. Minimum separation to other buildings twenty (20) feet.

Create: “903.6 Safety Factor”

A ten (10%) percent or five (5) PSI safety factor, whichever is greater, shall be provided in the fire protection system hydraulic calculations. The system demand shall be at least five (5) PSI below the seasonal low water flow test supply.

903.7 Definitions

**Alteration:** Alteration shall include, but not be limited to, alteration of floors, walls, partitions, ceilings, electrical, plumbing or mechanical systems. Non-load bearing walls and partitions, as well as alterations to decorative coverings of floors, walls, partitions and ceilings shall not be included, nor shall the alteration or replacement of electrical or plumbing fixtures and trims be included, so long as the underlying piping, electrical raceways, etc., are not altered. Exterior façade alternations shall not be included, unless egress capacity is reduced.

**Aggregate net floor area:** The total of the area contained within the exterior walls of a building or structure on all stories, including portions of stories below grade that are occupied for purposes other than storage or mechanical equipment. For dwellings, areas normally exempt from fire sprinkler requirements shall not be included.

**Aggregate area of alteration:** For the purposes of determining the area affected by alteration, the Building and Zoning Department shall consider the entire building. Included are the floor area of all rooms and areas which are reduced or enlarged by such work, the floor area of all rooms and areas whose electrical, plumbing or mechanical systems or infrastructure are altered, and the floor area of all rooms whose egress capacity or travel distance is adversely affected. Floor areas shall include all interior walls, columns, hallways, partitions and stairways. Exterior walls shall not be included.

(Ord. No. 97-10, Sec. 3, 5-15-97, Ord. No. 02-04, Sec. 4, 2-21-02; Ord. 07-27, Sec. 3, 8-16-07; Ord.
Sec. 6-13. Dangerous excavations.

(a) It shall be unlawful for the owner of any real property located within the Village of Fox River Grove to maintain or permit the existence upon such property of any excavation, pit, hole, ditch or other man-made depression in the earth, which endangers the public health, welfare and safety.

(b) Upon a determination that there exists a violation of this Section 6-13, the Village shall notify the owner of the property upon which such violation exists in writing. Upon receipt of such notice of violation, the property owner shall within ten (10) days eliminate any violation of this Section 6-13 existing upon his property.

(c) Any residential violation of any provision of this Section 6-13 shall be fined not more than one hundred ($100.00) dollars for each offense, and a separate offense shall be deemed committed on each day a violation continues. Any commercial, industrial, or multi-family violation of any provision of this Section 6-13 shall be fined not more than five hundred ($500.00) dollars for each offense, and a separate offense shall be deemed committed on each day a violation continues. (Ord. No. 80-18, Sec. 1, 7-24-80; Ord. No. 12-08, Sec. 1, 3-15-12)

Editor's note--Ord. No. 80-18, Sec. 1, amended Ch. 6 by adding provisions designated as Sec. 6-11 which provisions the editors redesignated Sec. 6-13 inasmuch as the Code already contained a Sec. 6-11.

Sec. 6-14. Key box required.

The owner and manager of any business, other than a business that is a home occupation as defined in the Village of Fox River Grove Zoning Ordinance, which occupies a building or structure or a portion of a building or structure for the first time on or after January 1, 1996, and the owner and manager of a building or structure, other than a single family residence, or a portion of such a building or structure which contains fire detection or suppression equipment that is monitored by or on behalf of the Fox River Grove Fire Protection District shall install and maintain a key box on the exterior of the building or structure. The key box shall contain keys or other devices that will open or operate any of the following if located in the building or structure:

(1) all locked exterior doors;
(2) all locked interior passageway doors;
(3) doors to all rooms or other areas where flammable or hazardous materials are stored or used;
(4) doors to all rooms or other areas where there is electrical or mechanical equipment;
(5) doors to all storage rooms or storage areas which have an area of more than sixty square feet;
(6) all elevator controls;
(7) all alarm panels;
(8) all controls for fire detection and suppression equipment.

The key box shall be made out of a metallic material and shall contain a lock which can be opened with a key or other device. The owner or manager shall at or prior to the time the key box is installed notify the Fox River Grove Fire Protection District in writing where the key box is located and shall furnish to the Fox River Grove Fire Protection District a key or other device which will permit the key box to be opened by the Fox River Grove Fire Protection District in the event there is a fire or other emergency within the building or structure. (Ord. No. 96-06, Sec. 1, 1-18-96)

Sec. 6-15. Required school contributions and park land dedications.

As a condition of the issuance of a building permit for the construction of a residential structure on an unimproved lot, each developer or owner of the unimproved lot shall be required to make a contribution to each of the school districts within which the unimproved lot is located and a contribution for park and recreational areas as provided in Article V of Chapter 19 of this Code unless such contributions have previously been made with respect to the lot. (Ord. No. 94-16, Sec. 1, 4-21-94)

Sec. 6-16. Public sidewalks required for new buildings.

(a) Definitions: For the purposes of this Section, the following words, terms and phrases, when used herein, shall have the meaning ascribed to them in this Subsection, except where the context clearly indicates a different meaning:

“Building” means any structure designed or built for the support, enclosure, shelter or protection of persons, animals or property of any kind, and which is affixed or anchored to the land. Buildings for purposes of this Section 6-16 include, but are not limited to, single family houses, multi-family residential buildings and commercial buildings; provided however that for purposes of this Section 6-16, accessory buildings which serve principal buildings, including but not limited to small garden houses, storage sheds, residential garages, carports, gazebos and animal shelters, i.e., “dog houses” are not considered buildings.

“Diameter at breast height” or “DHB” means a measurement of the diameter of a tree four and one half (4.5) feet above grade.
“High quality, mature tree” means a tree having a diameter at breast height or “DBH” of twelve (12) inches or more which is not of a type listed in Table 1 of Section 19-132(d) of this Code.

(b) Public sidewalks required.

(1) Prior to the issuance of an occupancy permit for a building, there must be a sidewalk installed on that portion of the right-of-way contiguous to the lot or parcel on which the building is located. If there is not already a sidewalk installed on that portion of the right-of-way contiguous to the lot or parcel on which the building is located, then the owner of the lot or parcel on which the new building is located shall either install the sidewalk after obtaining all required permits or enter into an agreement with the Village which provides for the owner to deposit with the Village funds in an amount not less than one hundred ten percent (110%) of the estimated cost of installing the required sidewalk as determined by the Village’s engineer. Such agreement must provide that the funds will be held in escrow and if the sidewalk is not installed by a date to be specified in the agreement which shall be not more than one hundred eighty (180) days from the date of the agreement, the Village shall have the right to use the escrowed funds to pay the cost of installing the required sidewalk.

(2) Any sidewalk required to be installed pursuant to this Section 6-16 shall comply with the provisions contained in Section 17 ½-36 of this Code, except that where the Superintendent of Streets and Parks determines that it is not feasible to install a sidewalk with a width of four (4) feet in a residential area, then the Superintendent of Streets and Parks may authorize a sidewalk to be installed which has a width of not less than three (3) feet and where the Superintendent of Streets and Parks determines that it is not feasible to install a sidewalk with a width of six (6) feet in a business area, then the Superintendent of Streets and Parks may authorize a sidewalk to be installed which has a width of not less than four (4) feet.

(3) The location in the public right-of-way of any sidewalk required to be installed by this Section 6-16 shall be determined by the Village’s Superintendent of Streets and Parks.

(c) Exceptions. Sidewalks shall not be required to be installed under this Section 6-16 when any one or more of the following circumstances exist:

(1) Where a high quality, mature tree, as defined in Section 6-16(a) is present in the portion of the right-of-way adjacent to the lot or parcel on which the new building is located and a sidewalk cannot be installed within the existing right-of-way unless the high quality, mature tree is removed.
(2) Where drainage ditches are present within the right-of-way adjacent to the lot or parcel on which the new building is located and a sidewalk cannot be installed unless new or additional storm water drainage facilities are also installed because the installation of a new sidewalk will materially interfere with the ability of the existing drainage ditch to convey storm water.

(3) Where the grade within the right-of-way adjacent to the lot or parcel on which the new building is located is greater than nine (9%) percent.

(4) Where the lot or parcel on which the new building is located is within a subdivision which has been developed with sidewalks on one side of the street and the lot or parcel on which the new building is located is on the side of the street where there is no sidewalk, or where the lot or parcel on which the new building is located is on a block where there is already a sidewalk on the opposite side of the street which runs the length of the entire block and there are no sidewalks in front of any of the lots or parcels located in the same block on the same side of the street as the new building.

(5) Where there is insufficient space available in the public right-of-way adjacent to the lot on which the new building is located to install a sidewalk, which is not less than four (4) feet in width in a business area or three (3) feet in width in a residential area.

(6) Where there is a public sidewalk located in an easement that runs the length of the frontage of the lot or parcel on which the new building is located. (Ord. No. 06-39, Sec. 1, 8-17-06)

Secs. 6-17--6-18. Reserved.

ARTICLE II. BUILDING AND ZONING OFFICE*

Sec. 6-19. Office created.

There is hereby created the Office of Building and Zoning. (Ord. No. 81-20, Sec. 1, 8-19-81; Ord. No. 13-27, Sec. 1, 10-3-13)

*Editor's note-Ord. No. 81-20, Sec. 1, adopted Aug. 19, 1981, amended Art. II to read as herein set out. Prior to amendment Art. II pertained to the building inspector and was derived from Code 1958, Secs. 4.501, 4.502, 4.604. Section 2 of said Ord. No. 81-20 provided that wherever the term "building inspector" is used in this Code, such term should be changed to "superintendent of building and zoning." Such change with be made pages of this Code are necessarily pulled for reprinting.
Sec. 6-20. General duties.

It shall be the duty of the Office of Building and Zoning to see to the enforcement of all provisions of this Code and other ordinances relating to building, electricity, plumbing, zoning and any other adopted building code and to inspect buildings or structures being erected or altered as frequently as may be necessary to ensure compliance with the Village Ordinances.

The Office of Building and Zoning works under the general direction of the Village Administrator. (Ord. No. 97-10, Sec. 5, 5-15-97, Ord. No. 02-04, Sec. 5, 2-21-02; Ord. No. 13-27, Sec. 1, 10-3-13)

Sec. 6-21. Right of entry.

The Village shall have the power to make or cause to be made an entry into any building or premises, at any reasonable hour where the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspections, provided that the Office of Building and Zoning shall not enter upon any building or premises without the permission of an owner or occupant of the building or premises unless he has first obtained a search warrant or other proper legal authorization. (Ord. No. 81-20, Sec. 1, 8-19-81; Ord. No. 13-27, Sec. 1, 10-3-13)

Secs. 6-22--6-31. Reserved.

ARTICLE III. PERMITS AND INSPECTIONS*

Sec. 6-32. When permit is required.

(a) It shall be unlawful to construct, reconstruct, alter, enlarge or remodel any building or structure in the Village without having first secured a permit therefore, except as allowed by the adopted Building Code. (Ord. No.10-04, Sec. 1, 1-28-10)

(b) Any residential violation of this Section shall be fined not less than fifty ($50.00) dollars plus twenty-five (25%) percent on building permit fees. Any commercial, industrial or multi-family violation of this Section shall be fined not less than two-hundred fifty ($250.00) dollars for each offense plus twenty-five (25%) percent on building permit fees. Each day that a violation is permitted to exist shall constitute a separate offense. A judgment of a fine imposed upon an offender may be enforced in the same manner as a judgment entered in a civil action. (Code 1958, Sec. 19.101; Ord. of 9-13-71, Sec. 1, Ord. No. 07-10, Sec. 5, 4-19-07, Ord. No. 12-08, Sec. 2, 3-15-12)

* Cross references--Permits generally, Sec. 12-1 et seq.; building permits not to issue prior to filing subdivision plat, Sec. 19-11.
Sec. 6-33. Application for permit; accompanying documents.

Application for a permit required by this Article shall be made to the Village Clerk and referred to the Office of Building and Zoning and shall be accompanied by plans and specifications in triplicate showing the work to be done and a plat of the site showing the location of the proposed structure. The plans shall be verified by the signature, either of the owner of the premises or by the architect or contractor in charge of operations. (Code 1958, Sec. 19.106)

Sec. 6-34. Issuance of Permit.

1. The application for a permit required by this Article, together with the required plan, shall be referred to the Village Staff who shall examine the same to determine whether the proposed construction or alterations will comply with the Building Code adopted by this Chapter. Upon approval, one set of plans shall be returned by the Village Staff. No permit shall be issued except after approval of the plans and payment of the required fees.

2. Prior to the issuance of a building permit, the Village Staff shall inquire and determine whether the construction work covered by the building permit will require the issuance of a special street usage permit as provided for in Section 15-284 of the Village Code. If the Village Staff determines that the construction or other work to be performed pursuant to the permit shall require a special permit as provided for under Section 15-284, the Village Staff shall not issue the permit unless the requirements for the issuance of the special permit provided for under Section 15-284, including the payment of any fees.

   a. Zoning and Engineering Certificates
      
      i. No permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the Village of Fox River Grove unless the application for such permit had been examined by the Village Staff and has affixed to it a certificate of the Village Staff that the proposed building or structure complies with all the provisions of the Zoning Ordinance.

      ii. An application for a permit pertaining to the use of land, buildings or structures which requires compliance with performance standards set forth in Section VII(F)(7) of the Zoning Ordinance, shall have affixed to it a certification of a professional engineer, licensed by the State of Illinois.

      iii. The Village Staff shall upon receipt and review of such application approve and authorize the issuance of a zoning certificate provided there is compliance with all other relevant provisions of the Zoning Ordinance and
any other applicable law, ordinance, rule or regulation.

b. Plats

Every application for a building permit shall be accompanied by:

i. A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions and certified by a Land Surveyor licensed by the State of Illinois, as a true copy of the piece or parcel, lot, lots, blocks or portions thereof, according to the registered or recorded plat of such land, and

ii. A plat, in duplicate, drawn to scale in such form as may, from time to time, be prescribed by the Village Staff showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building or structure or land, and such other information as may be required by the Building Inspector for the proper enforcement of this zoning ordinance.

One copy of each of the two (2) plats shall be attached to the application for a building permit when it is submitted to the Village Staff for a zoning certificate and shall be retained by the Village Staff as a public record.

c. Occupancy Certificates

i. No building or no addition to a previously existing building shall be occupied, and no land vacant shall be used for any purpose until a certificate of occupancy has been issued by the Village Staff. Likewise, no change in use from the production, processing, or storage of one kind of materials or goods to another kind shall be made unless a certificate of occupancy is issued by the Village Staff. Every certificate of occupancy shall state that the use or occupancy complies with all Village regulations, including but not limited to, the Zoning Ordinance, the Building Code and the Subdivision Code. Every application for a building permit shall be deemed to be an application for an occupancy certificate.

ii. No occupancy certificate for a building or building addition shall be issued until construction has been completed and the premises inspected and certified by the Village Staff to be in conformity with the plans and specifications upon which the Zoning Certificate and Plat were based. No occupancy certificate for a change in use from the production, processing, or storage of one kind of materials or goods to another, shall be made until the
premises has been inspected and certified by the Village Staff to be in compliance with all the applicable standards of the zoning district in which it is located.

Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than fourteen (14) days after the Village Staff is notified in writing that the building or premises is ready for occupancy. (Ord. No. 94-19, Sec. 1, 6-16-94; Ord. No. 2019-03, Sec. 5, 04-04-19)

Sec. 6-35. Appeals from denial of permit; noncompliance with building code after issuance of permit.

(a) In the event the Office of Building and Zoning denies a permit because the methods or materials do not comply with the minimum standards prescribed in the Building Code adopted by this Chapter, or because methods or materials are not equivalent to those so prescribed, the applicant may appeal such decision to the Village President and Board of Trustees.

(b) If a permit is granted for the use of materials or methods not prescribed in the Building Code adopted by this Chapter, the Board of Trustees, on its own motion, or on a petition of any citizen, may examine and review the tests upon which the decision to issue the permit was made, and if it finds that it is not established that such methods or materials are equivalent to those prescribed in the building code, it shall order the building permit revoked. (Code 1958, Sec. 19.102)

Sec. 6-36. Time limitation for completion of buildings.

(a) Any building permit issued for the construction of any residential building, accessory building or addition to a residential building shall expire and become invalid if the construction of the building or addition which is authorized by the permit is not commenced with in ninety (90) days after the date on which the permit was issued.

(b) Any building permit issued for the construction of any residential building, accessory building or addition to a residential building shall expire and become invalid if the building or the addition which is authorized by the permit is not ready for an inspection of its rough framing, its plumbing system, its electrical system and its heating system and is not completely closed in with windows, exterior doors and roof covering within one hundred and eighty (180) days from the date on which the permit was issued.
(c) Any building permit issued for the construction of any residential building, accessory building or addition to a residential building shall expire and become invalid if the building or addition which is authorized to be constructed by the permit has not had and passed a final inspection and received a certificate of occupancy within one (1) year from the date on which the building permit was issued.

(d) Except as provided in Subsections (a), (b) and (c) of this Section, any building permit issued for the construction of any building, accessory building or addition to a building shall expire and become invalid if the construction of the building or addition which is authorized by the permit is not completed within two (2) years from the date on which the permit was issued.

(e) If a building permit has expired under the terms of Subsections, (a) through (d) of this Section, then no further construction on the building or addition which is covered by the expired permit shall be allowed until a new application for a building permit has been submitted and approved and until all fees have been paid in connection with the new application, except for water and sewer tap in fees. (Code 1958, Sec. 19.110; Ord. No. 80-27, Sec. 1, 9-17-80)

Sec. 6-37. Fees.

(a) There shall be established a permit fee schedule as follows:

**SINGLE-FAMILY, MULTIFAMILY AND DUPLEX, INDUSTRIAL, COMMERCIAL, AND OFFICE CONSTRUCTION** (per dwelling unit as defined by the Fox River Grove Zoning Ordinance, and/or per unit with each separate office, manufacturing or business, within a building being considered as a separate unit):

(1) New construction 1,000 square feet, minimum fee (single-family) for living area ...................................................... $427.00

(2) New construction 600 square feet or less, minimum fee (multifamily and duplex) ............................................. $409.00

(3) New construction 1,000 square feet or less, minimum (industrial, commercial, office) ......................................... $586.00

(4) Each additional square foot over minimum (items (1) through (3)):

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(5) Basements, per square foot ................................................................. $ 0.13
(6) Crawl spaces, per square foot .......................................................... $ 0.09
(7) Attached and detached garages, 12 feet wide or less ....................... $59.00
(8) Attached and detached garages over 12 feet wide ......................... $71.00
(9) Accessory building, new, 100 square feet or less, minimum fee ...... $59.00
(10) Accessory building, new, each additional square foot over minimum $  0.16
(11) Construction of an open air deck which does not have any roof and which is attached to a residential building ............................... $46.00
(11a) Siding or roofing (tear off and replace existing only, substrate framing/sheathing inspection required, repairs will require new permit……….. $80.00
(11b) Doors and windows (replace same size only, energy inspection required $80.00

ADDITION, ALTERATION, REMODEL, REPAIR OR REPLACEMENT OF ANY COMPONENT, BUILDING OR STRUCTURE (per dwelling unit or units as defined by the Fox River Grove Zoning Ordinance except that each separate office, manufacturing or business within a building shall be considered a separate unit):

(12) Valuation .......................................................................................... Fee

$45.00 or 1% of the cost of construction, whichever is greater

"Repair" means the replacement of existing work with equivalent materials for the purpose of its maintenance; but not including any addition, change or modification in construction, exit facilities or permanent fixtures or equipment. Repairs may be made without filing an application or obtaining a permit.

PLUMBING (per dwelling unit or units as defined by the Fox River Grove Zoning Ordinance except that each separate office, manufacturing or business within a building shall be considered a separate unit):

(13) Residential basic fee ................................................................. $ 35.00
(14) Commercial basic fee ................................................................. $47.00
BUILDINGS AND BUILDING REGULATIONS

(15) Industrial basic fee ...................................................................................... $59.00
(16) Fixture, per fixture .................................................................................... $5.00
(17) Gas piping, per opening ............................................................................. $5.00
(18) Floor drain, per drain ................................................................................ $5.00
(19) Sprinkler system (fire) (per $1,000.00 of valuation) ......................... $12.00

ELECTRICAL (per dwelling unit or units as defined by the Fox River Grove Zoning Ordinance except that each separate office, manufacturing or business within a building shall be considered a separate unit):

(20) Residential basic fee (100 amp service, 10 circuits, 75 openings) ...................................................................................... $ 35.00
(21) Commercial basic fee (100 amp service, 10 circuits, 75 openings) ... $59.00
(22) Industrial basic fee (100 amp service, 10 circuits, 75 openings) ...... $83.00
(23) Each additional circuit over 10 ............................................................... $4.00
(24) Each additional opening over 75 .............................................................. $4.00
(25) Each additional 100 amp .......................................................................... $12.00
(26) Signs, canopies, awnings and street clocks:

a. Non-illuminated signs (unless temporary): $15.00 plus $0.25 per square foot of gross surface area of each face thereof.

b. Temporary signs fee as stated in section 6-112, Ordinance No. 2001-32: Temporary permits may be issued for maintenance of a temporary sign for a short time not to exceed fourteen (14) days, upon payment of a fee of $12.00 for each week or fraction thereof that the sign is to be maintained.

c. Fixed canopies and fixed awnings: $30.00 plus $0.25 per square foot of area, horizontally projected.
d. Illuminated signs and street clocks: $30.00 plus $0.25 per square foot of gross surface area of each face thereof.

e. Retractable canopies and awnings: $31.00.

**HEATING** (per dwelling unit or units as defined by the Fox River Grove Zoning Ordinance except that each separate office, manufacturing or business within a building shall be considered a separate unit):

(27) Residential basic fee (plus Btu input or kilowatt fee) ....................... $12.00

(28) Commercial basic fee (plus Btu input or kilowatt fee) .....................  $24.00

(29) Industrial basic fee (plus Btu input or kilowatt fee) .......................  $35.00

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<tr>
<td>250,001--350,000</td>
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</tr>
<tr>
<td>350,001--500,000</td>
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<tr>
<td>Over 500,000*</td>
<td>$59.00</td>
</tr>
</tbody>
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* Plus $0.00006/Btu over 500,000

(30) **ELECTRIC HEATING** (per kilowatt).................................  $0.42

**AIR CONDITIONING** (per dwelling unit or units as defined by the Fox River Grove Zoning Ordinance except that each separate office, manufacturing or business within a building shall be considered as a separate unit):

(31) Residential basic fee (plus Btu input fee) .........................  $12.00

(32) Commercial basic fee (plus Btu input fee)..........................  $24.00

(33) Industrial basic fee (plus Btu input fee)...........................  $35.00

<table>
<thead>
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<th>Btu Input</th>
<th>Fee</th>
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</thead>
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<td>0-- 29,000</td>
<td>$12.00</td>
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<tr>
<td>29,001-- 36,000</td>
<td>$23.00</td>
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<tr>
<td>36,001-- 48,000</td>
<td>$35.00</td>
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</tbody>
</table>
CONSTRUCTION WATER (NEW BUILDINGS):

(34) One- and two-family residences ........................................................... $47.00

(35) Multifamily, commercial, industrial:

   Under 2,000 square feet, minimum fee .................................................. $47.00
   Each additional square foot over 2,000 to 10,000................................. 0.06
   Each additional square foot over 10,000 to 50,000............................ 0.04
   Each additional square foot over 50,000 ........................................... 0.03

PLAN REVIEW PER BUILDING BASIS:

(36) Rates shown plus $38.00/hour if additional review time beyond second review.
   Building Plan Review at $0.44/s.f.
   Plumbing, Electric or Mechanical Plan Review at 13% of Building Plan Review Cost.
   Energy Plan Review at 15% of Building Plan Review Cost.

AUTOMATIC SPRINKLER VIEW:

(37) Rates shown plus $38.00/hour if additional review time beyond second review. Fire
     Sprinkler Plan Review at 27% of Building Plan Review Cost.

STANDPIPE REVIEW:

(38) Rates shown plus $38.00/hour if additional review time beyond second review. Standpipe
     Plan Review at 27% of Building Plan Review Cost.

ELEVATOR INSPECTIONS (per elevator unit):

(39) Required semi-annual inspection .......................................................... $93.00
(40) Re-inspection fee for elevator inspections ............................................ $93.00
DRIVEWAY:

(41) Industrial commercial ................................................................. $125.00
(42) Multi-family ................................................................. $125.00
(43) Single-family ................................................................. $100.00
(Ord. No. 11-22, Sec. 1, 9-15-11)

PARKING LOTS:

(44) Single-family (per dwelling unit) ............................................. $50.00
(44.5) Right-of-Way Parking Pads ........ $50 plus reimbursement of any consultant fees

(45) Industrial, commercial, multi-family, per square foot of gross area:
0--10,000 square feet ............................................................... 0.05
(Ord. No. 11-22, Sec. 2, 9-15-11)

FENCES:

(46) New construction fee .............................................................. $34.00

PROPERTY MAINTENANCE

(47) VA, FHA or lending institution request for property maintenance code compliance inspection, per dwelling unit ......................... $275.00
(Ord. 15-08, Sec. 1, 5-7-15)

SWIMMING POOLS:

(48) New construction 100 cubic feet or less, minimum fee .............................. $59.00
Each additional cubic foot over 100 ...................................................... 0.13
(49) Aboveground pools 2 feet in depth or surface area exceeding 250 square feet ................................................................. $35.00

DEMOLISH ANY BUILDING WITH BOND AND INSURANCE AS REQUIRED BY ORDINANCE:

(50) (limit of 30 days after issuance of permit to complete demolition)
each 10 feet of height ........................................................................ $31.00
MOVING BUILDING WITH BOND AND INSURANCE AS REQUIRED BY ORDINANCE:

(51) House or commercial building ........................................................... $234.00  
(52) One-car garage .................................................................................. $59.00  
(53) Two-car garage .................................................................................. $118.00  

REINSPECTION FEE:

(54) Whenever the Building and Zoning Department shall make a second inspection pursuant to the issuance of a corporation notice under the building or Zoning Ordinance of the Village of Fox River Grove, a twenty-five ($25.00) dollar fee per code (e.g. Building, Electrical, Plumbing) shall be paid for that inspection and each subsequent inspection. Said fee shall be paid at the time the inspection is requested.

TEMPORARY OCCUPANCY:

(55) Not to exceed 120 days) ................................................................... $125.00  
Prior to the issuance of the permit, applicant shall furnish the Village of Fox River Grove with an executed agreement holding the Village harmless from liability that might be incurred in issuing the temporary occupancy permit and waiving any claims that the applicant may have against the Village which result from the issuance of the temporary occupancy permit.

(b) The "valuation" as used in Subsection (a) means the reasonable value of all services, labor, materials and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy.

(c) The floor area where used as the basis of a building permit fee shall be computed from the outside perimeters of such buildings or structures. All floor levels are to be added in computing the total floor area, exclusive of areas designated as attached garages.

(d) Repealed per Ordinance No. 2007-10, Sec. 6, 4-19-07.  
(Code 1958, Sec. 19.104; Ord. of 4-8-68, Sec. 1; Ord. of 9-10-73, Sec. 1; Ord. No. 79-19, Sec. 1-4, 8-15-79; Ord. No. 79-44, Sec. 1, 12-9-79; Ord. No. 87-16, Sec. 1, 7-15-87; Ord No. 91-04, Sec. 1, 2-20-91; Ord. No. 97-05, Sec. 1, 3-20-97, Ord. No. 01-12, Sec. 1, 3-15-2001, Ord. No. 05-08, Sec. 1, 4-21-05, Ord. No. 06-10, Sec. 1, 3-16-06; Ord. No. 12-08, Sec. 2, 3-15-12)  

Sec. 6-38. No Permit Required for Replacement Windows and Doors
Notwithstanding any other provision in this Code of Ordinances or in any building code adopted by reference within this Code of Ordinances, the installation of replacement windows and replacement doors in an existing residential structure shall be allowed without any building permit from the Village. (Ord. No. 13-28, Sec. 2, 11-21-13)

Secs. 6-39-6-47. Reserved.

ARTICLE IV. OPERATIONS

DIVISION 1. GENERALLY

Sec. 6-48. Night operations.

No construction or alteration of any building or structure shall be carried on at nighttime if the same is accompanied by loud or annoying noises. (Code 1958, Sec. 19.401)

Secs. 6-49--6-53. Reserved.

DIVISION 2. USE OF PUBLIC WAYS

Sec. 6-54. Duty to keep streets, etc., clean during construction operations.

Except as otherwise provided in this division the person to whom a building permit is issued shall, at all times during the term of the permit, maintain that portion of the street, parkway and sidewalk abutting upon and adjacent to the lot or tract upon which such building is erected, in a safe condition and clear of all building materials, rubbish, dirt or snow. He shall at no time obstruct the gutter or waterways of any street so as to prevent the free passage of water along the same, and if the gutter shall be shaded or covered so that ice accumulates therein, he shall clear the gutter so as to allow water to pass freely at all times. (Code 1958, Sec. 19.404)

Sec. 6-55. Permit required for use of streets and sidewalks during construction operations.

It shall be unlawful to deposit or store any building materials, tools, apparatus, or structure designed or intended to be used in the erection, construction, alteration or repair of buildings upon any street, parkway or sidewalk unless a street occupation permit is first obtained from the Superintendent of Streets & Parks. In the absence of such a permit, all building materials, tools, apparatus or structures, shall be placed entirely within the boundary lines of the lot or tract, and shall so remain until the completion of such building or structure or until finally removed from such lot or tract. (Ord. No. 94-15, Sec. 1, 3-17-94)

Sec. 6-56. Application for permit; conditions of issuance.
All applications for street occupation permits shall describe the location of the street, parkway or sidewalk proposed to be occupied, the use to be made of same, and the length of time of such intended occupation. The permit shall be issued subject to the conditions of this division upon compliance with the provisions of this division. (Code 1958, Sec. 19.404)

Sec. 6-57. Cash deposit required prior to issuance of permit; refund.

(a) The applicant for a sidewalk or street occupation permit shall make a cash deposit of one ($1.00) dollar for each front foot of the property on which the building operations are to be carried on to insure the maintenance of the street in a safe condition and to insure its complete restoration after completion of the building, provided that such deposit shall not be less than twenty-five ($25.00) dollars.

(b) Upon the restoration of any pavement, curb, parkway, sidewalk or public structure damaged in the construction operations, so much of the deposit as shall have been expended by the Village for said restoration shall be retained by the Village and the remainder shall be returned to the depositor; however, nothing herein contained shall preclude the Village from maintaining an action against the person, firm or corporation to recover the damage done to any pavement, curb, parkway, sidewalk or other public structure. (Code 1958, Sec. 19.404)

Sec. 6-58. Bond required prior to issuance of permit.

In addition to the deposit required by Section 6-57, every such applicant shall file with his application, a bond in the penal sum of ten thousand ($10,000.00) dollars with a good and sufficient surety. The bond shall be conditioned that the person to whom such permit shall be issued, and the heirs, successors or assigns thereof with save and keep the Village free and harmless from all loss or damage arising from or out of the use of the space of said street or sidewalk so occupied, and for the maintenance of such street and sidewalk so occupied in such condition as said sidewalk shall at all times during such use be safe for public travel and for the full and complete protection of the Village against any and all litigation arising out of injuries sustained by persons using said sidewalk or street. (Code 1958, Sec. 19.404)

Sec. 6-59. Limitation on portion of street which may be occupied.

(a) The occupation of a street for the storage of building materials shall never extend more than one-third (1/3) of the way across the street pavement, nor to any greater extent than is authorized by the permit.

(b) It shall be unlawful to occupy with building materials any street, parkway or sidewalk or any part thereof other than that immediately in front of the lot or land upon which the building is being erected; however, if the written consent of the owners, tenants or occupants of properties adjoining the site is first obtained and filed with the Superintendent of Streets and

Chapter 6, Page 29 06/24/19
Sec. 6-60. Footway to be provided in front of construction operations.

During the progress of a building operation, a sidewalk of not less than five (5) feet four (4) inches in width, or an equal width of a clean, hard paved roadway, made available and safe for a footway, and with adequate guard railings, shall at all times be kept open, clean and unobstructed for the purposes and uses of a passageway in front of any lot where construction operations are in progress. (Code 1958, Sec. 19.404)

Sec. 6-61. Mixing concrete and mortar on pavement prohibited.

It shall be unlawful for any person to mix mortar, concrete or any other building material upon the surface of any sidewalk or pavement in the Village. (Code 1958, Sec. 19.404)

Sec. 6-62. Barricades and lighting required; disturbing barricades and lighting.

(a) Any person to whom a building or street occupation permit is issued, shall erect and maintain such substantial and suitable fences, railings or barricades to guard all excavations, embankments or obstructions along the street, parkway or sidewalk abutting upon or adjacent to such lot or tract as the Superintendent of Streets and Parks deems necessary for the protection of the lives and limbs of the public; and shall place and maintain proper and sufficient red lights to protect the public using such street or sidewalk from 7:00 p.m. to 5:00 a.m. throughout the months of April to September, inclusive, and from 5:00 p.m. to 7:00 a.m. throughout the months of October to March, inclusive. Such lights shall be placed at each end of every such obstruction or excavation and at intervals of at least seventy-five (75) feet along the same. (Ord. No. 94-15, Sec. 1, 3-17-94)

(b) Any person who maliciously or wantonly, and without legal cause, removes, extinguishes, diminishes or disturbs such lights or removes or disturbs such barricades, shall be deemed guilty of a violation of this Section. (Code 1958, Sec. 19.404)

Sec. 6-63. Restoration of damaged pavement.

Whenever any pavement, curb, parkway, sidewalk or other public structure is damaged by the erection or alteration of any building abutting thereon by reason of the construction thereof, the same shall be restored by, or at the expense of the owner of the building involved, or his contractor, to a condition as good and serviceable as prior to the beginning of the work. (Code 1958, Sec. 19.404)
Sec. 6-64. Termination of permit; removal of material, etc.

Permission to occupy streets, sidewalks and parkways for the purpose of building shall terminate with the completion of such operation or at an earlier time, if feasible. The person to whom the occupation permit has been issued shall remove all material and equipment and shall place the street, sidewalk and parkway in as neat and serviceable condition as prior to the occupancy thereof. (Code 1958, Sec. 19.404)

Secs. 6-65--6-74. Reserved.

ARTICLE V. MOVING BUILDINGS

Sec. 6-75. Permit required.

No person shall move any building on, through or over any street, alley, sidewalk or other public place in the Village without having first obtained a permit therefor. (Code 1958, Sec. 19.501)

Sec. 6-76. Application for permit; contents.

Application for a permit required by this Article shall be made in writing to the Village Clerk, and shall state thereon the proposed route and the number of days it is intended that the building shall occupy any portion of any street, alley, sidewalk or other public place. (Code 1958, Sec. 19.501)

Sec. 6-77. Permit fee.

Upon approval of the intended route by the Village Board of Trustees, a fee of fifty-two ($52.00) dollars for each day or fraction thereof that it is intended that the building shall occupy any portion of any public place shall be paid to the Village Clerk and the permit issued. An additional payment of fifty-two ($52.00) dollars for each day or fraction thereof over and above the time stated on the permit during or on which any building shall occupy such public place shall be paid. (Code 1958, Sec. 19.502, Ord. No. 12-08, Sec. 2, 3-15-12)

Sec. 6-78. Bond required.

Every person applying for a permit under this Article shall submit with his application, a bond or indemnity policy in the amount of fifty thousand ($50,000.00) dollars with a lawful corporate surety to be approved by the Village Board of Trustees, conditioned on his compliance with all of the provisions of this Article, and agreeing to pay and holding the Village harmless from any claim which may be made against it by reason of the occupation of any street, sidewalk, or other public place by the building or structure moved. (Code 1958, Sec. 19.503)

Sec. 6-79. Lights and warnings.
Whenever a street or alley is blocked by a house or structure which is being moved, warnings to that
effect shall be placed by the contractor under the instruction of the Superintendent of Streets and
Parks so as to warn vehicles and persons from entering that portion of the street so blocked. The
person moving any building through the streets shall keep warning signs and lanterns or lights at
night on the building so as to guard against any person or vehicle colliding with it. (Code 1958, Sec.
19.504)

Sec. 6-80. Cutting wires and cables.

Whenever it shall be necessary to interfere with wires or cables of a public utility in moving a
building, the terms of any special or franchise ordinance governing shall apply. (Code 1958, Sec.
19.505)

Sec. 6-81. Fire alarm wires.
When any moving building approaches any fire alarm wire or pole which shall be endangered by the
removal of such building or structure, it shall be the duty of the mover to notify the Chief of the Fire
District at least six (6) hours before reaching such wire or pole so that they may be removed or cared
for by the Village authorities. (Code 1958, Sec. 19.506)

Secs. 6-82--6-91. Reserved.

ARTICLE VI. DANGEROUS BUILDINGS*

Sec. 6-92. Defined.

The term "dangerous building" as used in this Article is hereby deemed to mean and include:

(a) Any building, shed, fence, or other man-made structure which is dangerous to the public
health because of its condition, and which may cause or aid in the spread of disease, or injury
to the health of the occupants of it, or other neighboring structures.

(b) Any building, shed, fence, or other man-made structure which, because of faulty
construction, age, lack of proper repair or any other cause is especially liable to fire and
constitutes or creates a fire hazard.

(c) Any building, shed, fence, or other man-made structure which, by reason of faulty
construction or any other cause, is liable to cause injury or damage by collapsing or by a
collapse or fall of any part of the structure.

*State law reference--Authority of Village relative to dangerous buildings, 65 ILCS 5/11-31-1 et seq.
(d) Any building, shed, fence, or other man-made structure, which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

(e) Any building or structure which fails to conform to the minimum standards of health and safety as set forth in the applicable Ordinances of the Village. (Code 1958, Sec. 19.201; Ord. of 7-26-71, Sec. 1)

Sec. 6-93. Declared to be nuisances.

Any dangerous building in the Village is hereby declared to be a nuisance. (Code 1958, Sec. 19.201)

Sec. 6-94. Abatement procedure generally.

(a) Whenever the building inspector or the Superintendent of Building and Zoning shall be of the opinion that any building or structure in the Village is a dangerous building, he shall file a written statement to that effect with the Village Board of Trustees. The Village Clerk shall thereupon cause written notice to be served upon the owner or owners, the lienholders of record thereof, and upon the occupant thereof, if any, by registered mail or by personal service. Where, upon diligent search, the identity or whereabouts of the owner or owners, of any such building including the lienholders of record is not ascertainable, notice mailed to the person or persons in whose name such real estate was last assessed is sufficient notice under this Section. Such notice shall state that the building has been declared to be dangerous and unsafe, and that such condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice may be in substantially the following form:

"To________________________________________ (owner-occupant- lienholder of premises) of the premises known and described as________________________________________

______________________________________________________________

You are hereby notified that (described building or structure) on the premises above-mentioned has been condemned as a dangerous building after inspection by ______________________ and that said building is a public nuisance. The causes for this decision are (here insert the facts as to the dangerous condition).

You must remedy this condition or demolish the building immediately or the Village will proceed to do so, and will claim a prior lien against the real estate for its expenses." (Ord. No. 94-12, Sec. 2, 3-17-94)

(b) If the person receiving such notice has failed to put such building in a safe condition or to
demolish it within fifteen (15) days from the date that the aforesaid notice is served upon such person by personal service or by registered mail, or within such other time that the state statutes might prescribe, the Village may apply to the circuit court for an order authorizing the Village to demolish, repair or cause the demolition or repair of such building and for such other and further relief as may be permitted by applicable state law.  (Code 1958, Sec. 19.203; Ord. of 7-26-71, Sec. 2)

Sec. 6-95.  Certain buildings in fire limits to be destroyed or rebuilt.

Any frame building or structure within fire limits of the Village which has been or may be damaged by fire, decay, or other cause to the extent of fifty (50%) percent of its value, shall be torn down and removed, or rebuilt with nonflammable exterior walls.  (Code 1958, Sec. 19.204)

Sec. 6-96.  Same-Appointment of board to determine extent of damage.

Upon the filing of a written notice with the Village Clerk by the building inspector or the Superintendent of Building and Zoning, to the effect that a building has been so damaged to the extent described in Section 6-95, the Village Clerk shall notify the Village Board of Trustees of the receipt of such notice.  The Board of Trustees shall then appoint a board of three (3) persons to determine whether or not such building or structure has been damaged to the extent of fifty (50%) percent of its value.  (Code 1958, Sec. 19.204)

Sec. 6-97.  Same-Notice to owner of premises.

A copy of the notice of the appointment of the board of three (3) persons to determine the damage shall be served upon the owner of the premises by personal service or by registered mail at his last known address.  The notice may be in substantially the following form:

"To ____________________________________________________________:  You are hereby notified that ________________________________________ has determined that the building owned by you at ____________________________________________________________ located within the fire limits of the Village has been damaged by fire, decay or otherwise to the extent of fifty (50%) percent of its value and that a board of three (3) persons has been appointed to verify this finding, which board will hold its first meeting in room ____________ of the Village hall on the _____ day of ____________ at the hour of ________ o'clock, at which time it will determine whether or not the building in question has been damaged to the extent of fifty (50%) percent of its value.  If this finding is verified by the board, you must tear down and remove the said building."  (Code 1958, Sec. 19.204)
Sec. 6-98. Same-Action of board.

If the board of three (3) members determines that the building in question has been damaged to the extent of fifty (50%) per cent of its value, it shall be the duty of the owner to tear down or remove the said building within twenty (20) days after the finding of the board, or remodel it to comply with the requirements for new buildings in the fire limits. It shall be unlawful to occupy or permit such building to be occupied after such finding until it is so remodeled. (Code 1958, Sec. 19.204)

Secs. 6-99-6-108. Reserved.

ARTICLE VII. SIGNS AND AWNINGS

Sec. 6-109-6-133. Repealed

Repealed in its entirety per Village Ordinance 2016-06, Section 1, April 7, 2016 and moved to Zoning Ordinance per Village Ordinance 2016-07.

Secs. 6-134--6-147. Reserved.

ARTICLE VIII. (Reserved)

Article VIII of Chapter 6 of the Code of Ordinances of the Village of Fox River Grove shall be repealed in its entirely. (Ord. No. 15-08, Sec. 2, 5-7-15)

Sec. 6-148-6-159. Reserved

ARTICLE IX. ELECTRICITY**

Sec. 6-160. Building inspector to act as ex officio electrical inspector.

Unless and until an electrical inspector shall be appointed by the Village President and Board of Trustees, the Office of Building and Zoning shall act as ex officio electrical inspector and shall have all of the powers and perform all of the duties connected with that office. (Code 1958, Sec. 4.507)

Sec. 6-161. "Electrical equipment" defined.

The term "electrical equipment" as used in this chapter shall be construed to mean and include,

** State law references-Authority of village to regulate the installation, alteration and use of electrical equipment, 65 ILCS 5/11-37-2; authority to prevent the dangerous construction, installation and condition of electrical wiring, 65 ILCS 5/11-8-2
conductors and equipment installed for the utilization of electricity supplied for light, heat or power, but does not include radio apparatus or equipment for the wireless reception of sounds and signals nor ordinary household appliances, such as toasters, vacuum cleaners, washing machines, and does not include apparatus, conductors, and other equipment installed for and by public utilities, including common carriers, which are under the jurisdiction of the State for use in their operations as public utilities. (Code 1958, Sec. 20.101)

Sec. 6-162. Electrical code adopted.

That certain document, three (3) copies of which are on file in the office of the Village Clerk, being marked and designated as the NEC National Electrical Code, 2008 Edition, as published by the National Fire Protection Association, be and is hereby adopted by reference as the Electrical Code of the Village for the control of all electrical equipment as herein provided; and each and all of the regulations, provisions, conditions and terms of the NEC National Electrical Code, 2008 Edition, are hereby referred to, adopted and made a part hereto by reference, as if fully set out in this Code. (Ord. No. 97-10, Sec. 7, 5-15-97; Ord. No. 02-04, Sec. 7, 2-21-02; Ord. No. 07-27, Sec. 5, 8-16-07, Ord. 09-21, Sec. 1, 9-17-09)

Sec. 6-163. Permit required for installation or repair of electrical equipment.

It shall be unlawful for any person to install or alter any electrical equipment or wiring without having first obtained a permit therefor. (Code 1958, Sec. 20.103)

Sec. 6-164. Application for permit; contents; accompanying plans and specifications.

Application for a permit required by this Article shall be made in writing to the Village Clerk, and shall be referred by him to the electrical inspector. Each application shall contain the name of the owner of the premises to be served, the name of the contractor doing the work, and the nature of the work to be done. Where the work consists of a new installation, or extensive repairs or alterations, plans and specifications of the work shall accompany the application. (Code 1958, Sec.20.103)

Sec. 6-165. Issuance of certificate of approval.

The electrical inspector shall issue a certificate after each inspection in which the wiring or apparatus is found to be in compliance with the terms of this Article and with the Electrical Code adopted hereby. (Code 1958, Sec. 4.704, 20.104)

Sec. 6-166. Work not to be covered prior to inspection and approval.

No electrical wiring shall be covered until it has been inspected and approved. (Code 1958, Sec. 4.703)
Sec. 6-167.  Power not to be turned on prior to issuance of certificate of approval.

It shall be unlawful for any person to use or turn on electrical power into any wires or apparatus for which a certificate of approval has not been issued because the permit was not secured for installation or because the work was not completed in accordance with the provisions of this Article.  (Code 1958, Sec. 20.103)

Sec. 6-168.  Issuance of stop orders; resumption of work.

(a)  The electrical inspector shall have the power to order all work stopped on the installation, alteration or repair of electrical equipment in the Village when such work is being done in violation of any provision of this Chapter or other Ordinance relating to electricity.  If the stop order is oral, it shall be followed by a written stop order within one (1) hour.  Such stop order may be served by any policeman.

(b)  Work shall not be resumed after the issuance of a stop order except upon the written permission of the electrical inspector.  (Code 1958, 4.705)

Sec. 6-169.  Right of entry of electrical inspector.

The electrical inspector shall have the right during reasonable hours to enter any building in the discharge of his official duties or for the purpose of making an inspection or test of the electrical equipment therein.  (Code 1958, Sec. 4.702)

Sec. 6-170.  Power of electrical inspector to turn off current.

The electrical inspector shall have the power to cause the current in any wire or conduit to be turned off whenever this becomes necessary for the protection of life, limb or property.  (Code 1958, Sec. 4.702)

Secs. 6-171-6-180.  Reserved.

ARTICLE X.  PLUMBING*
DIVISION 1.  GENERALLY

Sec. 6-181.  Plumbing code adopted.

That certain document, three (3) copies of which are on file in the office of the Village Clerk, being

* Cross reference-Water and sewers, Sec. 23-1 et seq. (Ord. No. 79-30, Sec. 5, 9-19-79; Ord. No. 81-03, Sec. 1, 1-21-81; Ord. No. 88-02, Sec. 5, 1-20-88)
State law reference-Adoption of technical codes by reference, 65 ILCS 5/1-3-2 et seq.
marked and designated as the 2004 Illinois State Plumbing Code, be and is hereby adopted by reference as the Plumbing Code of the Village; and each and all of the regulations, provisions, conditions and terms of the said Code, are hereby referred to, adopted and made a part hereof by reference, as if fully set out in this Code with the following amendments:

(1) Section 890.350, Unions, is amended to read as follows:

Unions may be used in the drainage and venting systems when accessibly located aboveground. Di-electric unions shall be installed in a water supply system within twelve (12) inches of regulating equipment, water heating, conditioning tanks and similar equipment which may require service by removal or replacement in a manner which will facilitate its ready removal.

(2) Section 890.350(b), Water Supply System, is amended to read as follows:

Unions in the water supply system shall be metal with ground seats, except that plastic to metal unions may utilize durable, nontoxic, impervious gaskets. Fittings between dissimilar metals shall be di-electric type.

(3) Section 890.137(a)(3) is amended to read as follows:

Every public washroom shall have at least one (1) properly sized and vented floor drain.

(4) Subheading 1, Materials for water lines, Table A is amended to read as follows:

1. Materials for water lines
   A. Inside
      1. Underground: Type K copper
      2. Above grade: A. Type K or L copper hard drain
         B. Galvanized iron

(Ord. No. 02-04, Sec. 8, 2-21-02; Ord. No. 07-27, Sec. 6, 8-16-07)

Sec. 6-182. Office of Building and Zoning to act as ex officio plumbing inspector.

Unless and until a plumbing inspector is appointed by the Village President and Board of Trustees, the Office of Building and Zoning shall be ex officio plumbing inspector and shall have all powers and perform all the duties connected with that office. (Code 1958, Sec. 4.506)

Sec. 6-183. General duties of plumbing inspector.

It shall be the duty of the plumbing inspector to see to the enforcement of the provisions of this Article and other Ordinances of the Village relating to plumbing and plumbing equipment and to
make such inspections and perform such tests as may be necessary in the enforcement of the same. (Code 1958, Sec. 4.602)

Sec. 6-184. Power of plumbing inspector to issue stop order; resumption of work after issuance of order.

The plumbing inspector shall have the power to order work stopped on the construction, alteration or repair of plumbing equipment when such work is being done in violation of this Article or other Ordinances of the Village. Work shall not be resumed after the issuance of a stop order except upon the written permission of the plumbing inspector. If the stop order is oral, it shall be followed by a written stop order within one (1) hour. (Code 1958, Sec. 4.603)

Secs. 6-185-6-189. Reserved.

DIVISION 2. PERMITS AND INSPECTIONS

Sec. 6-190. Permit required.

No plumbing shall be installed in any place in the Village unless a permit therefor is first obtained. (Code 1958, Sec. 21.102)

Cross reference-Permits generally, Sec. 12-1 et seq.

Sec. 6-191. Application for permit; contents; accompanying plans and specifications.

Applications for permits required by this Division shall be made in writing to the Village Clerk, and shall state thereon the name of the person or contractor intended to have charge of the installation and shall contain an agreement by the applicant to conform to the provisions of this Article and other Ordinances of the Village. Before issuing the permit the Village Clerk shall require the applicant to submit plans and specifications of the proposed work. (Code 1958, Sec. 21.102)

Sec. 6-192. Permit fees.

For permit fees required by this Division refer to Section 6-37 for each fixture, included in the system. Bathtubs, lavatories, closets, sinks, laundry tubs, drinking fountains, shower receptacles, urinals, slop sinks and soda fountains shall be considered fixtures. (Code 1958, Sec. 21.103; Ord. No. 12-08, Sec. 3, 3-15-12)

Sec. 6-193. Inspections required.

The plumbing inspector shall make or cause to be made such inspections as may be necessary to insure compliance with the provisions of this Article. (Code 1958, Sec. 21.104)

Sec. 6-194. Tests and additional permit for changes in sewer-connected pipes.
All plumbing fixtures installed in the Village shall be subject to either the air test or the water test under the supervision of the plumbing inspector, and where there is any change in any sewer-connected pipes, and where such change is on the sewer side of the trap, except in case of minor repairs, a permit shall first be obtained, and the work tested by the plumbing inspector. (Code 1958, Sec. 21.105)

Sec. 6-195. Work to be exposed until inspected.

In all cases in which any plumbing is installed or any sewer-connected pipe is repaired or changed, except for minor repairs, such installations or repairs shall be left exposed to view for inspection and testing and shall remain so exposed until inspected by the plumbing inspector. (Code 1958, Sec. 21.106)

Sec. 6-196. Traps not to be inaccessible.

In no case shall a trap be inaccessible at any time. (Code 1958, Sec. 21.106)

Sec. 6-197. Issuance of certificate of inspection.

If the plumbing inspector is satisfied, after inspection, that all the requirements of this Chapter have been fulfilled, he shall issue a certificate of approval and the work may then be covered. (Code 1958, Sec. 21.106)

Secs. 6-198--6-199. Reserved

ARTICLE XI.
MULTIPLE-FAMILY RESIDENTIAL RENTAL PROPERTY INSPECTIONS

Sec. 6-200. Purpose.

The Board of Trustees of the Village of Fox River Grove establishes the following inspection program for multiple-family residential rental properties to:

(a) Protect the public health, safety, and welfare of the residents of the Village of Fox River Grove by:

(1) increasing the likelihood that residential rental units in multi-family buildings in the Village comply with the minimum housing standards contained in the Ordinances of the Village; and

(2) providing for the correction and prevention of housing conditions that adversely affect, or are likely to adversely affect, the life, safety, general
welfare and health, including the physical, mental and social well-being of persons occupying the dwellings; and

(b) Protect the character and stability of residential areas by:

(1) facilitating the enforcement of minimum standards for the maintenance of existing multiple-family residential buildings; as set forth in the Ordinances of the Village and

(2) preserving the value of land and buildings throughout the Village;

Sec. 6-201. Definitions.

For purposes of this Article, the following words and phrases shall have the meanings set forth in this Section 6-201:

Building Code means the Building Code in effect pursuant to Sec. 6-1 of the Code of Ordinances of the Village of Fox River Grove ("Village Code").

Condominium means property subject to the Condominium Property Act [765 ILCS 605/1 et seq.]

Dwelling means a building or portion thereof designed or used exclusively for residential purposes, but not including trailers or structures which are not permanently anchored to the land, and also not including lodging rooms in hotels, motels, or lodging houses.

Dwelling, Multiple-Family means a building containing three (3) or more dwelling units or multiple buildings on the same or adjacent parcels which have the same owner(s) and which together contain three (3) or more dwelling units.

Dwelling Unit means the portion of a multiple-family dwelling which is designed or intended to be occupied as a single unit. An apartment, as that word is generally used, constitutes a dwelling unit and a building containing three apartments is considered to have three dwelling units.

Electrical Code means the Electrical Code in effect pursuant to Sec. 6-162 of the Village Code.

Fire Prevention Code means the Fire Prevention Code in effect pursuant to Sec. 6-12 of the Village Code.

Multiple-Family Residential Rental Property means a building that has three (3) or more
rental dwelling units, or multiple buildings on the same or adjacent parcels which have the same owner(s) and which together contain three (3) or more rental dwelling units.

*Occupant* means any person who lives in, sleeps in or regularly cooks or eats in or who has actual possession or control of a dwelling unit in a Multiple Family Residential Property.

*Operator* means any person who has charge, care or control of a Multiple Family Residential Rental Property.

*Owner* means one or more natural persons, a corporation, partnership or any other legal entity, jointly or severally in whom is vested legal title to a Multiple-Family Residential Rental Property, except: (1) if legal title is held by a land trust, owner shall mean the beneficial owner or owners of the land trust; and (2) if there is a purchaser or purchasers under a real estate installment sales contract, owner shall mean the purchaser or purchasers. Owner shall also include any mortgagee in possession of the realty.

*Person* means any individual, firm, association, partnership, limited liability company, corporation, trust or any other legal entity.

*Plumbing Code* means the Plumbing Code in effect pursuant to Sec. 6-181 of the Village Code.

*Property Maintenance Code* means the Property Maintenance Code in effect pursuant to Sec. 6-300 of the Village Code. (Ord. No. 15-08, Sec. 3, 5-7-15)

*Rental Agreement* means an oral or written lease or other agreement covering a definite or indefinite period of time containing the terms of occupancy of a dwelling unit by a tenant.

*Rental Unit* means a dwelling unit in a multiple-family residential rental property that is rented or leased or offered for rent or lease under a rental agreement. A rental unit does not include a condominium unless a person owns or controls more than fifty percent (50%) of the units in a condominium and more than fifty percent (50%) of the units such person owns or controls are occupied by tenants.

*Rental Income* means rent and includes any consideration paid for or in connection with the use or occupancy of a dwelling unit.

*Rental Manager* means a person, who is not the owner of the property, who receives compensation for managing any rental unit.

*Superintendent of Building and Zoning* means the Superintendent of Building and Zoning of the Village or any person employed.
Tenant means a person occupying a dwelling unit pursuant to a rental agreement.

Sec. 6-202. Certificate of Registration Required for Multiple-Family Residential Rental Properties.

(a) No multiple family dwelling shall be operated as a multiple-family residential or commercial rental property unless landlord of such multiple family dwelling holds a current, unexpired certificate of registration issued by the Village, for the multiple-family residential rental property. This Section 6-202 shall not apply to the following structures:

1. Single-family rental property;

2. Residential property with two (2) or fewer rental dwelling units;

3. Condominiums, except for the common areas, unless a person owns or controls more than fifty percent (50%) of the units in a condominium building and more than fifty percent (50%) of the units owned or controlled by such person are occupied by tenants;

4. Dwellings, buildings, structures and uses licensed and inspected by the State or the Federal government, including, but not limited to, nursing homes, retirement centers and rest homes. (Ord. No. 09-15, Sec. 1, 5-14-09)

(b) The landlord of a multiple-family residential rental property shall file a registration statement for each such rental property with the Village Clerk. The registration statement shall be prima facie evidence that the information in the statement is true. The registration statement shall be on a form provided by the Village Clerk and shall contain the following information:

1. The name, address and telephone number of the owner(s), operators and rental managers of the multiple-family residential rental property. If an owner, operator or rental manager is a partnership, corporation, limited liability company or similar entity, the statement shall include the name, address and telephone number for all general partners, managers or officers and the name, address, telephone number and the name and address of a person who is designated to receive notices from the Village relating to the rental property. The person designated shall be authorized to receive service of process on behalf of the owner, operator or rental manager.

2. When an owner is a land trust, the statement shall include the name, address and telephone numbers of each person holding a beneficial interest in the land
trust.

(3) The street address and permanent index number of the multiple-family residential rental property and the number of dwelling units in the multiple-family residential rental property.

For the purpose of this Section, a post office box is not sufficient as an address. Only one registration statement is required for each multiple-family residential rental property provided the names of all owners, operators and rental managers are listed in the registration statement. It is a violation of this Section for any person to submit a registration statement which contains false information or incomplete information which is intended to be misleading.

(b) Each landlord shall have a local agent if the address(es) of the owner, operator and rental manager provided pursuant to Section 6-202(b)(1) or Section 6-202(b)(2) are all located outside of Cook, McHenry, Lake or Kane Counties, Illinois. The local agent shall be authorized by the landlord to receive notices of code violations and receive process in any court proceeding on behalf of such owner or landlord in connection with the enforcement of the Village Code. The local agent must maintain an office or reside within McHenry, Lake, Cook or Kane Counties, Illinois. The agent must be a natural person twenty-one years or older.

Sec. 6-203. Time of registration.

(a) A registration statement shall be effective for a calendar year. The registration statement shall be filed annually with the Village Clerk before January 1 of the calendar year for which it is to be effective, beginning on January 1, 2007. Upon registration the Village Clerk, or the Clerk's designee, shall issue a certificate of registration to the landlord, which shall certify that the landlord has registered the multiple-family residential rental property as required by this Article. The landlord of any multiple family dwelling which becomes a multiple-family residential rental property after January 1 shall file a registration statement no later than thirty (30) days after the date on which the multiple-family dwelling became a multiple-family residential rental property.

(b) The landlord shall notify the Village Clerk within ten (10) days of any change in the information provided in a registration statement by completing an amended registration statement.

(c) A certificate of registration for a multiple-family residential rental property is not transferable to a subsequent purchaser or assignee. It shall be the duty of any subsequent landlord of the multiple-family residential rental property to register it as
required under this Article by filing a registration statement within thirty (30) business days after the transfer of ownership.

Sec. 6-204. Minimum standards for multiple-family residential rental property.

All rental units and common areas in a multiple-family residential rental property must meet the minimum living standards for the safety and protection of the tenants as set forth in the Ordinances of the Village of Fox River Grove. The scope and objects of inspections conducted pursuant to this Article shall be limited to what is reasonably necessary to ensure that the common areas and rental units in a multiple-family residential rental property are in compliance with all applicable Village Ordinances, including but not limited to, the Building Code, the Fire Prevention Code, the Property Maintenance Code, the Electrical Code and the Plumbing Code. Any owner or landlord owning a multiple-family residential rental property which does not comply with the applicable Village Ordinances is in violation of this Section. (Ord. No. 15-08, Sec. 4, 5-7-15)

Sec. 6-205. Inspection of multiple-family residential rental property.

(a) Annual Inspections of Common Areas. All common areas of a multiple-family residential rental property shall be subject to inspection by or on behalf of the Village on an annual basis as provided in this Article. Common areas include but are not limited to hallways, mechanical rooms, building exteriors and roofs, basements, storage areas, recreational facilities, accessory structures, exterior areas, including parking lots, and any other areas which may be designated as "common areas" in the rental agreement or any written description or plan of the rental property. Such inspections are limited to one per year unless either Section 6-205(c) or Section 6-205(d) applies.

(b) Inspection of Rental Units When There Is a Change of Occupancy. Each rental unit in a multiple-family residential rental property shall be subject to inspection as provided in this Article if there is a change in the tenant who occupies the rental unit. No owner, landlord, operator or rental manager of a multiple-family residential rental property shall allow any person to occupy a rental unit as a tenant for the first time unless the Superintendent of Building and Zoning has been notified in writing that a new tenant will be occupying the rental unit and the Superintendent of Building and Zoning has completed an inspection of the rental unit; provided that if a certificate of registration has been issued for the multiple-family residential rental property in which the rental unit is located, then the new tenant may occupy the rental unit prior to the inspection being performed. Unless otherwise notified by the owner or landlord of the change of tenant prior to occupancy, notification to the Village of a change of occupancy shall be considered to have occurred if a Village...
vehicle sticker is purchased by someone other than the person who previously purchased a vehicle sticker using the address of the rental unit or if there is a name change for utility billing for the rental unit, whichever occurs first.

(c) **Inspection for Cause.** Nothing in this Article shall prohibit the inspection of the common areas of a multiple-family residential rental property more than once a year if the Superintendent of Building and Zoning has received a complaint or otherwise has notice or a reasonable suspicion that the multiple-family residential rental property has one or more violations under this Article. Nothing in this Article shall preclude the inspection of a rental unit following the filing or making of a complaint with the Superintendent of Building and Zoning or if the Superintendent of Building and Zoning otherwise has notice or a reasonable suspicion that conditions within the rental unit may violate provisions contained in one or more Village Ordinances.

(d) **Re-inspection.** The Village shall conduct re-inspections of common areas of multiple-family residential rental properties and rental units following an inspection authorized under Subsections (a), (b) or (c) if the Superintendent of Building and Zoning or his designated agent has found violations of Village Ordinances and has given the landlord, and/or occupant notice of the violations with a directive to correct those violations within a specific time.

**Sec. 6-206. Notice of Inspection; consent to inspection.**

The Superintendent of Building and Zoning or his designated agent shall provide notice of the inspection of the common areas to the landlord. Notice of inspection for a rental unit under Sec. 6-205(b) or (c) of this Article shall be provided to the occupant of the rental unit to be inspected, and the landlord if the occupant refuses consent to the inspection. An inspection shall be conducted only if a landlord and/or occupant has given their consent to the inspection by the Superintendent of Building and Zoning or his designated agent. Notice of inspection shall be given to a landlord by either sending notice by registered or certified mail to the address of the person or entity designated in the registration statement or by hand delivery to the landlord. Notice shall be given to the occupant(s) by registered or certified mail to the address of the rental unit to be inspected or by hand delivery of the notice to an occupant who is eighteen (18) years of age or older or by posting the notice on the front door of the rental unit. If the landlord, refuses to consent to the inspection of common areas or if the landlord or occupant of a rental unit refuses to consent to the inspection of the rental unit, then Superintendent of Building and Zoning or his designated agent shall be authorized to obtain an administrative search warrant as provided in Section 6-207.

**Sec. 6-207. Warrant Authorizing Inspection without Consent.**

If the appropriate consent as provided in Section 6-206 has not been given to enter or inspect
the common areas or a rental unit, no entry or inspection shall be made unless a warrant allowing the inspection has been obtained from a court of competent jurisdiction.

Sec. 6-208. Certificate of inspection.

(a) Issuance of Certificate. The Village shall issue a certificate of inspection to the owner or landlord if, after inspection, the common areas of a multiple-family residential rental property or a rental unit are in compliance with Sec. 6-204 of this Article. The certificate of inspection for common areas shall be valid until the September 30 following the date of its issuance. The certificate of inspection for a rental unit shall be valid until such time as there is a change in occupancy.

(b) Denial of a Certificate. If the common areas of the rental property or a rental unit is in violation of Sec. 6-204 of this Article, the Village shall mail by registered or certified mail, a written report of such violation(s) to the landlord within twenty-one (21) days of the inspection. Except where the conditions resulting from the failure of a common area or rental unit to comply with the requirements of an applicable Village ordinance create a situation that poses an immediate danger to the safety or health of the public or to persons who may occupy rental units in or be on the premises of the multiple-family residential rental property, the Village shall allow the landlord not less than twenty-one (21) days from the receipt of the report to correct the violations. The report shall state a re-inspection date. The Village shall issue a certificate of inspection if the violations listed in the report are found to have been corrected upon re-inspection. If the violations are not corrected, a certificate of inspection shall not be issued and the Village may take whatever action is necessary to enforce compliance with the applicable Village codes and ordinances.

(c) Certificate Required. Subject to the provisions of Sec. 6-205(b) of this Article, no landlord may permit the occupancy of a rental unit by any tenant without having a valid certificate of inspection for the rental unit.

(d) Landlord Responsibility. It shall be the responsibility of the landlord to maintain certificates of inspection for common areas and rental units. Certificates of inspection for common areas shall be displayed in a prominent place in the multiple-family residential rental property for which the certificate has been issued. The certificate of inspection for a rental unit shall be provided upon request of the Superintendent of Building and Zoning or his designated agent. Failure to display the certificate of inspection for common areas or produce a certificate of inspection for a rental unit upon proper request, shall constitute a separate offense for which the landlord is liable.

(e) No Warranty of Habitability. The issuance of a certificate of inspection shall not be
construed as a warranty of habitability a dwelling unit or any guarantee to the owner or landlord or any occupant of a rental unit or any other person that the common areas of a multiple-family residential rental property or a rental unit are free from violations of applicable Village ordinances or from violations of any other applicable law or regulation. Nothing in this Article shall be construed as creating a duty or obligation on the part of the Village, or the Village’s officers, employee or agents to any holder of a certificate of inspection, landlord, occupant or other person.

Sec. 6-209. Inspection Fees.

(a) The following fees shall be paid by the Landlord for inspections and re-inspections:

(1) First Inspection: $83.00

(2) Each re-inspection following the first inspection: $52.00

(b) If an inspection is scheduled and the Landlord fails to keep the appointment, the appearance of the Superintendent of Building and Zoning or his designated agent at the multiple-family residential rental property for the appointment shall be deemed to constitute an inspection for the purpose of calculating the fees payable under this Section.

(c) The inspection fees shall be payable within ten (10) days of receipt of an invoice for such inspections. (Ord. No. 12-08, Sec. 4, 3-15-12)

Sec. 6-210. Penalty; Additional relief.

(a) Any person who violates, neglects or refuses to comply with, or who resists or opposes the enforcement of any of the provisions of this Article, upon conviction thereof, shall be fined not less than two hundred fifty dollars ($250.00), for each offense plus twenty-five (25%) percent on building permit fees and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(b) In addition to the penalty provided in this Article, the appropriate authorities of the Village may take such other action as they deem proper to enforce the terms and conditions of this Article, including, without limitation, an action in equity to compel compliance with its terms. That any person violating the terms of this Article shall be subject, in addition to the foregoing penalties, to payment of court costs and reasonable attorney fees. (Ord. No. 2006-40, Sec. 1, 8-17-06; Ord. No. 12-08, Sec. 4, 3-15-12)
ARTICLE XII
PROPERTY MAINTENANCE

Sec. 6-300. Property Maintenance Code adopted.

That certain document, three (3) copies of which are on file in the office of the Village Clerk being marked and designated as the 2006 International Property Maintenance Code, as published by the International Code Council, Inc., be and is hereby adopted by reference as Property Maintenance Code of the Village; and each and all of the regulations, provisions, conditions and terms of the 2006 International Property Maintenance Code, are hereby referred to, adopted and made a part hereof by reference, as though fully set out in this Code.  (Ord. No. 97-10, Sec. 6, 5-15-97; Ord. No. 02-04, Sec. 6, 2-21-02; Ord. No. 07-27, Sec. 4, 8-16-07; Ord. No. 15-08, Sec. 5, 5-7-15)

Sec. 6-301. Terms in property maintenance code defined.

Whenever the following words and phrases are used in the property maintenance code adopted by this Article, they shall have the meanings respectively ascribed to them by this Section:

Boat – Any vessel used or capable of being used as a means of transportation on water, except an innertube, air mattress or similar device. Boats include, but are not limited to, sailboats, motorboats, kayaks, canoes, and rowboats. Boats do not include personal watercraft. For the purposes of this Chapter, a boat shall include the trailer used to transport the boat, if the trailer is required by the Illinois Vehicle Code to have a license plate.

Building Official – Office of Building and Zoning.

Dumpster – Bulk refuse receptacle with a capacity exceeding eight (8) cubic yards.

Mobile Home – Structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one (1) or more persons, provided that any such structure resting on a permanent foundation, with wheels, tongue and hitch permanently removed, shall not be construed as a mobile home.

Motorboat – Any boat propelled by machinery, whether or not such machinery is the principal source of propulsion, but does not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any Federal agency successor thereto.

Movable Container – Dumpster, storage container, or any other bulk container used for storage or refuse disposal that is determined not to be a building. The determination of the Village in this matter shall be considered final.
Municipality – Village of Fox River Grove.

Personal Watercraft – Vessel that uses an inboard motor powering a water jet pump as its primary source of motor power and that is designed to be operated by a person sitting or standing inside the vessel, and is designed to carry not more than two persons. Personal watercraft also means a vessel that is similar in appearance, passenger capacity and operation to a vessel that uses an inboard motor powering a water jet pump as its primary source of motor power personal watercraft but which is powered by an outboard or propeller drive motor. For purposes of this Chapter, a personal watercraft shall include the trailer used to transport the personal watercraft, if the trailer is required by the Illinois Vehicle Code to have a license plate. (Ord. No. 2003-26, Sec. 2, 7-17-2003)

Recreational Vehicle (“RV”) – Any of the following:

1. Travel trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational or vacation uses, or one permanently identified as a travel trailer by the manufacturer of the trailer.
2. Pick-up coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
3. Motor home. A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
4. Camping trailer. A canvas, material or metal folding structure, mounted on wheels, and designed for travel, recreation and vacation use.
5. Any other vehicle which is a recreational vehicle as defined in Section 1-169 of the Illinois Vehicle Code, (625 ILCA 5/1-169)

Sailboat – any boat propelled by sail or canvas, including sailboards. For the purpose of this Chapter, any boat equipped to be propelled by both sail or canvas and machinery of any sort shall be deemed a motorboat.

Storage Container – Box-like container transported by truck or trailer to a desired location for drop off that would normally be stored at an offsite location. This definition includes, but is not limited to portable on-demand storage, or PODS. (Ord. No. 15-08, Sec. 5, 5-7-15)

Sec. 6-302. Exterior Property Areas.

(a) Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(b) Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Exception: approved retention areas and reservoirs.
(c) **Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(d) **Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

(e) **Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(f) **Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(g) **Motor vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(h) **Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair. (Ord. No. 15-08, Sec. 5, 5-7-15)

**Sec. 6-303. Exterior Structure**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(a) **Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces
subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(b) **Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(c) **Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(d) **Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(e) **Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(f) **Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(g) **Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(h) **Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(i) **Chimneys and towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or
rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(j) **Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(k) **Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. All glazing materials shall be maintained free from cracks and holes. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(l) **Insect screens.** During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. **Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.**

(m) **Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code.*

(n) **Basement hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

(o) **Guards for basement windows.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(p) **Building security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

(q) **Doors.** Doors providing accesses to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than one (1) inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer’s specifications and maintained in
good working order. For the purpose of this Section, a sliding bolt shall not be considered an acceptable deadbolt lock.

(r) **Windows.** Operable windows located in whole or in part within six (6) feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

(s) **Basement hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

**Sec. 6-304. Penalty.**

Any residential violation of this Section shall be fined not less than twenty-five ($25.00) dollars plus twenty-five (25%) percent on building permit fees. Any commercial/industrial/multi-family violation of this Section shall be fined not less than fifty ($50.00) dollars for each offense plus twenty-five (25%) percent on building permit fees. Each day that a violation is permitted to exist shall constitute a separate offense. A judgment of a fine imposed upon an offender may be enforced in the same manner as a judgment entered in a civil action. (Ord. No. 12-08, Sec. 3, 3-15-12)

**Sec. 6-305. Use of mobile homes, recreational vehicles and boats for lodging and dwelling purposes.**

Mobile homes, recreational vehicles and boats shall not be occupied for lodging or dwelling purposes on any lot except as follows:

1. Mobile homes may be occupied for dwelling purposes in a mobile home park.

2. Mobile homes may be occupied for dwelling purposes during an emergency created by wind, fire, flood or other similar disasters. (Ord. No. 2003-26, Sec. 3, 7-17-2003)

**Sec. 6-306. Mobile homes, recreational vehicles and boats not to be used as accessory buildings; exception.**

Mobile homes, recreational vehicles and boats shall not be permitted in any district as accessory buildings, except mobile homes may be used as accessory buildings in mobile home parks or when used as temporary offices. Storage containers may be used for temporary storage when incidental to construction of a building development for the period of time such construction is actively undertaken. This exception shall not exceed three (3) months without the express written consent of the Village. Storage containers used for such purposes shall be located on the same lot as the
building development or a lot contiguous thereto. (Ord. No. 2003-26, Sec. 4, 7-17-2003; Ord. No. 15-08, Sec. 5, 5-7-15)

Sec. 6-307. Storage of mobile homes, recreational vehicles, boats and personal watercraft.

No mobile home, recreational vehicle, boat or other watercraft shall be stored in the Village except as follows:

1. Recreational vehicles may be stored and parked on the private property of the owner of the vehicle, subject to the restrictions and prohibitions set forth below in Section 6-308, "Storage and parking of recreational vehicles in residential zoning districts."

2. Mobile homes, recreational vehicles, boats and personal watercraft may be stored on lots occupied by establishments selling and manufacturing the same prior to sale or delivery.

3. Boats and personal watercraft may be stored on the premises of a marina or commercial establishment, which is engaged in the business of storing boats and personal watercraft.

4. Boats and personal watercraft may be stored and parked on the private property of the owner of the boat or personal watercraft, subject to the restrictions and prohibitions set forth below in Section 6-310, “Storage and parking of boats and personal watercraft in residential zoning districts.” (Ord. No. 2003-26, Sec. 5, 7-17-2003; Ord. No. 15-08, Sec. 5, 5-7-15)

Sec. 6-308. Restrictions and prohibitions applicable to the storage and parking of recreational vehicles in residential zoning districts.

The following restrictions and prohibitions shall apply to the storage and parking of recreational vehicles in all residential zoning districts established pursuant to the Zoning Ordinance of the Village of Fox River Grove:

1. Except as provided in Section 6-309, a recreational vehicle shall not be parked or stored less than three (3) feet from a sidewalk, within ten (10) feet of the pavement of a public street or within eight (8) feet of a lot line as defined in the Village of Fox River Grove Zoning Ordinance unless the recreational vehicle is parked or stored within a totally enclosed structure or garage.

2. No recreational vehicle parked or stored in a residential zoning district shall exceed ten (10) feet in height (excluding mast and measured at the top of roof from ground level) unless it is parked or stored within a totally enclosed structure or garage.

3. A recreational vehicle shall not be parked so as to prevent a driver of a vehicle at an
intersection from seeing motor and other vehicles on the cross or intersecting street in either direction for a distance of not less than line of one hundred forty (140) feet when such driver is either stopped at a stop sign or, if there is no stop sign at the intersection, when the driver is within ten (10) feet of an intersection.

(4) A recreational vehicle shall not be stored or parked unless it is stored or parked on a concrete, asphalt, crushed stone, or equivalent hard surface.

(5) A recreational vehicle shall not be stored or parked on that part of a lot which is part of a required side yard under the Village of Fox River Grove Zoning Ordinance or within eight (8) feet of a lot line. A recreational vehicle may be stored or parked within the front yard of a lot as defined in the Village of Fox River Grove Zoning Ordinance only if it is parked on a driveway.

(6) A recreational vehicle may be parked on a public street only for the purpose of loading and unloading the recreational vehicle unless a permit has been issued pursuant to Section 6-309.

(7) A recreational vehicle may not be parked on a public street more than once in any seven (7) day period. A recreational vehicle may not be parked on a public street for a period exceeding twenty-four (24) continuous hours unless a permit has been issued pursuant to Section 6-309.

(8) At no time shall a stored or parked recreational vehicle be used for living, sleeping, housekeeping or other purpose. No recreational vehicle shall be connected to gas, water or sanitary sewer service.

(9) A recreational vehicle shall not be stored or parked in a manner so as to create a dangerous or unsafe condition. Parking or storage in such a fashion that the recreational vehicle may readily tip or roll, shall be considered a dangerous or unsafe condition.

(10) A recreational vehicle shall not have its wheels removed. A recreational vehicle shall not be affixed or anchored to the ground so as to prevent ready removal of the vehicle.

(11) A recreational vehicle shall not be used as an accessory structure.

(12) No repairs or maintenance work other than routine maintenance not involving the dismantling of any part of the vehicle shall be performed on any recreational vehicle except within a totally enclosed structure or garage. (Amended, Ord. 96-15, Sec. 1, 5-16-96)
Sec. 6-309. Permits for parking recreational vehicles in residential areas.

The Police Department is hereby authorized to issue written parking permits which will allow a recreational vehicle which is not registered to an owner or lessee residing within the Village of Fox River Grove to be parked on a street located within a residential zoning district as established by the Village of Fox River Grove Zoning Ordinance for a period of not more than seven (7) consecutive days. No such parking permit may be issued for the same recreational vehicle more than twice in any one twelve (12) month period. There shall be a fee of twenty-five ($25.00) dollars for each such parking permit. The twenty-five ($25.00) dollar permit fee must be paid at or prior to the time the parking permit is issued. A copy of the parking permit must be placed on the windshield of the recreational vehicle or on the top of the dashboard so it is readily visible through the windshield at all times the recreational vehicle is parked on a street within a residential zoning district. (Ord. No. 96-15, Sec. 2, 5-16-96; Ord. No. 15-08, Sec. 5, 5-7-15)

Sec. 6-310. Restrictions and prohibitions applicable to the storage and parking of boats and personal watercraft in residential zoning districts.

The following restrictions and prohibitions shall apply to the storage and parking of boats and personal watercraft in all residential zoning districts established pursuant to the Zoning Ordinance of the Village of Fox River Grove:

(1) The following restriction shall be applicable at all times to the storage of boats and personal watercraft on lots that border the Fox River.

   (a) A boat or personal watercraft shall not be stored less than three (3) feet from a sidewalk nor within ten (10) feet of the pavement of a public street unless the boat or personal watercraft is stored within a totally enclosed structure or garage.

(2) The following restriction shall be applicable to the storage of boats and personal watercraft on lots which do not border the Fox River.

   (a) During the period from December 1 through the following March 31, a boat or personal watercraft shall not be stored in the required front yard of a lot as defined in the Village of Fox River Grove Zoning Ordinance unless the boat or personal watercraft is parked or stored within a totally enclosed structure or garage.

   (b) During the period from April 1 through the following November 30, a boat or personal watercraft shall not be stored in the required front yard of a lot as defined in the Village of Fox River Grove Zoning Ordinance unless the boat or personal watercraft is stored on a driveway and there is a minimum of three (3) feet from a sidewalk or ten (10) feet from the pavement of a public street, unless the boat or
personal watercraft is stored within a totally enclosed structure or garage. (Ord. No. 2003-26, Sec. 6, 7-17-2003, Ord. No. 15-08, Sec. 5, 5-7-15)

Sec. 6-311. Restrictions and prohibitions applicable to the storage of movable containers in all Zoning Districts.

The following restrictions and prohibitions shall apply to the storage of movable containers in all zoning districts established pursuant to the Zoning Ordinance of the Village of Fox River Grove:

1. The term movable container shall mean any dumpster, storage container or other bulk container for storage or refuse disposal as defined by the Code of Ordinances of the Village of Fox River Grove.

2. A movable container shall not be stored less than three (3) feet from a sidewalk, within ten (10) feet of the pavement of a public street or within eight (8) feet of a lot line as defined in the Village of Fox River Grove Zoning Ordinance.

3. No movable container shall exceed eight (8) feet in height.

4. A movable container shall not be stored so as to prevent a driver of a vehicle at an intersection from seeing motor and other vehicles on the cross or intersecting street in either direction for a distance of not less than line of one hundred forty (140) feet when such driver is either stopped at a stop sign or, if there is no stop sign at the intersection, when the driver is within ten (10) feet of an intersection.

5. A movable container shall not be stored unless it is stored on a concrete, asphalt, crushed stone, or equivalent hard surface.

6. A movable container shall not be stored on that part of a lot which is part of a required side yard under the Village of Fox River Grove Zoning Ordinance or within eight (8) feet of a lot line. A movable container may be stored within the front yard of a lot as defined in the Village of Fox River Grove Zoning Ordinance only if it is stored on a driveway with a hard surface as described within this Section.

7. A movable container shall not be stored in a manner so as to create a dangerous or unsafe condition. Storage in such a fashion that the movable container may readily tip shall be considered a dangerous or unsafe condition.

8. A movable container may be stored for up to fourteen (14) consecutive days once per calendar year. If more time is needed, the Office of Building and Zoning may allow for additional time up to a maximum of three (3) additional fourteen (14) day time periods per calendar year. A property owner must obtain written permission in advance from the Office of Building and Zoning for any time extensions. This time limit does not apply to
continuously active construction projects.

(9) Movable containers for the construction of a new building or renovation of an existing building may remain on the property through the duration of the construction or renovation only if a valid building permit is issued for the construction or renovation and providing the work on the project is active and continuous.

(10) Movable containers shall not be occupied for lodging or dwelling purposes on any lot.

(11) Movable containers shall not be permitted in any district as an accessory building. (Ord. 15-08, Sec. 5, 4-7-15)

ARTICLE XIII. VACANT COMMERCIAL BUILDINGS

Sec. 6-400. Declaration of policy.

The purpose of this article is to protect the public health, safety, and welfare by enactment of this article which:

(a) Determines the responsibilities of owners of vacant buildings; and

(b) This article shall be liberally construed to affect its purposes.

Sec. 6-401. Other ordinances.

This article shall not be construed to prevent the enforcement of other applicable ordinances, codes, legislation, and regulations which prescribe standards other than are provided herein. When a provision of this chapter conflicts with any other provision of the code regulating the same subject matter, the more stringent or restrictive provision shall apply.

Sec. 6-402. Definitions.

Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

EVIDENCE OF VACANCY: Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to the following:

(1) Substantially all lawful business activity has ceased.
(2) The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units.

(3) The building is substantially devoid of contents.

(4) The condition and value of fixtures or personal property in the building.

(5) Lack of utility services

OWNER: Any person, agent, operator, firm, corporation, limited liability company, partnership, joint venture, land trust, intervivos trust, or other entity having a legal or equitable interest in a property; or recorded in the official records of the State, county, or municipality as holding title to the property; or otherwise having control of the property, including, but not limited to, the guardian of the estate of any such person if ordered to take possession of real property by a court, the executor or administrator of the estate of any such person if authorized by statute or ordered to take possession of real property by a court, or any person maintaining, operating or collecting rent with respect to a property.

PERSON: Includes a corporation, a partnership, a limited liability company, a joint venture, or other entity as well as an individual.

PREMISES: A lot, plot or parcel of land including any structures thereon.

UNOCCUPIED BUILDING: Any business, industrial, retail, or commercial building, or portion thereof, which is vacant and lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by the Village pursuant to authority granted to it by this code.

In determining whether a building is “unoccupied,” the Village may consider these factors, among others:

(1) A building at which substantially all lawful business activity has ceased.

(2) The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units.

(3) The building is substantially devoid of contents. The condition and value of fixtures or personal property in the building are relevant to this determination.

(4) The building lacks utility services.

(5) The building is the subject of a foreclosure action.
(6) The building is not actively for sale as part of a contractual agreement to sell the building, and lacks “For Sale”, “For Rent” or similar signage.

(7) The presence or recurrence of uncorrected code violations.

VACANT BUILDING: Any business, industrial, retail, or commercial building, or portion thereof which is:

(1) Unoccupied and unsecured; or

(2) Unoccupied and secured by boarding or other similar means for more than thirty (30) days; or

(3) Unoccupied and a dangerous structure; or

(4) Unoccupied as a result of having been declared unsafe for occupancy by the Village pursuant to applicable law; or

(5) Unoccupied and having multiple violations of the Village Code; or

(6) Unoccupied and the building or its premises have been the site of unlawful activity within the previous six (6) months; or

(7) Condemned or declared unsafe for occupancy by the Village and unlawfully occupied; or

(8) Unoccupied for over ninety (90) days and during which time the Village has issued an order to correct public nuisance conditions and the same have not been corrected in a code compliant manner; or

(9) Unoccupied and the subject of either pending mortgage foreclosure proceedings or mortgage foreclosure proceedings that have been completed within the past two (2) years and the building has not since been reoccupied; or

(10) Unoccupied for over one (1) year;

But not including an:

Unoccupied building: (1) which is undergoing construction, renovation, or rehabilitation and which is in compliance with all applicable ordinances, codes, legislation, and regulations, and for which a building permit has issued therefor, and for which construction, renovation or rehabilitation is proceeding diligently to completion; or (2) which is unoccupied as a result of the owner who is a
member of the military and is deployed for military service and is otherwise secure; or (3) which is secure but is the subject of a probate action, action to quiet title or other ownership dispute, but a foreclosure is not considered an ownership dispute; or (4) which is occupied only on a seasonal basis and is otherwise secure and in substantial compliance with all applicable codes, regulations and laws.

Sec. 6-403. Vacant building determination.

(a) The Village may evaluate buildings believed to be unoccupied by means of any lawful inspection and based on evidence of vacancy factors and make a determination as to whether the building is a “vacant building” as defined by this article. For the purposes of conducting this evaluation, the Village is authorized to enter upon any and all premises and within any and all unsecured structures. For buildings the Village determines to be “vacant buildings,” it shall promptly send notice of the determination to the property owner of record.

(b) Unless waived by the Village for good cause, the notice shall specify a date and time upon which the owner shall allow for a code compliance inspection of the interior of all “vacant buildings” to determine the extent of any compliance with Village property maintenance, building, zoning, and any other relevant codes.

(c) If the Village requests a code compliance inspection of the interior of the building at the time it issues the notice of determination, the Village shall set a tentative date and time for the code compliance inspection of the interior of the vacant building. After receipt of the notice of determination that includes a tentative walk-through inspection date, if the owner does not appeal the determination, the owner shall either confirm the tentative date for the inspection or shall schedule a new date and time for same. If the owner fails to confirm the tentative date and time for the inspection or refuses to schedule or permit the inspection within a reasonable time, the Village may obtain an administrative search warrant to accomplish the inspection.

Sec. 6-404. Vacant building care requirements

(a) All premises upon which unoccupied or vacant buildings are located shall at all times be maintained in compliance with the Village Code and Zoning Code including, but not limited to, the following:

(1) Interior: All interior structures shall be maintained in a clean, safe, secure and sanitary condition. Special attention shall be made to utilities. Winterization of structures shall be completed as necessary.

(2) Exterior: All exterior structures and property shall be maintained and kept free of items that give the appearance that the property is abandoned, including, but not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars,
flyers and/or mail, past due utility notices and/or disconnected utilities, or the accumulation of junk or debris.

(b) All ground floor windows facing street frontage, including, but not limited to, all display windows in unoccupied or vacant commercial buildings shall be kept in a well maintained and clean condition and shall be covered on the interior side in a professionally finished manner with an opaque window covering material (adhered to the interior surface of the window) manufactured for that purpose and approved by the Village, or in the case of display windows, such windows shall be kept in a well maintained and clean condition and the display area shall be enclosed with a professionally finished backdrop, floor, side walls and ceiling all of which shall be kept in a well maintained and clean condition and shall be well lighted from ten o'clock (10:00) A.M. to ten o'clock (10:00) P.M. each day unless waived by the Village. Photographs, paintings and other works of art or other tasteful forms of decoration may be professionally displayed in these properly enclosed clear glass display windows. If opaque window covering material is used, a one foot by one foot (1' x 1') clear glass opening through which the interior space is clearly visible shall be maintained at standing eye level along one edge of one such window.

Sec. 6-405. Penalty

Any person found to have violated any provision of this article may be subject to a fine of one hundred ($100.00) dollars per day per violation to a maximum of seven hundred fifty ($750.00) dollars per day per violation.

Sec. 6-406. Severability

Any term or provision of this Ordinance which is invalid or unenforceable shall be ineffective to the extent of such invalidity or unenforceability without rendering invalid or unenforceable the remaining terms or provisions of this Ordinance or affecting the validity or enforceability of any of the terms or provisions of this Ordinance. (Ord. 2016-04, Sec. 1, 2-18-16)
Chapter 7

EMERGENCY SERVICES AND DISASTER AGENCY

Art. 1. In General, Sec. 7-1—7-14

ARTICLE I. IN GENERAL

Sec. 7-1. Establishment.

There is hereby created the Fox River Grove Emergency Services and Disaster Agency 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 Management Agency Act”.

Sec. 7-2. Composition.

The Village President, as executive head of the municipal government, shall be responsible for the organization, administration and operation of the Fox River Grove Emergency Services and Disaster Agency (FRGESDA). FRGESDA shall consist of the following:

(1) A position of Director to be held by the Village Administration; a position of Coordinator to be held by the Chief of Police or his designee; and such assistants and other employees as deemed necessary for the proper function of FRGESDA.

(2) The employees, equipment and facilities of all Village departments, boards, institutions and commissions will participate in the civil defense activity. Duties assigned to a Village department shall be the same or similar to the normal duties of the department.

(3) Volunteer persons and agencies offering service to, and accepted by, the Village.

Sec. 7-3. Director.

(1) Duties. Under the supervision of the Village President, the Director shall have responsibility for the emergency management of FRGESDA to include the Coordinator and support staff.

(2) Vacancy in office. In the event of the absence, resignation, death or inability to serve as the Director of FRGESDA, the Village President or any person designated by him, shall be and act as Director until a new appointment is made as provided in this Article.
Sec. 7-4. Coordinator.

The Coordinator of the FRGESDA shall be appointed by the Village President with the advice and consent of the Board of Trustees and shall serve until removed by same.

The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the FRGESDA, subject to the direction and control of the Village President as provided by Statute.

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

Sec. 7-5. Functions.

The FRGESDA shall perform such Emergency Services and Disaster Act (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, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid agreement with any other political subdivisions, municipality, or quasi-municipality entered into as provided by the “Illinois Emergency Management Agency Act”.

The FRGESDA shall prepare and distribute to all appropriate officials in written form a clear and complete statement of emergency responsibilities of all local departments and officials of the disaster chain of command.

The FRGESDA shall prepare an emergency operations plan for its geographic boundaries that complies with planning, review and approval standards promulgated by the Illinois Emergency Management Agency.

Sec. 7-6. Service as Mobile Support Team.

All or any members of the FRGESDA 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 designed by the Coordinator of the FRGESDA organization.

Any member of the 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 employee or officer of the Village, while so serving, shall receive from the State reasonable compensation as provided by law.

Sec. 7-7. Agreements With Other Political Subdivisions.
The Coordinator of FRGESDA may negotiate Mutual Aid Agreements with other municipalities or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Village President and Board of Trustees and by the State Director of ESDA.

Sec. 7-8. Emergency Action.

If the Governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois 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 FRGESDA to cooperate fully with the State ESDA and with the Governor in the exercise of emergency powers as provided by law.

Sec. 7-9. Compensation.

Members of the FRGESDA 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 such Village employees or officers shall receive for such training such compensation as may be established by the Village President.

Sec. 7-10. 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 FRGESDA 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 FRGESDA activities as provided by law.

Sec. 7-11. Purchases and Expenditures.

The Village President may, on recommendation of the Village Coordinator of FRGESDA, authorize any purchase of contracts necessary to 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.

In the event of enemy caused or other disaster, the Village Coordinator of FRGESDA 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 “Illinois Emergency Management Agency Act”, provided that if the corporate authorities are able to meet at such time he shall act subject to the directions and restrictions imposed by that body.
Sec. 7-12. 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 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 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 this State by force or violence; and that during such time as I am affiliated with the Fox River Grove Emergency Services and Disaster Agency 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.”

Sec. 7-13. Office.

The Village President is authorized to designate space in a Village building or elsewhere, as may be provided for by the Village President and Board of Trustees for the Village FRGESDA as its office.

Sec. 7-14. Local Disaster Declarations.

A local disaster may be declared only by the Village President or his or her interim successor, as provided in Section 7 of the “Emergency Interim Executive Succession Act,” 5 ILCS 275/7. A local disaster declaration shall not be continued or renewed for a period in excess of 7 (seven) days except by or with the approval of the Village’s corporate authorities. Any order or proclamation declaring, continuing or terminating a local disaster shall be given prompt and general publicity and shall be filed promptly with the Village Clerk. The effect of a declaration of a local disaster is to activate the Village of Fox River Grove’s Emergency Operations Plan and to authorize the furnishing of aid and assistance thereunder. (Ord. No. 11-23, Sec. 1, 10-20-11)
ARTICLE I. IN GENERAL

Sec. 8-1. Bonfires.

(A) It shall be unlawful to build or light or permit to burn, any bonfire without a permit approved by the Village Board. A bonfire is a large intentionally set and maintained open fire which is built outdoors for the purpose of attracting persons to view the fire and which does not constitute a small recreational fire as referred to in Section 10-14(d).

(B) Any bonfire permit shall be subject to each of the following conditions:

1. The date, hours, size and location must be stated on the permit.

2. The permit must be approved by the Chief of the Fox River Grove Fire Protection District.

3. No bonfire shall be maintained on a Village roadway or within any other public right of way.

4. A person not less than eighteen (18) years of age must be present who is supervising or attending to the bonfire.

5. Paper, or any material which may be easily blown about by the wind, leaves and grass, or other materials which may produce excessive smoke may not be burned in the bonfire. No material other than dry, non-chemically treated wood and branches may be burned in the bonfire.

6. No bonfire shall be maintained or allowed to burn in such a manner that the fire endangers persons or property.

* Cross reference--Fire limits established, Sec. 6-6.
State Law reference--Fire safety regulations generally, 65 ILCS 5/11-8-1
(C) It shall be a violation of this Ordinance to maintain a bonfire which violates any of the above listed conditions.

(D) Penalty. Any person who shall violate any provision of this Section shall be fined one hundred ($100) dollars for the first offense within any one (1) year period, and not less than two hundred ($200) dollars for the second offense within any one (1) year period, and not less than three hundred fifty ($350) dollars for the third and any additional offenses within a one (1) year period. (Code 1958, Sec. 28.314; Ord. No. 07-04, Sec. 1, 2-22-07)

Sec. 8-2. Combustible refuse.

It shall be unlawful to store any combustible refuse in such a way as to create a fire hazard or to store or throw any refuse of any kind on any street, alley or other public place. (Code 1958, Sec. 28.310)

Sec. 8-3. False alarms of fire.

It shall be unlawful for any person to knowingly start or spread any false alarm of fire in the Village. (Code 1958, Sec. 28.306)

Secs. 8-4--8-13. Reserved.

ARTICLE II. FIREWORKS AND EXPLOSIVES

DIVISION 1. GENERALLY

Sec. 8-14 Storage of nitroglycerine, T.N.T.

It shall be unlawful to keep or store any nitroglycerine or the explosive commonly known as T.N.T. in the Village in any quantities, except for medicinal or laboratory purposes and for such purposes no more than one-quarter (1/4) ounce shall be stored in any one building or premises. (Code 1958, Sec. 27.104)

Sec. 8-15. Explosives to be stored in accordance with rules of state fire marshal.

All explosives must be kept or stored in accordance with the rules of the state fire marshal. (Code 1958, Sec. 27.105)

Secs. 8-16--8-20. Reserved.
DIVISION 2. FIREWORKS

Sec. 8-21. Definitions.

For the purposes of this Division, the following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

“1.3G fireworks” means those fireworks used for professional outdoor displays and classified as fireworks UNO333, UNO334, or UNO335 by the United States Department of Transportation under 49 C.F.R. 172. 101.

“Applicant” means the individual applying for a pyrotechnic or consumer display permit under this Division.

“Assistant” means an on-site individual who is at least 18 years of age and who, under the supervision of the lead operator, assists with the safety, setup and discharge of a pyrotechnic display.

“Certificate of training” means the consumer operator has successfully completed training on the safe handling of consumer fireworks from a training program approved by the Illinois Office of the State Marshall (“OSFM”).

“Consumer distributor” means any person who distributes, offers for sale, sells or exchanges for consideration consumer fireworks in Illinois to another distributor or directly to any retailer or person for resale.

“Consumer fireworks” means those fireworks that comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UNO336 or UNO337 by the United States Department of Transportation under 49 C.F.R. 172.101. “Consumer fireworks” shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as “party poppers”, “booby traps”, “snappers”, “trick matches”, “cigarette loads”, and “auto burglar alarms”; hand-held sparklers; shower of sparks; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come into contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

“Consumer fireworks display” or “consumer display” means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect.
“Consumer operator” means an adult individual who is responsible for the safety, setup, and discharge of the consumer fireworks display and who has completed the training required in Section 2.2 of the Fireworks Use Act [425 ILCS 35/2.2].

“Consumer retailer” means any person who offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois directly to any person with a consumer display permit.

"Display fireworks" means any substance or article defined as a Division 1.3G explosive or special effects fireworks or as further defined in the Illinois Pyrotechnic Distributer and Operator Licensing Act.

“Fire District” means the local Fire Protection District in which a consumer fireworks display or a pyrotechnic display occurs or is proposed to occur.

“Fireworks” means and includes consumer fireworks, display fireworks and flame effects.

"Flame effect" means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, audible effect before the public, invitees, or licensees, regardless of whether admission is charged, in accordance with the National Fire Protection Association 160 guidelines and as may be further defined in the Illinois Pyrotechnic Distributer and Operator Licensing Act.

“Individual” means a natural person.

"Lead pyrotechnic operator" means an individual who is responsible for the safety, setup, and discharge of the pyrotechnic display, who is responsible for the supervision of personnel, and who is licensed pursuant to the Pyrotechnic Distributer and Operator Licensing Act [225 ILCS 227/1 et seq.].

"License" means the license issued by the OSFM pursuant to the Pyrotechnic Distributer and Operating Licensing Rules [41 Ill. Adm. Code 230].


"Pyrotechnic display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of an exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged. Pyrotechnic display refers to all displays using professional grade fireworks, including 1.3G fireworks, display fireworks, and flame effects, regardless of who performs the display.

"Pyrotechnic distributor" or "distributor" means any person, company, association, group of persons, or corporation who distributes display fireworks for sale in Illinois or provides them as
part of a pyrotechnic display service in Illinois or provides only pyrotechnic display services.

"Smoke device" means a tube or sphere containing a pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

"Snake/glowworm" means pressed pellets of pyrotechnic composition that produces a large, snakelike ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

"Trick Noisemaker" means an item that produces a small report intended to surprise the user.

"Wire sparkler" means a wire coated with a pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed 100 grams of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five (5) grams of composition per item. These items include the following:

1. "Auto burglar alarm." This is a tube which contains a pyrotechnic composition that produces a loud whistle and/or smoke when ignited. A small quantity of explosive, not exceeding fifty (50) milligrams, may be used to produce a small report. A squib is used to ignite the device.

2. "Booby trap." This is a small tube with a string protruding from both ends, similar to a party pooper in design. The ends of the string are pulled to ignite the friction-sensitive composition, producing a small report.

3. "Cigarette load." This is a small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

4. "Party pooper." This is a small plastic or paper item containing not more than sixteen (16) milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streams and producing a small report.

5. "Snapper." This is a small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the devices explode, producing a small report.

6. "Trick match." This is a kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.
8-22. Possession, sale, and use of fireworks.

The following acts in regard to possession, sale and/or use of fireworks are prohibited:

(A) Except as provided in this Division, it shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, or sell at retail, any display fireworks, flame effects, or consumer fireworks within the corporate limits of the Village.

(B) It shall be unlawful for any person, firm, co-partnership, or corporation to use or explode anywhere in the Village any display fireworks, flame effects, or consumer fireworks, unless the use or explosion of such display fireworks, flame effects or consumer fireworks occurs as part of a consumer fireworks display or a pyrotechnic display for which the Chief of Police has issued a permit as provided in this Division.

(C) No display fireworks, flame effects, or consumer fireworks shall be discharged, ignited or exploded and no wire sparklers shall be used within six hundred (600) feet of any hospital or infirmary.

(D) It shall be unlawful to sell or use wire sparklers on any public property within the corporate limited of the Village.

(E) The following consumer fireworks are strictly prohibited and no permit issued that allows the display, use or explosion of consumer fireworks shall be construed to allow the use of such fireworks; hand held fireworks; bottle rockets; firecrackers of any size or type; sky rockets; roman candles; chasers; buzz bombs; ground items other than those identified as Approved Consumer Fireworks set forth in section 8-24 of this Division; helicopters; missiles; pin wheels or any other twirling device whether on the ground or mounted above the ground; and planes.

8-23. Pyrotechnic displays.

(A) General Requirements.

(1) No pyrotechnic display shall occur within the Village unless a permit for such display has been issued by the Chief of Police of the Village of Fox River Grove as provided in this Section 8-23.

(2) All pyrotechnic displays require the services of a pyrotechnic distributor and lead pyrotechnic operator licensed by the OSFM pursuant to the
Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/1 et seq.] and the rules and regulations promulgated thereunder.

(3) A licensed lead pyrotechnic operator shall be present during any pyrotechnic display and shall personally supervise all assistants, including all phases of the pyrotechnic display.

(4) All pyrotechnic displays must comply with any and all applicable State and Federal laws and regulations.

(B) Application for permit; contents.

(1) Time frame to apply. Applications for permits for pyrotechnic displays shall be in writing and submitted to the Village Clerk at least fifteen (15) days in advance of the date of the pyrotechnic display, unless agreed to otherwise by the Chief of Police and the Fire Chief of the Fire District. The application shall state the name of the person, place of residence and age, the place where the display is proposed to be given. The application shall be sworn to before a notary public or other officer authorized by law to administer oaths. The applicant shall pay a non-refundable application and permit fee of one hundred fifty ($150.00) dollars at the time the application is submitted.

(2) Proof of license. The applicant must be at least twenty-one (21) years of age and show proof that the pyrotechnic display services are to be provided by a licensed pyrotechnic distributor and a licensed lead pyrotechnic operator shall be responsible for the set-up and firing of the display.

(3) The applicant shall provide the names, addresses, telephone numbers and date of birth of all assistants. All assistants shall be at least eighteen (18) years of age. The age of all assistants listed shall be verified by the Police Chief.

(4) Proof of Insurance. The applicant shall provide proof of liability insurance in a sum not less than $1,000,000. Such insurance shall be carried with an insurer authorized to do business in Illinois and insure the applicant against liabilities, judgments, costs, damages, and expenses that may accrue against, be charged to or be recovered from the applicant due to damage to property or injury to or death of any person arising from the pyrotechnic display or flame effect display. Such insurance coverage shall be an occurrence based policy, and it shall cover all periods of time.
When pyrotechnic materials, including flame effect materials, are in the insured's actual or constructive possession, including those times when the materials are being stored, transported, handled, used, discharged and displayed.

(C) Processing application; issuance of permit; fee.

(1) The Village Clerk, upon receipt of an application submitted pursuant to Subsection 8-23(A), shall forward copies of the application to the Chief of Police and the Fire Chief of the Fire District who shall cause the premises at the location given in the application where it is proposed to have such pyrotechnic display to be inspected. If in the judgment of the Police Chief and the Fire Chief of the Fire District that the display can be performed in full compliance with the rules and regulations adopted by the OSFM [41 Ill. Adm. Code §235.50 & 235.60], and that the display shall not be hazardous to property or endanger any person or persons, the Chief of Police shall approve the application and cause the permit to be issued.

(2) The permit shall be signed by the Fire Chief of the Fire District and the Chief of Police or their designees. The permit shall identify the lead pyrotechnic operator and designate the kinds and quantities of fireworks to be used at such pyrotechnic display, and no other kinds and no greater quantities of fireworks than therein specified shall be used at such pyrotechnic display.

(3) After a permit has been granted for a pyrotechnic display, sales, possession, use, and distribution of display fireworks for the display shall be lawful for that purpose only.

(4) A pyrotechnic display permit shall not be transferable.


(A) General Requirements.

(1) No consumer fireworks display shall occur within the Village unless a permit for such display has been issued by the Chief of Police of the Village of Fox River Grove as provided in this Section 8-24.

(2) All consumer displays shall be personally supervised by a consumer operator licensed by the OSFM.
(3) All consumer displays shall be ground mounted. No hand held consumer fireworks shall be allowed.

(4) Consumer fireworks displays shall consist only of the following types of consumer fireworks:

(a) Cones including showers of sparks, fountains, and repeaters (also known as cakes). Single tube fountains must not contain more than seventy-five (75) grams total of pyrotechnic composition. Cone fountains must not contain more than fifty (50) grams total of pyrotechnic composition. Multiple-tube fountains must not contain more than two hundred (200) grams total of pyrotechnic composition.

(b) Mines, comets, tubes, shells, fancy florals, and parachutes. These items are firework devices designed to produce low-level aerial effects, which are propelled into the air by a lift charge. Shells will burst at the peak of flight to create a display of stars, reports or other effects or leave a trail of sparks until exhausted. These items contain a maximum of forty (40) grams of chemical composition and no more than twenty (20) grains of lift charge.

(5) All consumer fireworks displays must comply with any and all applicable State and Federal laws and regulations.

(B) Application for permit; contents.

(1) Applications for permits for consumer fireworks displays shall be in writing and submitted to the Village Clerk at least fifteen (15) days in advance of the date of the date of the display, unless agreed to otherwise by the Village of Fox River Grove and the Fire Chief of the Fire District. The application shall state the name of the person, place of residence and age, the place where the display is proposed to be given. The application shall be sworn to before a notary public or other officer authorized by law to administer oaths. The applicant shall pay a non-refundable application and permit fee of one hundred fifty ($150.00) dollars at the time the application is submitted.

(2) Certificate of training. The applicant must provide the Village with a certified copy of the applicant’s certificate of training as evidence of successful completion of a consumer fireworks training class, which has been approved by the OSFM.
(3) **Proof of insurance.** Proof of insurance may be required in an amount to be determined by the Chief of Police. The factors to be considered by the Chief of Police in determining the amount of insurance that is to be required are: (1) the location of the consumer fireworks display; (2) the amount and type of consumer fireworks to be displayed; and (3) the number of people who it is anticipated will attend the consumer fireworks display. If insurance is required under this Subsection, it shall be carried with an insurer authorized to do business in Illinois and insure the applicant against liabilities, judgments, costs, damages, and expenses that may accrue against, be charged to or be recovered from the applicant due to damage to property or injury to or death of any person arising from the consumer fireworks display. Such insurance shall be an occurrence based policy, and shall cover all periods of time when consumer fireworks are in the insured's actual or constructive possession, including those times when the materials are being stored, transported, handled, used, discharged and displayed.

(C) **Processing application; issuance of permit; fee.**

(1) The Village Clerk, upon receipt of an application filed pursuant to subsection 8-24(A), shall forward copies of the application to the Chief of Police and the Fire Chief of the Fire District, who shall cause the site given in the application for the consumer fireworks display to be inspected to determine if the display can be performed in full compliance with Section 8-25 of this Article. If the location is in compliance with Section 8-25 of this Article, and, in the judgment of the Chief of Police and the Fire Chief it would not be hazardous to surrounding property or dangerous to any person to permit such fireworks display at such location, the Chief of Police shall approve the application and cause the permit to be issued.

(2) The permit shall be signed by the Fire Chief of the Fire District and the Village President. The permit shall designate the kinds and quantities of fireworks to be used at such consumer fireworks display, and no other kinds and greater quantities of fireworks than therein specified shall be used at such consumer fireworks display.

(3) After a permit has been granted, sales, possession, use and distribution of consumer fireworks for display shall be lawful for that purpose only.

(4) A consumer fireworks display permit shall not be transferable.
Sec. 8-25. Consumer fireworks display compliance standards.

All consumer fireworks displays must comply with the following requirements:

(A) All consumer displays must occur outdoors.

(B) The location that the consumer fireworks display will be detonated must be at least two hundred (200) feet in all directions from any spectators, buildings, structures, or property lines, and must be free of any overhead obstructions.

(C) A fire extinguisher or water hose must be present while consumer fireworks are being prepared for firing or fired. Proof that a fire extinguisher or water hose will be present while the while consumer fireworks are being prepared for firing or fired must be provided at the time the inspection provided for in Section 8-24(C)(1) occurs.

Sec. 8-26. Report of fire, injury, or property damage.

(A) Holders of permits for pyrotechnic displays or consumer fireworks displays shall notify the Police Department within twenty-four (24) hours after the following incident:

(1) A fire;

(2) An injury to any person resulting from the display; or

(3) Damage to property in excess of five hundred ($500.00) dollars, in the aggregate, resulting from the display.

(B) The Police Department shall notify the OSFM of any fire, injury to any person, or damage to property in excess of five hundred ($500.00) dollars that resulted from the pyrotechnic or consumer display. This notification may be made by telephone or in writing within three (3) days after the incident is reported to the Police Department or after the Chief of Police learns of the incident.

Sec. 8-27. Report of theft or loss of fireworks.

(A) Licensed pyrotechnic distributors and licensed lead pyrotechnic operators shall report any theft or loss of fireworks that occurs within the Village to the Police Department within eight (8) hours after discovery.
(B) Consumer distributors and consumer retailers shall report the theft or loss of fireworks in excess of one hundred fifty ($150.00) dollars to the Police Department immediately.

(C) Consumer operators shall immediately report the theft or loss of fireworks in excess of one hundred fifty ($150.00) dollars to the Police Department. Within three (3) days of notification, the Police Chief shall notify the OSFM in writing of the theft or loss. (Ord. No. 06-31, Sec. 1, 6-15-06)

Secs. 8-28--8-34. Reserved.

ARTICLE III. FOREIGN FIRE INSURANCE COMPANIES

Sec. 8-35. Compliance with article.

It shall be unlawful for any corporation or association not incorporated under the laws of the State of Illinois to engage in effecting fire insurance in the Village or to transact any business of fire insurance in the Village without fully complying with the provisions of this Article. (Code 1958, Sec. 14.201)

Sec. 8-36. Fees.

Any corporation or association regulated by this Article shall pay to the Village Treasurer for the maintenance, use and benefit of the fire department pension fund, a sum of money equal to two (2%) percent of the gross receipts each year received for premiums by any and all agents of any such corporation or association or received as premiums by any and all agents of any such corporation or association or received as premiums in any way for fire insurance policies on any property in the Village. Such payments shall be made for the year ending the first of July of each year. (Code 1958, Sec. 14.102)

Sec. 8-37. Reports.

Every person acting as representative for or on behalf of any such company or association shall, on or before the fifteenth (15) day of July of each year, render to the Village Treasurer a full, true and just account, verified by his oath, of all premiums which have been received by him on behalf of the company during the year ending the preceding July first on such fire insurance policies. (Code 1958, Sec. 14.203)

Sec. 8-38. Time of payment.

All payments under the provisions of this Article shall be made on or before the fifteenth (15) day of July following the termination of the year for which such payments are due. (Code 1958, Sec. 14.204)
ARTICLE I. IN GENERAL

Sec. 8½-1. Purpose

This Chapter is enacted pursuant to the police powers granted to this Village by the Illinois Compiled Statutes, 65 ILCS 5/1-2-1, 5/11-12-5, 5/11-30-8 and 5/11-31-2. The purpose of this Chapter is to maintain this Village's eligibility in the National Flood Insurance Program; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources. This Chapter is adopted in order to accomplish the following specific purposes:

1. To meet the requirements of 615 ILCS 5/18 (g) Rivers, Lakes and Streams Act;
2. To assure that new development does not increase the flood or drainage hazards to others, or create unstable conditions susceptible to erosion;
3. To protect new buildings and major improvements to buildings from flood damage;
4. To protect human life and health from the hazards of flooding;
5. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
6. To make federally subsidized flood insurance available for property in the Village of Fox River Grove by fulfilling the requirements of the National Flood Insurance Program;
7. To comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR 59-79, as amended;
8. To protect, conserve, and promote the orderly development of land and water resources; and
(9) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habit, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development. (Ord. No. 97-27, Sec. 7, 8-21-97; Ord. No. 2006-50, Sec. 1, 11-16-06)

Sec. 8½ -2. Definitions

For the purposes of this Chapter, the following definitions are adopted:

(1) “Accessory Structure” A non-habitable structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

(2) "Act" An Act in relation to the regulation of the rivers, lakes and streams of the State of Illinois", 615 ILCS 5/4.9 et seq.

(3) "Applicant" Any person, firm, corporation or agency which submits an application.

(4) "Appropriate Use" Only uses of the designated floodway that are permissible will be considered for permit issuance. The only uses that will be allowed are as specified in Section 8 1/2-7(2).

(5) "Base Flood" The flood having a one (1%) percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event. Application of the base flood elevation at any location is as defined in Section 8 1/2-5 of this Chapter.

(6) Base Flood Elevation" The elevation in relation to mean sea level of the crest of the base flood.

(7) "Building" A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, prefabricated building, and gas or liquid storage tanks. This term also includes recreational vehicles and travel trailers to be installed on a site for more than one hundred (180) days.

(8) "Channel" Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainageway, which has a definite bed and banks or shoreline, in or into which surface groundwater flows, either perennially or intermittently.
(9) "Channel Modification" Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining and significant removal of bottom or woody vegetation. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification typically involving relocation of the existing channel (e.g. straightening).

(10) "Compensatory Storage" An artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain. The uncompensated loss of natural floodplain storage can increase off-site floodwater elevations and flows.

(11) "Conditional Approval of a Designated Floodway Map Change" Pre-construction approval by the INDR/DWR and the Federal Emergency Management Agency of a proposed change to the floodway map. This pre-construction approval, pursuant to this Part, gives assurances to the property owner that once an Appropriate Use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans.

(12) “Conditional Letter of Map Revision (CLOMR)” A letter which indicates that FEMA will revise base flood elevations, flood insurance rate zones, flood boundaries or floodway as shown on an effective Flood Hazard Boundary Map or Flood insurance Rate Map, once the as-built plans are submitted and approved.

(13) "Control Structure" A structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

(14) “Critical Facility” Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk. Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances). Examples of critical facilities where flood protection is recommended include: sewage treatment plants, water treatment plants and pumping stations.

(15) "Dam" All obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or
creating a pool. Dams may also include weirs, restrictive culverts or impoundment structures. Underground water storage tanks are not included.

(16) **Designated Floodway** The channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse, generally depicted on the FEMA FIRM map, which is needed to store and convey the existing 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a ten percent (10%) increase in velocities. The floodways are designated on the countywide Flood Insurance Rate Maps of Lake and McHenry Counties prepared by FEMA and dated November 16, 2006. When two floodway maps exist for a waterway, the more restrictive floodway limit shall prevail. The designated floodways for Spring Creek, the Fox River, and for those parts of unincorporated McHenry County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village are generally identified as such on the FIRM panels numbered 17111C0353J, 17111C0354J, and 17111C0365J prepared by FEMA and dated November 16, 2006. The designated floodway for those parts of Lake County that are in the Village and those lands that are within the extraterritorial jurisdiction of the Village of Fox River Grove that may annex into the Village are generally identified as such on the FIRM panel numbered 17097C0205G prepared by FEMA and dated November 16, 2006. To locate the designated floodway boundary on any site, the designated floodway boundary should be scaled off the designated floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the designated floodway boundary, the IDNR/OWR should be contacted for interpretation.

(17) **Development** Any man-made change to real estate, including:

a. Construction, reconstruction, repair or replacement of a building or any addition to a building.

b. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days. If the travel trailer or recreational vehicle is on site for less than one hundred eighty (180) days, it must be fully licensed and ready for highway use.

c. Drilling, mining, installing utilities, construction of roads, bridges, or similar projects.

d. Demolition of a structure or redevelopment of a site.

e. Clearing of land as an adjunct of construction.

f. Construction or erection of levees, walls, fences, dams, or culverts; channel
modification, filling, dredging, grading, excavating, paving, or other non-agricultural alterations of the ground surface; storage of materials; deposit of solid or liquid waste.

g. Any other activity of man that might change the direction, height, or velocity of flood or surface water; including extensive vegetation removal.

h. Substantial improvement of an existing building.

Development does not include routine maintenance of existing buildings and facilities such as re-roofing or re-surfacing of roads when there is no increase in elevation, or gardening, plowing and similar agricultural practices that do not involve filling, grading, or construction of levees.

(18) "Elevation Certificates" A form published by the Federal Emergency Management Agency that is used to certify the elevation to which a building has been elevated.

(19) "Exempt Organizations" Organizations which are exempt from this Ordinance per the Illinois Complied Statutes (ILCS) including state, federal or local units of government.

(20) "Existing Manufactured Home Park or Subdivision" A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before April 1, 1990.

(21) "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.)

(22) "FEMA" Federal Emergency Management Agency and its regulations at 44 CFR 59-79, as amended.

(23) "Flood" A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff of surface waters from any source.

(24) "Flood Frequency" A period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

(25) "Flood Fringe" That portion of the floodplain outside of the regulatory floodway.

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(26) "Flood Insurance Rate Maps (FIRM)" A map prepared by the Federal Emergency Management Agency that depicts the Special Flood Hazard Area (SFHA) within a community. This map includes insurance rate zones and floodplains and may or may not depict floodways.

(27) “Flood Insurance Study” An examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations.

(28) “Floodplain” That land typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Floodplains may also include detached Special Flood Hazard Areas, ponding areas, and similar areas. The floodplain is also known as the Special Flood Hazard Area (SFHA). The floodplains are those lands within the jurisdiction of the Village of Fox River Grove that are subject to inundation by the base flood or 100-year frequency flood. The SFHA's of the Village of Fox River Grove and for those parts of unincorporated McHenry County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village generally identified as such on the McHenry County Flood Insurance Rate Map (FIRM) panels numbered 17111C0353J, 17111C0354J, and 17111C0365J prepared by the Federal Emergency Management Agency and dated November 16, 2006. The SFHA's of those parts of Lake County that are in the Village and those lands that are within the extraterritorial jurisdiction of the Village that may annex into the Village are generally identified as such on the FIRM panel numbered 17097C0205G, prepared by FEMA and dated November 16, 2006. (Ord. No. 2002-09, Sec. 1, 5-16-02)

(29) "Floodproofing" Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(30) "Floodproofing 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 floodproofed to the flood protection elevation.

(31) "Flood Protection Elevation (FPE)" The elevation of the base flood or 100-year frequency flood plus one (1) foot of freeboard at any given location in the SFHA.

(32) "Floodway" See “Designated Floodway”.

(33) "Historic Structure" Any structure that is:

(a) 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;

(b) 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;

(c) Individually listed on the State inventory of historic places by the Illinois Historic Preservation Agency;

(d) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

(34) "Hydrologic and Hydraulic Calculations" Engineering analysis which determine expected flood flows and flood elevations based on land characteristics and rainfall events.

(35) "IDNR/OWR" Illinois Department of Natural Resources, Office of Water Resources.

(36) "Letter of Map Amendment (LOMA)" Official determination by FEMA that a specific structure is not in a 100-year flood zone; amends the effective Flood Hazard Boundary Map or FIRM.

(37) “Letter of Map Revision (LOMR)” Letter that revises base flood or 100-year frequency flood elevations, floodplains or floodways as shown on an effective FIRM.

(38) “Lowest Floor” The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building’s lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

(39) "Manufactured Home" A structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on site for more than one hundred eighty (180) consecutive days. The term "manufactured home" does not include recreational vehicles.

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

(41) "Mitigation" Mitigation includes those measures necessary to minimize the negative effects which flood plain development activities might have on the public health, safety and welfare.
Examples of mitigation include: excavation of compensatory storage, soil erosion and sedimentation control, and channel restoration. Mitigation may also include those activities taken to reduce a structure’s susceptibility to flooding.


43) "Natural" When used in reference to channels means those channels formed by the existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its flood plain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is re-established. Similarly, a modified channel may be restored to more natural conditions by man through re-grading and re-vegetation.

44) “New Construction” New construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

45) "New Manufactured Home Park or Subdivision" Manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 1, 1990.

46) "Ordinary High Water Mark (OHWM)" The point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

47) "Public Flood Control Project" A flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

48) "Public Bodies of Water" All open public streams and lakes capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, and all lakes, rivers and streams in which their natural condition were capable of being improved and made
navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the State of Illinois, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.

(49) "Recreational Vehicle or Travel Trailer" A vehicle which is:

(a) Built on a single chassis;
(b) 400 square feet or less when measured at the largest horizontal projection;
(c) Designed to be self propelled or permanently towable by a light duty truck; and
(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

(50) “Regional Permits” Regional permits are offered by IDNR/OWR for pre-approved projects which are considered minor projects that are permissible per IDNR/OWR Part 3708 Rules for Northeastern Illinois Regulatory Floodways.

(51) "Registered Land Surveyor" A land surveyor registered in the State of Illinois, under the Illinois Land Surveyors Act (225 ILCS 330/1 et seq.).

(52) "Registered Professional Engineer" An engineer registered in the State of Illinois, under the Illinois Professional Engineering Act (225 ILCS 325/1 et seq.).

(53) “Repair, Remodeling or Maintenance” Development activities which do not result in any increase in the outside dimensions of a building or any changes to the dimensions of a structure.

(54) “Repetitive Loss” Flood-related damages sustained by a structure on two (2) separate occasions during a ten-year (10) period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25%) percent of the market value of the structure before the damage occurred.

(55) "Retention/Detention Facility" A retention facility stores stormwater runoff without a gravity release. A detention facility provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

(56) "Riverine SFHA" Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, on stream lake system or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow, or other areas not
subject to overbank flooding.

(57) "Runoff" The water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

(58) "Sedimentation" The processes that deposit soils, debris, and other materials either on other ground surfaces or in bodies of water or watercourses.

(59) "Special Flood Hazard Area (SFHA)" See Floodplain”.

(60) “Start of Construction” Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

(61) “Statewide Permits” Statewide permits are offered by IDNR/OWR for pre-approved projects that are considered minor projects which are permissible per the IDNR/OWR Part 3700 Rules.


(63) “Substantial Damage” Damage of any origin sustained by a structure whereby the cumulative percentage of damage during a ten (10) year period equals or exceeds fifty (50%) percent of the market value of the structure before the damage occurred regardless of the actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes Repetitive Loss Buildings, see “Repetitive Loss”.

(64) "Substantial Improvement" Any repair, reconstruction, rehabilitation, addition or improvement of a structure, taking place during a ten (10) year period in which the cumulative percentage of improvements equals or exceeds fifty (50%) percent of the market value of the structure before the improvement or repair is started. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual work done. The term does not, however, include either (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 alteration of a historic structure listed on the National Register of Historic Places or the Illinois Register of Historic Places,
provided that the alteration will not preclude the structure’s continued designation as a historic structure.

(65) "Transition Section" Reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section or vice versa.

(66) “Violation” The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance is presumed to be in violation until such time as that documentation is provided. (Ord. No. 2006-50, Sec. 1, 11-16-06)

Sec. 8½ -3.  How to use this chapter

The Office of Building and Zoning shall be responsible for fulfilling all of the duties listed in Section 8 1/2-4.

To fulfill those duties, the Office of Building and Zoning first should use the criteria listed in Section 8 1/2-5, Base Flood Elevation, to determine whether the development site is located within a floodplain. Once it has been determined that a site is located within a floodplain, the Office of Building and Zoning must determine whether the development site is within a flood fringe, a designated floodway, or within a SFHA or floodplain on which no floodway has been identified. If the site is within a flood fringe, the Office of Building and Zoning shall require that the minimum requirements of Section 8 1/2-6 be met. If the site is within a floodway, the Office of Building and Zoning shall require that the minimum requirements of Section 8 1/2-7 be met. If the site is located within a SFHA or floodplain for which no detailed study has been completed and approved, the Office of Building and Zoning shall require that the minimum requirements of Section 8 1/2-8 be met.

In addition, the general requirements of Section 8 1/2-9 shall be met for all developments meeting the requirements of Sections 8 1/2-6, 8 1/2-7 and 8 1/2-8. The Office of Building and Zoning shall assure that all subdivision proposals shall meet the requirements of Section 8 1/2-10.

If a variance is to be granted for a proposal, the Office of Building and Zoning shall review the requirements of Section 8 1/2-11 to make sure they are met. In addition, the Office of Building and Zoning shall complete all notification requirements.

In order to assure that property owners obtain permits as required in this Chapter, the Office of Building and Zoning may take any and all actions as outlined in Section 8 1/2-13. (Ord. No. 2006-50, Sec. 1, 11-16-06)

Sec. 8½ -4.  Duties of the Enforcement Official
The Office of Building & Zoning shall be responsible for the general administration and enforcement of this Chapter, which shall include the following:

(1) Determining the Floodplain Designation. Check all new development sites to determine whether they are in a Special Flood Hazard Area (SFHA). If they are in a SFHA, determine whether they are in a floodway, flood fringe or a floodplain on which a detailed study has not been conducted which drains more than one (1) square mile. Check whether the development is potentially within an extended SFHA (with a drainage area less than one (1) square mile), indicating that the development would have adverse impacts regarding storage, conveyance, or inundation which would be the basis for the applicant being required to delineate the floodplain and floodway and be subject to the remaining sections of this Chapter.

(2) Professional Engineer Review. If the development site is within a floodway or in a floodplain on which a detailed study has not been conducted which drains more than one (1) square mile, then the permit shall be referred to a registered professional engineer (P.E.) under the employ or contract of the Village of Fox River Grove for review to ensure that the development meets the requirements of Section 8 1/2-7 or 8 1/2-8. In the case of an Appropriate Use, the P.E. shall state in writing that the development meets the requirements of Section 8 1/2-7.

(3) Dam Safety Requirements. Dams are classified as to their size and their hazard/damage potential in the event of a failure. The construction or major modification of all Class I (high hazard) and Class II (moderate hazard) dams require an IDNR/OWR dam safety permit. Some Class II (moderate hazard) dams require an IDNR/OWR dam safety permit. Some Class III (low hazard) dams require an IDNR/OWR dam safety permit, depending on the drainage area to the dam, the height of the dam and the impounding capacity behind the dam. Most off-channel detention basins that have an embankment are a non-jurisdictional Class III dam. An IDNR/OWR “sign off” is not required on all non-jurisdictional Class III dams. A registered professional engineer shall determine if an IDNR/OWR dam safety permit or “sign off” is required. Where required, a permit application submittal must be made to IDNR/OWR for the construction or major modification of jurisdictional dams. Regulated dams may include weirs, restrictive culverts or impoundment structures.

(4) Other Permit Requirements. Ensure that any and all required federal, state and local permits are received prior to the issuance of a floodplain development permit.

(5) Plan Review and Permit Issuance. Ensure that all development activities within the SFHAs under the jurisdiction of the Village of Fox River Grove meet the requirements of this Chapter and issue a floodplain development permit in accordance with the provision of this
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Chapter and other regulations of this community when the development meets the conditions of this Chapter.

(6) Inspection Review. Inspect all development projects before, during and after construction to assure proper elevation of the structure and to ensure they comply with the provisions of this Chapter. Schedule an annual inspection of the floodplain and document the results of the inspection.

(7) Damage determinations. Make damage determinations of all damaged buildings in the SFHA after a flood to determine substantially damaged structures which must comply with Section 1/2-9(3.2).

(8) Elevation and Floodproofing Certificates. Maintain in the permit files an Elevation Certificate certifying the elevation of the lowest floor (including basement) of a residential or non-residential building or non-residential building subject to Section 8 1/2-9 of this Chapter and/or the elevation to which a non-residential building has been floodproofed, using a Floodproofing Certificate for all buildings subject to Section 82-9 of this Chapter.

(9) Records for Public Inspection. Maintain for public inspection and furnish upon request in accordance with the Illinois Freedom of Information Act base flood data, SFHA and regulatory floodway maps, copies of Federal or State permit documents, variance documentation, Conditional Letter of Map Revision, Letter of Map Revision, Letter of Map Amendment and "as built" elevation and floodproofing and/or elevation and floodproofing certificates for all buildings constructed subject to this Chapter to the extent such documents are subject to disclosure under the Illinois Freedom of Information Act and applicable Federal law.

(10) State Permits. Ensure that construction authorization has been granted by the IDNR/OWR for all development projects subject to Sections 8 1/2-7 and 8 1/2-8 of this Chapter, unless enforcement responsibility has been delegated to the Village of Fox River Grove. However, the following review approvals are not delegated to the Village of Fox River Grove and shall require review or permits from IDWR/OWR:

a. Organizations which are exempt from this Chapter, as per the Illinois Compiled Statutes;

b. IDNR/OWR projects, dams or impoundment structures as defined in Section 8 1/2-2(15) and all other State, Federal or local unit of government projects, including projects of the Village of Fox River Grove and McHenry County and Lake County, except for those projects meeting the requirements of Section 8 1/2-7(2.5);

c. An engineer's determination that an existing bridge or culvert crossing is not a source
of flood damage and the analysis indicating the proposed flood profile per Section 8 1/2-7(2.1(e);

d. An engineer's analysis of the flood profile due to Section 8 1/2-7(2.1(d);

e. Alternative transition sections and hydraulically equivalent compensatory storage as indicated in Section 8 1/2-7(2.1(a)(b) and (h);

f. Permit issuance of structures within or over publicly navigable rivers, lakes and streams;

g. Any changes in the Base Flood Elevation or floodway locations; and

h. Base Flood Elevation determinations where none now exist.

(11) Cooperation with Other Agencies. Cooperate with State and Federal floodplain management agencies to improve base flood or 100-year frequency flood andloodway data and to improve the administration of this Chapter. Submit data to IDWR/OWR and the Federal Emergency Management Agency for proposed revisions of a designated map with six (6) months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map. Submit reports as required for the National Flood Insurance Program. Notify the Federal Emergency Management Agency of any proposed amendments to this Chapter.

(12) Promulgate Regulations. Promulgate rules and regulations as necessary to administer and enforce the provisions of this Chapter, subject however to the review and approval of IDNR/OWR and FEMA for any Chapter changes. (Ord. No. 2006-50, Sec. 1, 11-16-06)

Sec. 8½ -5. Base flood elevation

This Chapter's protection standard is based on the Flood Insurance Study for the Village of Fox River Grove. If a base flood elevation or 100-year frequency flood elevation is not available for a particular site, then the protection standard shall be according to the best existing data available from Federal, State or other sources. When a party disagrees with the best available data, they shall submit a detailed engineering study needed to replace existing data with better data and submit it to IDWR/WOR and FEMA for review and consideration prior to any development of the site.

(1) The base flood or 100-year frequency flood elevation for the SFHAs of the Fox River and Spring Creek shall be as delineated on the 100-year flood profiles and the Flood Insurance Studies of McHenry County and Lake County, prepared by FEMA and dated November 16, 2006 and November 6, 2000, respectively, and such amendments to such study and maps as may be prepared from time to time.
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(2) The base flood or 100-year frequency flood elevation for the SFHAs of those parts of unincorporated McHenry County that are within the extraterritorial jurisdiction of the Village of Fox River Grove or that may be annexed into the Village of Fox River Grove are generally identified as such on the FIRM panels numbered 17111C0353J, 17111C0354J and 17111C0365J dated November 16, 2006 as prepared for McHenry County by FEMA and such amendments or revisions to such study and maps that may be prepared from time to time. The base flood or 100-year frequency flood elevation for the SFHAs of those parts of unincorporated Lake County that are within the extraterritorial jurisdiction of the Village of Fox River Grove or that may be annexed into the Village of Fox River Grove are generally identified as such on the FIRM panel 17097C0205F prepared by FEMA and dated November 16, 2006 as prepared for Lake County by FEMA and such amendments or revisions to such studies and maps as may be prepared from time to time. (Ord. No. 02-09, Sec. 3, 5-16-02)

(3) The base flood or 100-year frequency flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Maps of McHenry County and Lake County.

(4) The base flood or 100-year frequency flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the Flood Insurance Rate Maps of McHenry County and Lake County shall be according to the best existing data available from federal, state or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations. When no base flood or 100-year frequency flood elevation exists, the base flood or 100-year frequency flood elevation for a riverine SFHA shall be determined from a backwater model such as HEC-II, HEC-RAS, or a dynamic model such as HIP. The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-II, HEC-1, TR-20 or HIP, or by techniques presented in various publications prepared by the United State Geological Survey for estimating peak flood discharges. For a non-riverine SFHA, the Base Flood Elevation shall be the historic Flood of Record plus three (3) feet, unless calculated by a detailed engineering study. For an unmapped extended SFHA (with a drainage area less than one (1) square mile) which has been identified by the Office of Building & Zoning pursuant to Section 81/2-4(1), the base flood elevation shall be determined by the applicant utilizing a method approved in Section 1/2-5(4). (Ord. No. 2006-50, Sec. 1, 11-16-06)

Sec. 8½ -6. Occupation and use of flood fringe areas

Development in and/or filling of the flood fringe will be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation, and compensatory storage and other provisions of this Chapter are met. No use will be permitted which adversely affects the capacity of drainage facilities or systems. Developments located within the flood fringe shall meet the requirements of this Section, along with the requirements of Section 8 1/2-9.
(1) Development Permit. No person, firm, corporation, or governmental body not exempted by law shall commence any development in the SFHA without first obtaining a development permit from the Village of Fox River Grove.

(1.1) Application for a development permit shall be made on a form provided by the Village of Fox River Grove. The application shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions and a legal description for the property and sealed by a licensed engineer, architect or land surveyor; existing grade elevations using the North American Vertical Datum of 1988, and all changes in grade resulting from excavation or filing; the location and dimensions of all buildings and additions to buildings. For all proposed buildings, the elevation of the lowest floor (including basement) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of Section 8 1/2-9 of this Chapter.

(1.2) Upon receipt of a development permit application, the Office of Building and Zoning of the Village of Fox River Grove shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Any development located on land that can be shown to be higher than the base flood elevation of the current Flood Insurance Rate Map and which has not been filled after the date of the site’s first Flood Insurance Rate Map without a permit is required by this Chapter is not in the SFHA and, therefore, not subject to the requirements of this Chapter. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map is subject to the provisions of this Chapter. The Office of Building & Zoning 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.

(1.3) The Office of Building and Zoning shall be responsible for obtaining from the applicant, copies of all other local, State and Federal permits, approvals or permit-not-required letters that may be required for this type of activity. The Office of Building and Zoning shall not issue a permit unless all other local, State and Federal permits have been obtained.

(1.4) A soil erosion and sedimentation control plan for disturbed areas shall be submitted. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and re-vegetation measures, and the identification of a responsible party to ensure post-construction maintenance.

(2) Preventing Increased Damages. No development in the flood fringe shall create a threat to public health and safety.

(2.1) If fill is being used to elevate the site above the base flood or 100-year frequency flood...
elevation, the applicant shall submit sufficient data and obtain a letter of map revision (LOMR) from FEMA for the purpose of removing the site from the floodplain.

(2.2) Compensatory Storage. Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation. The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

(3) Construction of the Lowest Floor Below the Base Flood Elevation (BFE). A person who has obtained a Letter of Map Revision Based on Fill that removes a site in the flood fringe from the floodplain due to the use of fill to elevate the site above the BFE, may apply for a permit from the Village to construct the lowest floor of a residential building below the BFE in the flood fringe. The Office of Building & Zoning shall not issue such a permit unless the applicant has complied with all criteria set forth in the following subsection.

(3.1) Compensatory storage shall be provided per Section 8 1/2-6(2.2).

(3.2) The elevation of the lowest opening in the basement wall (i.e. window wells, access ways) shall be at or above the Flood Protection Elevation (FPE).

(3.3) The lowest adjacent grade to the foundation shall be at or above the FPE, for a minimum distance of ten (10) feet beyond the outside face of the structure. However, if site conditions are such that this requirement cannot be met, the Office of Building & Zoning may waive the ten (10) foot minimum setback if an Illinois Registered Professional Engineer certifies that an alternative method to protect the building from damage due to hydrostatic pressures has been met. The certifications shall be in the form of a detailed soils and structural design analysis, which shall be submitted to the Office of Building & Zoning for review. The Office of Building & Zoning may require such additional documentation necessary to prove that the proposed shorter setback distance will keep the structure reasonably safe. In no case shall the setback distance be less than four (4) feet.

(3.4) The grade around the perimeter of the structure, measured at a distance of twenty (20) feet from the structure, shall be above the BFE. However, if site conditions are such that this requirement cannot be obtained, the Office of Building & Zoning may waive the twenty (20) feet minimum setback if an Illinois Registered Professional Engineer certifies that an
alternative method to protect the building from damage due to hydrostatic pressures has been met. A detailed soils and structural design proving that a shorter setback distance will keep the structure reasonably safe from flooding, shall be submitted to the Village for review. In no case shall the setback distance be less than four (4) feet.

(3.5) The ground around the building shall be compacted fill that meets all requirements of this Subsection and is at least five (5) feet thick under the basement floor slab. Nothing in this Subsection shall be interpreted to require the removal or replacement of fill that was placed as part of a LOMR, if such fill consists of material, including soils of similar classification and degree permeability, such as those classified as CH, CL, SC or ML according to ASTM Standard D-2487, Classification of Soils for Engineering Purposes.

(3.6) The fill material shall be homogeneous and isotropic.

(3.7) All fill material and compaction shall be designed, certified and inspected by an Illinois Registered Professional Engineer, as warranted by the site conditions.

(3.8) The basement floor shall be at an elevation that is no more than five (5) feet below the BFE.

(3.9) There shall be a granular discharge layer beneath the floor slab, a sump, and a sump pump with a minimum one-quarter horsepower motor with backup power supply to remove seepage. The pump capacity shall be rated at four (4) times the estimated seepage rate. The pump shall discharge above the BFE and away from the building in order to prevent flooding of the basement or uplift of the floor under the effect of the seepage pressure.

(3.10) The drainage system shall be equipped with a positive means of preventing backflow.

(3.11) All foundation elements shall be designed to withstand the anticipated hydrostatic pressure in accordance with accepted engineering practices.

(3.12) If the applicant is unable to meet all of the requirements set forth in the preceding paragraphs of this Subsection, the Office of Building & Zoning may allow the construction of the basement below the BFE only if the applicant demonstrates that the proposed fill and structure meet the guidelines and requirements set forth in FEMA Technical Bulletin 10-01 and are reasonably safe from flooding. In order to demonstrate that the proposed structure is reasonably safe from flooding, the applicant shall submit a detailed engineering analysis of the proposed fill and foundation wall. The engineered basement study shall be completed in accordance with the latest edition of FEMA Technical Bulletin 10-01, with the analysis of the fill being prepared by an Illinois Professional Engineer.

(3.13) In order to provide the required compensatory storage on site, in no case shall the depth of excavation in the front and side yards of the lot exceed eighteen (18) inches, as measured
from the previously existing natural grade. The rear yard shall be permitted to have a greater
depth of excavation, if necessary. All such excavation shall be constructed to drain freely
and openly to the watercourse or storm sewer system. The use of mechanical means to drain
the compensatory storage area shall not be permitted. (Ord. No. 2006-50, Sec. 1, 11-16-06)

Sec. 8½ -7. Occupation and Use of Designated Floodways

This Section applies to proposed development, redevelopment, site modification or building
modification within a regulatory floodway. The designated floodway for Spring Creek and the Fox
River shall be as delineated on the countywide Flood Insurance Rate Maps of McHenry and Lake
Counties and referenced in Section 8½ -2(16). Only those uses and structures will be permitted
which meet the criteria in this Section. All floodway modifications shall be the minimum necessary
to accomplish the purpose of the project. The development shall also meet the requirements of
Section 8½ -9.

(1) Development Permit. No person, firm, corporation or governmental body not exempted by
State law shall commence any development in a floodway without first obtaining a
development permit from the Office of Building and Zoning.

(1.1) Application for a development permit shall be made on a form provided by the Office of
Building & Zoning. The application shall include the following information:

a. Name and address of applicant;

b. Site location (including legal description) of the property, drawn to scale, on the
designated floodway map, indicating whether it is proposed to be in an incorporated
or unincorporated area;

c. Name of stream or body of water affected;

d. Description of proposed activity;

e. Statement of purpose of proposed activity;

f. Anticipated dates of initiation and completion of activity;

g. Name and mailing address of the owner of the subject property if different from the
applicant;

h. Signature of applicant or the applicant's agent;

i. If the applicant is a corporation, the president or other authorized officer shall sign
the application form;

j. If the applicant is a partnership, each partner shall sign the applicant form; and

k. If the applicant is a land trust, the trust officer shall sign the name of the trustee by him (her) as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests therein.

l. Plans of the proposed activity shall be provided which include as a minimum:

i. A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale and north arrow;

ii. A plan view of the project and engineering study each showing existing and proposed conditions including principal dimensions of the structure or work, elevations, using North American Vertical Datum of 1988, adjacent property lines and ownership, drainage and flood control easements, location of any channels and any existing or future access roads, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), designated floodway limit, floodplain limit, specifications and dimensions of any proposed channel modifications, location and orientation of cross-sections, north arrow, and a graphic or numerical scale;

iii. Cross-section views of the project and engineering study each showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical);

iv. A soil erosion and sedimentation control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and re-vegetation measures, and the identification of a responsible party to ensure post-construction maintenance.

v. A copy of the designated floodway map, marked to reflect any proposed change in the designated floodway location.
m. Any and all other local, State and Federal permits or approval letters that may be required for this type of development.

n. Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of Section 82-7(2).

o. If the designated floodway delineation, base flood or 100-year frequency flood elevation will change due to the proposed project, the application will not be considered complete until IDNR/OWR has indicated conditional approval of the designated floodway map change. No structures may be built until a Letter of Map Revision has been approved by FEMA.

p. The application for a structure shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and existing ground elevations and all changes in grade resulting from any proposed excavation or filling, and floodplain and floodway limits; sealed by a registered professional engineer, licensed architect or registered land surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 8 1/2-9 of this Chapter.

q. If the proposed project involves a channel modification, the applicant shall submit the following information:

i. A discussion of the purpose of and need for the proposed work;

ii. A discussion of the feasibility of using alternative locations or methods to accomplish the purpose of the proposed work;

iii. An analysis of the extent and permanence of the impacts each feasible alternative identified in Section 8 1/2-7(2. 1(d)(i) would have on the physical and biological conditions of the body of water affected; and

iv. An analysis of the extent and permanence of the impacts each feasible alternative identified in Section 8½ -7(2.1(d.)(i.) would have on the physical and biological conditions of the body of water affected; and

v. An analysis of the impacts of the proposed project, considering cumulative effects on the physical and biological conditions of the body of water affected.

(1.2) The Office of Building and Zoning shall be responsible for obtaining from the applicant copies of all other local, State, and Federal permits and approvals that may be required for
this type of activity. The Office of Building and Zoning shall not issue the development permit unless all required Federal and State permits have been obtained. A Registered Professional Engineer, under the employ or contract of the Village of Fox River Grove, shall review and approve applications reviewed under this Section.

(1.3) A copy of the development permit shall be posted in a conspicuous place on the premises, in plain view from a public road, during the execution of the work and until completion of the same.

(1.4) A development permit under which no work is commenced within six (6) months after issuance shall expire by limitation, and a new development permit shall be secured before work is started.

(2) Preventing Increased Damages and a List of Appropriate Uses. The only development in a floodway which will be allowed are Appropriate Uses, which will not cause a rise in the base flood elevation, and which will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as provided for in this Chapter. Only those Appropriate Uses listed in 17 Ill. Adm. Code 3708 will be allowed. Appropriate Uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, excavation or channel modifications done to accommodate otherwise non-appropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as specifically defined above as an Appropriate Use. The approved Appropriate Uses are as follows:

a. Flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding, erosion, or water quality or habitat for fish and wildlife.

b. Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities, and facilities and improvements related to recreational boating, commercial shipping and other functionally water dependent uses;

c. Storm and sanitary sewer outfalls;

d. Underground and overhead utilities;

e. Recreational facilities such as playing fields and trail systems including any related fencing (at least fifty (50%) percent open when viewed from any one direction) built
parallel to the direction of flood flows and including open air pavilions and toilet facilities (four (4) stalls maximum) that will not block flood flows nor reduce floodway storage;

f. Detached garages, storage sheds, or other non-habitable accessory structures that will not block flood flows, nor reduce floodway storage;

g. Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification hereto;

h. Parking lots built at or below existing grade where either the depth of flooding at the 100-year frequency flood event will not exceed one (1) foot or the applicant for a short-term recreational use facility parking lot formally agrees to restrict access during overbank flooding events and accepts liability for all damage caused by vehicular access during all overbank flooding events.

i. Designated floodway re-grading, without fill, to create a positive non-erosive slope toward a watercourse.

j. Floodproofing activities to protect previously existing lawful structures including the construction of water tight window wells, elevating structures, or construction of floodwalls around residential, commercial or industrial principal structures where the outside toe of the floodwall shall be no more than ten (10) feet away from the exterior wall of the existing structure, and, which are not considered substantial improvements to the structure.

k. The replacement, reconstruction or repairs of a damaged building, provided that the outside dimensions are not increased, and if the building was damaged to fifty (50%) percent of the market value of the building before it was damaged or replaced, the building will be protected from flooding to the flood protection elevation, and which do not increase the outside dimension of the building.

l. Modifications to an existing building that would not increase the enclosed floor area of the building's foot below the 100-year frequency flood elevation, and which will not block flood flows including but not limited to, fireplaces, bay windows, decks, patios, and second story additions. If the building is improved to fifty (50%) percent or more of the market value before the modification occurred (i.e. substantial improvement), the building will be protected from flooding to the flood protection elevation.

m. Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, excavations or channel modifications done
to accommodate otherwise non-appropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as specifically defined above as an Appropriate Use.

(2.1) Within the designated floodway, the construction of an Appropriate Use, will be considered permissible provided that the proposed project meets the following engineering criteria and is so stated in writing with supporting plans, calculations and data by a registered professional engineer and provided that any structure meets the protection requirements of Section 8 1/2-9 of this Chapter.

a. Preservation of Flood Conveyance, so as Not to Increase Flood Stages Upstream. For appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective designated floodway conveyance lost due to the project will be replaced for all flood events up to and including the 100-year frequency flood. In calculating effective designated floodway conveyance, the following factors shall be taken into consideration:

i. Designated floodway conveyance: \( K = \left( \frac{1.49}{n} \right) \left( A \right) \left( R^{2/3} \right) \) where "\( n \)" is Manning's roughness factor, "\( A \)" is the effective flow area of the cross-section, and "\( R \)" is the ratio of the area to the wetted perimeter.

ii. The same Manning's "\( n \)" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a Federal, State or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.

iii. Transition sections shall be provided and used in calculations of effective designated floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

a. When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one (1) foot horizontal for every four (4) feet of the flooded stream's length.

b. When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one (1) foot horizontal for every one (1) foot of the flooded stream's length.

c. When expanding or contracting flows in a vertical direction, a
minimum of one (1) foot vertical transition for every ten (10) feet of stream length shall be used.

d. Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the designated floodway delineation on adjacent properties.

e. All cross-sections used in the calculations shall be located perpendicular to flood flows.

b. Preservation of Floodway Storage so as Not to Increase Downstream Flooding. Compensatory storage shall be provided for any designated floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related flood control projects. Compensatory storage for fill or structures shall be equal to at least 1.5 times the volume of floodplain storage lost. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced. The compensatory designated floodway storage shall be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All designated floodway storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All regulatory storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate to IDNR/OWR through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent. There shall be no reduction in floodway surface area as a result of a floodway modification, unless such modification is necessary to reduce flooding at existing structure.

c. Preservation of Floodway Velocities so as Not to Increase Stream Erosion of Flood Heights. For all Appropriate Uses, except bridges or culverts or on stream structures, the proposed work will not result in an increase in the average channel or designated floodway velocities or stage for all flood events up to and including the 100-year frequency event. However, in the case of bridges or culverts or on stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.

d. Construction of New Bridges or Culvert Crossings and Roadway Approaches. The proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be
contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements. If the proposed construction will increase upstream flood stages greater than 0.1 feet, the developer must contact IDNR/OWR, Dam Safety Section for a Dam Safety permit or waiver.

i. The engineering analysis of upstream flood stages must be calculated using the flood study flows and corresponding flood elevations for tailwater conditions for the flood study specified in Section 8 1/2-5 of this Chapter. Bridge and culverts must be analyzed using any commonly accepted FEMA approved hydraulic models.

ii. Lost floodway storage must be compensated for per Section 8 1/2-7(2.1)(b).

iii. Velocity increases must be mitigated per Section 8 1/2-7(2.1)(c).

iv. If the crossing is proposed over a public water that is used for recreational or commercial navigation, an IDNR/OWR permit must be received.

v. The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to IDNR/DWR for concurrence that a CLOMR is not required by Section 8 1/2-7(2).

vi. All excavations for the construction of the crossing shall be designed per Section 8 1/2-7(2.1)(h).

e. Reconstruction or Modification of Existing Bridges, Culverts, and Approach Roads.

i. The bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the 100-year event, if the existing structure is not a source of flood damage.

ii. If the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream floodplain, the applicant's engineer shall evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.

iii. The determination as to whether or not the existing crossing is a source of flood damage and should be redesigned must be prepared in accordance with
17 Ill. Adm. Code 3708 (Floodway Construction in Northeastern Illinois) and submitted to IDNR/OWR for review and concurrence before a permit is issued.

f. On-Stream Structures Built for the Purpose of Backing Up Water. Any increase in upstream flood stages greater than 0.0 foot when compared to the existing conditions, for all flood events up to and including the 100-year frequency event shall be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements. A permit or letter indicating a permit is not required must be obtained from IDNR/OWR for any structure built for the purpose of backing up water in the stream during normal or flood flow. All dams and impoundment structures as defined in Section 8 1/2-2(12) shall meet the permitting requirements of 17 Illinois Adm. Code 3702 (Construction and Maintenance of Dams). If the proposed activity involves a modification of the channel or floodway to accommodate an impoundment, it shall be demonstrated that:

i. The impoundment is determined to be in the public interest by providing flood control, public recreation, or regional stormwater detention;

ii. The impoundment will not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;

iii. The impoundment will not cause or contribute to degraded water quality or habitat conditions. Impoundment design should include gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin.

iv. A non-point source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals, and other pollutants. If there is more than one (1) municipality in the upstream watershed, the municipality in which the impoundment is constructed should coordinate with upstream municipalities to ensure comprehensive watershed control;

v. The project otherwise complies with the requirements of Section 8 1/2-7.

g. Flood Proofing of Existing Habitable, Residential and Commercial Structures. If construction is required beyond the outside dimensions of the existing building, the outside perimeter of the floodproofing construction shall be placed no further than ten (10) feet from the outside of the building. Compensation of lost storage and conveyance will not be required for floodproofing activities.
h. Excavation in the Floodway. When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance for other Appropriate Uses, transition sections shall be provided for the excavation. The following expansion and contraction ratios shall be provided for the excavation. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

i. When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one (1) foot horizontal for every four (4) feet of the flooded stream's length;

ii. When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one (1) foot horizontal for every one (1) foot of the flooded stream's length; and

iii. When expanding or contracting flows in a vertical direction, a minimum of one (1) foot vertical transition for every ten (10) feet of stream length shall be used.

iv. Erosion and scour protection shall be provided inland upstream and downstream of the transition sections.

i. If the proposed activity involves a channel modification, it shall be demonstrated that:

i. There are no practicable alternatives to the activity which would accomplish its purpose with less impact to the natural conditions of the body of water affected. Possible alternatives include levees, bank stabilization, flood proofing of existing structures, removal of structures from the flood plain, clearing the channel, high flow channel or the establishment of a stream side buffer strip or green belt. Channel modification is acceptable if the purpose is to restore natural conditions and improve water quality and fish and wildlife habitat;

ii. Water quality, habitat, and other natural functions would be significantly improved by the modification and no significant habitat area may be destroyed, or the impacts are offset by the replacement of an equivalent degree of natural resource values;
The activity has been planned and designed and will be constructed in a way which will minimize its adverse impacts on the natural conditions of the body of water affected, consistent with the following criteria:

(a) The physical characteristics of the modified channel shall match as closely as possible those of the existing channel in length, cross-section, slope and sinuosity. If the existing channel has been previously modified, restoration of more natural physical conditions should be incorporated into channel modification design, where practical.

(b) Hydraulically effective transitions shall be provided at both the upstream and downstream ends of the project, designed such that they will prevent erosion.

(c) One-sided construction of a channel shall be used when feasible. Removal of streamside (riparian) vegetation should be limited to one side of the channel, where possible, to preserve the shading and stabilization effects of the vegetation.

(d) Clearing of stabilizing vegetation shall be limited to that which is essential for construction of the channel.

(e) Channel banks shall be constructed with a side slope no steeper than 3:1 horizontal to vertical, wherever practicable. Natural vegetation and gradual side slopes are the preferred methods for bank stabilization. Where high velocities or sharp bends necessitate the use of alternative stabilization measures, soil bioengineering techniques, natural rock or rip-rap are preferred materials. Artificial materials such as concrete, gabions, or construction rubble should be avoided unless there are no practicable alternatives.

(f) All disturbed areas associated with the modification shall be seeded or otherwise stabilized as soon as possible upon completion of construction. Erosion blanket or an equivalent material shall be required to stabilize disturbed channel banks prior to establishment of the vegetative cover.

(g) If the existing channel contains considerable bottom diversity such as deep pools, riffles, and other similar features, such features shall be provided in the new channel. Spawning and nesting areas and flow characteristics compatible with fish habitat shall also be established,
(h) A sediment basin shall be installed at the downstream end of the modification to reduce sedimentation and degradation of downstream water quality.

(i) New or relocated channels should be built in the dry and all items of construction, including vegetation, should be completed prior to diversion of water into the new channel.

(j) There shall be no increases in stage or velocity as the channel enters or leaves the project site for any frequency flood unless necessitated by a public flood control project or unless such an increase is justified as part of a habitat improvement or erosion control project.

(k) Unless the modification is for a public flood control project, there shall be no reduction in the volume of floodwater storage outside the floodway as a result of the modification; and

iv. The project otherwise complies with the requirements of Section 8 1/2-7.

j. Seeding and Stabilization Plan. For all activities located in a floodway, a seeding and stabilization plan shall be submitted by the applicant.

k. Soil Erosion and Sedimentation Measures. For all activities in the floodway, including grading, filling, and excavation, in which there is potential for erosion of exposed soil, soil erosion and sedimentation control measures shall be employed consistent with the following criteria:

i. The construction area shall be minimized to preserve the maximum vegetation possible. Construction shall be scheduled to minimize the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed, or disturbed more than fifteen (15) days prior to the initiation of improvements.

ii. Temporary and/or permanent soil stabilization shall be applied to denuded areas as soon as possible. As a minimum, soil stabilization shall be provided within fifteen (15) days after final grade is reached on any portion of the site, and within (15) days to denuded areas which may not be at final grade but will remain undisturbed for longer than sixty (60) days.

iii. Sedimentation control measures shall be installed before any significant
grading or filling is initiated on the site to prevent the movement of eroded sediments off site or into the channel. Potential sediment control devices include filter fences, straw bale fences, check dams, diversion ditches, and sediment basins.

iv. A vegetated buffer strip of at least twenty-five (25) feet in width shall be preserved and/or re-established, where possible, along existing channels. Construction vehicle use of channels shall be minimized. Temporary stream crossings shall be constructed, where necessary, to minimize erosion. Necessary construction in or along channels shall be re-stabilized immediately.


l. Public Flood Control Projects. For public flood control projects, the permitting requirements of this Section will be considered met if the applicant can demonstrate to IDNR/OWR through hydraulic and hydrologic calculations that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the 100-year frequency event.

m. General Criteria for Analyses of Flood Elevations

i. The flood profiles, flows and floodway data in the designated floodway study, referenced in Section 8 1/2-5 must be used for analysis of the base conditions. If the study data appears to be in error or conditions have changed, IDNR/OWR shall be contacted for approval and concurrence on the appropriate base conditions data to use.

ii. If the 100-year designated floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet the requirements of this Section for the 100-year frequency flood elevations of the designated floodway conditions and conditions with the receiving stream at normal water elevations.

iii. If the applicant learns from IDNR/OWR, local governments, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a regional flood control project is
scheduled to be built, removed, constructed or modified within the next five (5) years, the proposed construction shall be analyzed and shown to meet the requirements of this Section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.

n. Conditional Letter of Map Revision. If the Appropriate Use would result in a change in the designated floodway location or the 100-year frequency flood elevation, the applicant shall submit to IDNR/OWR and to FEMA all the information, calculations and documents necessary to be issued a conditional designated floodway map revision from IDNR/OWR a conditional concurrence of the designated floodway change before a permit is issued. However, the final designated floodway map will not be changed by FEMA until as-built plans or record drawings are submitted and accepted by FEMA and IDNR/OWR. In the case of non-government projects, the municipality in incorporated areas and the county in unincorporated areas shall concur with the proposed conditional designated floodway map revision before IDNR/OWR approval can be given. No filling, grading, dredging, or excavating shall take place until a conditional approval is issued. After initial filling, grading, dredging or excavating, no further development or activity shall take place until a final Letter of Map Revision (LOMR) is issued by FEMA with concurrence from IDNR/OWR.

o. Professional Engineer's Supervision. All engineering analyses shall be performed by or under the supervision of a registered professional engineer.

p. For all activities in the floodway involving construction within twenty-five (25) feet of the channel, the following criteria shall be met:

i. A natural vegetation buffer strip shall be preserved within at least twenty-five (25) feet of the ordinary high water mark of the channel.

ii. Where it is impossible to protect this buffer strip during the construction of an Appropriate Use, a vegetated buffer strip shall be established upon completion of construction.

Q. After receipt of conditional approval of the designated floodway change and issuance of a permit and a Conditional Letter of Map Revision, construction as necessary to change the regulatory floodway designation may proceed but no buildings or structures or other construction that is not an Appropriate Use may be placed in that area until the designated floodway map is changed and a final Letter of Map Revision is received. The designated floodway map will be revised upon acceptance and
concurrence by IDNR/OWR and FEMA of the "as built" plans.

(2.2) Development Activities in Delegated Communities Requiring State Review. For those projects listed below located in a designated floodway, the following criteria shall be submitted to IDNR/OWR for their review and concurrence and/or permit prior to the issuance of a permit by a community or county delegated state permitting authority in the floodway:

a. An engineer's analysis of the flood profile due to a proposed bridge pursuant to Section 8 1/2-7(2.1)(d).

b. An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, pursuant to Section 8 1/2-7(2.1)(e).

c. Alternative transition sections and hydraulically equivalent storage pursuant to Section 8 1/2-7(2.1)(a)(b) and (h).

d. The construction of any IDNR/OWR projects, dams (as defined in Section 8 1/2-2(15) and all other State, Federal or local units of government projects, including projects of the municipality or county.

e. An engineer’s determination that a proposed bridge affected by backwater from a downstream receiving stream may be built with a smaller opening.

f. Projects which revise or establish the floodway and/or flood profiles.

g. Projects in public bodies of water.

(2.3) Other Permits. In addition to the other requirements of this Chapter, a development permit for a site located in a floodway shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from IDNR/OWR, issued pursuant to 615 ILCS 5/5 et seq. No correspondence from IDNR/OWR shall be required if the project meets the requirements of Regional Permit 3. No permit from IDNR/OWR shall be required if the IDNR/OWR has delegated this responsibility to the Village of Fox River Grove.

(2.4) Dam Safety Permits. Any work involving the construction, modification or removal of a dam as defined in Section 8 1/2-2(15) per 17 Ill. Adm. Code 3702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction of a dam. If the Office of Building and Zoning finds a dam that does not have an IDNR/OWR permit, the Office of Building and Zoning shall immediately notify the IDNR/OWR. If the Office of Building and Zoning finds a dam which is believed to be in unsafe condition, the Office of
Building and Zoning shall immediately notify the owner of the dam, IDNR/OWR and the Illinois Emergency Management Agency (IEMA).

(2.5) Activities That Do Not Require a Registered Professional Engineer's Review. The following activities may be permitted without a registered professional engineer’s review. Such activities shall still meet the other requirements of this Chapter, including the mitigation requirements. Regional Permit 3 which authorizes, for example, underground and overhead utilities, storm and sanitary sewer outfalls, sidewalks, patios, athletic fields, playground equipment and streambank protection activities. (Ord. No. 06-50, Sec. 1, 11-16-06)

Sec. 8½ -8. Occupation and use of SFHA areas where floodways are not identified.

In SFHA or floodplains (including AE Zones, AO Zones, AH Zones or Unnumbered A Zones) where no floodways have been identified and no base flood or 100-year frequency flood elevations have been established by FEMA, and draining more than a square mile, no development shall be permitted unless the cumulative effect of the proposals, when combined with all other existing and anticipated uses and structures, shall not significantly impede or increase the flow and passage of the floodwaters nor significantly increase the base flood or 100-year frequency flood elevation.

(1.1) Development Permit. No person, firm, corporation, or governmental body, not exempted by State law, shall commence any development in a SFHA or floodplain without first obtaining a development permit from the Office of Building and Zoning. Application for a development permit shall be made on a form provided by the Office of Building and Zoning. The application shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and existing grade elevations and all changes in grade resulting from excavation or filling, sealed by a licensed engineer, architect or surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 8 1/2-9 of this Chapter.

The application for a development permit shall also include the following information:

a. A detailed description of the proposed activity, its purpose, and intended use;

b. Site location (including legal description) of the property, drawn to scale, on the designated floodway maps, indicating whether it is proposed to be in an incorporated or unincorporated area;

c. Anticipated dates of initiation and completion of activity;

d. Plans of the proposed activity shall be provided which include as a minimum:
i. A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;

ii. A plan view of the project and engineering study each showing existing and proposed conditions including principal dimensions of the structure or work, elevations using the North American Vertical Datum of 1988, adjacent property lines and ownership, drainage and flood control easements, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), floodplain limit, location and orientation of cross-sections, north arrow, and a graphical or numerical scale;

iii. Cross-section views of the project perpendicular to the flow of floodwater and engineering study each showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation, and graphical or numerical scales (horizontal and vertical); and

iv. A soil erosion and sedimentation control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and re-vegetation measures, and the identification of a responsible party to ensure post-construction maintenance.

e. Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the criteria of Section 8 1/2-8(2).

f. Any and all other local, State and Federal permits or approvals that may be required for this type of development.

(1.2) Based on the best available existing data according to Federal, State or other sources, the Office of Building and Zoning shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Should no elevation information exist for the site, the developer's engineer shall calculate the elevation according to Section 8 1/2-5(4). Any development located on land that can be shown to have been higher than the base flood elevation as of the site’s first Flood Insurance Rate Map Identification is not in the SFHA and, therefore, not subject to the requirements of this Chapter. The Office of Building and Zoning 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.

(1.3) The Office of Building and Zoning shall be responsible for obtaining from the applicant copies of all other local, State and Federal permits, approvals or permit-not-required letters that may be required for this type of activity. The Office of Building and Zoning shall not issue the development permit unless all required local, State and Federal permits have been obtained.

(2) Preventing Increased Damages. No development in the SFHA, where a floodway has not been determined shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health, safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this Chapter.

(2.1) Within all riverine SFHA's where the floodway has not been determined, the following standards shall apply:

a. The Developer shall have a Registered Professional Engineer state in writing and show through supporting plans, calculations and data that the project meets the engineering requirements of Section 8 1/2-7(2.1)(a) through (1) for the entire floodplain as calculated under the provisions of Section 8 1/2-5(4) of this Chapter. As an alternative, the developer should have an engineering study performed to determine a floodway and submit that engineering study to IDNR/OWR for acceptance as a designated floodway. Upon acceptance of their floodway by IDNR/OWR and FEMA, the developer shall then demonstrate that the project meets the requirements of Section 8 1/2-7 for the designated floodway. The floodway shall be defined according to the definition in Section 8-1/2(16) of this Chapter.

b. A development permit shall not be issued unless the applicant first obtains a permit from IDNR/OWR or written documentation that a permit is not required from IDNR/OWR.

c. Permits for Dams. Any work involving the construction modification or removal of a dam as defined in Section 8 1/2-2(15) per 17 Ill. Adm. Code, part 3702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction. If the Office of Building and Zoning finds a dam that does not have an IDNR/OWR permit, the Office of Building and Zoning shall immediately notify the IDNR/OWR. If the Office of Building and Zoning finds a dam, which is believed to be in unsafe, condition, the Office of Building and Zoning shall immediately notify the owner of the dam, the IDNR/OWR and the Illinois Emergency Management Agency (IEMA).
d. The following activities may be permitted without a Registered Professional Engineer's review of calculation of a base flood elevation and designated floodway. Such activities shall still meet the other requirements of this Chapter.

i. Bridge and culvert crossings of streams in rural areas meeting conditions of IDNR/OWR Statewide Permit Number 2;

ii. Barge fleeting facilities meeting conditions of IDNR/OWR Statewide Permit No. 3;

iii. Aerial utility crossings meeting conditions of IDNR/OWR Statewide Permit No. 4;

iv. Minor boat docks meeting conditions of IDNR/OWR Statewide Permit 5;

v. Minor, non-obstructive activities meeting conditions of IDNR/OWR Statewide Permit No 6; activities (not involving fill or positive change in grade) are covered by this permit;

vi. Outfall structures and drainage ditch outlets meeting conditions of IDNR/OWR Statewide Permit No 7;

vii. Bank stabilization projects meeting conditions of IDNR/OWR Statewide Permit No 9;

viii. Accessory structures and additions to existing residential buildings meeting conditions of IDNR/OWR Statewide Permit No. 10;

ix. Minor maintenance dredging activities meeting conditions of IDNR/OWR Statewide Permit No. 11;

x. Bridge and culvert replacement structures and bridge widenings meeting conditions of IDNR/OWR Statewide Permit No. 12;

xi. Temporary construction activities meeting conditions of IDNR/OWR Statewide Permit No. 13;

xii. Special Uses of Public Waters meeting conditions of IDNR/OWR Statewide Permit No. 14; and
xiii. Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

e. The flood carrying capacity within any altered or relocated watercourse shall be maintained.

(2.2) Compensatory Storage. Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation. The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All floodplain storage lost above the existing 10 year flood elevation shall be replaced above the proposed 10 year flood elevation. All such excavation shall be constructed to drain freely and openly to the water course. (Ord. No. 2006-50, Sec. 1, 11-16-06)

Sec. 8½ -9. Permitting requirements applicable to all floodplain areas.

In addition to the requirements found in Sections 8 1/2-6, 8 1/2-7 and 8 1/2-8 for development in flood fringes, designated floodways and SFHA or floodplains where no floodways have been identified, the following requirements shall be met.

(1) Public Health Standards

(1.1) No developments in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE 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 8 1/2-9(3) of this Chapter.

(1.2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

(1.3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
(1.4) New ad replacement water supply systems, well, sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below FPE are watertight.

(1.5) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

(2) Carrying Capacity and Notification. For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained. In addition, the Village of Fox River Grove shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

(3) Protecting Buildings. All buildings located within a 100-year floodplain also known as a SFHA shall be protected from flood damage below the flood protection elevation. This building protection criteria applies to the following situations:

a. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand ($1,000) dollars or seventy (70) square feet.

b. Substantial improvements or structural alteration made to an existing building that increase the floor area by more than twenty (20%) percent or equal or exceed market value of the building by more than fifty (50%) percent. Alteration shall be figured cumulatively during a ten (10) year period.

c. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during a ten (10) year period. If substantially damaged, the entire structure must meet the flood protection standards of this Section.

d. Installing a manufactured home on a new site or a new manufactured home on an existing site. This building protection requirement does not apply to returning a mobile home to the same site it lawfully occupied before it was removed to avoid flood damage.

e. Installing a travel trailer or a recreational vehicle on a site for more than one hundred eighty (180) days.

f. Repetitive loss to an existing building as defined in Section 8 1/2-2(53). This building protection requirement may be met by one of the following methods.

(3.1) A residential or non-residential building, when allowed, 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. Fill Requirements. The fill shall be placed in layers no greater than six (6) inches deep before compaction and should extend at least ten (10) feet beyond the foundation of the building before sloping below the flood protection elevation. The top of the fill shall be above the flood protection elevation. However, the ten (10) foot minimum may be waived if a structural engineer certified an alternative method to protect the building from damages due to hydrostatic pressures. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap or other structural measure. The fill shall be composed of rock or soil and not incorporate debris or refuse materials. The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties, and when necessary, stormwater management techniques such as swales or basins shall be incorporated.

(3.2) A residential or non-residential building may be elevated in accordance with the following:

a. The building or improvements shall be elevated on crawl space, stilts, piles, walls, or other foundation that is permanently open to flood waters and not subject to damage by hydrostatic pressures of the base flood or 100-year frequency flood. Designs must either be certified by a registered professional engineer, or architect or the permanent openings, one on each wall, shall be no more than one (1) foot above existing grade, and consist of a minimum of two (2) openings. The openings must have 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.

b. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris.

c. All areas below the flood protection elevation shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation. Water and sewer pipes, electrical and telephone lines, submersible pumps and other waterproofed service facilities may be located below the flood protection elevation.

d. The areas below the flood protection elevation may only be used for the parking of vehicles, building access or storage in an area other than a basement and not later modified or occupied as habitable space.
e. Manufactured homes and travel trailers to be installed on a site for more than one hundred eighty (180) days, shall be elevated to or above the flood protection elevation; and shall be anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code 870. In addition, all manufactured homes shall meet the following elevation requirements:

i. In the case of manufactured homes placed or substantially improved (a) outside of a manufactured home park or subdivision, (b) in a new manufactured home park or subdivision, (c) in an expansion to an existing manufactured home park or subdivision, or (d) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage from a flood, the top of the lowest floor shall be elevated to or above the flood protection elevation.

ii. In the case of manufactured homes placed or substantially improved in an existing manufactured home park or subdivision, the manufactured home shall be elevated so that either the top of the lowest floor is above the base flood elevation or the chassis is at least thirty-six (36) inches in height above grade and supported by reinforced piers or other foundations of equivalent strength, whichever is less.

g. Recreational vehicles or travel trailers shall be required to meet the elevation and anchoring requirements of Subsection 8 1/2-9(3.2)(e) above unless they are on site for fewer than one hundred eighty (180) consecutive days and they are fully licensed, ready for highway use, and used only for recreation, camping, travel or seasonal use rather than as a permanent dwelling. A recreational vehicle is ready for highway use if it on its wheels or jacking system, is attached to the site only be a quick disconnect type utility and service devices, and has no permanently attached additions.

(3.3) Only a non-residential building may be structurally dry floodproofed (in lieu of elevation) provided that a registered professional engineer shall certify that the building has been structurally dry floodproofed below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood or 100-year frequency flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice. Floodproofing measures shall be operable without human intervention and without an outside source of electricity (levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this Subsection).

(3.4) A 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 of floodwaters. A minimum of one (1) opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade;

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 crawl to the top of the foundation 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.

(3.5) Construction of new or substantially improved critical facilities shall be located outside of the limits of the flood plain. Construction of new critical facilities shall be permissible within the flood plain 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 (3) 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.

(3.6) Tool sheds, detached garages, and other minor accessory structures on all existing single-family platted lot, may be constructed with the lowest floor below the flood protection elevation in accordance with the following:

a. The building is not for human habitation;
b. All areas below the base flood or 100-year frequency flood elevation shall be constructed with waterproof material. Structures located in a designated floodway shall be constructed and placed on a building site so as not to block the flow of flood waters and shall also meet the Appropriate Use criteria of Section 8 1/2-7. In addition, all other requirements of Section 8 1/2-6, 8 1/2-7, and 8 1/2-8 must be met;

c. The structure shall be anchored to prevent flotation;

d. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to the flood protection elevation;

e. The building shall be valued at less than ten thousand ($10,000) dollars and be less than five hundred (500) square feet in floor size;

f. The building shall be used only for the storage of vehicles or tools and may not contain other rooms, workshops, greenhouses or similar uses and cannot be modified later into another use;

g. The building shall meet the permanent opening criteria of Section 8 1/2-9(3.2);

h. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and

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

(3.7) Existing buildings located within a designated floodway shall also meet the more restrictive Appropriate Use standards included in Section 8 1/2-7. Non-conforming structures located in designated floodway may remain in use and may only be enlarged, replaced or structurally altered in accordance with Section 8 1/2-7(1.2). A non-conforming structure damaged by flood, fire, wind or other natural or man-made disaster may be restored unless the damage exceeds fifty (50%) percent of its market value before it was damaged, in which case it shall conform to this Chapter. (Ord. No. 2006-50, Sec. 1, 11-16-06)

Sec. 8½ -10. Other development requirements

The Board of Trustees shall take into account flood hazards, to the extent that they are known in official actions related to land management, use and development.

(1) New subdivisions, manufactured home parks, annexation agreements, and Planned Unit Developments (PUDs) within the SFHA shall be reviewed to assure that the proposed developments are consistent with Sections 81/2-6, 8 1/2-7, 8 1/2-8 and 8 1/2-9 of this chapter.
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No variance shall be granted to any development located in a designated floodway, as defined in Section 8½ - 2(16). However, whenever the standards of this adopted pursuant to Section 8 ½ -2(16) place undue hardship on a specific development proposal, the applicant may apply to the Planning & Zoning Commission of the Village of Fox River Grove for a variance. The Planning & Zoning Commission of the Village of Fox River Grove shall conduct a public hearing on the requested variation. Notice of the public hearing shall be published in a newspaper with a general circulation in the Village of Fox River Grove not less than fifteen (15) days or more than thirty (30) days before the date of the public hearing on the applicant's request for a variance. After the public hearing, the Planning & Zoning Commission shall make a recommendation to the Board of Trustees of the Village of Fox River Grove as to whether the variation should be granted or denied. The Village may attach such conditions to granting of a variance as it deems necessary to further the flood protection intent of this Chapter.

(1) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

Sec. 8½-11. Variances from floodway regulations.
a. The development activity cannot be located outside the SFHA;

b. An exceptional hardship would result if the variance were not granted;

c. The relief requested is the minimum necessary;

d. There will be no additional threat to public health or safety, beneficial stream uses and functions, especially aquatic habitat or creation of a nuisance.

e. There will be no additional public expense for flood protection, lost environmental stream uses and functions, rescue or relief operations, policing, or repairs to streambeds and banks, roads, utilities or other public facilities;

f. The provision of Section 8½-6(2) and 8½-8(2) of this Chapter shall still be met;

g. The activity is not in a designated floodway;

h. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and

i. The granting of the variance will not alter the essential character of the area involved including existing stream uses.

j. All other required State and Federal permits or waivers have been obtained.

(2) The Office of Building and Zoning shall notify an applicant in writing that a variance from the requirements of Section 8½-9 that would lessen the degree of protection to a building will:

a. Result in increased premium rates for flood insurance;

b. Increase the risks to life and property; and

c. Require that the applicant proceed with knowledge of these risks and that he/she will acknowledge in writing that he assumes the risk and liability.

(3) Variances requested in connection with restoration of a site or historic building as defined in 8½-2(33) “Historic Structures”, may be granted using criteria more permissive than the requirements of Sections 8½-11(1) and 8½-11(2) subject to the conditions that:

a. The repair or rehabilitation is the minimum necessary to preserve the historical character and design of the structure; and
The repair or rehabilitation will not result in the structure being removed as a certified historic structure.  (Ord. No. 2019-03, Sec. 6, 4-4-19)

Sec. 8½ -12. Disclaimer of liability

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Chapter does not imply that development, either inside or outside of the SFHA, will be free from flooding or damage. This Chapter does not create liability on the part of the Village of Fox River Grove or any officer, agent or employee thereof for any flood damage that results from reliance on this Chapter or any administrative decision made thereunder. (Ord. No. 2006-50, Sec. 1, 11-16-06)

Sec. 8½ -13. Occupancy permits

It shall be unlawful to use or occupy any buildings or any development site or any part thereof hereafter in the SFHA without first making application for and obtaining an occupancy permit from the Office of Building & Zoning. Requests for an occupancy permit shall be submitted to the Office of Building & Zoning upon completion of the work authorized in the development permit issued for the project in question. If, upon final inspection of a building or development site, the Office of Building & Zoning finds that the work has been performed in accordance with the approved application and plans of the development permit, an occupancy permit may be issued. If final inspection reveals otherwise, an occupancy permit may not be issued until all deficiencies are corrected. (Ord. No. 2006-50, Sec. 1, 11-16-06)

Sec. 8½ -14. Consent for inspections

All work for which a permit is required shall be subject to inspection by the Office of Building and Zoning or a duly authorized representative. Whenever necessary for the purpose of enforcing the provisions of this Chapter, the Office of Building and Zoning or a duly authorized representative may enter such premises or structure at all reasonable times to inspect the same or to perform any duty imposed upon the Office of Building and Zoning or a duly authorized representative by this Chapter, if such premises or structure is open to the public. In the event such premises or structure is not open to the public, then the Office of Building and Zoning or a duly authorized representative may enter such premises or structure at all reasonable times with the consent of the owner or occupant of the premises or structure to inspect the same or to perform any duty imposed upon the Office of Building and Zoning or a duly authorized representative by this Chapter. If such entry is refused, the Office of Building and Zoning or a duly authorized representative shall have recourse to every remedy provided by law to secure entry, including the obtaining of an appropriate search warrant or other court order. (Ord. No. 2006-50, Sec. 1, 11-16-06)
Sec. 8½ -15. Revocation of a permit

The Office of Building and Zoning may revoke a permit in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit was based. Prior to revoking a permit, the Office of Building and Zoning shall give the permittee no less than twenty-four (24) hours notice of his intent to revoke the permit. This notice shall inform the permittee that the permittee has the right to request a hearing and state the reasons why the permit should not be revoked. If such a hearing is requested, it shall be conducted by the Office of Building and Zoning. At the hearing, the permittee shall be given the opportunity to give reasons and supporting evidence as to why the permit should not be revoked. The Office of Building and Zoning may revoke a permit when work is performed contrary to the provisions of the application or plans on which the permit is based. When a permit is revoked, the Office of Building and Zoning shall inform the permittee in writing of the specific steps the permittee must take in order to have the permit reissued. It shall be unlawful to continue any work authorized by a permit after revocation of that permit and until the permit is reissued or until a new permit is issued. (Ord. No. 2006-50, Sec. 1, 11-16-06)

Sec. 8½ -16. Fees

Fees for permits shall be as follows:

(1) For an occupancy permit: No fee.

(2) For a development permit for clearing debris, demolishing buildings or removing buildings out of the SFHA: No fee.

(3) For a development permit for construction of a building valued at more than one hundred thousand ($100,000.00) dollars: Two hundred fifty ($250.00) dollars.

(4) For a development permit for construction or reconstruction of a building valued at less than one hundred thousand ($100,000.00) dollars and for any other development project that requires three (3) site inspections by the Office of Building and Zoning: One hundred fifty ($150.00) dollars.

(5) For a development permit for improvements made to an existing building, or installing a manufactured home on a permanent site, or any other development project: One hundred ($100.00) dollars.

In addition to the fees set forth above, if the Office of Building and Zoning determines that it is necessary that an application for a development permit be reviewed by an engineer, attorney or other person who is not an employee of the Village in order to determine whether the application complies with the requirements of this Chapter, then the applicant shall be required to reimburse the Village
for the cost of such review. Reimbursement shall be made by the applicant within thirty (30) days after the Village mails a statement of the costs of the review to the applicant, the issuance of a development permit or occupancy permit to an applicant is conditional upon the applicant making reimbursement to the Village as provided in this paragraph. If an applicant fails to reimburse the Village as provided in this paragraph, the Village may revoke a development permit or occupancy permit issued to the applicant. (Ord. No. 2006-50, Sec. 1, 11-16-06)

Sec. 8½-17. Penalty.

Failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this Chapter. Upon due investigation, the Office of Building and Zoning may determine that a violation of the minimum standards of this Chapter exist. The Office of Building and Zoning shall notify the owner in writing of such violation.

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

   a. The Village of Fox River Grove may make application to the Circuit Court for an injunction requiring conformance with this Chapter or make such other order as the Court deems necessary to secure compliance with the Chapter.

   b. Any person who violates this Chapter shall, upon conviction thereof, be fined not less than fifty ($50.00) dollars or more than one thousand ($1,000.00) dollars for each offense.

   c. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

   d. The Village may record a notice of violation on the title to the property.

(2) The Village Attorney or Office of Building and Zoning 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 Office of Building and Zoning is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, shall indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit. No site development permit shall be permanently suspended or revoked until a hearing is held by the Planning & Zoning Commission. Written notice of such hearing shall be served on the permittee and shall state: (1) the grounds for compliant or reasons for suspension or revocation; and (2) the time and place of the hearing. At such hearing, the permittee shall be given an opportunity to present evidence on his/her behalf. At the conclusion of the hearing, the Planning & Zoning Commission shall determine whether the permit shall be suspended or revoked.
Nothing herein shall prevent the Village from taking such other lawful action to prevent or remedy any violations. Any person violating the terms of this Chapter shall be subject, in addition to the foregoing penalties, to the payment of court costs and expenses and reasonable attorney's fees. (Ord. No. 2006-50, Sec. 1, 11-16-06; Ord. No. 2019-03, Sec. 7, 4-4-2019)

Sec. 8½ -18. Abrogation and greater restrictions

This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. Where this Chapter and any other Ordinance, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. This Chapter is intended to repeal the original Ordinance or Resolution, which was adopted to meet the National Flood Insurance Program regulations, but is not intended to repeal the Resolution which the Village of Fox River Grove passed in order to establish initial eligibility for the program. (Ord. No. 2006-50, Sec. 1, 11-16-06)

Sec. 8½ -19. Reserved.

ARTICLE II. LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE

Sec. 8½ - 20. Lake County Watershed Development Ordinance Adopted.

The Lake County Watershed Development Ordinance as most recently amended by the County of Lake on October 13, 2015, is hereby adopted by reference and is in full force and effect within the Village of Fox River Grove and is found in its own compilation. Appendix A contains the FEMA Flood Insurance Study Maps & Profiles. (Ord. No. 01-42, Sec. 1, 10-25-2001, Ord. No. 06-09, Sec. 3, 3-16-06, Ord. No. 09-13, Sec. 3, 4-16-09; Ord. No. 12-23, Sec. 2, 9-20-12; Ord. No. 13-17, Sec. 3, 8-15-13; Ord. 2016-05, Sec. 3, 4-7-16)

Sec. 8½ - 21. Applicability of the Lake County Watershed Development Ordinance within the Village of Fox River Grove.

The provisions of the Lake County Watershed Development Ordinance as adopted by Section 8½-20 of this Code shall apply only within territory that is located within both the Village of Fox River Grove and Lake County. If there is any conflict between the provisions of the Lake County Watershed Development Ordinance as adopted by Section 8½-20 of this Code and any other Ordinance, rule or regulation of the Village of Fox River Grove, then the provisions of the Lake County Watershed Development Ordinance as adopted by Section 8½ -20 shall govern and control with respect to territory that is located within Lake County. (Ord. No. 99-35, Sec. 1, 10-21-99, Ord. No. 2000-57, Sec. 1, 12-21-2000)

ARTICLE III. McHENRY COUNTY STORMWATER MANAGEMENT ORDINANCE

Sec. 8½ - 25. McHenry County Stormwater Management Ordinance Adopted.

The McHenry County Stormwater Management Ordinance which has an effective date of April 15, 2008, three copies of which are on file in the office of the Village Clerk of the Village of Fox River Grove, is hereby adopted by reference for the purpose of governing the development of territory that is located within both the Village of Fox River Grove and McHenry County, and the provisions of the McHenry County Stormwater Management Ordinance which has an effective date of April 15, 2008 are hereby referred to, adopted and made a part hereof. (Ord. 2004-26, Sec. 2, 10-21-04, Ord. 08-10, Sec. 2, 6-19-08)

Sec. 8½ - 26 Applicability of the McHenry County Stormwater Management Ordinance within the Village of Fox River Grove.

The provisions of the McHenry County Stormwater Management Ordinance as adopted by Section 8½-25 of this Code shall apply only within territory that is located within both the Village of Fox River Grove and McHenry County. If there is any conflict between the provisions of the McHenry County Stormwater Management Ordinance as adopted by Section 8½-25 of this Code and any other Ordinance, rule or regulation of the Village of Fox River Grove, then the provisions of the McHenry County Stormwater Management Ordinance as adopted by Section 8½-25 shall govern and control with respect to territory that is located within McHenry County. (Ord. 2004-26, Sec. 2, 10-21-04, Ord. 08-10, Sec. 2, 6-19-08)

Superintendent of Building and Zoning changed to Office of Building and Zoning per Ord. 2013-17, Sec.2.
Chapter 9

FOOD AND FOOD HANDLERS*

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  Div. 1. Generally, Secs. 9-27--9-44
  Div. 2. Sanitation Requirements, Secs. 9-45--9-74
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  Div. 1. Reserved, Secs. 9-75--9-84
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  Div. 3. Milk Dealers, Secs. 9-101--9-107
Art. IV. Vending Machines, Sec. 9-108-9--117

ARTICLE I. IN GENERAL

Sec. 9-1. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Food shall include beverages.

Food dealer shall mean and include every person engaged in conducting or operating any of the following businesses:

(1) Fruit stores, or establishments for the retail sale of fresh fruit and berries.

(2) Grocery stores, or establishments for the retail sale of butter, cheese, vegetables or other provisions.

(3) Retail candy stores.

(4) Ice cream parlors.

(5) Meat markets or establishments for the retail sale of fresh meat, poultry or fish.

*State law references--Authority of Village to inspect foodstuffs and to regulate the sale thereof and the places where food is sold or consumed, 65 ILCS 5/11-20-1 et seq.; state sanitary requirements for food handling establishments, 410 ILCS 650/1
(6) Bakeries, or any establishment for the mixing, compounding or baking for sale of any bread or bread-stuffs, or any food product of which flour or meal is the principal ingredient; provided that places where such foodstuffs are baked in restaurant kitchens for consumption in such restaurant only, or in dwellings where such foodstuffs are baked on ordinary stoves or ranges for consumption there shall not be considered as bakeries.

(7) Any establishment for the sale of food, nonalcoholic beverages, or candy at retail for human consumption, other than a licensed restaurant.

(8) The sale of any food or beverage by means of a coin-operated vending machine shall be construed as conducting the business of a food dealer. (Code 1958, Secs. 12.101, 12.111)

Sec. 9-2. Food dealer's license required.

It shall be unlawful for any food dealer to engage in or do business in the Village without having first secured a license therefor. (Code 1958, Sec. 12.102)

Cross reference-Licenses generally, Sec. 12-1 et seq.

Sec. 9-3. Application for food dealer's license; contents.

Applications for licenses required by this article shall state the kind of food intended to be sold or handled. (Code 1958, Sec. 12.102)

Sec. 9-4. Reserved.

Editor's note-Ord. No. 82-15, 3, adopted Sept. 15, 1982, repealed 9-4, specifying the license fee for a food dealer's license. Said section was derived from Code 1958, Sec. 12.102.

Sec. 9-5. Inspection prior to issuance of license.

All applications for a license to conduct a business connected with the storage, handling, sale or preparation of food or drink intended for human consumption shall be referred to the county health inspector, who shall make or cause to be made an investigation of the premises to be used, and report his findings thereon recommending or advising against the issuance of the license. (Code 1958, Sec. 12.107)

Sec. 9-6. Licensing of more than one business.

Any person licensed to sell any of the foods or beverages for the sale of which a license is required by the terms of this Chapter may conduct on the same premises and in connection with the licensed business any other business mentioned in this Chapter without paying any additional fee therefor; provided that the fee paid for the licensed business is at least as great an amount as the fee required for the other business so conducted; however, this Section shall not be so construed as to relieve any
such applicant from the regulatory requirement to such business. (Code 1958, Sec. 12.108)

Sec. 9-7. Term of license.

The license year for a food dealer's license shall be the same as the fiscal year for the Village. (Code 1958, Sec. 12.102)

Sec. 9-8. Revocation of license.

Any food dealer's license may be revoked by the Village President for repeated violation of the provisions of this Chapter, or for any violations of any other Ordinance relating to the conduct of the premises, the article sold, or to the license required. Such license may also be revoked by the Village President upon recommendation of the county health inspector after an investigation by said inspector. (Code 1958, Sec. 12.103)

Sec. 9-9. Adulterated food prohibited.

It shall be unlawful to sell, offer for sale, or keep for such purpose, any food or drink intended for human consumption which has been adulterated by any material harmful in any way, or which does not comply with the State law governing the same. (Code 1958, Sec. 12.105)

Sec. 9-10. Unwholesome food prohibited; condemnation of food.

(a) No person shall offer for sale, or keep for the purpose of selling or offering for sale, any food of any kind intended for human consumption which is spoiled or tainted or is unwholesome and unfit for human consumption for any reason.

(b) All tainted or unwholesome food intended for human consumption may be condemned by the Village, and shall thereupon be seized and destroyed by the county health inspector or any policeman. (Code 1958, Secs. 12.104, 17.301)

Sec. 9-11. Examination of unwholesome or adulterated food or drink.

Samples of food, drink, and other substances may be taken and examined by the county health officer as often as may be necessary for the detection of unwholesomeness or adulteration. (Code 1958, Sec. 12.303)

Sec. 9-12. Premises to be sanitary; unlawful accumulations of waste.

Premises used for the sale or storage of food intended for human consumption must be kept in a clean and sanitary condition. It shall be unlawful to permit any accumulation of refuse or waste of any kind to remain thereon for more than twenty-four (24) hours, and it shall be unlawful to permit
any decaying animal or plant material to remain on such premises.  (Code 1958, 12.106)

Sec. 9-13.  Flies and vermin.

Premises used for the storage, preparation or sale of food intended for human consumption shall be kept free from flies and vermin and rodents.  (Code 1958, 12.109)

Sec. 9-14.  Use of common drinking cups.

It shall be unlawful to maintain any common drinking cup, or cups, dipper or other similar utensil, for the use of more than one (1) person in any public hall, theater, store or other place frequented by the public.  (Code 1958, Sec. 17.309)

Sec. 9-15.  Utensils to be cleaned and sterilized.

Utensils for personal use in all places serving food or drink to the public shall be thoroughly cleaned and sterilized after each such usage.  (Code 1958, 17.310)

Sec. 9-16.  Employees to be clean; free from disease.

All persons engaged in handling or coming in contact with food intended for sale for human consumption shall keep themselves clean, both as to person and clothing.  It shall be unlawful for any person who is afflicted with, or a carrier of, any infectious or contagious disease to handle or be engaged in the care or preparation of any such food; and it shall be unlawful to permit any such person to be employed in or about any premises where food is stored, prepared or sold, or to deliver such food.  (Code 1958, Sec. 12.110)

Secs. 9-17--9-26.  Reserved.

ARTICLE II.  RESTAURANTS

DIVISION 1.  GENERALLY

Sec. 9-27.  Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Employee shall mean any person who handles food or drink during preparation, or serving, or who comes in contact with any eating, or cooking utensils, or who is employed in a room in which food or drink is prepared or served.
Health officer shall mean the health officer of the county or his authorized representatives.

Itinerant restaurant shall mean a restaurant operating for a temporary period in connection with a fair, carnival, circus, public exhibition, church, club, or other similar gathering.

Restaurant shall mean and include any restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, sandwich-stand, soda fountain, school lunchroom and any other public eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere.

Utensils shall include any kitchenware, tableware, glassware cutlery, utensils, containers or other equipment with which food or drink comes in contact during storage, preparation or serving. (Code 1958, Sec. 12.301)

Sec. 9-28. License required.

It shall be unlawful for any person to operate a restaurant or itinerant restaurant in the Village who does not possess an unrevoked license from the Village Clerk. (Code 1958, Sec. 12.302)

Cross reference-Permits generally, Sec. 12-1 et seq.

Sec. 9-29. License to be posted.

A license issued pursuant to this Article shall be posted in a conspicuous place in that part of the restaurant to which the public has access. (Code 1958, Sec. 12.302)

Sec. 9-30. Suspension and revocation of license.

A license issued pursuant to this Article may be temporarily suspended by the health officer upon the violation by the holder of any of the terms of this Article, or revoked after an opportunity for a hearing by the county health officer upon serious or repeated violations. (Code 1958, Sec. 12.302)

Sec. 9-31. Reserved.

Editor's note-Section 9-31, specifying the license fee for restaurants, derived from Code 1958, Sec. 12.304, was repealed by Ord. No. 82-15, Sec. 3, enacted Sept. 15, 1982.

Sec. 9-32. Term of license; prorating fee.

Licenses issued pursuant to this division shall expire on the last day of the fiscal year for the Village. New establishments opening after the beginning of the fiscal year shall pay a fee on a monthly pro rata basis.
Sec. 9-33. Periodic inspections; remedy of violations; second inspection; revocation.

(a) At least once every four (4) months the county health officer shall inspect every restaurant located within the Village. In case the county health officer discovers the violation of any item of sanitation, he shall make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with the requirements of this Article. Any violation of the same item of this Article on such second inspection shall call for immediate suspension of the license.

(b) One (1) copy of the inspection report shall be posted by the county health officer upon an inside wall of the restaurant, and said inspection report shall not be defaced or removed by any person except the county health officer. Another copy of the inspection report shall be filed with the records of the Village.

(c) The person operating the restaurant shall upon request of the county health officer allow access to all parts of the establishment and shall furnish a list of suppliers of food. (Code 1958, Sec. 12.305)

Sec. 9-34. Reinstatement of license.

Any restaurant, the license of which has been suspended may at any time make application for the reinstatement of the license. Within one (1) week after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated provision, or provisions, of these rules and regulations have been conformed with, the county health officer shall make a re-inspection, and thereafter as many additional re-inspections as may be necessary to show that the applicant is again complying with the requirements, and, in case the findings indicate compliance, he shall reinstate the license. (Code 1958, Sec. 12.308)

Sec. 9-35. Cleanliness of employees.

All employees shall wear outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared or served. All female employees shall wear hairnets or a suitable headband while engaged in the preparation or serving of food or drink. (Code 1958, Sec. 12.306)

Sec. 9-36. Diseased employees prohibited; notice when employee is suspected of being diseased.

No person who is affected with any disease in a communicable form or is a carrier of such disease shall work in any restaurant and no restaurant shall employ any such person suspected of being
affected with any disease in a communicable form or of being a carrier of such disease. If the restaurant manager suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the health officer immediately. (Code 1958, 12.309)

Sec. 9-37. Action when employee is suspected of being diseased.

When suspicion arises as to the possibility of transmission of infection from any restaurant employee, the county health officer is authorized to require any or all of the following measures:

(1) The immediate exclusion of the employee from all restaurants.

(2) The immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the health officer.

(3) An adequate medical examination of the employee and of his associates, with such laboratory examinations as may be indicated. (Code 1958, 12.311)

Sec. 9-38. Operation of itinerant restaurants.

Itinerant restaurants shall be constructed and operated in an approved manner. (Code 1958, 12.307)

Sec. 9-39. Enforcement and interpretation.

This Article shall be enforced by the health officer in accordance with the interpretations thereof contained in the latest edition of the U.S. Public Health Service Code regulating Eating and Drinking Establishments, a certified copy of which shall be on file at the Village Clerk's office. (Code 1958, Sec. 12.311)

Secs. 9-40--9-44. Reserved.

DIVISION 2. SANITATION REQUIREMENTS

Sec. 9-45. Floors.

The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair. (Code 1958, Sec. 12.306)

Sec. 9-46. Walls and ceilings.

Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of
rooms in which food or drink is stored or prepared shall be finished in a light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray. (Code 1958, Sec. 12.306)

Sec. 9-47. Doors and windows.

When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies. (Code 1958, Sec. 12.306)

Sec. 9-48. Lighting.

All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted. (Code 1958, Sec. 12.306)

Sec. 9-49. Ventilation.

All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be well ventilated. (Code 1958, 12.306)

Sec. 9-50. Toilet facilities.

Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees. In restaurants hereafter constructed, toilet rooms shall not open directly into any room in which food, drink, or utensils are handled or stored. The doors of all toilet rooms shall be self-closing. A reasonable effort shall be made to keep toilet rooms in a clean condition, in good repair, and well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees. (Code 1958, 12.306)

Sec. 9-51. Water supply.

Hot and cold running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate, and of a safe, sanitary quality. (Code 1958, Sec. 12.306)

Sec. 9-52. Lavatory facilities; use by employees.

Adequate and convenient hand washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands. (Code 1958, Sec. 12.306)
Sec. 9-53. Construction of utensils and equipment.

All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils containing or plated with cadmium or lead shall not be used; however, solder containing lead may be used for jointing. (Code 1958, Sec. 12.306)

Sec. 9-54. Cleaning and bactericidal treatment of utensils and equipment.

(a) All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once.

(b) All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.

(c) No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils. (Code 1958, Sec. 12.306)

Sec. 9-55. Storage and handling of utensils and equipment.

After bactericidal treatment, utensils shall be stored in a clean, dry place protected from flies, dust, and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used and shall be handled in a sanitary manner. (Code 1958, Sec. 12.306)

Sec. 9-56. Disposal of wastes.

All wastes shall be properly disposed of in such manner as not to become a nuisance. All garbage and trash shall be kept in tight, nonabsorbent and easily washable receptacles, which are covered with close fitting lids while pending removal. (Code 1958, Sec. 12.306)

Sec. 9-57. Refrigeration; disposal of refrigeration wastewater.

All readily perishable food and drink shall be kept at or below fifty (50) degrees Fahrenheit, except
when being prepared or served. Wastewater from refrigeration equipment shall be properly disposed of. (Code 1958, Sec. 12.306)

Sec. 9-58. Requirements for milk products.

All milk, fluid milk products, ice cream, and other frozen desserts served shall be from approved sources. All milk and fluid milk products shall be served in the individual original container to the consumer unopened, but the server may remove the cap in the presence of the consumer. Milk products served with coffee, cereals, desserts, etc., or used for milk drinks mixed at the soda fountains, etc., may be transferred from the original bottle, or from a pitcher, urn, or other dispenser which complies with requirements of Section 9-53 and which is filled in a sanitary manner, kept clean, and subjected to bactericidal treatment complying with the requirements of Section 9-54. (Code 1958, Sec. 12.306)

Sec. 9-59. Requirements for oysters, clams and mussels.

All oysters, clams, and mussels shall be from approved sources, and if shucked, shall be kept until used in the containers in which they were placed at the shucking plant. (Code 1958, Sec. 12.306)

Sec. 9-60. Storage, display, and serving of food and drink.

All food and drink shall be so stored, displayed, and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowl shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches, and rodents shall be used. (Code 1958, Sec. 12.306)

Sec. 9-61. Use of restaurant as living or sleeping quarters prohibited.

None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. (Code 1958, Sec. 12.306)

Sec. 9-62. Employees' lockers and dressing rooms required; cleanliness.

Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. (Code 1958, Sec. 12.306)

Sec. 9-63. Storage of soiled linens.

Soiled linens, coats, and aprons shall be kept in containers provided for this purpose. (Code 1958, Sec. 12.306)
Sec. 9-64. Garbage containers to be maintained on parking lots of drive-in restaurants.

If a parking lot is maintained in connection with a licensed establishment serving food for consumption on the premises, and food or drinks are served to the occupants of cars, sufficient adequate containers must be maintained for all trash and refuse. (Code 1958, Sec. 14.504)

Secs. 9-65--9-74. Reserved.

ARTICLE III. MILK AND MILK PRODUCTS*

DIVISION 1. RESERVED

Secs. 9-75--9-84. Reserved.

DIVISION 2. MILK VENDING MACHINES

Secs. 9-85--9-87. Reserved.

Editor's note-Sections 9-85-9-87, relative to the licensing of milk vending machines derived from Ord. of June 9, 1958, Secs. 1, 2, were repealed by Ord. No. 81-25, Sec. 2, enacted Sept. 2, 1981.

Sec. 9-88. Cleanliness of premises.

Premises whereon any milk vending machine is located shall be kept in a clean and sanitary condition and free from refuse, flies, vermin and rodents. (Ord. of 6-9-58, Sec. 3)

Sec. 9-89. Temperature in stage compartment.

The temperature in the storage compartment of any milk vending machine shall be maintained at no less than thirty-three (33) degrees Fahrenheit nor more than fifty (50) degrees Fahrenheit. Whenever such temperature shall vary from such limits, all milk in such storage compartment shall be removed and it shall be unlawful to sell such milk for human consumption. (Ord. of 6-9-58, Sec. 4)

Sec. 9-90. Thermometer and lights required for each machine.

Each milk vending machine shall be equipped with a thermometer showing the inside temperature which can be read from the outside of the machine and each machine shall be lighted at night. (Ord. of 6-9-58, Sec. 6)

Sec. 9-91. Telephone number to be posted on each machine for maintenance purposes.

*State law reference--Pasteurized milk and pasteurized milk products, 410 ILCS 635/1 et seq.
Each milk vending machine shall bear a legible notice of the telephone number and address of an agent of the licensee to contact if the machine is observed to be defective or does not deliver milk when coins are inserted in accordance with directions. (Ord. of 6-9-58, Sec. 5)

Sec. 9-92. **Concrete platform required for each machine.**

The space where each milk vending machine is installed shall be equipped with a concrete platform in front of the machine, with an area equal to the area of the base of the machine. (Ord. of 6-9-58, Sec. 6)

Sec. 9-93. **Water connection for cleaning purposes required.**

There shall be a water connection available for cleaning the premises of each milk vending machine, which connection need not necessarily be on the premises where the vending machine is installed. (Ord. of 6-9-58, Sec. 6)

Sec. 9-94. **Location on premises.**

Each milk vending machine shall be located in compliance with the Ordinances of the Village relative to the location of buildings on the premises. (Ord. of 6-9-58, Sec. 6)

Sec. 9-95. **Screening required during certain months.**

Each milk vending machine shall be surrounded by an adequate screen to keep out flies and vermin between the first day of May and the last day of September of each year while in use or while available for use. (Ord. of 6-9-58, Sec. 7)

Secs. 9-96--9-100. Reserved.

**DIVISION 3. MILK DEALERS**

Sec. 9-101. **License required.**

It shall be unlawful to engage in the sale or distribution of milk or cream in the Village without having first secured a license therefor. (Code 1958, Sec. 12.201)

Cross reference-Licenses generally, 12-1 et seq.

Sec. 9-102. **Application for license; contents.**

Application for a license required by this division shall state, in addition to any other information required, the source of supply of the milk to be sold. (Code 1958, 12.202)
Sec. 9-103.  Reserved.
Editor's note-Ord. No. 82-15, Sec. 3, adopted Sept. 16, 1982, repealed Sec. 9-103, specifying the license fee for milk dealers, derived from Code 1958, Sec. 12.203.

Sec. 9-104.  Deliveries to quarantined premises; empty receptacles from premises.
(a)  Milk may be delivered to quarantined premises; provided there is no contact of any kind between the inmates and contents of the quarantined premises and the delivery agent.

(b)  No milk receptacle shall be taken from any quarantined premises during the period of quarantine; and before taken away for use, such receptacle shall be thoroughly scalded and sterilized.  (Code 1958, Sec. 12.212)

Sec. 9-105.  Marking and sanitation of vehicles used for milk deliveries.
Every vehicle used for the delivery of milk or cream to consumers shall have marked plainly thereon the name of the vendor of such milk with his address.  All such vehicles shall be kept in a clean and sanitary manner and condition.  (Code 1958, Sec. 12.213)

Sec. 9-106.  Periodic inspections; acceptance of inspections by other municipalities; cost to be borne by licensee.
The Superintendent of Building and Zoning shall conduct periodic inspection of all milk distribution plants, dairies, vehicles and equipment used in the sale or distribution of milk as well as of the milk itself.  Such inspections shall be made every quarter or as often as the Superintendent of Building and Zoning deems necessary.  The Superintendent of Building and Zoning may in his discretion, in lieu of an inspection, accept the certificate of inspection of any other city or Village having equal or more rigid requirements than provided by this Article.  The licensee shall pay the cost of all bacteriological inspection and tests necessary.  (Code 1958, Sec. 12.214)

Sec. 9-107.  Compliance with State law.
It shall be unlawful for any person to sell, distribute, process or handle any dairy products in violation of State law.

ARTICLE IV.  VENDING MACHINES

Sec. 9-108.  Definitions.

Food vending machine means any machine which upon insertion of money or a slug, token disc or plate dispenses food and/or beverages.
Cigarette vending machine means any machine which upon insertion of money or a slug, token disc or plate dispenses tobacco products.

Person, as used herein, shall include the following: Any person, firm, corporation or association which owns or leases any food vending machine or cigarette vending machine; the person, firm, corporation or association in whose place of business any such vending machine is placed for use by the public; and the person, firm, corporation or association having control over such vending machine.

Operator, when used herein, shall mean any person, firm, corporation or association in immediate control of premises, including any owner or lessee thereof, within or upon which any food vending machine or cigarette vending machine is located. (Ord. No. 81-25, Sec. 1, 9-2-81)

Sec. 9-109. Vending machine license required; term.

Each operator shall obtain an annual food or cigarette vending machine license for each cigarette vending machine or food vending machine located on the premises which he controls. Each cigarette vending machine or food vending machine license issued pursuant to this Code shall terminate on the last day of September next following the date of issuance. (Ord. No. 81-25, Sec. 1, 9-2-81)

Sec. 9-110. Vending machine license fees.

(a) The fee for each food vending machine license shall be thirty ($30.00) dollars per food vending machine per year. Such fee for new licenses shall be lessened by an amount equal to one-twelfth (1/12) of the annual fee for each full calendar month which passes before such application is made, after the month of October. If a licensee fails to renew a license for a food vending machine prior to September 30th of any year and thereafter seeks to renew the license, the license fee shall be forty-five ($45.00) dollars for the year for which renewal is sought.

(b) The fee for each cigarette vending machine license shall be sixty ($60.00) dollars per cigarette vending machine per year. Such fee for new licenses shall be lessened by an amount equal to one-twelfth (1/12) of the annual fee for each full calendar month which passes before such application is made, after the month of October. If a licensee fails to renew a license for a cigarette vending machine prior to September 30th of any year and thereafter seeks to renew the license, the license fee shall be ninety ($90.00) dollars for the year for which renewal is sought. (Ord. No. 81-25, Sec. 1, 9-2-81; Ord. No. 01-09, Sec. 1, 3-15-2001; Ord. No. 02-20, Sec. 3, 8-15-2002)

Sec. 9-111. Display of license.
The Village shall cause to be issued cigarette and food vending machine licenses to each applicant who qualifies under the terms of this Code. Each such vending machine license shall be posted in a conspicuous place on each food or cigarette vending machine or other location designated by the Village. (Ord. No. 81-25, 1, 9-2-81)

Sec. 9-112. Application for license; contents; investigation.

Each application for a food or cigarette vending machine license shall contain the following information:

(1) The name, address and phone number of the applicant and owner, if not applicant.

(2) Location and phone number of premises where food or cigarette vending machine is to be located.

(3) Principal kind of business which will be conducted on the premises.

(4) Statement of whether business at the premises will be conducted by a manager or agent, and the name, address and phone number of any such manager or agent.

(5) A diagram showing the number of food and/or cigarette vending machines to be located on the premises, the location of each vending machine on the premises, and a description of each vending machine.

(6) If a corporation, set forth the following:
   (a) Corporate name and address
   (b) Date and place of incorporation
   (c) Names and addresses of corporate officers and directors;
   (d) Names and addresses of all persons or legal entities owning five (5) percent or more of the corporation's stock.

(7) If a partnership, set forth the following:
   (a) Date and place when the partnership was formed;
   (b) The names of all general partners;
   (c) If a limited partnership, the names of all limited partners owning five (5) percent or more interest in the partnership.

Applications for license shall be made out in duplicate, one copy being referred to the Chief of Police and the other copy to be referred to the Village President. The application shall be investigated by the Chief of Police. The Village President shall direct the Village Clerk to issue the license to the
applicant if the Chief of Police's investigation shows that the applicant is qualified to receive the license.  (Ord. No. 81-25, Sec. 1, 9-2-81)

Sec. 9-113. Condition of premises.

The licensee shall cause the premises where a food or cigarette vending machine is located to remain in a clean and sanitary condition at all times and shall place such waste receptacles in and around the premises so as to accomplish the above.  (Ord. No. 81-25, Sec. 1, 9-2-81)

Sec. 9-114. Inspection.

Each licensee shall permit inspection of any premises where a food or cigarette vending machine is located during regular business hours by Village officials to determine compliance with the provisions of this Code.  (Ord. No. 81-25, Sec. 1, 9-2-81)

Sec. 9-115. Suspension and revocation of license.

Every license issued under this Article is subject to the right of the Village President, which is hereby expressly reserved, to suspend or revoke the same should the licensee, directly or indirectly, permit the operation of any food or cigarette vending machine contrary to the provisions of this Article, the Ordinances of the Village of Fox River Grove, or the law of the State of Illinois. If a license is revoked or suspended pursuant to this Section the licensee shall have seven (7) days from the date the revocation or suspension is made to file with the Village Clerk, a written request for a hearing on the revocation or suspension before the Village's Corporate Authorities. No suspension or revocation shall be effective until the period for filing a request for a hearing has elapsed. If a request for a hearing is made, the suspension or revocation shall not become effective unless after a hearing is held by the Village's corporate authorities, the corporate authorities determine that the license should be suspended or revoked. Any revocation of a license issued in pursuance of the provisions of this Code shall ipso facto bar reinstatement of the same, or the granting of a new license to any corporation, partnership, or individual shareholder, partner or owner which was a shareholder, partner, or owner or a licensee whose license has heretofore been revoked, for a term of not less than one (1) year immediately following such revocation.  (Ord. No. 81-25, Sec. 1, 9-2-81)

Sec. 9-116. Transfer of license.

(a) A food or cigarette vending machine license may be transferred from one such machine to another machine upon application to the Village President to such effect and the giving of a description and the serial number of the new machine.

(b) If the licensee shall move his place of business to another location within the Village of Fox River Grove, the license may be transferred to such new location upon application to the Village President, giving the street and number of the new location.
(c) Except as provided herein, a license shall not be transferable from person to person nor place to place and shall be usable only at the place and by the person designated in the license. (Ord. No. 81-25, Sec. 1, 9-2-81)

Sec. 9-117. Penalty.

In addition to any other penalty imposed by this Code, any person who shall be convicted of violating any provisions of this Article shall be fined not less than fifty ($50.00) dollars nor more than five hundred ($500.00) dollars for each such offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 81-25, Sec. 1, 9-2-81)
Chapter 10

GARBAGE AND TRASH

Sec. 10-1. Supervision of Garbage Collections.

All matters relating to or affecting the collection, removal or disposal of household refuse, waste materials, discarded articles commonly known as trash or rubbish, including ashes, recyclables and yard waste, shall be subject to and under the supervision and direction of the Superintendent of Streets and Parks.

The Superintendent of Streets and Parks is hereby authorized and directed to cause all garbage, ashes, miscellaneous waste, recyclables and yard waste, as the same are hereinafter defined, to be collected regularly and systematically throughout the village.

Sec. 10-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) **Ashes**: The residue from fires used for cooking and for heating buildings.

(2) **Building Materials**: Articles commonly used in the construction, maintenance and rehabilitation of all structures.

(3) **Bulk Refuse**: Furniture, appliances (including, but not limited to, ranges, television sets, microwaves, refrigerators, dishwashers, washing machines, dryers, room air-conditioners and freezers), and hot water heaters; except that "white goods" as defined by the Illinois Compiled Statutes shall not be considered to be bulk refuse.

(4) **Curbside Service**:

(a) In areas where conventional curbs, "curbside" shall refer to placement of solid waste behind the curb, but within five (5) feet of the pavement.

(b) In those areas without conventional curbs, "curbside" shall refer to the placement of solid waste at a reasonable distance; i.e., not closer than two (2) feet, nor further than five (5) feet from the pavement.

(5) **Garbage**: Any rejected or waste household food, offal, swill or carrion, and every accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and eating in or storage of meats, fish, fowl, fruits or vegetables, and any other matter of any
nature which is subject to decay, petrifaction, and the generation of noxious or offensive gases or odor, or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects.

(6) **Hazardous Waste:** Waste, in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate State agency by, or pursuant to, Federal or State law; or waste in any amount, which is regulated under Federal or State law. It may also include motor oil, gasoline, paint and paint cans.

(7) **Homeowner, Customer or Resident:** The occupant of a single family or multiple family dwelling unit which has not more than six (6) units.

(8) **Landscape Waste:** Leaves, grass clippings, leaves and tree branches/brush (which are no more than pencil thin and six (6) feet long) and similar types of plant material which are accumulated as a result of the care and maintenance of lawns, shrubbery, vines, trees and other types of vegetative landscaping.

(9) **Publicly Owned Facilities:** Buildings and other structures occupied or used by the Village, and other units of local government within the corporate limits of the Village and public refuse containers located on Village property, including, but not limited to parks and parkways.

(10) **Recyclable Materials:** Newspapers and inserts, yellow, brown, green and clear glass bottles, aluminum cans, HDPE plastic containers, PET plastic containers, metal cans, paper bags, chipboard, telephone books, aluminum foil, aluminum food trays, milk jugs, cardboard, and any other materials that the Village determines to recycle in the future.

(11) **Refuse:** All household garbage, rubbish, (including but not limited to bottles, jars, books, paper, boxes, cartons, and other miscellaneous household litter), ashes, manure, properly contained waste produced by pets, dead animals or parts thereof, junk scraps, small auto parts, furniture and appliances (including but not limited to ranges, dishwashers, washing machines, dryers and water heaters). White goods, bulk refuse and building materials are "refuse". Hazardous waste, landscape waste and recyclable materials are not "refuse".

(12) **Residential Service:** Collection and disposal of refuse, landscape waste and recyclable materials from residential units (single family and multi-family as defined herein).

(13) **Residential Units:** Single family or multi-family dwellings with six (6) units or less.

(14) **Roadside:** An item is "roadside" if it is not on the pavement of a street, but is within five (5) feet of the pavement.
Solid Waste: Refuse, landscape waste, recyclable materials and any other materials, which are collected and disposed of.

Solid Waste Collection and Disposal: The collection and disposal of refuse and landscape waste by landfilling, composting or land application and the recycling of recyclable materials.

Superintendent: The Superintendent of Streets and Parks, or his designated representative.


White Goods: Appliances, including stoves, washers, dryers, refrigerators, freezers, air conditioners and dehumidifiers. White goods shall be considered refuse, but not bulk refuse.

Sec. 10-3. Garbage of residential and publicly-owned facilities.

(a) The Village shall provide curbside collection and disposal of solid waste from all single-family dwellings and at multiple family dwellings with six (6) units or less and from all community and municipal buildings, including, but not limited to, library, fire, school buildings, parks, police and public works, Village buildings and public refuse containers located on the Village properties.

(b) Pickups shall be at the curbside of the residence or residential unit to be served or, in the case of multi-family dwelling units or publicly owned facilities, pickups may be in the designated "garbage area" located on the premises, provided that such designation meets the prior approval of the Village.

(c) No person shall place any garbage and refuse container on any street, alley or other public place any sooner than 3:00 p.m. on the day prior to the regular and customary collection schedule, nor shall any person permit such garbage and refuse containers to remain in any street, alley or other public place more than twenty-four (24) hours after the aforesaid regular and customary collection schedule. At all other times such garbage and refuse containers shall be stored out of public’s plain view.

(d) Penalty. Any person who shall violate any provision of this Section shall be fined fifty ($50.00) dollars for the first offense that occurs within the one (1) year period, one hundred ($100.00) dollars for the second offense within the one (1) year period following being given a written warning, and not less than two hundred fifty ($250.00) dollars for the third and any additional offenses that may occur during the one (1) year period following being given a written warning. (Ord. No. 01-15, Sec. 1, 3-15-2001, Ord. No. 07-10, Sec. 7, 4-19-07; Ord. No. 09-14, Sec. 1, 5-14-09)
Sec. 10-4. Garbage of commercial and industrial firms; residential units of six or more.

There shall be no collection of any solid waste from any commercial or industrial establishment, nor from any structure which does not contain residential family units or which contains more than six (6) residential units; however, all commercial, industrial and other structures including those containing more than six (6) residential units shall make private arrangements for the collection and disposal of solid waste in a prompt and sanitary manner. Such arrangements shall comply with any Ordinance and Village Code regulations governing private scavengers.

Sec. 10-5. Bulk refuse, white goods pickup.

The Village's authorized contractor shall furnish a collection service for bulk refuse and white goods as part of the collection service to collect and dispose of all discarded material and trash which is too large or bulky to handle by packer-type equipment. The bulk and white good service shall include the collection and disposition of white goods. Bulk service shall include the pick-up of items such as, but not limited to, pianos, beds, box sets, large carpets, other discarded household furniture, furnishings, fixtures, and appliances. Said items shall be placed at the curb or alongside approved containers by the resident on his/her regular pickup day for collection. The Contractor may require a resident to arrange for a special pickup where there are more than two (2) items of bulk to be picked up or where the volume of the bulk refuse items exceeds two (2) cubic yards. The resident may be responsible for an additional cost if there are more than two (2) items of bulk refuse per regular collection.

Unless prohibited by State, Federal or other applicable law, the contractor shall collect white goods with a maximum of two (2) items of white goods per regular collection. The pickup of additional white goods shall be done at an additional cost to the resident. For those white goods containing any Class I or Class II substances used as a refrigerant, the refrigerant must first have been recaptured from the equipment. Once recaptured, a certification of compliance must be attached to the appliance signed by the technician. If a pickup is requested without certification, an additional fee will be assessed and levied against the resident for pickup, handling, and disposal of the appliance and refrigerants.

The Village's authorized contractor shall be responsible for collecting all refuse items normally collected in the event of flooding or other man-made or natural disasters, regardless of the amount of such materials that is generated. Regular collection times may be waived by the Superintendent in such cases.

Home remodeling and repair construction materials shall be collected as part of the regular collection provided that such items are placed within an approved container which does not weigh more than fifty (50) pounds or in bundles which do not exceed four (4) feet in length and do not weigh more than fifty (50) pounds.
The resident may be charged an additional fee and may have to arrange for a special pickup if the volume of items, other than white goods, to be collected, which are not in approved containers exceeds two (2) cubic yards.

Sec. 10-6. Garbage receptacles.

Approved receptacles to be used for the collection of refuse shall consist of resident furnished garbage cans, garbage carts or toters and trash or plastic bags having a volume capacity not exceeding thirty-two (32) gallons and not exceeding a total filled weight of fifty (50) pounds, or contractor furnished carts having a capacity of ninety-five (95) gallons, sixty (60) gallons and/or of such other size that the contractor may furnish. Receptacles for garbage shall be water tight, and if not plastic bags, made of metal or plastic with close fitting covers.

Sec. 10-7. Landscape waste service.

(a) Landscape waste must be separated from refuse materials and must either be bundled and securely tied into bundles weighing not more than fifty (50) pounds and not containing any branch or limb larger than one half inch in diameter or be contained in a biodegradable bag having a volume capacity of not more than fifty-five (55) gallons and weighing not more than fifty (50) pounds when filled.

(b) Provided there is compliance with subsection (a), an unlimited amount of yard waste shall be collected as part of the regular waste collection during the period from April 1 through November 30.

Sec. 10-8. Recycling service.

(a) Curbside recycling service shall be provided and recyclable materials shall be collected as part of the regular waste collection. Recycling containers shall be provided to each dwelling unit. Additional and/or replacement containers shall be available at an additional cost. Lids or covers for recycling containers shall be made available to residents on request at an additional cost.

(b) Recyclable materials are to be placed in a recycling container provided that if the amount of recyclable material exceeds the capacity of the recycling container, the excess recyclable material may be placed in another container alongside the recycling container.

Sec. 10-9. Unacceptable items.

Those items that are not allowed in landfills by regulations, such as hazardous waste, liquids, batteries, paint, large automotive parts and items too heavy for one man to lift or which constitute a health or injury hazard will not be collected.
Sec. 10-10. Prohibited deposits; uncovered garbage declared a nuisance.

It shall be unlawful for any person to deposit on any property in the Village or under the jurisdiction of the Village any refuse, trash, garbage, offal, carcasses of dead animals, human or animal excrement or other objectionable wastes, except in an approved container or incinerator. Any uncovered garbage or refuse is hereby declared to be a nuisance.

Sec. 10-11. Combustible refuse.

It shall be unlawful to store any combustible refuse in such a way as to create a fire hazard.

Sec. 10-12. Hot ashes not to be placed in wooden receptacles.

No hot ashes shall be placed in a wooden receptacle.

Sec. 10-13. Wind blown refuse.

No garbage or refuse shall be placed so that it can be blown about or scattered by the wind.

Sec. 10-14. Burning leaves, refuse and garbage.

(a) It shall be unlawful to burn any garbage, or other organic refuse, outside of any building at any time within the corporate limits of the Village. For purpose of this section organic refuse includes, but is not limited to, leaves and other yard waste. (Ord. 08-30, Sec. 1, 12-18-08)

(b) Except as provided in subsection (d), it shall be unlawful to burn any logs, wood or wood material outside of a building at any time within the corporate limits of the Village unless the logs, wood or wood material are being burned in a grill or barbecue and in connection with the cooking of food.

(c) It shall be unlawful to burn papers, excelsior or other material which may be blown about by the wind anywhere in the Village unless the same is burned in a stove, fireplace or furnace or in an incinerator sufficiently fine to prevent the escape of ignited particles.

(d) Small recreational fires where wood logs and branches are burned, including, but not limited to, what are commonly referred to as campfires, shall be permitted during the hours between 7:00 A.M. and 1:00 A.M. the next day provided that there is compliance with each of the following conditions:

(1) No small recreational fire shall be maintained on a Village roadway or within any other public right of way.
(2) No accelerant shall be used in connection with the starting or maintaining of a small recreational fire.

(3) Wherever there is a small recreational fire, a person not less than eighteen (18) years of age must be present who is supervising or attending to the fire.

(4) Leaves and grass may not be burned in a small recreational fire. No material other than dry wood logs and branches may be burned in a small recreational fire.

(5) No small recreational fire shall occur at any location that is closer than thirty (30) feet to a residential or commercial building.

(6) No small recreational fire shall be maintained or allowed to burn in such a manner that the fire endangers persons or property. (Ord. 08-30, Sec. 2, 12-18-08)

(e) Penalty. See Section 10-18. (Ord. No. 97-25, Sec. 1, 8-21-97; Ord. No. 02-24, Sec. 1, 8-29-02; Ord. No. 09-14, Sec. 1, 5-14-09; Ord. No. 12-03, Sec. 1, 1-19-12)

Sec. 10-15. Unauthorized use of dumpster or other receptacle.

It shall be unlawful for any person to place garbage, refuse, ashes or other waste into any dumpster or other receptacle, unless such person either owns or leases the dumpster or other receptacle or has secured permission from the owner or lessee of the dumpster or other receptacle to place garbage, refuse, ashes or other waste into the receptacle. (Ord. No. 94-09, Sec. 1, 3-17-94)

Sec. 10-16. Encroachment of dumpsters and other solid waste containers onto public right-of-way or adjacent property prohibited.*

No person shall place or maintain any dumpsters or other solid waste container so that any part of such dumpster or solid waste container is located within a public right-of-way or is located on any property not owned or occupied by the person who owns or is responsible for the maintenance and placement of the dumpster or solid waste container, except (a) approved solid waste receptacles as provided in Section 10-6 of this Code may be placed along the curb of a public street or alley during the 18 hour period prior to the time the solid waste contained in the receptacle is scheduled to be collected pursuant to Section 10-3 of this Code and (b) where the owner or occupant of the property on which the dumpster or solid waste container has given permission allowing the dumpster or garbage, refuse or grease container to be located on the property. (Ord. No. 96-12, Sec. 1, 3-21-96)

Sec. 10-17. Restrictions on the placing and maintenance of solid waste.**

* State law reference--65 ILCS 5/11-20-5

** State law reference--65ILCS 5/11-20-5
It shall be unlawful for any person to place or maintain any solid waste, other than the branches and limbs of trees and shrubs or landscape waste which has been placed on a compost pile, in a location which is not within a building or other enclosed structure unless such solid waste has been placed inside a dumpster or other solid waste container. It shall be unlawful for any person to place or maintain any solid waste in a dumpster or other solid waste container which is not located within a building or other enclosed structure so that solid waste is located above the rim of the container or so that the cover of the container cannot be readily and completely closed. It shall be unlawful for any person to place or maintain any solid waste in such a manner that the solid waste may be carried by the action of the wind, rain or snow into or upon any adjacent property or upon any street, sidewalk, alley or other public place in the Village, provided that this provision shall not prohibit any person from placing solid waste that is contained in an approved solid waste receptacle as provided in Section 10-6 of this Code along the curb of a public street or right-of-way prior to the time the solid waste contained in the receptacle is scheduled to be collected pursuant to Section 10-3 of this Code. (Ord. No. 96-12, Sec. 2, 3-21-96)

Sec. 10-18. Penalty.

Any person who violates any provision contained in Sections 10-10 through 10-17 of this Chapter shall, upon conviction, be fined one hundred ($100) dollars if the conviction is for the first violation by such person to occur within the previous twelve (12) month period. Such fine shall be two hundred and fifty ($250) dollars if the conviction is for the second violation of a provision contained in Sections 10-10 through 10-17 by such person within a twelve (12) month period and five hundred ($500) dollars if such person has violated a provision contained in Sections 10-10 through 10-17 more than twice during the twelve (12) month period prior to the conviction. Each day in which any violation shall continue shall be deemed a separate offense for which a fine may be imposed. (Ord. No. 96-16, Sec. 1, 4-18-96)

Sec. 10-19. Dumpster Enclosures Required.

(a) New or Renovated Commercial Buildings. Commercial buildings constructed or renovated by more than fifty percent (50%) of the net value of the property on or after September 1, 2016 must provide dumpster enclosures in accordance with Dumpster Enclosure Standards set forth in this Section 10-19.

(b) Declaration of Public Nuisance. A violation of the provisions contained in Section 10-13, Section 10-16 and/or Section 10-17 of this Chapter is hereby declared a public nuisance. Any person who owns or occupies premises where a dumpster is located and who violates Section 10-13, Section 10-16 and/or Section 10-17 of this Chapter on three (3) or more occasions within a twelve (12) month period as a result of the failure to maintain, use or locate a dumpster as required by Section 10-13, Section 10-16 or Section 10-17 must
thereafter enclose any dumpster on the premises in accordance with the Dumpster Enclosure Standards set forth in this Section 10-19.

(c) **Notice of Violation.** If an owner or occupant on which a dumpster is located violates Section 10-13, Section 10-16 and/or Section 10-17 as a result of the failure to maintain, use or locate the dumpster as required by Section 10-13, Section 10-16 or Section 10-17, the Village shall send by certified mail to the address of the premises where the dumpster is located and to the person to whom the water bill for the premises is sent a warning notice. The warning notice sent after the first violation in a twelve (12) month period shall state that enclosure of dumpsters on the premises will be required if there are two (2) more violations of either Section 10-13, Section 10-16 and/or Section 10-17 within the twelve (12) month period that began on the date of the violation. The warning notice sent after the second violation in a twelve (12) month period shall state that enclosure of the dumpster will be required if there is another violation of either Section 10-13, Section 10-16 or Section 10-17 within the twelve (12) month period that began on the date of the first violation. The notice sent to the address of the premises where the dumpster is located shall be addressed to the owner and/or occupant of the premises, if the identity of the owner and/or occupant is known to the Village.

Any person who owns or occupies premises where a violation of Section 10-13, Section 10-16 and/or Section 10-17 occurs on three (3) or more occasions within a twelve (12) month period as a result of the failure to maintain, use or locate a dumpster as required by Section 10-13, Section 10-16 or Section 10-17 is required to enclose the dumpster on the premises in accordance with the Dumpster Enclosure Standards set forth in this Section 10-19. Compliance with Section 10-19 must occur within thirty (30) days after the date of the notice requiring an enclosure is sent by certified mail to the address of the premises where the dumpster is located and to the person to whom the water bill for the premises is sent. The notice sent to the address of the premises where the dumpster is located shall be addressed to the owner and/or occupant of the premises, if the identity of the owner or occupant is known to the Village.

(d) **Dumpster Enclosure Standards.**

(1) Dumpsters shall be kept within an enclosure the walls of which are made of either solid wood, wood board-on-board, solid brick masonry or another solid material that is determined by the Village to be acceptable based on factors such as location of the enclosure, the uses located on adjacent and nearby properties and the visibility of the enclosure from public rights of way. The enclosure shall be of sufficient dimensions to completely enclose the dumpster on all sides and visually screen the dumpster from the street and from abutting properties. The walls of the enclosures shall not be less than six (6) feet in height and must be at least one (1) foot above the height of the enclosed dumpster, whichever is taller.
(2) Each dumpster enclosure shall have at least a thirty (30) inch wide gated opening on one side, to enable a person to walk into the enclosure to deposit trash, garbage, refuse or recyclable materials.

(3) The gates of the enclosure shall be constructed of a frame with walls affixed thereto, and both frame and wall shall be of a solid wooden or wood board-on-board material of sufficient strength to withstand normal use. Gates shall be attached to metal posts at least three (3) inches in diameter with at least three (3) hinges. Each gate shall be lockable and have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions.

(4) The dumpster enclosure gates shall be closed at all times except when loading garbage or refuse and except when the dumpster is being emptied by a waste removal or scavenger service.

(5) It shall be the joint and several obligation of the owner and the occupant of the premises where the dumpster enclosure is located to maintain the dumpster and the enclosure in a safe, clean and sanitary condition.

(e) Penalty. Any person who violates any provision of this Section 10-19 shall, upon conviction, be fined in an amount of not less than five hundred ($500) dollars for each offense. Each day in which any violation shall continue shall be deemed to constitute a separate offense for which a fine may be imposed. (Ord. 2003-34, Sec. 1, 10-16-03; Ord. No. 12-03, Sec. 2, 1-19-12, Ord. No. 2016-17, Sec. 1, 9-1-16)

Sec. 10-20. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance or the application of such portion to other person or circumstances. (Ord. 2003-34, Sec. 2, 10-16-03)
ARTICLE 1. TOBACCO PRODUCTS

Sec. 11-1 Definitions.

(a) As used in this Article, the term “tobacco products” means any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

(b) As used in this Article, “person” means any natural person, corporation, partnership or other entity.

(c) As used in this Article, “minor” means any natural person under the age of 18. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-2 Prohibited sales, delivery – signs.

(a) It shall be unlawful for any person to sell, offer for sale, give away, offer to give away, deliver or offer to deliver tobacco products to a minor within the corporate limits of the Village.

(b) Signs informing the public of the age restrictions provided for in this Article shall be posted on every premises in the Village of Fox River Grove where tobacco products are sold and on every vending machine in the Village which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

VILLAGE OF FOX RIVER GROVE ORDINANCE PROHIBITS
THE PURCHASE OR POSSESSION OF TOBACCO PRODUCTS
BY PERSONS UNDER 18 YEARS OF AGE.

*Cross references--Sanitation requirements for premises used for sale of alcoholic liquor, Sec. 3-45; animals, Sec. 5-1 et seq.; sanitation requirements for housing animals and poultry, Sec. 5-12; food and handlers generally, Sec. 9-1 et seq.; garbage and trash, Sec. 10-1 et seq.

State law references--Health powers of Village generally, 65 ILCS 5/11-16-1 et seq.; authority of Village to promulgate health regulations, 65 ILCS 5/11-20-5
Each such sign shall be in red letters on a white background, with each letter on the sign to be at least one inch high. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-3 Minimum age to sell tobacco products.

It shall be unlawful for any minor to sell tobacco products within the corporate limits of the Village of Fox River Grove. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-4 Purchase by minors prohibited.

It shall be unlawful for any minor to purchase tobacco products within the corporate limits of the Village of Fox River Grove or to misrepresent their identity or age or to use any false or altered identification for the purpose of purchasing tobacco products within the corporate limits of the Village of Fox River Grove. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-5 Possession by minors prohibited.

It shall be unlawful for a minor to possess any tobacco products within the corporate limits of the Village of Fox River Grove; provided that the possession of a tobacco product by a minor under the direct supervision of a parent or guardian of such person and in the privacy of the parent’s or guardian’s residence shall not be prohibited. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-6 Gift of tobacco products.

No person, after purchasing or otherwise obtaining tobacco products, shall sell, give or deliver such tobacco products to a minor within the corporate limits of the Village of Fox River Grove, provided that the gift of a tobacco product to a minor made under direct supervision of the parent or guardian of such person in the privacy of the parent’s or guardian’s home shall not be prohibited. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-7 Certain free distributions prohibited.

It shall be unlawful for any person in the business of selling or otherwise distributing, promoting or advertising tobacco products, or any employee or agent of any such person, in the course of such person’s business, to distribute, give away or deliver tobacco products free of charge to any natural person on any public right of way within the Village of Fox River Grove or on any property owned by the Village of Fox River Grove, including but not limited to parks. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-8 Sales prohibited near schools.

It shall be unlawful for any person to sell tobacco products or offer tobacco products for sale within
one hundred (100) feet of a school. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-9  Responsibility for acts of employees and agents.

Any act which violates a provision of this Article committed by the agent or employee of a person, shall be deemed and held to be the act of such person and such person shall be subject to the same penalties in the same manner as if such violation had been committed directly or personally by such person. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-10  Fines for violations.

Any person who violates any of the terms or provisions of this Article shall, upon conviction, be subject to a fine of not less than two hundred fifty ($250.00) dollars, nor more than seven hundred fifty ($750.00) dollars for each offense. (Ord. No. 2003-28, Sec. 1, 7-17-03, Ord. No. 07-10, Sec. 8, 4-19-07)

Sec. 11-11  Suspension and revocation of right to sell tobacco products.

(a) The Village President of the Village of Fox River Grove shall be authorized to suspend for up to ninety (90) days the right of any person to sell and distribute tobacco products on premises where a violation of this Article occurred. During the period that the right to sell and distribute tobacco products is suspended on any premises, the owner and occupant and agents or employees of the owner or occupant of the premises shall not engage in the sale or distribution of tobacco products.

(b) The Village President shall not issue an order suspending the right of a person to sell and distribute tobacco products pursuant to this Section 11-11 unless the Village President, or a hearing officer designated by the Village President, has first conducted a hearing to determine if a violation of this Ordinance has occurred in connection with the premises. The Village President, hearing officer or a designee shall give notice of the hearing to the person whose right to sell and distribute tobacco products may be suspended, not less than seven (7) days prior to the date of the hearing, at such person’s last known address as shown on the records of the Village. Such notice shall advise the person whose right to sell and deliver tobacco products of the date, time and place of the hearing and shall state that such person may appear at the hearing and present testimony or other evidence as to why the alleged violation of this Ordinance did not occur. The person whose right to sell and distribute tobacco products may be suspended shall be entitled to be represented at the hearing by an attorney.

(c) Any person who continues to sell or distribute tobacco products on the premises where the right to sell and distribute tobacco products has been suspended, shall be subject to a fine of not less than seven hundred fifty ($750.00) dollars, nor more than two thousand five hundred
($2,500.00) dollars for each offense. Each day or part thereof that tobacco products are sold or distributed on premises on which the right to sell or distribute tobacco products has been suspended pursuant to this Section 11-11 shall constitute a separate offense. (Ord. 2003-28, Sec. 1, 7-17-03)

Secs. 11-12--11-15. Reserved.

ARTICLE II. SYNTHETIC ALTERNATIVE DRUGS

Sec. 11-16 Possession/Use of Synthetic Alternative Drugs Prohibited:

(a) Definitions: For purposes of this Section, the following terms are defined as follows:

1. A product containing a synthetic alternative drug. A product containing synthetic alternative drug means any product containing a synthetic cannabinoid, stimulant or psychedelic hallucinogen, as those terms are defined herein such as, but not limited to, the examples of brand names or identifiers listed on Exhibit A attached thereto and incorporated herein.

2. Synthetic cannabinoid. Synthetic cannabinoid means any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist, such as:

   JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole)
   JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1 naphthalenylmethanone
   JWH-018 (1-pentyl-3-(1-naphthoyl)indole)
   JWH-019 (1-hexyl-3-(naphthalene-1-oyl)indole)
   JWH-073 (naphthalene-1-yl-(1-butylindol-3-yl)methanone)
   JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone)
   JWH-098 (4-methoxynaphthalen-1-yl-(1-pentyl-2methylindol-3-yl)methanone)
   JWH-122 (1-Pentyl-3-(4 methyl-1-naphthoyl)indole)
   JWH-164 (7-methoxynaphthalen-1yl-(1-pentylindol-3-7l)methanone)
   JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone
   JWH-203 (2-(chlorophenyl)-1-1-pentylindol-3-yl)ethanone
   JWH-210 (4-ethynaphthalen-1-yl-1-pentylindol-3-yl)methanone
   JWH-251 (1-penyl-3-(2-methylphenylacetyl)indole)
   JWH-398 (1-pentyl-3-(4-cloro-1-naphthoyl)indole)
   HU-210 (6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10,10a-tetrahydrobenzo [c]chromen-1-ol
3. Synthetic stimulant. Synthetic stimulant means any compound that mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quality of a natural or synthetic materials, compound, mixture, preparation, substance and their analog (including salts, isomers, and salts of isomers) containing substances which have a stimulant effect on the nervous system, such as:

- 3-Fluoromethcathinone
- 4-Fluoromethcathinone (other name, fledphedrone)
- 3,4-Methylenedioxymethcathinone (other name, methylone, MDMC)
- 3,4-Methylenedioxypyrovalerone (other name, MDPV)
- 4-Methylmethcathinon (other names, mephedrone, 4-MMC)
- 4-Methoxymethcathinone (other names, Methedrone, bk-PMMA, PMMC)
- 4-Ethylmethcathinone (other name, 4-EMC)

Ethcathinone
Beta-keto=N-methylbenzodioxoylpropylamine (other names, butylone, bk-MBDB)
Napthylpyrovalerone (other names, naphyrone, NRG-1)
N,N-dimethylcathinone (other name, metamfepramone)
Alpha-pyrrolidinopropiophenone (other name, alpha-PPP)
4-methoxy-alpha-pyrrolidinopropiophenone (other name, MOPPP)
3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name, MDPPP)
Alpha-pyrrolidinvalerophenone (other name, alpha-PVP)
6,7-kihydro-5H-indeno(5,6-d)-1-3-dioxal-6-amine (other name, MDAI)

Any compound that is structurally derived from 2-amino-1-phenyl-1-propananone by modification or substitution in any of the following ways:

In the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substitutes, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
At a 3-position with an alkyl substituent;
At the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups
Or by inclusion of the nitrogen atom in a cyclic structure.

4. Synthetic psychedelic/hallucinogen means any compound that mimics the effects of any federally controlled Schedule 1 substance, including, but not limited to, any quality of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including salts, isomers, esters, ethers of salts of isomers) containing substances which have a psychedelic/hallucinogenic effect on the central nervous system and/or brain, such as:

2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);
2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
2-(4-Ethylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
2-(4-Isopropylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T-4);
2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
2-(2,5-Dimethoxyl-4-(n)-propylphenyl)ethanamine (2C-P).

(b) **Sale or Delivery:** It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic alternative drug, synthetic cannabinoid, synthetic stimulant, or synthetic psychedelic/hallucinogen, whether or not such substance is labeled for human consumption.

(c) **Possession:** It shall be unlawful for any person to knowingly possess a product containing a synthetic alternative drug, synthetic cannabinoid, synthetic stimulant, or synthetic psychedelic/hallucinogen, whether or not such substance is labeled for human consumption.

(d) **Use:** It shall be unlawful for any person to be under the influence of a synthetic cannabinoid, stimulant, or psychedelic/hallucinogen.

(e) **Penalties:** Any person who violates any provision of this Section shall be fined not less than five hundred ($500) dollars or more than seven hundred fifty ($750) dollars. Each violation of this Section, or every day a violation continues to exist, shall constitute a new and separate violation.

(f) In addition to the penalty noted above, and upon a violation of this Article: (1) a retailer’s ability to sell tobacco may be suspended pursuant to Section 11-11 of the Village’s Code of Ordinances; and/or (2) the retailer’s business license may be revoked or suspended pursuant to Section 12-38 of the Village’s Code of Ordinances.
(g) **Revocation, Suspension or Fine:** In addition to the penalty noted above, a retailer’s license to sell tobacco may be revoked or suspended or a fine imposed by the Commissioner for the violation of any part or portion of this Section. (Ord. No. 12-38, No. 2, 12-20-12)

**Sec. 11-17--11-29. Reserved.**

**ARTICLE III. CONTAGIOUS DISEASES**

**Sec. 11-30. Authority of Board of Trustees in regard to prevention of spread of contagious disease.**

The Board of Trustees is hereby authorized to make such rules as may be necessary regarding quarantine and vaccination, for the prevention of the spread of contagious diseases, and to quarantine premises where such diseases occur for such time as may be necessary to protect public health. (Code 1958, Sec. 17.104)

**Sec. 11-31. Superintendent of Building and Zoning to enforce quarantine rules; place premises under quarantine.**

The Superintendent of Building and Zoning shall have charge of the enforcement of the quarantine rules promulgated by the Board of Trustees. He shall have the power and the authority to place any premises within which a contagious or epidemic disease occurs under quarantine, and the Superintendent of Building and Zoning shall determine the time when the quarantine ends. (94-12, Sec. 5, 3-17-94)

**Sec. 11-32. Deliveries to quarantined premises.**

No person engaged in the delivery of food or drink intended for human consumption shall enter any premises which are quarantined because of the existence of a contagious or epidemic disease. (Code 1958, Sec. 17.105)

**Sec. 11-33. Removal and sterilization of containers on quarantined premises.**

No containers or bottles shall be removed from any quarantined premises until the termination of the quarantine and no such container, which has been left at such premises during the quarantine, shall be placed in use for carrying food or drink until it has been thoroughly sterilized. (Code 1958, Sec. 17.105)

**Sec. 11-34. Spreading contagious disease.**

It shall be unlawful for any person to spread, willfully or carelessly, any contagious disease or to so cause the spread of the same. (Code 1958, Sec. 17.104)

**State law reference—Authority of Village to suppress diseases, 65 ILCS 5/11-20-4**
Sec. 11-35. Violations.

Any person violating any provision of this article or violating any of the reasonable rules of the Superintendent of Building and Zoning with regard to quarantined premises, or disturbing or disregarding any notice of quarantine placed by or under the direction of the Superintendent of Building and Zoning, or disobeying any order of the Board of Trustees shall be subject to the penalty prescribed in Sec. 1-8. (94-12, Sec. 5, 3-17-94)

Sec. 11-36. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance or the application of such portion to other person or circumstances. (Ord. 2003-28, Sec. 2, 7-17-03)

Secs. 11-37 -- 11-99. Reserved.

ARTICLE IV. POSSESSION OF CANNABIS / DRUG PARAPHERNALIA.

Sec. 11-100. Definitions.

A. As used in this article, cannabis shall have the meaning ascribed in the Cannabis Regulation and Tax Act, 410 ILCS 705/1-10.

B. As used in this article, Drug Paraphernalia shall have the meaning ascribed in the Illinois Drug Paraphernalia Control Act, 720 ILCS 600/2. Cannabis paraphernalia associated with the lawful use of cannabis is hereby excluded from this definition.

Sec. 11-101. Unlawful possession of cannabis.

A person commits unlawful possession of cannabis if he/she, while in the Village, has in his/her possession more than the Possession Limit of any substance containing cannabis as established by the Cannabis Regulation and Tax Act, 410 ILCS 705/1-10. These limits are as follows:

1. 30 grams of cannabis flower (15 grams for non-residents);
2. 500 milligrams of THC contained in cannabis-infused product (250 mg for non-residents);
3. 5 grams of cannabis concentrate (2.5 grams for non-residents);
4. 30 grams of raw cannabis or its equivalent for qualifying patients.
5. Any amount of cannabis or cannabis product by a person under 21 years of age (zero tolerance).
Sec. 11-102. Unlawful possession of drug paraphernalia.

A person commits unlawful possession of drug paraphernalia if he/she, while in the Village, has in his/her possession any item of drug paraphernalia.

Sec. 11-103. Penalty.

Any person convicted of a violation of any section in this article shall be fined as set forth in Section 13-96 of the Code of Ordinances of the Village of Fox River Grove. Each violation shall be considered a separate offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Sec. 11-104. Prepayment of penalties.

Civil law violations set forth in this article may be satisfied without a court appearance by admitting to the violation and payment of the fine issued pursuant to Section 13-96, provided that such payment is made prior to the date on which such violation is scheduled for adjudication.

Sec. 11-105. Defenses.

Any defenses available under 720 ILCS 550/11 and 410 ILCS 130/25 shall also be available as a defense to any violation charged under this article. (Ord. 2017-17, Sec. 1, 10-19-17)
Chapter 12

LICENSES, PERMITS AND BUSINESS REGULATIONS

ARTICLE I. IN GENERAL

Sec. 12-1. Nuisance businesses prohibited.

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact.

Secs. 12-2--12-17. Reserved.

ARTICLE II. LICENSES AND PERMITS

Sec. 12-18. Business activities for which license is required.

* Cross references--Retail license for alcoholic beverages, Sec. 3-18 et seq.; license for amusements generally, Sec. 4-2; license for athletic exhibitions, Sec. 4-41; license for ski tournaments, Sec. 4-51; license for billiards and pool halls, Sec. 4-65; license for bowling alleys, Sec. 4-80; license for circuses, Sec. 4-95; license for dogs, Sec. 5-24 et seq.; license for small animal stores, Sec. 5-43; building permits generally, Sec. 6-32; permit for moving buildings, Sec. 6-75; permit for erection of signs and awnings, Sec. 6-109; permit for construction of billboards, Sec. 6-128; plumbing permits, Sec. 6-190; food dealers license generally, Sec. 9-2; permit for restaurants, Sec. 9-28; license for milk vending machines, Sec. 9-85; license for milk dealers, Sec. 9-101; license for motor vehicles, Sec. 15-234 et seq.; license for peddlers, Sec. 16-17; registration of solicitors, Sec. 16-33 et seq.; license for house to house distribution of handbills, Sec. 16-66; permit for street and sidewalk construction and repair, Sec. 18-37; permit for street and sidewalk excavations, Sec. 18-48 et seq.; permit for driveway construction, Sec. 18-60; municipal retailers occupation tax, Sec. 20-16 et seq.; municipal service occupation tax, Sec. 20-30 et seq.; business license for taxicabs, Sec. 22-30; chauffeur's license for taxicab operators, Sec. 22-48; permit for water supplied air conditioners, Sec. 23-43; permit for building sewers and connections, Sec. 23-73; permit for private sewage disposal systems, Sec. 23-116; permit for water and sewer connections, Sec. 23-137.

State law references--Power of Village over certain businesses, 65 ILCS 5/11-42-1 et seq.
It shall be unlawful for any person to engage in any of the following businesses or business activities in the Village without first having obtained a Village license therefor:

Air conditioning and refrigeration contractors, ambulance, athletic contests, auctioneers, bakeries, bankers, barber shops, breweries, brick, brokers, building contractors, buses, carpenter contractor, coal, coal or lumberyards, coffee houses, coin-in-the-slot devices, community antenna television system, convention hall, dealers in dismantled or wrecked motor vehicles, detective agencies, draymen, dry cleaner, electrical contractors, electrical equipment, exhibitions, expressmen, filling stations, fire extinguishers, firewood, florists, food manufacturing, foundries, fruit stores, grocery stores, harbors for recreational use, hawkers, hay, heating contractors, horse racing, hospitals, house trailers, hotels, ice cream parlors, itinerant merchants, junk yards, kennels, laundries, livery stables, lumberyards, machine shops, markets, mason contractors, meat dealers, message by electricity, mills, mobile homes, money changers, motels or motor courts, nursing homes, omnibus drivers, packing houses, parking lots, pawnbrokers, peddlers, porters, private detectives, public and private water landing places, public scales, ramps and garages, rooming houses, scavenger and garbage collectors, secondhand articles, small animal store, street advertising, street sales, taxi cab, theatrical ticket brokers, tobacconists, undertakers, water craft used within the Village, wharves and docks.

Cross reference—For settlement and compromise of violations of this section, see Sec. 13-96 et seq. (Editor note: businesses have been put in alphabetical order for ease of use 2003)

Sec. 12-19. Persons ineligible for licenses.

No license shall be issued to:

(1) A person who is not of good character and reputation in the community in which he resides.

(2) A person who has been convicted of a felony, if the police chief determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

(3) A person who has been convicted of being the keeper or is keeping a house of ill fame.

(4) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(5) A person whose license under this Article has been revoked for cause.

(6) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.

(7) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5%) per cent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason.
(8) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.

(9) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued.

(10) An applicant where the condition of the premises to be used by the applicant violates any provision of this Code or other Ordinance of the Village or is otherwise unsafe, unclean or unsanitary.

(11) An applicant where the proposed business operations or any of its processes would be dangerous or unsafe or harmful to persons or property.

(12) An applicant who has been convicted of using drugs in violation of any State or Federal law.

Sec. 12-20. Application for licenses; forms.

(a) All initial applications for licenses in connection with any of the businesses or business activities enumerated in this Article shall be made in writing to the Village Clerk, on a form provided for that purpose. Said application form shall be substantially as follows:

VILLAGE OF FOX RIVER GROVE
305 ILLINOIS STREET
FOX RIVER GROVE, ILLINOIS  60021

Date:______________________________

APPLICATION FOR LICENSE

The undersigned hereby applies for a license to conduct the business of

in the Village of Fox River Grove, and states, under oath, that the following facts are true:

1. Name under which business is to be conducted
  __________________________________________________________.

2. Address of location at which business is to be conducted
   ___________________________________________________________; Phone Number____________________________;
   Emergency Phone Number ____________________________________.

3. Nature or type of business____________________________________;

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Number of full-time employees (employees who work more than 30 hours per week) ________; Number of part time employees ______________.

4. The location at which the business is to be conducted is owned _____, leased (check one) by the applicant. If the location is leased, state:
   a. The type of lease (yearly, monthly, etc.)______________________________.
   b. The date the lease expires

5. a. State the name of the owner(s) of the business
   b. Indicate whether the owner(s) of the business is an individual _____, a general partnership _____, a limited partnership _____, or a corporation ________.
   c. If the owners of the business are individuals, state the name, residence address and telephone number of each owner.
      1. Name ___________________________ Phone
         Residence
      2. Name ___________________________ Phone
         Residence
      3. Name ___________________________ Phone
         Residence
      4. Name ___________________________ Phone
         Residence
   d. If the owner of the business is a corporation, state the name, residence address and telephone number of the corporation's officers and each shareholder of the corporation who owns more than five (5%) percent of the corporation's stock. Also attach to this application a copy of the corporation's charter.
      Name ___________________________ Phone
      Residence
      Name ___________________________ Phone
      Residence
      Name ___________________________ Phone
RESIDENCE

e. If the owner of the business is a partnership, state the name, address and telephone number of each partner.

Name _____________________________ Phone __________
Residence _________________________

Name _____________________________ Phone __________
Residence _________________________

Name _____________________________ Phone __________
Residence _________________________

f. If the owner of the business is a limited partnership, state the name, address and telephone number of each general partner.

Name _____________________________ Phone __________
Residence _________________________

Name _____________________________ Phone __________
Residence _________________________

Name _____________________________ Phone __________
Residence _________________________

6. Will the business be conducted by a manager or agent? Yes _____ No _____. If yes, then state the name, residence address and telephone number of the manager.

Name _____________________________ Phone __________
Residence _________________________

7. List all addresses where the owners have operated the business for which a license is sought or a similar business at any time during the past five (5) years.

8. If the owner(s) of the business is an individual or if the business is to be conducted by a manager, state the address of all residences of the owner or manager during the past five (5) years.
9. Has the owner ever had a license to conduct the business or a similar type of business revoked or suspended? Yes _____ No ______. If yes, describe where, when and the reason for the revocation or suspension.

10. Have any of the persons listed under Paragraph 5 or the manager of the business ever been convicted of a felony or misdemeanor? Yes _____ No ______. If yes, state (a) the name under which convicted, (b) the place and date of the conviction, and (c) the offense.

11. If business will sell food, maximum capacity ____________________________.

12. If business is a laundry or dry cleaner, number of cleaning or drying units on premises ____________________________.

13. List any vending machines on the business premises by (a) type, (b) product dispensed, and (c) prices for which product(s) dispensed is sold.

14. Illinois sales or occupation tax number ________________________________.

The undersigned makes the statements above on behalf of the applicant to induce the Village of Fox River Grove to issue the license herein applied for and states on behalf of the applicant that the applicant understands and agrees that compliance with all applicable laws and village ordinances is a continuing condition for the issuance of the license.

Signed this ______ day of _____________________________, 200____.

Signature:
Title:

Signed and sworn to before me this _______ day of ________________________ 200__

NOTARY PUBLIC
(b) All applications for renewal of a license previously issued in connection with any of the businesses or business activities enumerated in this article shall be made in writing to the Village Clerk, on a form provided for that purpose. Said application form shall be substantially as follows:

VILLAGE OF FOX RIVER GROVE
305 ILLINOIS STREET
FOX RIVER GROVE, ILLINOIS  60021

Date:

APPLICATION FOR RENEWAL
OF LICENSE

The undersigned hereby applies to renew a license to conduct the business of ______________________ in the Village of Fox River Grove, for the year beginning May 1, 200____, and states, under oath, that the following facts are true:

1. Name under which business is conducted ______________________.

2. Address of location at which business is conducted ________________,
   Phone Number ______________, ; Emergency Phone Number __________.

3. Current business license number:

4. If any of the information provided in the initial application for a business license has changed or if the answer to any of the questions asked in the initial application for a business license has changed, list below the applicable paragraph of the initial application and state what the new information and/or new answer is.

   PARAGRAPH    NEW INFORMATION OR ANSWER
   ____________________________
   ____________________________
   ____________________________

The undersigned makes the statements above on behalf of the applicant to induce the Village of Fox River Grove to issue the license herein applied for and states on behalf of the applicant that the applicant understands and agrees that compliance with all applicable laws and Village Ordinances is a continuing condition for the issuance of the license.

Signed this _________ day of ______________________, 200__.
Sec. 12-21. Contents of licenses.

All licenses issued by the Village shall bear the seal of the Village, the name of the licensee, his address, the nature or kind of business or occupation licensed, and such other material information as the Village President and Village Clerk shall prescribe.

Sec. 12-22. Signatures on licenses and permits.

Each license or permit issued shall bear the signature of the Village President and Village Clerk in the absence of any provision to the contrary.

Sec. 12-23. License fees generally.

(a) Unless a different fee is provided or required elsewhere within the provisions of this Code or any other Ordinance of the Village, the initial fee for the issuance of a license to engage in any business trade, occupation or calling licensed by the Village of Fox River Grove shall be one hundred fifty ($150.00) dollars per year, except that if the first application for a license to engage in a business, trade, occupation or calling is filed during the period from November 1 through April 30, the initial fee shall be seventy-five ($75.00) dollars. Unless a different fee is provided or required elsewhere within the provisions of this Code, or any other Ordinance of the Village, the fee to renew a previously issued license to engage in any business, trade, occupation or calling, licensed by the Village of Fox River Grove shall be sixty ($60.00) dollars per year. In the absence of a provision to the contrary, all fees and charges for licenses shall be paid in advance at the time application is made to the Village Clerk. (Ord. 97-05, 3-20-97, Ord. 01-07, Sec. 1, 3-15-2001, Ord. No. 06-30, Sec. 1, 6-15-06).

Cross references--License fees for retail sale of alcoholic liquor, Sec. 3-25; license fee for amusements generally, Sec. 4-4; license fee for circuses, Sec. 4-97; license fee for side shows and concessions operated in connection with circuses, Sec. 4-98; building permit fees, Sec. 6-37; permit fee for moving buildings, Sec. 6-77; permit fee for fireworks display, Sec. 8-24; fee for operation of foreign fire insurance company, Sec. 8-36; permit fee for sound amplifiers, Sec. 12-89; license fee for motor vehicles, Sec. 15-235; license fee for peddlers, Sec. 16-19; registration fee for solicitors, Sec. 16-47; license fee for house-to-house distribution of handbills, Sec. 16-68; permit fee for driveway construction, Sec. 18-62; permit fee for water and sewer connections, Sec. 23-143 et seq.
(b) In addition to any other fee that may be payable to the Village, including, but not limited to, the fees provided for under Section 12-23(a) of this Code, any person issued a license which allows that person to engage in the business of a tobacconist shall pay an additional license fee of fifty dollars ($50.00) per year. (Ord. No. 07-14, Sec. 1, 4-19-07)

Sec. 12-24. Disposition of fees.

Except as otherwise provided, all license fees shall become a part of the corporate fund.

Sec. 12-25. Reserved.
Editor's note--Ord. No. 82-15, Sec. 3, enacted Sept. 15, 1982, repealed Sec. 12-25, relative to pro-ration of license fees.

Sec. 12-26. Term of licenses.

All annual licenses shall terminate on the last day of the fiscal year of the Village, where no provision to the contrary is made.

Sec. 12-27. Notice to renew license to be sent by Village.

The Village Clerk shall mail to all licensees of the Village a statement at the time of expiration of the license held by the licensee. If an annual license, the statement shall be mailed three (3) weeks prior to the date of such expiration. Failure to send out such notice, or the failure of the licensee to receive it shall not excuse the licensee from a failure to secure a new license, or renewal thereof, nor shall it be a defense in action for operation without a license.

Sec. 12-28. Village Clerk to prepare, keep application forms.

Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the Village Clerk.

Sec. 12-29. Village Clerk to be custodian of applications for licenses.

The Village Clerk shall be the custodian of all applications for licenses, which, under the provisions of any Section of this Code are required to be made to him.

Sec. 12-30. Investigation of applicants.

Upon the receipt of an application for a license or permit where the provisions of this Code necessitate an inspection or investigation before the issuance of such permit or license, the Village Clerk shall refer such application to the proper officer for making such investigation within forty-eight (48) hours of the time of such receipt. The officer charged with the duty of making an investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days
after receiving the application or a copy thereof. The Superintendent of Building and Zoning shall make or cause to be made an investigation in regard to such licenses in connection with the care and handling of food and the prevention of nuisances and the spread of disease, for the protection of health. The Superintendent of Building and Zoning shall make or cause to be made any such inspections relative to the construction of buildings or other structures, within ten (10) days. All other investigations except where otherwise provided shall be made by the Chief of Police or some other officer designated by the Village President. (Ord. No. 94-12, Sec. 6, 3-17-94)


No license issued under this Article may be transferred or assigned to any other person and any attempt by a licensee to transfer or assign such license shall be a nullity.

Sec. 12-32. Building and premises to comply with Village ordinances.

No license shall be issued for the conduct of any business and no permit shall be issued for any thing or act, if the premises and building used for the purpose do not fully comply with the requirements of this Code and other Ordinances of the Village. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the Zoning Ordinance of the Village.

Sec. 12-33. Refund of fee when license is denied.

Whenever an application for a license required by this Article is not approved and the applicant has not engaged in the business or occupation for which the license was sought, the license fee paid in advance shall be refunded to the applicant.

Sec. 12-34. Prohibitions on refunds of license fees.

In no event shall any rebate or refund be made of any license fee or part thereof by reason of the death of the licensee or by reason of nonuse of such license, or by reason of a change of location or occupation of such licensee; however, the provisions of this Section shall not be construed to prevent the Village Board of Trustees from authorizing a refund of a license fee or a portion thereof, where the license fee was collected through an error.

Sec. 12-35. Change of location permitted; notice; limitations.

The location of any licensed business or occupation, or of any permitted act, may be changed, provided ten (10) days notice thereof is given to the Village Clerk, in the absence of any provision to the contrary, provided that the building, zoning and frontage consent requirements are complied with.
Sec. 12-36. **Duty of licensee to permit Village officer on premises for inspection purposes.**

Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by this Code or other Ordinance of the Village, or are reasonably necessary thereto to secure compliance with any provision of this Code or other Ordinance of the Village, or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the Village who is authorized or directed to make such an inspection at any reasonable time that admission is requested.

Sec. 12-37. **Duty of licensee to give Village officers samples of materials and commodities.**

Whenever the analysis of any commodity or material is reasonably necessary to secure conformance with any provision of this Code or other Ordinance of the Village or to detect violations thereof, it shall be the duty of the licensee of the Village whose business is governed by the provision to give any authorized officer or employee of the Village requesting the same sufficient samples of such material or commodity for such analysis upon request.

Sec. 12-38. **Grounds for Revocation and Suspension of Licenses and Permits**

The Village President may revoke or suspend for a period of up to ninety (90) days, any permit or license issued by the Village on any of the following grounds:

(a) The violation by the licensee or permittee of any of an applicable provision of Federal or State law or a provision of this Code or other Ordinance of the Village in the conduct of the business, occupation or activity for which the permit or license has been issued or the violation by the licensee or permittee of any applicable provision of Federal or State law or a provision of this Code or other Ordinance relating to the business, occupation or activity for which the license or permit has been issued.

(b) The failure of the licensee or permittee to correct within the time specified by the Superintendent of Building and Zoning or the county health inspector, any condition existing on the premises for which a license or permit has been issued which violates (i) any provision of this Code, (ii) any provision of a code, rule or regulation adopted pursuant to Chapter 6 of this Code or (iii) any provision of Chapters 9 or 10 of this Code.

(c) A public nuisance exists or is maintained on the premises for which the license or permit is issued or the business, occupation or activity for which the license or permit is issued is operated or conducted in a manner so as to constitute a public nuisance.

(d) A condition on the premises for which the license or permit has been issued or an activity on the premises for which a license or permit has been issued constitutes a danger to the safety
or health of the public.

(e) The licensee or permittee has failed to pay any fee, debt, service charge or other amount for which payment is due to the Village.  (Ord. No. 94-20, Sec. 1, 7-20-94)

Sec. 12-39. Procedures for the Suspension and Revocation of Licenses and Permits

(a) If the Village President determines that one or more of the grounds specified in Section 12-38 exists for the revocation or suspension of a permit or license, the Village President or Village Clerk may give notice to the licensee or permittee that the license or permit will be revoked or suspended unless the licensee or permittee makes a written request to the Village Clerk for a hearing within the time period specified in the notice. This time period shall be not less than seven (7) nor more than fourteen (14) days from the date of the notice. The notice shall be in writing and shall set forth the reason the revocation or suspension of the license or permit is being sought. If a suspension is being sought, the length of the suspension shall be specified in the notice. The notice shall either be sent by certified mail, return receipt requested, to the licensee or permittee at the licensee's or permittee's last known address, or shall be delivered personally to the licensee or permittee or the licensee or permittee's designated representative.

(b) If a licensee or permittee who has received a notice of revocation or suspension pursuant to Section 12-39(a) files a written request for a hearing, then except as provided in Section 12-39(c), the license or permit shall not be suspended or revoked until a hearing is held. The hearing shall be conducted by the Village President or by a hearing officer designated by the Village President. Notice of the date, time and place of the hearing shall be given to the licensee or permittee by certified mail, return receipt requested or by personal delivery at the last known address of the licensee or permittee or the licensee's or permittee's designated representative at least three (3) days prior to the date set for the hearing. At the hearing, the licensee or permittee may be represented by an attorney and shall have the right to submit evidence and to cross-examine any witnesses. If the hearing is conducted by a hearing officer designated by the Village President, the hearing officer shall make a report summarizing the evidence to the Village President. The Village President shall, following the hearing, and the receipt of the hearing officer's report, if any, issue a decision as to whether the license or permit should be revoked or suspended.

(c) If the Village President determines that the continued operation of a business, occupation or activity for which a permit or license has been issued constitutes an immediate danger to the public health or safety, or if the Village President determines that unless the license or permit is suspended, it is more probable, than not, that a further violation of Section 12-38(a), (c) or (d) will occur prior to the time the hearing provided for in Section 12-39(b) can be held, then the Village President may order that the license or permit be suspended pending the hearing provided for in Section 12-39(b). If the Village President determines that an immediate
suspension of a business license or permit is warranted pursuant to this Section, the notice to the licensee or permittee of the suspension shall state the basis for the Village President's finding that immediate suspension is warranted. Any licensee or permittee whose license or permit is suspended pending a hearing pursuant to this Section 12-39(c), shall have the right to require that the hearing provided for in Section 12-39(b) be held within seven (7) days by delivering a written demand for an expedited hearing to the Village Clerk. If a written demand for an expedited hearing is delivered to the Village Clerk, the hearing provided for in Section 12-39(b) shall be held within not less than seven (7) days after the date the demand is received by the Village Clerk.

(d) If following a hearing provided for in Section 12-39(b), the Village President determines that the license or permit should be revoked or suspended, the licensee or permittee may request that the Board of Trustees reverse or modify the suspension or revocation by filing a written request with the Village Clerk within ten (10) days after the day the Village President issued the decision revoking or suspending the permit or license. The Village Board may thereafter after an appropriate motion is made and seconded, consider whether to reverse or modify the decision to suspend or revoke the license or permit, provided that any motion providing for the reversal or modification of a decision by the Village President to suspend or revoke a license or permit must be approved by an affirmative vote of two-thirds of all Trustees holding office to be passed. (Ord. No. 94-20, Sec. 2, 7-20-94)

Sec. 12-40. Duty of licensee relative to streets and sidewalks abutting his business.

It shall be unlawful for any person licensed to engage in any business or occupation on premises abutting a public way or for any person using any part of a public way for or in connection with his business or occupation to litter or to permit the accumulation of any paper, rubbish or refuse upon that portion of the public way abutting said premises or on and about that portion of the public way so used. It shall also be the duty of the licensee to remove the snow and ice from the sidewalk in front of his premises.

Sec. 12-41. Posting license.

It shall be the duty of any person conducting a licensed business in the Village to keep his license posted in a prominent place on the premises used for such business at all times.

Sec. 12-42. Affixing tags to vehicles.

Whenever the number of vehicles used is a basis of a license fee, the Village Clerk shall furnish each licensee with a tag or sticker for each vehicle covered by the licensee, and such tag or sticker shall be posted in a conspicuous place on each such vehicle while it is in use.

Sec. 12-43. Effect of Suspension or Revocation of License or Permit.
It shall be unlawful for any person to operate a business or engage in an occupation or activity for which a license or permit is required under this Code, where the license or permit that has been issued to such person has been suspended or revoked pursuant to Sections 12-38 and 12-39 of this Code. In addition to any other penalty provided for under this Code, any person who violates the provisions of this Section 12-43 shall be ineligible to receive a license or permit from the Village for a period of twelve (12) months after the violation occurs. (Ord. No. 94-20, Sec. 3, 7-20-94)

Secs. 12-44. Other Licenses and Permits Required.

No license to operate or maintain a business or to engage in any business activity shall be issued by the Village unless the applicant provides proof that the applicant has obtained or is in the process of applying for any and all permits and licenses which must be issued by another unit of local government or by a unit of the Federal or State government in order for the applicant to be able to lawfully operate or maintain the business or engage in the business activity within the Village. No person shall operate or maintain a business or engage in a business activity for which a Village license is required, unless such person shall have first obtained any and all other licenses and permits which the person is required to obtain from another unit of local government or a unit of the federal or state government in order to be able to lawfully operate or maintain the business or engage in the business activity within the Village. (Ord. No. 97-23, Sec. 1, 7-17-97)

Secs. 12-45--12-52. Reserved.

ARTICLE III. MOTOR COURTS*

Sec. 12-53. Defined.

The term "motor court" as used in this Article shall be construed to mean any structure where transient sleeping accommodations are afforded or provided to the public and where a parking lot or garage is located on the same premises for parking of the occupants' motor vehicles; provided that a hotel which furnishes parking space or has a garage in connection with the hotel shall not be construed as a motor court. (Code 1958, Sec. 14.101)

Sec. 12-54. License required; compliance with article.

It shall be unlawful to conduct or operate a motor court in the Village without having first obtained a license therefor and complying with all of the provisions of this Article. (Code 1958, Sec. 14.101)

Sec. 12-55. Application for license; contents.

Each applicant for a license required by this Article shall file an application with the Village Clerk,

* State law reference--Authority of Village to regulate public sleeping accommodations, 65 ILCS 5/11-30-5 et. seq.
and shall state thereon the name and address of the applicant, the name and address of the owner or manager of the motor court, the location of the motor court, and the maximum number of persons and vehicles to be accommodated. This application shall be accompanied by plans of the toilet, bath and wash basin facilities, slop sinks, water faucets, sewer connections, driveways and other improvements. (Code 1958, Sec. 14.102)

Sec. 12-56.  Reserved.

Editor's note--Section 12-56, derived from Code 1958, Sec. 14.104, specifying the fee for a license to conduct or operate motor courts, was repealed by Ord. No. 82-15, Sec. 3, adopted Sept. 15, 1982.

Sec. 12-57.  Proximity of parking to vehicles.

No parking space shall be provided for motor vehicles within ten (10) feet of any building or structure used for housing accommodation in a motor court unless the wall facing such parking space is constructed of fireproof materials and unless the windows in such wall, if any, are equipped with reinforced fire resistant glass. (Code 1958, Sec. 14.103)

Sec. 12-58.  Condoning violations; sanitation and cleanliness of premises; inspections.

It shall be unlawful to permit any violation of any Ordinance or law on or in any motor court. Such premises must be kept clean and sanitary at all times, and all waste material must be removed therefrom at least once every twenty-four (24) hours. The Chief of Police shall inspect or cause to be inspected each motor court to see to the compliance with the provisions of this Article. (Code 1958, Sec. 14.106)

Sec. 12-59.  Sanitary facilities.

No premises shall be operated as a motor court unless it is equipped with adequate toilet and other sanitary facilities to serve the total number of persons accommodated therein. All such sanitary facilities shall be properly connected with the sanitary sewer system of the Village if the premises are located on a street served by a sewer. (Code 1958, Sec. 14.105)

Sec. 12-60.  Lighting requirements.

Any area or premises of a motor court open to use by the public or by all persons staying in or being accommodated in the motor court shall be kept adequately lighted at nighttime; provided that such lights must be so shaded or otherwise regulated so as to prevent them from shining upon any adjacent premises. (Code 1958, Sec. 14.107)

Sec. 12-61.  Use for trailers.

It shall be unlawful to use or permit the use of a motor court for the accommodation of a trailer
unless all provisions of this Code and other Ordinances of the Village pertaining to trailer camps are complied with. Where a license fee for a trailer camp has been paid, it shall not be necessary to pay an additional fee for the operation of a motor court on the same premises. (Code 1958, Sec. 14.108)

Sec. 12-62. Use for immoral purposes.

It shall be unlawful for any person to use or permit the use of any motor court or any portion thereof for immoral purposes. (Code 1958, Sec. 14.106)

Secs. 12-63--12-72. Reserved.

ARTICLE IV. JUNK DEALERS*

Sec. 12-73. License required.

It shall be unlawful to operate or carry on the business of junk dealer or to keep a junk shop, store or place for the purchase or sale of junk, rags, old rope, paper or bagging, old iron, brass, copper, or empty bottles, without having obtained a license therefor. (Code 1958, Sec. 14.401)

Sec. 12-74. Reserved.

Editor's note-Ord. No. 82-15, enacted Sept. 15, 1982, repealed Sec. 12-74, derived from Code 1958, Sec. 14.403, specifying the license fee for junk dealers.

Sec. 12-75. Stolen and lost goods; examination by police.

Every dealer in junk who shall receive or be in possession of any goods, articles, or things which may have been lost or stolen shall upon demand surrender such article or thing to any member of the Police Department asking to examine the same. (Code 1958, Sec. 14.404)

Sec. 12-76. Vehicles to be marked.

Each vehicle used by a junk dealer in the conduct of his business shall bear thereon in legible characters the name and address of the owner and proprietor thereof. (Code 1958, Sec. 14.405)

Secs. 12-77--12-86. Reserved.

ARTICLE V. SOUND AMPLIFIERS

* State law reference--Authority of Village to license, tax, locate and regulate all dealers in junk and secondhand goods, 65 ILCS 5/ 11-42-3.
Sec. 12-87.  Certain activities exempted from article.

This Article shall not apply to radios in homes or in private pleasure vehicles, when the same are operated in such manner as not to be audible at a distance of fifty (50) feet from such vehicle, nor to noise devices, bands, or other musical devices used in any public parade or procession which is operated under a permit issued by the Village.  (Code 1958, Sec. 27.505)

Sec. 12-88.  Permit required.

It shall be unlawful to maintain or operate any loudspeaker or amplifier connected with any radio, phonograph, microphone, or other device by which sounds are magnified and made heard over any public street or public place without having first secured a permit therefor.  It shall be unlawful for any person to maintain or operate any loudspeaker or amplifier connection connected with any radio, phonograph, microphone, or other device by which sounds are magnified and made heard over any public street or public place for which a permit has been issued in violation of any of the conditions contained or applicable to the permit.  Any person who violates any of the terms or provisions of this Article shall, upon conviction, be subject to a fine or not less than two hundred fifty ($250.00) dollars, nor more than seven hundred fifty ($750.00) dollars for each offense.  Each separate two (2) hour period during which a violation occurs shall constitute a separate offense.  (Code 1958, Sec. 27.501, Ord. No. 07-10, Sec. 9, 4-19-07)

Sec. 12-89.  Permit fees.

The fees for a permit to be granted under this Article shall be as follows:

(1)  For the use or operation of any radio receiving set, talking machine, amplifier, or other similar device to be operated from a fixed location and not in a moving vehicle the fee shall be one hundred twenty-five ($125.00) dollars per day or part thereof, provided that the owner or operator of a restaurant or tavern which has been issued a special use permit allowing the restaurant or tavern to have an outdoor seating area may obtain a permit that covers a calendar year upon payment of a fee of two hundred fifty ($250.00) dollars per year or part thereof.

(2)  For the use or operation of any radio receiving set, talking machine, amplifier, or other similar device to be used in a moving vehicle along the streets the fee shall be fifty ($50.00) dollars per day or part thereof.  (Code 1958, Sec. 27.501, Ord. No. 07-10, Sec. 9, 4-19-07)

Sec. 12-90.  Application for permit; contents; fee.

Any person desiring a permit required by this Article shall file an application therefor with the
Village Clerk, upon a form provided by him, setting forth the name and address of the applicant, the
name of the owner of the device, the date upon which it is intended to be used, and such other
information as may be prescribed, together with the permit fee required by section 12-89.  (Code
1958, Sec. 27.503; Ord. No. 79-12, Sec. 1, 4-18-79)

Sec. 12-91.  Issuance of permit; conditions of permit.

A permit required by this Article shall be issued jointly by both the Chief of Police and Village
Administrator, and shall permit the use of any such device subject to the terms and conditions of this
Article, only upon the date specified on such permit and no other.  (Ord. No. 98-27, Sec. 1, 7-16-98)

Sec. 12-92.  Hours and place of use restricted.

No person shall use or operate or employ any device for which a permit has been issued under this
Article within the Village limits except on Sundays during the daylight hours or between the hours of
8:00 a.m. and 10:00 p.m. prevailing time of day on days other than Sunday; and no licensee shall use,
operate or employ any such device within a radius of two (2) blocks from any hospital or within the
radius of two (2) blocks from any church while funeral services are being held there.  (Code 1958,
Sec. 27.505; Ord. No. 79-12, Sec. 3, 4-18-79)

Sec. 12-93.  Indecent language; false advertising.

No person shall cause or permit to be emanated or emitted from any device regulated by this Article
any lewd, obscene, profane, or indecent language or sounds, or any false representation of any
matter, product or project advertised thereby the sale of which is prohibited by this Code or Statute.
(Code 1958, Sec. 27.505)

Secs. 12-94--12-103.  Reserved.

ARTICLE VI.  DRY CLEANING MACHINES

Sec. 12-104.  Defined.

For the purposes of this Article, the term "automatic dry cleaning machine" shall mean any device or
apparatus for the cleaning of clothes or fabrics, and designed to be used or operated by any person
other than the owner, or an employee of the owner thereof, which machine or device makes use of or
contains perchlorethylene or any other chemical solvent or substance which may cause harm to
human beings by reason of inhalation or contact.  (Ord. of 9-11-61, Sec. 2)

Sec. 12-105.  Compliance with article and state law.

It shall be unlawful to install, operate or maintain any automatic dry cleaning machine, except in
compliance with the provisions of this Article and any laws, rules, or regulations of the State Department of Public Health relating thereto. (Ord. of 9-11-61, Sec. 1)

Sec. 12-106. Permit required.

It shall be unlawful to install any automatic dry cleaning machine without first having secured a permit therefor. (Ord. of 9-11-61, Sec. 3)

Sec. 12-107. Application for permit; contents.

Application for a permit required by this Article shall contain full information as to the mechanical equipment of the automatic dry cleaning machine and provisions for ventilation for both the machine and the room in which the machine will be located. (Ord. of 9-11-61, Sec. 3)

Sec. 12-108. Reserved.

Editor's note--Section 12-108, specifying a permit fee for automatic dry cleaning machines, derived from Ord. of Sept. 11, 1961, Sec. 3, was repealed by Ord. No. 82-15, Sec. 3, adopted Sept. 15, 1982.

Sec. 12-109. Installation and design requirements.

(a) Each automatic dry cleaning machine shall be completely enclosed by a cabinet and shall be vented with intake at the top and the outlet at or near the bottom of such machine. Groups of machines may be entirely enclosed or supported on all open sides by an enclosure topped with a hood vented as provided for each individual machine.

(b) The exhaust system of each dry cleaning machine must maintain a minimum flow of one hundred (100) cubic feet per minute face velocity through the loading door, whenever the door is open.

(c) The discharge stack for all automatic dry cleaning machines and for the room in which the machines are located shall extend at least two (2) feet above the level of any window which can be opened and is located within fifty (50) feet of an outlet of the stack, and shall be at least fifty (50) feet away from any fresh air intake leading to any premises.

(d) The automatic dry cleaning machines must be so constructed as to prevent the loading door from being opened during the normal cycle of operation. Each machine shall be equipped with a transparent door or port to allow visual examination of the status of the cleaning cycle.

(e) Any connection of such machine with the water supply system must be equipped with an air gap or vacuum breaker in the line upstream from the condenser with no control valves downstream from such gap or breaker. Wastewater shall be discharged through an air gap. (Ord. of 9-11-61, Sec. 4)
(f) The room in which an automatic dry cleaning machine is installed shall be ventilated so that there shall be a minimum flow of air per machine from the area to which the public is admitted, of at least five hundred (500) cubic feet per minute in a room where there are no more than three (3) machines installed; four hundred (400) cubic feet per minute where there are no more than eight (8) machines installed; three hundred seventy-five (375) cubic feet per minute where there are no more than sixteen (16) machines installed; and three hundred sixty (360) cubic feet per minute where there are more than seventeen (17) machines installed. For this purpose each cleaning cell shall be considered as one (1) machine.

(g) Each machine must be so designed and constructed as to prevent the leakage of liquids, gas or vapors. (Ord. of 9-11-61, Sec. 4)

Sec. 12-110. Operation regulations.

No automatic dry cleaning machine shall be operated unless all the equipment described in Section 12-109 is properly installed and in good operating working condition. (Ord. of 9-11-61, Sec. 5)

Sec. 12-111. Attendant to be on duty.

No establishment for which a license is required under this Article shall be open for business, and it shall be unlawful to admit the public or customers into the room where such machines are located unless there is on duty in the establishment at all times a competent person in charge of the establishment, and in charge of the operation of such machines. (Ord. of 9-11-61, Sec. 5)

Sec. 12-112. Disposal of residuary wastes.

It shall be unlawful to permit any residue containing dry cleaning solvent to flow into the sewer system of the Village. Tightly covered metal containers may be used for temporary storage of such waste outside the building. Such containers shall bear labels indicating the contents and dangers involved in handling, and shall be locked if in an unenclosed place. (Ord. of 9-11-61, Sec. 5)

Sec. 12-113. Warning signs to be posted to advise of dangers of leakage.

There shall be warning signs posted in all premises licensed under this Article, in places of easy observation warning of the dangers in the event leakage of liquids, gas or vapor occurs. (Ord. of 9-11-61, Sec. 5)

Sec. 12-114. Address and phone number of owner and service agency to be posted.

At least one legible sign shall be maintained in each premises licensed under this Article, in a place available to customers giving the name, address and phone number of the owner of the
establishment, and of the service department or agency responsible for the proper maintenance of the machines. (Ord. of 9-11-61, Sec. 5)

Sec. 12-115. Inspections.

It shall be the duty of the Village President to cause such inspections to be made as are necessary to see to the enforcement of the provisions of this Article. (Ord. of 9-11-61, Sec. 6)

ARTICLE VII. MASSAGE ESTABLISHMENTS*

Sec. 12-116. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

*Employee* means any person over eighteen (18) years of age, other than a massage therapist, who renders any service in connection with the operation of a massage establishment and receives compensation from the owner or operator of the establishment or patrons.

*Massage* means a system of structured palpation or movement of the soft tissue of the body. The system may include, but is not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, friction, vibration, compression and stretching activities as they pertain to massage therapy. These techniques may be applied by a licensed massage therapist with or without the aid of lubricants, salt or herbal preparations, hydromassage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands. Massage also includes the term “massage therapy.” “Massage” under this Section does not include the diagnosis of a specific pathology, or those acts of physical therapy or therapeutic or corrective measures that are outside the scope of massage therapy practice as described in this Section.

*Massage therapist* means any person who engages in the practice of massage as herein defined and who is licensed by the State of Illinois to engage in the practice of massage. Massage therapist also includes the term “masseur.” The use of the masculine gender shall include in all cases the feminine gender as well.

*Patron* means any person over eighteen (18) years of age who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give other consideration for such service. (Ord. 06-13, Sec. 1, 4-20-06)

Sec. 12-117. Business license required.

* Ord. 94-21, 7-20-94
No person, firm or corporation shall engage in or carry on the business of massage or otherwise provide a massage in return for compensation in the Village of Fox River Grove without first obtaining a massage business license issued by the Village pursuant to the provisions of this Article for each and every premises used for the business of conducting a massage business or otherwise providing massages for compensation by such person. The applicant for such a business license must be at least eighteen (18) years of age. (Ord. 06-13, Sec. 1, 4-20-06)

Sec. 12-118. Masseur's license required.

No person shall provide a massage to another person on any premises for which a business license has been issued or is required under Section 12-117 unless he or she has a valid, current and active massage therapist license issued to him or her by the State of Illinois pursuant to the Illinois Massage Licensing Act, 225 ILCS 57/1 et seq. Persons engaged in the following professions and occupations are exempt from the provisions of this Section:

(a) A person licensed under any other Act in the State of Illinois engaging in the practice for which he or she is licensed.

(b) Physicians, podiatrists, naprapaths, and physical therapists.

(c) Qualified members of other professional groups, including but not limited to nurses, occupational therapists, cosmetologists, barbers and estheticians performing massage in a manner consistent with their training and the code of ethics of their respective professions.

(d) Practitioners that do not provide intentional soft tissue manipulation, including but not limited to practitioners of the Alexander Technique, Feldenkrais, Reike and Therapeutic Touch.

(e) Students of an approved massage school or program who perform massage, provided that the student does not hold himself or herself out as a licensed massage therapist and does not charge a fee for massage therapy services.

(f) Practitioners of certain service marked bodywork approaches that do involve intentional soft tissue manipulation, including but not limited to Rolfing, Trager Approach, Polarity Therapy and Orthobionomy, if they are approved by their governing body based on a minimum level of training, demonstration of competency and adherence to ethical standards.

(g) Practitioners of Asian bodywork approaches if they are members of the American Organization of Bodywork Therapies of Asia as certified practitioners or if they are approved by an Asian bodywork organization based on a minimum level of training, demonstration of competency, and adherence to ethical standards set by their governing body.
(h) Practitioners of other forms of bodywork, such as reflexology, who restrict manipulation of soft tissue to the feet, hands and ears and who do not have the client disrobe.

(i) Massage therapists from other states or countries when providing educational programs or services for a period not exceeding thirty (30) days within a calendar year.

(j) A person who treats ailments by spiritual means through prayer alone in accordance with tenets and practices of a recognized church or religious denomination. (Ord. 06-13, Sec. 1, 4-20-06)

Sec. 12-119. Application for massage business license.

(a) An application for a massage business license shall be filed with the Village Clerk. The application shall be made upon a form provided by the Village Clerk and shall be completed in full and signed by the applicant, if an individual, or by a duly authorized agent thereof, if not an individual, verified by oath or affidavit, and shall set forth:

1. The type of ownership of the business, i.e., whether individual, partnership, corporation, or otherwise.

2. The name under which the business is to be conducted.

3. The location and description of the premises or place of business which is to be operated under such license.

   (a) If a leased premises, a copy of the lease shall be provided. The term of such lease must not end until after the expiration date of the license for which application is being made.

   (b) The name and address of the owner(s) of the premises, and, if said premises is held in trust, the names and addresses of all the owners of the beneficial interest of the trust.

4. In the case of an individual, the full name, home address with zip code, social security number, date of birth, sex and a physical description of the applicant, including height, weight, color of hair and eyes.

5. In the case of a partnership, the full name, home address with zip code, social security number, date of birth, sex and a physical description including height, weight, color of hair and eyes of all partners and any other persons entitled to share in the profits thereof.
6. In the case of a corporation, the object for which organized, the names, home addresses with zip codes, date of birth, social security number, sex and a physical description including height, weight, color of hair and eyes of all officers, directors, and all persons owning directly or beneficially more than ten percent (10%) of the stock of such corporation and the persons acting as managers or assistant managers or other persons principally in charge of the operation of the business.

7. The date of formation of the partnership, if a partnership, the date of incorporation, if an Illinois corporation, or the date of becoming qualified under the Illinois Business Corporation Act, 805 ILCS 5/1/01 et. seq., to transact business in Illinois if a foreign corporation.

8. A complete list of the names and residence addresses of all massage therapists and employees employed by the business and the name and addresses of all managers, assistant managers or other persons principally in charge of the operation of the business.

9. The business, occupation, employment of applicant, if an individual, for three (3) years preceding the date of application.

10. Whether applicant ever made an application for a license under this Article, or a massage business license or similar license to a state or county, city, village or other unit of local government, and if so, where and when, and if such application was granted or denied, and if such application was denied, the reasons for the denial.

11. Whether a license was ever issued to the applicant under this Article or a massage business license or similar license was ever issued by any state or county, city or village or other unit of local government, and if so, where and when, and if such license has ever been suspended or revoked and the reasons for the suspension or revocation.

12. Whether the applicant has ever been convicted of a violation of any of the provisions of this Article or any ordinance of any other Illinois municipality which regulates the business of providing massage, or any Illinois Statute regulating massage establishments or massage therapists.

13. Whether the applicant has ever been convicted of the commission of a felony under the law of this State, or any other state, or under the laws of the United States.

(b) The applicant shall submit a complete set of fingerprints with the application. All such fingerprinting shall be done by the Village of Fox River Grove Police Department. Said fingerprints shall be submitted to the appropriate State and/or Federal agencies for processing.
as available. The cost of fingerprinting shall be paid by the applicant in addition to any application or license fee.

(c) The applicant shall submit a written authorization for the Village, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for a license.

(d) The applicant shall submit such other information, documentation, and identification as the Village Clerk and/or the Chief of Police shall deem necessary to determine the identity of the applicant or to process the application. (Ord. 06-13, Sec. 1, 4-20-06)

Sec. 12-120. Issuance and denial of massage business license

Upon receipt of a properly completed application for a massage business license, the Village Clerk shall submit the completed application to the Chief of Police for evaluation. Upon receiving the application for a massage business license, the Chief of Police shall conduct an investigation into applicant's moral character and personal and criminal history.

The Chief of Police shall cause the premises to be licensed to be inspected by or on behalf of the Superintendent of Building and Zoning to assure that the proposed operation complies with all applicable laws, including building, electrical, plumbing, health, property maintenance, zoning, and fire codes of the Village and any other regulations of the Village relating to the public health, safety and welfare.

The Chief of Police shall either issue a license, or notify the applicant in writing that the application has been denied. The license shall be denied if the applicant fails to comply with the requirements of this Article or with the requirements of any other provision of this Code which is applicable to the business and/or activities of the applicant. In addition, no license shall be issued to any applicant if:

(1) The proposed operation does not comply with all applicable laws, including but not limited to, building, electrical, plumbing, health, property maintenance, zoning and fire codes of the Village; or

(2) The applicant, if an individual; or any of the officers, directors, any person owning directly or beneficially more than ten (10%) percent of the stock of the corporation, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager, assistant manager or any other person principally in charge of the operation of the business, has been:

   a. convicted of a felony under the laws of the State of Illinois or any other state, or under the Federal laws of the United States, within five (5) years of the date of the application; or
b. convicted of a sex offense as defined in 720 ILCS 5/11, or any equivalent law of any state within five (5) years of the date of the application; or

c. the applicant has been convicted of a violation of any provision of this Article; or

d. the applicant has had a massage business license denied, suspended or revoked by the Village, by a state or by unit of local government or a massage therapist license denied, suspended or revoked by the State of Illinois or a foreign state, within five (5) years of the date of the application; or

e. the applicant has been convicted of a violation of an ordinance of any other Illinois municipality regulating the business or providing massages; or

f. the applicant has been convicted of any other criminal offense involving dishonesty, fraud, deceit or moral turpitude within five (5) years of the date of the application; or

g. the applicant has knowingly made false, misleading or fraudulent statements of fact in the license application or in any document required by the Village in conjunction with the license application.

In the event that the license is denied for failure to comply with the requirements of this Article, the Police Chief shall immediately notify the applicant in writing of the reasons for the denial. If the failure is not cured within ten (10) days after the date on which the Police Chief denies the issuance of said license, the application shall be null and void. (Ord. 06-13, Sec. 1, 4-20-06; Ord. 15-08, Sec. 6, 5-7-15)

Sec. 12-121. License fee.

The annual license fee for a massage business license shall be one hundred ($100.00) dollars. All applicable license fees and any other required fees shall be paid prior to the issuance of a license. (Ord. 06-13, Sec. 1, 4-20-06)

Sec. 12-122. Display of license.

The massage business license and the State of Illinois license of each and every massage therapist employed in the establishment shall be displayed in an open and conspicuous place of the premises for which the massage business license has been issued. (Ord. 06-13, Sec. 1, 4-20-06)

Sec. 12-123. Sanitation and safety requirements.

All licensed premises shall be periodically inspected by the Superintendent of Building and Zoning or his duly authorized representative for safety of the structure and adequacy of plumbing, ventilation, heating, illumination, and fire protection. In addition, the premises shall comply with the
following regulations:

(1) The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given;

(2) Floors shall be free from any accumulation of dust, dirt or refuse;

(3) All equipment used in the massage operation shall be maintained in a clean and sanitary condition;

(4) Soap, towels and laundered sheets must be provided and all such towels, linen and items for personal use of operators and patrons shall be clean and freshly laundered;

(5) Towels, cloths and sheets shall not be used for more than one patron; provided, however, heavy white paper may be substituted for sheets provided that such paper is changed for every patron.

(6) All massage services or practices are prohibited in any cubicle, room, booth or any area within a massage establishment which is fitted with a door capable of being locked.

(7) All massage therapists shall wear clean and suitable outer garments whose use are restricted to the massage establishment, and must wear on such outer garments, at all times during operation, identification name plates with the massage therapist license number provided by the State of Illinois; and

(8) Separate toilets, dressing room facilities, lockers, steam baths, tubs and showers shall be provided for each sex whenever there is more than one massage therapist providing massages on the premises at the same time or where the primary business conducted on the premises is providing massages in return for compensation. (Ord. 06-13, Sec. 1, 4-20-06)

Sec. 12-124. Conditions and restrictions of license.

(a) Supervision. A licensee shall have the premises supervised at all times when open for business. Any business rendering massage services shall have at least one (1) person who has a valid, current and active Illinois massage therapist license on the premises at all times when the premises are open for the providing of massages. The licensee shall personally supervise the business or, if the licensee is not a natural person, designate a manager who shall supervise the business. The licensee shall not violate, or permit others to violate, any applicable provisions of this Article or fail to take any action which indicates that the licensee condones a violation of this Article. The violation of any provisions of this Article by any agent or employee of the licensee or any massage therapist providing services on the licensed premises shall constitute a violation by the licensee.
(b) Separate License for Each Premise. Licenses apply only to the premises described in the application, and in the license issued thereon, and only one (1) location shall be so described in each license. (Ord. 06-13, Sec. 1, 4-20-06)

Sec. 12-125. Prohibited acts and conditions.

(a) A patron's sexual or genital area, including the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female, must be covered by towels, cloths or undergarments when in the presence of a massage therapist or employee.

(b) It shall be unlawful for any person, on any premises for which a business license has been issued or is required under Section 12-117 to knowingly or intentionally place his or her hand upon the genital area of another person, to touch the genital area of another person with any part of his or her body, to fondle genital area of another person in any manner, or to massage the genital area of another person.

(c) No massage therapist or employee shall perform, offer or agree to perform any act which would require the touching of the patron's genital area.

(d) No massage therapist shall administer a massage to a patron exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption; unless a physician duly licensed by the State of Illinois certifies in writing that such person may be safely massaged prescribing the conditions thereof. (Ord. 06-13, Sec. 1, 4-20-06)

Sec. 12-126. Revocation of license.

Any massage business license issued under this Article shall be subject to revocation pursuant to the provisions of Sec. 12-38 and 12-39 of the Code of Ordinances of the Village of Fox River Grove. If a massage business license is revoked for any cause, no massage business license shall be granted to any person for a period of one (1) year after the date of the revocation that will allow a massage business to be operated on the premises described in the revoked license unless the revocation order has been vacated. (Ord. No. 97-15, Sec. 1, 6-19-97, Ord. 06-13, Sec. 1, 4-20-06)

Sec. 12-127. Enforcement.

The Police Department, under the direction of the Chief of Police, shall have the duty to enforce the provisions of this Article. (Ord. 06-13, Sec. 1, 4-20-06)

Sec. 12-128. Exemptions.

The provisions of this Article shall not apply to hospitals or sanitariums. No provisions contained in
Sec. 12-129. Penalties.

Any person, firm or corporation found guilty of violating any provisions of this Article shall be fined not less than two hundred ($200.00) dollars nor more than five hundred ($500.00) dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The license of any person found guilty of violating any provision of this Article shall be revoked. (Ord. No. 06-13, Sec. 1, 4-20-06)

ARTICLE VIII. PARKING LOTS

Sec. 12-131. Defined.

For the purpose of this Article, the term “parking lot” shall mean any place maintained for the outdoor parking of cars, excepting on a street, alley, or property owned by a unit of local government. The term “parking lot” as herein used does not include private parking lots operated for the sole use of the owner, his/her employees, agents, and customers. The term “parking lot” also does not include any parking lot that is designed or intended primarily to provide parking for commuters or to a parking lot which is owned or operated by a unit of local government.

Sec. 12-132. Application.

The regulations contained herein shall apply only where the owner of a parking lot charges a separate fee for the right or privilege of parking a motor vehicle. These regulations shall not apply where the owner of a parking lot is renting spaces to individuals in connection with the lease of other premises owned by the same owner and such rental is incorporated into the lease of such other premises.

Sec. 12-133. License and Fee Required.

It shall be unlawful to operate a parking lot without first having obtained a parking lot operator’s license. Application for a parking lot operator’s license shall be made in writing to the Village Clerk and shall contain all necessary information as to the size and number of motor vehicles to be accommodated, as well as a statement of any services other than parking offered to patrons of the parking lot.

The annual fee for a parking lot operator’s license shall be two hundred ($200.00) dollars per year.

Sec. 12-134. Regulations.

No parking lot shall be established or operated in any place where such establishment or operation
would be in violation of any provision of the Zoning Ordinance of the Village of Fox River Grove or any other applicable law, ordinance, rule or regulation. The surface of the parking lot shall be paved or graveled. If the parking lot has a gravel surface, it shall be re-graveled at least every six (6) months. The parking lot shall at all times be kept clean and free from dust and refuse.

Sec. 12-135. Landscaping.

Where the perimeter of a parking lot abuts a public street or other public right-of-way, a three (3’) foot strip adjacent to each such public street or public right-of-way shall be landscaped with vegetation, including but not limited to, grass, groundcover, trees, and/or bushes. Trees shall be planted in accordance with Sections 21-17, 21-18 and 21-20 of this Code of Ordinances.

Sec. 12-136. Condition of Vehicles.

It shall be unlawful to park or permit the parking, in any parking lot, any motor vehicle which is not operable. It shall be unlawful to park or permit the parking in any parking lot of any abandoned, junked or partially disabled motor vehicle. It shall be unlawful to use any parking lot for storage of any motor vehicle for the purpose of displaying the motor vehicle for sale, or to use any parking lot or portion thereof as a motor vehicle repair shop. (Ord. No. 97-14, Sec. 1, 6-19-97)

Sec. 12-137-139. Reserved.

ARTICLE IX. CABLE/VIDEO SERVICE PROVIDER FEE

Sec. 12-140. Definitions.

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

(a) “Cable service” means that term as defined in 47 U.S.C. § 522(6).

(b) “Commission” means the Illinois Commerce Commission.

(c) “Gross revenues” means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder’s cable service or video service area within the Village of Fox River Grove.

(1) Gross revenues shall include the following:

(i) Recurring charges for cable or video service.
(ii) Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.

(iii) Rental of set top boxes and other cable service or video service equipment.

(iv) Service charges related to the provision of cable service or video service, including but not limited to activation, installation, and repair charges.

(v) Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.

(vi) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.

(vii) A pro rata portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder’s network to provide cable service or video service within the Village of Fox River Grove. The allocation shall be based on the number of subscribers in the Village of Fox River Grove divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.

(viii) Compensation received by the holder that is derived from the operation of the holder’s network to provide cable service or video service with respect to commissions that are received by the holder as compensation for promotion or exhibition of any products or services on the holder’s network, such as a “home shopping” or similar channel, subject to Subsection (ix).

(ix) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder’s revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.

(x) The service provider fee permitted by 220 ILCS 5/21-801(b).

(2) Gross revenues do not include any of the following:
Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).

Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the State-issued authorization to the extent the refund, rebate, credit or discount is attributable to cable service or video service.

Regardless of whether the services are bundled, packaged or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to noncable service nonvideo service in accordance with the holder’s books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards or orders.

The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser’s subscribers to the extent the purchaser certifies in writing that it will resell the service within the Village of Fox River Grove and pay the fee permitted by 220 ILCS 5-21/801(b) with respect to the service.

Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, State, Federal or any other governmental entity and collected by the holder of the State-issued authorization and required to be remitted to the taxing entity, including sales and use taxes.

Security deposits collected from subscribers.

Amounts paid by subscribers to “home shopping” or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.
(d) "Holder" means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(e) "Service" means the provision of “cable service” or “video service” to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(f) “Service provider fee” means the amount paid under this Article and 220 ILCS 5/21-801 by the holder to the Village of Fox River Grove for the service areas within its territorial jurisdiction.

(g) “Video service” means video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet. (Ord. No. 07-33, Sec. 2, 10-18-07)

Sec. 12-141. Cable/Video Service Provider Fee Imposed.

(a) Fee Imposed. A fee is hereby imposed on any holder providing cable service or video service in the Village of Fox River Grove.

(b) Amount of Fee. The amount of the fee imposed hereby shall be five (5%) percent of the holder’s gross revenues.

(c) Notice to the Village of Fox River Grove. The holder shall notify the Village of Fox River Grove at least ten (10) days prior to the date on which the holder begins to offer cable service or video service in the Village of Fox River Grove.

(d) Holder’s Liability. The holder shall be liable for and pay the service provider fee to the Village of Fox River Grove. The holder’s liability for the fee shall commence on the first day of the calendar month following thirty (30) days after receipt of the ordinance adopting this Article by the holder. The ordinance adopting this Article shall be sent by mail, postage prepaid, to the address listed on the holder’s application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the Village of Fox River Grove.

(e) Payment Date. The payment of the service provider fee shall be due on a quarterly
basis, forty-five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

(f) **Exemption.** The fee hereby imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the Village of Fox River Grove in which a fee is paid.

(g) **Credit for Other Payments.** An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit for prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under Section 12-141(b). (Ord. No. 07-33, Sec. 2, 10-18-07)

Sec. 12-142. Applicable Principles.

All determinations and calculations under this Article shall be made pursuant to generally accepted accounting principles. (Ord. No. 07-33, Sec. 2, 10-18-07)

Sec. 12-143. No Impact on Other Taxes Due from Holder.

Nothing contained in this Article shall be construed to exempt a holder from any tax that is or may later be imposed by the Village of Fox River Grove, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the Village of Fox River Grove’s simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the local unity of government’s 911 or E911 fees, taxes or charges. (Ord. No. 07-33, Sec. 2, 10-18-07)

Sec. 12-144. Audits of Cable/Video Service Provider.

(a) **Audit Requirement.** The Village of Fox River Grove will notify the holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the Village of Fox River Grove imposes on other cable service or video service providers in its jurisdiction to audit the holder’s books and records and to recomputed any amounts determined to be payable under the requirements of the Village of Fox River Grove. If all local franchises between the Village of Fox river Grove and cable operator terminate, the audit requirements shall be those adopted by the Village of Fox River Grove pursuant to the Local Government Taxpayers’ Bill of Rights Act, 50 ILCS 45/1 et seq. No acceptance of amounts remitted should be construed as an accord that the amounts are correct.
(b) Additional Payments. Any additional amount due after an audit shall be paid within thirty (30) days after the municipality’s submission of an invoice for the sum. (Ord. No. 07-33, Sec. 2, 10-18-07)

Sec. 12-145. Late Fees/Payments.

All fees due and payments which are past due shall be governed by Article VII of Chapter 20 of this Code and such other ordinances as may be adopted by the Village of Fox River Grove pursuant to the Local Government Taxpayers’ Bill of Rights Act, 50 ILCS 45/1 et seq. (Ord. No. 07-33, Sec. 2, 10-18-07)

Sec. 12-146. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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. (Ord. No. 07-33, Sec. 3, 10-18-07)

Sec. 12-147-149. Reserved.

ARTICLE X. SOCCER GOAL SAFETY

Sec. 12-150. Definitions.

The following words shall have the following meaning when used in this Policy:

1. "Act" means the Illinois Movable Soccer Goal Safety Act, also known as Zach's Law, 430 ILCS 145/1 et seq.

2. "Authorized Personnel" means Permitted Users and all Recreational Council individuals who have responsibility for or contact with Movable Soccer Goals.

3. "Movable Soccer Goal(s)" means a freestanding structure consisting of at least 2 upright posts, a crossbar, and support bars that is designed: (1) to be used for the purposes of a soccer goal; (2) to be used without any form of support or restraint other than pegs, stakes, augers, counter-weights, or other types of temporary anchoring devices; and (3) to be able to be moved to different locations.


5. "Permitted User(s)" means an Organization and all of its employees, agents, coaches and

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volunteers that use Property for Soccer-Related Activities.

6. "Policy" means the Soccer Goal Safety and Education requirements set forth in this Article.

7. "Property" means real property owned by the Village of Fox River Grove where Movable Soccer Goals are used.


9. "Soccer-Related Activity" means use of Movable Soccer Goals on Property, including without limitation, soccer games, scrimmages, practices and the like.

ATTACHMENT 1

NOTE: The Guidelines for Movable Soccer Goal Safety published by the U.S. Consumer Product Safety Commission state that there are several different ways to properly secure a soccer goal and that the number and type of anchors to be used depend on a number of factors, such as soil type, soil moisture content, and total goal weight. The following guidelines are taken from the CPSC recommendations for Anchoring/Securing/Counterweighting goals. It is advisable to adapt Attachment 1 to the extent the recommendations are appropriate to a District's particular situation.

GUIDELINES FOR SAFELY SECURING MOVABLE SOCCER GOALS

According to the U.S. Consumer Product Safety Commission (CPSC), a properly anchored / counter-weighted movable soccer goal is much less likely to tip over. Accordingly, it is IMPERATIVE that ALL movable soccer goals are always anchored properly (e.g. see Figure 2 below) and that they are secured to the ground (preferably at the rear of the goal), making sure the anchors are flush with the ground and clearly visible.

There are several different ways to secure a Movable Soccer Goal. The number and type of anchors to be used will depend on a number of factors, such as soil type, soil moisture content, and total goal weight. Each goal shall be secured in accordance with the appropriate anchoring system as set forth below.

In addition, warning labels required by Chapter 12, Article X of the Village’s Code of Ordinances will be attached to each goal. Nets shall be secured to posts, crossbars and backdrops with tape or Velcro straps at intervals of no less than one (1) every four (4) feet.

Illustrations and Recommendations according to the U.S. Consumer Product Safety Commission
Anchor Types

1. **Auger style**

This style anchor is "helical" shaped and is screwed into the ground. A flange is positioned over the ground shoes (bar) and rear ground shoe (bar) to secure them to the ground. A minimum of two auger-style anchors (one on each side of the goal) are recommended. More may be required, depending on the manufacturer's specifications, the weight of the goal, and soil conditions.

![Auger Style Anchor](image)

2. **Semi permanent**

This anchor type is usually comprised of two (2) or more functional components. The main support requires a permanently secured base that is buried underground. One type (3.2a) of semi-permanent anchor connects the underground base to the soccer goal by means of two (2) tethers.

Another design (3.2b) utilizes a buried anchor tube with a threaded opening at ground level. The goal is positioned over the buried tube and the bolt is passed through the goal ground shoes (bar) and rear ground shoe (bar) and screwed into the threaded hole of the buried tube.

![Semi-permanent Anchor](image)
3. Peg or Stake style (varying lengths) Anchor

Typically two (2) to four (4) pegs or stakes are used per goal (more for heavier goals) (Figure 3.3). The normal length of a peg or stake is approximately ten (10) inches (250 mm). Care should be taken when installing pegs or stakes. Pegs or stakes should be driven into the ground with a sledge-hammer as far as possible and at an angle if possible, through available holes in the ground shoes (bar) and rear ground shoe (bar) to secure them to the ground. If the peg or stake is not flush with the ground, it should be clearly visible to persons playing near the soccer goal. Stakes with larger diameters or textured surfaces have greater holding capacity.

4. J-Hook Shaped Stake style

This style is used when holes are not pre-drilled into the ground shoes (bars) or rear ground shoe (bar) of the goal. Similar to the peg or stake style, this anchor is hammered, at an angle if possible, directly into the earth. The curved (top) position of this anchor fits over the goal member to secure it to the ground (Figure 3A). Typically, two to four stakes of this type are recommended (per goal), depending on stake structure, manufacturers specifications, weight of goal, and soil conditions. Stakes with larger diameters or textured surfaces have greater holding capacity.
5. Sandbags/Counterweights

Sandbags or other counterweights could be an effective alternative on hard surfaces, such as artificial turf, where the surface cannot be penetrated by a conventional anchor (i.e., an indoor practice facility) (Figure 3.5). The number of bags or weights needed will vary and must be adequate for the size and total weight of the goal being supported.

6. Net Pegs

These tapered, metal stakes should be used to secure only the NET to the ground (Figure 3.6). Net pegs should NOT be used to anchor the movable soccer goal.
Sec. 12-151: Moving and Securing Movable Soccer Goals; Warning Labels.

1. Prior to the commencement of the soccer season each year, the Recreation Council will place and secure Movable Soccer Goals on the Property in accordance with the Safety Guidelines.

2. Only the Recreation Council or Village of Fox River Grove personnel shall be permitted to move any Movable Soccer Goal placed on the Property.

3. If a Movable Soccer Goal becomes unanchored or improperly secured, only Authorized Personnel from either the Recreation Council or the Village of Fox River Grove shall be permitted to re-secure it in accordance with the Safety Guidelines.

4. A warning label with a name and telephone number to contact such as the following shall be posted on all Movable Soccer Goals:

   **ONLY AUTHORIZED PERSONNEL MAY MOVE AND ANCHOR THIS GOAL. IF THIS GOAL IS NOT ANCHORED DOWN, DO NOT USE IT AND CONTACT VILLAGE OF FOX RIVER GROVE, (847) 639-6165. SERIOUS INJURY INCLUDING DEATH CAN OCCUR IF IT TIPS OVER.**

Sec. 12-152: Routine Inspections.

The Recreation Council shall routinely inspect all Movable Soccer Goals that they have installed or placed onto the Property prior to their use to verify that they are properly secured and document such inspection in writing.
Sec. 2-153: Permitted User Inspections, Placement in Non-Use Position and Notice to Players.

1. As a condition of the use of Property, before and after any Soccer-Related Activity, Permitted Users shall make a physical inspection of each Movable Soccer Goals to assure that the goal is secure in accordance with the Safety Guidelines.

2. If any Movable Soccer Goal is not properly secured, the Permitted User shall secure the goal in accordance with the Safety Guidelines.

3. If the Permitted User does not have the necessary equipment to secure the goal in accordance with Safety Guidelines, the Permitted User shall place the goal in a non-use position by laying it forward onto its front bars and crossbar and shall immediately notify the Recreation Council of the location of the goal.

4. As a condition of use of the Property and prior to the commencement of the soccer season each year, the Recreation Council shall advise their players and the players’ parents and guardians that Movable Soccer Goals may not be moved and that any use of a Movable Soccer Goal that is inconsistent with Soccer-Related Activity is strictly prohibited, including without limitation, playing, climbing, or hanging on any part of the Movable Soccer Goal. According to the U.S. Consumer Product Safety Commission, these activities can result in serious injury, including death. A sample notice is attached hereto as Attachment 2.

ATTACHMENT 2

SAMPLE NOTICE

[INSERT DATE]

TO WHOM IT MAY CONCERN: All parents and guardians of soccer players: One of our primary objectives is that children have safe recreation areas. To that end, soccer goals should remain securely anchored to the ground and nets firmly attached to the goals. In an effort to keep the goals and nets secure and children safe, you are required to advise your children/soccer players and any other person accompanying you for whom you are responsible that the following is strictly prohibited: moving any soccer goals and any use of a soccer goal that is inconsistent with soccer-related activity, including without limitation, playing, climbing or hanging from nets or goal frames. According to the U.S. consumer Product Safety Commission, these activities can result in serious injury, including death. If you observe any child inappropriately using a soccer goal or net, immediately and politely ask the child to stop. If the activity continues, please notify a coach or referee as soon as possible. Players violating this rule may be forced to sit out, at the coach’s discretion. Finally, if you see any soccer goal that is not anchored down or any net that is not firmly secured to the goal, please notify a coach or referee immediately.

Sincerely,

[INSERT NAME]
Sec. 12-154. Use of Property by Permitted Users.

1. A copy of this Policy shall be provided to all Organizations using the Property for Soccer-Related Activity.

2. Prior to using Property for Soccer-Related Activity, the Recreation Council shall provide each of its Permitted Users with a copy of this Policy and shall require that each of its Permitted Users comply with all applicable provisions of this Policy.

Sec. 12-155. Removal.

At the conclusion of each soccer season, the Recreation Council will remove all Moveable Soccer Goals that it has installed or otherwise placed on the Property and store such goals at a secure location or otherwise secure such goals on the Property by placing the goal frames face to face (front posts and crossbars facing toward each other) and securing them at each goalpost with a lock and chain; or locking and chaining the goals to a suitable fixed structure such as a permanent fence; or locking unused portable goals in a secure storage room after each use; or fully disassemble the goals for season storage.

Sec. 12-156. Acquisition of Tip-Resistant Movable Soccer Goals.

1. After the effective date of this Article, the Recreation Council or any other Organization shall not purchase any Movable Soccer Goals for use on the Property unless they are tip resistant.

2. A Movable Soccer Goal whose inside measurements are six and a half (6.5) to eight (8) feet high and eighteen (18) to twenty-four (24) feet wide is not tip-resistant unless it conforms to the American Society for Testing and Materials (ASTM) standard F2673-08 for tip-resistant Movable Soccer Goals or is otherwise equipped with another design-feature approved by the U.S. Consumer Product Safety Commission.

3. Notwithstanding the foregoing provisions, the Recreation Council or any other Organization may continue to use its existing goals in a manner consistent with this Policy.

Sec. 12-157. Applicability.

If any provision of this Article conflicts with any provision of the Act, the provisions of the Act prevail. This Article shall not create any new liability or increase any existing liability of the Village, or any of its officers, employees or agents, which exists under any law, including but not limited to the Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-101 et seq. Nor shall this Article alter, diminish, restrict, cancel or waive any defense or immunity of the Village or any of its officers, employees or agents, which exists under any other law, including but not limited to the Local Governmental and Governmental Employees Tort...
Immunity Act, 745 (ILCS 10/1-101 et. seq.

Sec. 12-158. Availability of Policy.

All Village Public Works employees shall be advised of this Policy. A copy of this Policy is available to all other employees and any member of the public by requesting a copy from the Village of Fox River Grove, (847) 639-3170.

Sec. 12-159. Amendments.

This Article may be amended by the Village at any time. (Ord. No. 12-06, Sec. 2, 3-15-12)
ARTICLE I. IN GENERAL

Sec. 13-1. When accountability for another exists.

A person is legally accountable for the conduct of another when:

(1) Having a mental state described by the Ordinance defining the offense, he causes another to perform the conduct and the other person in fact or by reason of legal incapacity lacks such a mental state; or

(2) The Ordinance defining the offense makes him so accountable; or

(3) Either before or during the commission of an offense, and with the intent to promote or facilitate such commission, he solicits, aids, abets, agrees or attempts to aid, such other person in the planning or commission of the offense. However, a person is not so accountable unless the Ordinance defining the offense provides otherwise, if:

(a) He is a victim of the offense committed; or
(b) The offense is so defined that his conduct was inevitably inevitable to its commission; or
(c) Before the commission of the offense, he terminates his effort to promote or facilitate such commission, and does one of the following: wholly deprives his prior efforts of effectiveness in such commission, or gives timely warning to the proper law enforcement authorities, or otherwise makes proper effort to prevent the commission of the offense.

State law reference--For similar provisions, see 720 ILCS 5/5-2

Sec. 13-2. Vagrancy.

It shall be unlawful for any mendicant or vagrant to frequent any depot, store, theater, street, alley, sidewalk, park or other public place or any place frequented by the public in the Village. Any person
found sleeping in such place, and who has no established domicile or residence, shall be considered to be a vagrant. (Code 1958, Sec. 28.326)

**Sec. 13-3. Nuisances generally.**

(a) *Prohibited.* It shall be unlawful for any person to permit or maintain the existence of any nuisance on any property under his, her or its control. Nuisances shall include, but not be limited to anything declared to be a nuisance by this Code, State law or any highly obnoxious or annoying thing or anything offensive or annoying to individuals or to the community to the prejudice of their legal rights.

(b) *Abatement.* The Chief of Police and the Superintendent of Building and Zoning of the Village, if any, are each hereby authorized to abate any nuisance existing in the Village, whether such nuisances are specifically recognized by ordinance or not. (94-12, Sec. 7, 3-17-94)

**Sec. 13-4. Used appliances, etc., on public property prohibited and declared a nuisance.**

It shall be unlawful and is hereby declared a nuisance for any person to place, store or deposit any used appliances, junk or similar items on public property.

**Sec. 13-5. Operation of snowmobiles, mini-bikes, etc., on property of others.**

It shall be unlawful and is hereby declared a nuisance for any person to operate any snowmobile, mini-bike, motorized skateboard, motorized scooter, all terrain vehicle or recreation vehicle of any kind on the private property of another person, which shall include property of the Village, without first obtaining the permission of the owner of such property. (Ord. No. 2000-43, Sec. 1, 8-17-2000)

**Sec. 13-6. Making unusual noises.**

It shall be unlawful and is hereby declared a nuisance for any person to shout, bawl, scream, use profane or obscene language, dance, sing, fight, quarrel or make any unusual noise or sound in any house, tavern or in any part of the Village in such a manner as to disturb the peace of the neighborhood or those passing through the streets.

**Sec. 13-7. Dense smoke.**

(a) It shall be unlawful and is hereby declared a nuisance to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the Village so as to cause annoyance or discomfort to the residents thereof.

(b) For the purpose of testing and grading the density of smoke, the Ringelmann Smoke Chart as...
published and used by the United States Geological Survey, shall be and is hereby adopted as a standard for such grading, and smoke shall be, and is hereby defined as and declared to be "dense" when it is of a degree of density of number three (3) of said chart or greater, for more than six (6) minutes in any one (1) hour; whether such period of time is consecutive or not. (Code 1958, Sec. 17.313)

Sec. 13-8. Advertising unlawful business; destroying lawful advertising.

It shall be unlawful to advertise any unlawful business or article in the Village and it shall be unlawful to injure or deface any lawful advertisement or notice. (Code 1958, Sec. 28.312)

Sec. 13-9. Medical advertisements.

It shall be unlawful for any person to distribute, cast, throw or place or cause to be distributed, cast, thrown, or placed in, upon or along any of the streets, alleys or other public places in the Village, or upon the porches or yards of private residences therein or within any dwelling or building in the Village, any sample of merchandise or medicinal preparation for the purpose or with the intent of advertising or making known in a general or promiscuous manner any business, occupation, proposition, medical treatment, medicine or any other article whatsoever. (Code 1958, Sec. 28.319)

Sec. 13-10. Posting bills.

It shall be unlawful to post any bill or advertisement on any public property without the authority of the Village President and Board of Trustees and it shall be unlawful to post any bill or advertisement without the written consent of the owner of the property thereof. (Code 1958, Sec. 28.317)

Sec. 13-11. Expectoration.

It shall be unlawful to spit or expectorate on any public sidewalk or other public place, or on the floor or walls of any store, theater, hall, public vehicle, or other place frequented by the public or to which the public is invited. (Code 1958, Sec.17.312)

Sec. 13-12. Establishing cemeteries and burying persons in Village.

It shall be unlawful for any person to establish a cemetery or to bury any person within the Village limits, or within one (1) mile thereof except in an established cemetery. (Code 1958, Sec. 17.306)


It shall be the duty of any undertaker to notify the Police Department whenever a body is turned over to him for his services. (Code 1958, Sec. 17.315)
Sec. 13-14. Gas leaks.

Any person maintaining any gas pipe in the Village shall, in the absence of a provision in the franchise concerning the subject, keep such pipes free from leaks. (Code 1958, Sec. 9.307)


It shall be unlawful to blow or cause to be sounded any steam whistle of any stationary engine or steam engine in the Village except as a signal for starting or stopping work or in emergencies to avoid or to prevent injury to persons or property. (Code 1958, Sec. 28.323)


(a) A "gambling device" is any clock, tape machine, slot machine or other machine or device for the reception of money or other thing of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won or lost; or any mechanism, furniture, fixture, equipment or other device designed primarily for use in a gambling place. A "gambling device" does not include:

(1) A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property or right to receive money or property.

(2) Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.

(3) Video gaming terminals licensed and operated in accordance with the Video Gaming Act, 230 ILCS 40/1 et.seq. (Ord. 12-21, Sec. 4, 8-16-12)

(b) A "lottery" is any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale or some other name.

(c) A "policy game" is any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token or other device that any particular number, character, ticket or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property or evidence of debt.

State law reference--For similar provisions, see 720 ILCS 5/28-2

Sec. 13-17. Same--Prohibited.
(a) A person commits gambling, which shall be a violation of this Code, when he:

(1) Plays a game of chance or skill for money or other thing of value; unless excepted in Subsection (b) of this Section; or

(2) Makes a wager upon the result of any game, contest, or any political nomination, appointment or election; or

(3) Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures or distributes any gambling device; or

(4) Contracts to have or give himself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any company, where it is at the time of making such contract intended by both parties thereto that the contract to buy or sell, or the option, whenever exercised, or the contract resulting therefrom, shall be settled, not by the receipt or delivery of such property, but by the payment only of differences in prices thereof; however, the issuance, purchase sale, exercise, endorsement or guarantee, by or through a person registered with the Secretary of State pursuant to 815 ILCS 5/8, or by or through a person exempt from such registration under said section, of a put, call, or other option to buy or sell securities which have been registered with the Secretary of State or which are exempt from such registration under 815 ILCS 5/3 is not gambling within the meaning of this paragraph (4); or

(5) Knowingly owns or possesses any book, instrument or apparatus by means of which bets or wagers have been, or are, recorded or registered, or knowingly possesses any money which he has received in the course of a bet or wager; or

(6) Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment or election; or

(7) Sets up or promotes any lottery or sells, offers to sell or transfers any ticket or share for any lottery; or

(8) Sets up or promotes any policy game or sells, offers to sell or knowingly possesses or transfers any policy ticket, slip, record, document or other similar device; or

(9) Knowingly advertises any lottery or policy game or drafts, prints or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, or any advertisement of any lottery or policy game; except for such activity related to lotteries, bingo games and raffles authorized and conducted in accordance with the
laws of Illinois or any other State or foreign government; or

(10) Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this Paragraph 10 prohibits transmission or receipt of such information for use in news reporting of sporting events or contests.

(11) Knowingly establishes, maintains, or operates an Internet site that permits a person to play a game of chance or skill for money or other thing of value by means of the Internet or to make a wager upon the result of any game, contest, political nomination, appointment, or election by means of the Internet. This item (11) does not apply to activities referenced in items (6) and (6.1) of Subsection (b) of this Section. (Ord. No. 97-27, Sec 8, 8-21-97)

(b) Participants in any of the following activities shall not be convicted of gambling:

(1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance; and

(2) Offers of prizes, award or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the owners of animals or vehicles entered in such contest; and

(3) Pari-mutuel betting as authorized by the law of Illinois; and

(4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside Illinois when such transportation is not prohibited by any applicable Federal law; or the manufacture, distribution, or possession of video gaming terminals, as defined in the Video Gaming Act, by manufacturers, distributors, and terminal operators licensed to do so under the Video Gaming Act.

(5) The game commonly known as “bingo”, when conducted in accordance with the Bingo License and Tax Act.

(6) Lotteries when conducted by the State of Illinois in accordance with the Illinois Lottery Law. This exemption includes any activity conducted by the Department of Revenue to sell lottery tickets pursuant to the provisions of the Illinois Lottery Law and its rules.
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(6.1) The purchase of lottery tickets through the Internet for a lottery conducted by the State of Illinois under the program established in Section 7.12 of the Illinois Lottery Law.

(7) Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this Subparagraph (b)(7), an antique slot machine is one manufactured twenty-five (25) years ago or earlier.

(8) Raffles when conducted in accordance with the Raffles Act.

(9) Charitable games when conducted in accordance with the Charitable Games Act.

(10) Pull tabs and jar games when conducted under the Illinois Pull Tabs and Jar Games Act.

(11) Gambling games conducted on riverboats when authorized by the Riverboat Gambling Act.

(12) Video gaming terminal games at a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment when conducted in accordance with the Video Gaming Act.

(13) Games of skill or chance where money or other things of value can be won but no payment or purchase is required to participate.

(c) In prosecutions under Subsection (a), circumstantial evidence shall have the same validity and weight as in any criminal prosecution. (Code 1958, Secs. 28.101--28.104; Ord. 12-21, Sec. 5, 8-16-12)

State law reference--For similar provisions, see 720 ILCS 5/28-1

Sec. 13-18. Curfew for minors.

(a) Definitions. As used in this Section 13-18, the following words shall be defined as follows:

(1) CURFEW HOURS:

Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. the following day

Between 12:01 a.m. and 6:00 a.m. Saturday
Between 12:01 a.m. and 6:00 a.m. Sunday

(2) EMERGENCY: any unforeseen circumstance or combination of circumstances or the resulting state that calls for such immediate action as is necessary to protect a person from imminent threat of bodily injury, loss of life or property from substantial damage. The term includes, but is not limited to, a fire, natural disaster, automobile accident, medical emergency, or any situation requiring immediate action to prevent bodily injury, loss of life or loss of property.

(3) ESTABLISHMENT: any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any restaurant, retail establishment, place of amusement or entertainment.

(4) GUARDIAN:

(a) a person who, by court order, is designated guardian of the person of a minor; or

(b) a public or private agency with whom a minor has been placed by a court of competent jurisdiction.

(5) MINOR: any person under 17 years of age

(6) OPERATOR: any individual, firm, association, partnership or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(7) PARENT: a person who is a natural parent, adoptive parent, or step-parent of a minor;

(8) CUSTODIAN: a person who has attained the age of 18 years and who is authorized by a parent or guardian to have the care and custody of a minor;

(9) PUBLIC PLACE: any place to which the public or a substantial group of the public has access, including but not limited to streets, highways, public ways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, shops, parks, places of entertainment or amusement, arenas, stadiums, and restaurants.

10) REMAIN:

(a) to linger or stay; or
(b) fail to leave the premises of an establishment when requested to do so by a police officer or the owner, operator, or other person in control of the establishment.

11) BODILY INJURY: injury that harms or creates a substantial risk of harm to one’s person or that causes death, disfigurement, loss or impairment of the function of any bodily member or organ.

(b) Offenses. It shall be unlawful for:

(1) a minor to remain in any public place or on the premises of any establishment within the Village during curfew hours; or

(2) a parent, guardian or custodian to knowingly permit, or by insufficient control allow a minor to remain in any public place or on the premises of any establishment within the Village during curfew hours; or

(3) the owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

(c) Defenses

(1) It shall be a defense to prosecution under this Section 13-18 that the minor was:

(a) accompanied by the minor’s parent, guardian or custodian;

(b) on or returning from an errand at the direction of the minor’s parent, guardian, or custodian without any unnecessary detour or stop;

(c) in a motor vehicle involved in interstate travel;

(d) engaged in an employment activity in which such minor may lawfully engage under the laws of the State of Illinois, or traveling to or returning home from the employment activity, without any unnecessary detour or stop;

(e) involved in an emergency;

(f) on the sidewalk abutting the minor’s residence, that of a guardian or custodian, or abutting the residence of a next-door neighbor if the neighbor does not object to the minor’s presence;
(g) attending an official school, religious, or other recreational activity supervised by adults and sponsored by a school, a civic organization, a unity of local government or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the unit of local government, a school, a civic organization, or another similar entity that takes responsibility for the minor;

(h) exercising rights protected by the First Amendment to the United States Constitution or Article 1, Section 3, 4 and 5 of the Constitution of the State of Illinois, or both, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(i) married or previously married or has been declared an emancipated minor in accordance with the Illinois Compiled Statutes.

(2) It is a defense to prosecution under this Section 13-18 that the owner, operator, or employee of an establishment promptly notified the Village’s Police Department that a minor was present on the premises of the establishment during curfew hours and the minor refused when first requested to leave the premises.

(d) Enforcement. Prior to taking any enforcement action under this Section, a police officer shall inquire as to the apparent offender’s age and reason for being in the public place. No citation shall be issued and no arrest shall be made under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response of the minor and all other circumstances known to the officer at the time, no defense as set forth in Section 13-18(c) exists. (Ord. 2004-14, Sec. 1, 4-15-04)

Sec. 13-19. Same--Parents or guardians permitting violations.

Repealed. (Ord. 2004-14, Sec. 2, 4-15-04)

Sec. 13-20. Rollerskates and Skateboards.

(a) Definitions: As used in this Article,

(i) a rollerskate is a shoe or a device which attaches to a shoe that has small wheels attached to it for skating on sidewalks, hard floors and similar surfaces;

(ii) a "skateboard" is a board that has small wheels attached to it;

(iii) a “motorized skateboard” is a skateboard which has a small motor attached to it;

(iv) a “scooter” is a board which has small wheels attached and also has a perpendicular pole or similar extension attached to it which is used to steer and/or as a hand rest;

(v) a “motorized scooter” is a scooter which has a motor attached to it;
MISCELLANEOUS OFFENSES AND PROVISIONS

(vi) “skate” means to glide or move along on rollerskates or on a skateboard.

(b) Use of motorized skateboards and motorized scooters prohibited. It shall be unlawful to operate or to ride on a motorized skateboard or a motorized scooter in the public streets, upon the public sidewalks or within a public right of way.

(c) Streets/Sidewalks: No person shall skate on rollerskates or on a skateboard in the public streets, upon the public sidewalks or within a public right of way in a manner which interfered or obstructs the passage of vehicles in and along said streets or the passage of persons along such streets, sidewalks or rights-of-way.

(d) Village Parking Areas: No person shall skate on rollerskates or a skateboard or operate or ride on a motorized skateboard or motorized scooter upon any parking lot which is owned, leased or operated by the Village.

(e) Business Districts: No person shall skate on rollerskates or a skateboard on a public sidewalk, public street or within a public right-of-way which is located in an area of the Village that is zoned either B-1, B-2, B-3, B-4, or B-5 under the Village's Zoning Ordinance.

(f) Special Events: The restrictions contained in Subsections (c), (d) and (e) shall not be applicable to persons who skate on rollerskates or skateboards in connection with an event such as a parade or a block party, for which a permit has been issued or which has otherwise been approved and authorized by the Village.

(g) Restricted Streets: No person shall skate on rollerskates or on a skateboard upon the following public streets within the Village of Fox River Grove: Algonquin, Birch, Pleasant and Violet. (Ord. No. 90-18, Sec. 1, 7-18-90, Ord. No. 2000-43, Sec. 2, 8-17-2000; Ord. No. 11-25, Sec. 1, 11-17-11).


(a) No person shall feed any bird, including but not limited to geese, ducks, pigeons and similar fowl while such person is within any park or on any other property, including, but limited to, storm-water retention and detention areas, the premises of public buildings and structures, parkways, streets, and other public rights-of-way, owned, controlled, or under the jurisdiction of the Village of Fox River Grove.

(b) No person shall leave any seed, bread or bread crumbs, or other foodstuff which intended to be, or which may constitute, bird food on any property owned, controlled or under the jurisdiction of the Village of Fox River Grove, including, but not limited to, parks, storm-water retention and detention areas, the premises of public buildings and structures, parkways, streets, and other public rights-of-ways. (Ord. No. 2000-29, Sec. 1, 5-18-2000)
Sec. 13-22. Offenses Relating to Burglar, Fire and Security Alarms.

(a) False Burglar and Security Alarms

(1) It shall be an offense to own, operate, utilize or maintain a burglar or security alarm system, which repeatedly emits false alarms. If the Police Department responds to more than three (3) false burglar or security alarms within a twelve (12) month period that are emitted or emanate from the same alarm system, the occupant, owner or manager of the premises from which the alarm was emitted shall be subject to a fine of not less than two hundred fifty ($250.00) dollars or more than seven hundred fifty ($750.00) dollars for each offense. Each false alarm in excess of three (3) that occurs during the twelve (12) month period shall constitute a separate offense.

(2) It shall be an offense to fail to give the Police Department prior notice that maintenance, repair or installation work is being performed on a burglar or security alarm system. Such prior notice shall be given by the person performing the installation, maintenance or repair work not less than twenty-four (24) hours prior to the start of the work, unless the work is being performed on an emergency basis, in which case the notice shall be given as soon as reasonably possible. If the Police Department responds to a false burglar or security alarm that was emitted because of installation, maintenance or repair work being done on the alarm, and the person performing the work failed to notify the Police Department as provided in this Section 13-22(a)(2), the person performing the installation, maintenance or repair work shall be subject to a fine of not less than two hundred fifty ($250.00) dollars nor more than seven hundred fifty ($750.00) dollars for each offense. Each false alarm to which the Police Department responded as a result of the failure to give notice shall constitute a separate offense.

(b) Audible Alarms

It shall be an offense for any fire, burglar, motor vehicle or security alarm system to emit an audible alarm signal for more than ten (10) minutes without shutting off and resetting. The owner or operator of any motor vehicle and the owner, manager or occupant of any premises on which a security alarm system is located which violates the provisions of this Section 13-22(b) shall be subject to a fine of not less than two hundred fifty ($250.00) dollars nor more than seven hundred fifty ($750.00) dollars for each offense. A separate offense shall occur each time a security alarm system emits an alarm signal for more than ten (10) minutes. (Ord. No. 07-11, Sec. 1, 4-19-7)

Sec. 13-23--13-30. Reserved.
Sec. 13-31. Disorderly conduct.

A person commits disorderly conduct, which is a violation of this Code, when he knowingly:

(1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or

(2) With intent to annoy another, makes a telephone call, whether or not conversation thereby ensues; or

(3) Transmits in any manner to the Fire Department a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(4) Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place; or

(5) Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or

(6) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it. (Code 1958, Sec. 28.301)

State law reference--For similar provisions, see 720 ILCS 5/26-1

Sec. 13-32. Assault.

A person commits an assault and is guilty of a violation of this Code, when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery.

State law reference--For similar provisions, see 720 ILCS 5/12-1

Sec. 13-33. Battery.

A person commits battery, which is a violation of this Code, if he intentionally or knowingly without legal justification and by any means:

(1) Causes bodily harm to an individual; or

(2) Makes physical contact of an insulting or provoking nature with an individual.

State law reference--For similar provisions, see 720 ILCS 5/12-3
Sec. 13-34. Mob action.

Repealed per Ordinance 2005-16, Sec. 2, 7-21-05.

Sec. 13-35. Obstructing stairways or exits.

It shall be unlawful to obstruct or permit the obstruction of any stairway, aisle, corridor or exit in any office building, factory, hotel, school, church, assembly hall, lodge or other public hall, or any building used by two (2) or more tenants or families in such a manner that it interferes with the free use of such stairway, aisle, corridor or exit. (Code 1958, Sec. 28.324)

Secs. 13-36--13-46. Reserved.

ARTICLE III. OFFENSES AGAINST MORALS

Sec. 13-47. Public indecency.

Repealed per Ordinance 2005-16, Sec. 2, 7-21-05.


Repealed per Ordinance 2005-16, Sec. 2, 7-21-05.

Sec. 13-49. Soliciting for a prostitute.

Repealed per Ordinance 2005-16, Sec. 2, 7-21-05.

Sec. 13-50. Pandering.

Repealed per Ordinance 2005-16, Sec. 2, 7-21-05.

Sec. 13-51. Keeping a place of prostitution.

Repealed per Ordinance 2005-16, Sec. 2, 7-21-05.

Sec. 13-52. Patronizing a prostitute.

Repealed per Ordinance 2005-16, Sec. 2, 7-21-05.

(a) A person commits the offense of distributing obscene materials, which is a violation of this Code, when he sells, lends, rents, leases, gives, advertises, publishes, exhibits or otherwise disseminates to any person any obscene material of any description, knowing the obscene nature thereof, or who offers to do so, or who possesses such material with the intent so to do; provided, that the word "knowing" as used herein shall be deemed to be either actual or constructive knowledge of the obscene contents of the subject matter; and a person has constructive knowledge of the obscene contents if he has knowledge of facts which would put a reasonable and prudent man on notice as to the suspect nature of the material.

(b) Material is obscene if considered as a whole, applying community standards, its predominant appeal is to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion, and utterly without redeeming social value and if, in addition, it goes substantially beyond customary limits of candor in describing or representing such matters. Undeveloped photographs, molds, printing plates and the like shall be deemed obscene notwithstanding that processing or other acts may be required to make the obscenity patent or to disseminate it.

(c) Material, not otherwise obscene, may be obscene under this Section if the distribution thereof, deemed or the offer to do so, or the possession with the intent to do so is a commercial exploitation of erotica solely for the sake of their prurient appeal.

State law reference--For similar provisions, see 720 ILCS 5/11-20

Sec. 13-54. Public urination / defecation.

Prohibited. It shall be unlawful for any person to urinate or defecate in or upon any street, alley, public place or in any place open to clear public view, provided that this subsection shall not apply to restrooms or public facilities designated for such purpose. (Ord. 2017-18, Sec. 1, 10-19-17)

Secs. 13-55--13-64. Reserved.

ARTICLE IV. OFFENSES PERTAINING TO PROPERTY

Sec. 13-65. Criminal damage to property.

Repealed per Ordinance 2005-16, Sec. 2, 7-21-05.

Sec. 13-66. Trespass.

(a) Prohibited. It shall be unlawful for any person to commit a trespass within this Village upon either public or private property.

(b) Defined. Without constituting any limitation upon the provisions of Subsection (a), any of the following acts by any person shall be deemed included among those that constitute
trespasses in violation of the provisions of Subsection (a):

(1) An entry upon the premises, or any part thereof, of another, including any public property in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

(2) The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or

(3) A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing, to leave by any owner or occupant thereof; or

(4) An entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to the possession or control thereof, or a failure or refusal to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.

(c) *Action by Village.* Appropriate action may be taken by the Village at any time to prevent or suppress any violation of this Section.

**Sec. 13-67. Throwing missiles and other objects on public property.**

It shall be unlawful to cast, throw or propel any missile on any street, alley or public place; and it shall be unlawful to throw or deposit any glass, nails, tacks or other similar articles on any street, alley, sidewalk or other public place in the Village. (Code 1958, Sec. 28.311)

Cross reference—For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

**Sec. 13-68. Barbed wire and electrically charged fences.**

It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar materials designed to cause injury to person, or to maintain or construct any wire charged with electrical current, anywhere within the Village, except to protect industrial property in which case barbed wire must be at least six (6) feet above the sidewalk and extended inward towards the property. (Code 1958, Sec. 9.120)

**Secs. 13-69--13--79. Reserved.**

**ARTICLE V. WEAPONS**

**Sec. 13-80. Unlawful use of weapons.**
(a) A person commits the offense of unlawful use of weapons, which shall be a violation of this Code, when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any bludgeon, blackjack, slingshot, sand-club, sandbag, metal knuckles or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife; or

(2) Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, or any other dangerous or deadly weapon or instrument of like character; or

(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance; or

(4) Carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver or other firearm; or

(5) Sets a spring gun; or

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or

(8) Carries or possesses any firearm or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted; or

(9) Carries or possesses in a vehicle or on or about his person any pistol, revolver or firearm, when he is hooded, robed or masked in such manner as to conceal his identity.

(b) The presence in an automobile other than a public omnibus of any weapon, instrument or
substance referred to in Subsection (a) (7) is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances:

(1) If such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or

(2) If such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

State law reference--For similar provisions, see 720 ILCS 5/24-1

Sec. 13-81. Unlawful sale of firearms.

A person commits the offense of unlawful sale of firearms, which shall be a violation of this Code, when he knowingly:

(1) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or

(2) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(3) Sells or gives any firearm to any narcotic addict; or

(4) Sells or gives any firearm to any person who has been convicted of a felony under the laws of Illinois or any other jurisdiction; or

(5) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(6) Sells or gives any firearm to any person who is mentally retarded; or

(7) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made. However, this Subsection shall not apply to:

(a) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or
(b) A mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(c) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Public Safety; or

(d) The sale of a firearm when another firearm is traded in for the firearm purchased, in whole or in part.

State law reference--For similar provisions, see 720 ILCS 5/24-3

Sec. 13-82. Unlawful possession of firearms and firearm ammunition.

A person commits the offense of unlawful possession of firearms or firearm ammunition, which shall be a violation of this Code, when:

(1) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(2) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of Illinois or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

(7) He is not in possession of a valid State of Illinois Firearm Owners Identification Card.

State law reference--For similar provisions, see 720 ILCS 5/24-3.1

Sec. 13-83. Discharge of firearms.

It shall be unlawful to discharge any firearms or airgun in the Village; however, this section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to any citizen to discharge a firearm when lawfully defending his person or property. (Code
MISCELLANEOUS OFFENSES AND PROVISIONS

1958, Sec. 28.315)  
Cross reference—For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 13-84.  Hunting.

It shall be unlawful for any person to engage in killing or to hunt any animal other than as prescribed by law, in the Village. (Code 1958, Sec. 28.309)  
Cross reference—For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Secs. 13-85--13-95.  Reserved.

ARTICLE VI.  COMPROMISE OF VIOLATIONS

Sec. 13-96.  Settlement and compromise of certain offenses authorized; enumeration of sums.

(a) Any of the following offenses arising under this Code may be settled and compromised by the offender within fourteen (14) days after the date of the notice of violation by payment to the Village of the sum of money set forth opposite the offense:

<table>
<thead>
<tr>
<th>Section of Code</th>
<th>Offense</th>
<th>Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-5</td>
<td>Public intoxication</td>
<td>$50.00</td>
</tr>
<tr>
<td>3-8</td>
<td>Intoxicating liquor prohibited in parking lots or drive-in restaurant</td>
<td>$50.00</td>
</tr>
<tr>
<td>3-8</td>
<td>Consumption of alcohol, open containers in parks, sidewalks, etc.</td>
<td>$50.00</td>
</tr>
<tr>
<td>3-48</td>
<td>Disobedience of tavern closing hours</td>
<td>$75.00</td>
</tr>
<tr>
<td>3-72</td>
<td>Licensed premises to display warning to minor card</td>
<td>$75.00</td>
</tr>
<tr>
<td>4-9</td>
<td>Smoking prohibitions in exhibition halls</td>
<td>$75.00</td>
</tr>
<tr>
<td>4-68</td>
<td>Minors prohibited in pool halls</td>
<td>$75.00</td>
</tr>
<tr>
<td>4-69</td>
<td>Violation of pool hall hours</td>
<td>$75.00</td>
</tr>
<tr>
<td>4-83</td>
<td>Violation of bowling alley hours</td>
<td>$75.00</td>
</tr>
<tr>
<td>4-111.1</td>
<td>License required for coin operated amusement</td>
<td>$75.00</td>
</tr>
<tr>
<td>4-123</td>
<td>Failure to obtain jukebox license</td>
<td>$75.00</td>
</tr>
<tr>
<td>4-125</td>
<td>Failure to display jukebox license</td>
<td>$75.00</td>
</tr>
<tr>
<td>4-127</td>
<td>Failure to permit inspection of jukebox license during business hours</td>
<td>$75.00</td>
</tr>
<tr>
<td>5-3</td>
<td>Animals running at large</td>
<td>$75.00</td>
</tr>
<tr>
<td>5-4</td>
<td>Non-permitted hitching of animal</td>
<td>$75.00</td>
</tr>
<tr>
<td>5-5</td>
<td>Allow dog/cat to run on property of another</td>
<td>$75.00</td>
</tr>
<tr>
<td>5-9</td>
<td>Animal noises</td>
<td>$75.00</td>
</tr>
<tr>
<td>5-13(c)</td>
<td>Removal of animal excrement required</td>
<td>$75.00</td>
</tr>
<tr>
<td>5-23</td>
<td>Keeping/harboring too many dogs</td>
<td>$75.00</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Fee</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>5-28(a)</td>
<td>Dog running at large</td>
<td>$75.00</td>
</tr>
<tr>
<td>5-47</td>
<td>Offering a dog, cat or rabbit for retail sale that retailer obtained from disallowed source</td>
<td>$300.00</td>
</tr>
<tr>
<td>6-8(c)</td>
<td>House numbering, per day</td>
<td>$5.00</td>
</tr>
<tr>
<td>6-32</td>
<td>Failure to have building permit</td>
<td>25% of permit fee</td>
</tr>
<tr>
<td>6-109</td>
<td>Failure to obtain permit for sign or canopy</td>
<td>$75.00</td>
</tr>
<tr>
<td>6-128</td>
<td>Failure to have billboard permit</td>
<td>$75.00</td>
</tr>
<tr>
<td>6-305 through 6-311</td>
<td>RV/boats/mobile home prohibitions</td>
<td>$75.00</td>
</tr>
<tr>
<td>6-404</td>
<td>Vacant Commercial Building Care</td>
<td>$100.00</td>
</tr>
<tr>
<td>8-1</td>
<td>Bonfire without permit</td>
<td>$25.00</td>
</tr>
<tr>
<td>8-22</td>
<td>Possession, sale of fireworks</td>
<td>$75.00</td>
</tr>
<tr>
<td>8-22</td>
<td>Setting off of fireworks without permit</td>
<td>$75.00</td>
</tr>
<tr>
<td>9-2</td>
<td>Food sales without license</td>
<td>$75.00</td>
</tr>
<tr>
<td>9-29</td>
<td>Failure to post restaurant license</td>
<td>$75.00</td>
</tr>
<tr>
<td>9-35</td>
<td>Employees smoking/expectorating in food preparation areas</td>
<td>$75.00</td>
</tr>
<tr>
<td>9-56</td>
<td>Unlawful storage/disposal of waste</td>
<td>$75.00</td>
</tr>
<tr>
<td>9-63</td>
<td>Storage of soiled linens</td>
<td>$75.00</td>
</tr>
<tr>
<td>9-101</td>
<td>Failure to obtain license to sell or distribute milk</td>
<td>$75.00</td>
</tr>
<tr>
<td>9-109</td>
<td>Failure to obtain food/cigarette vending machine license</td>
<td>$75.00</td>
</tr>
<tr>
<td>9-111</td>
<td>Failure to display Village license</td>
<td>$75.00</td>
</tr>
<tr>
<td>10-3(d)</td>
<td>Garbage collection violations – 1st offense only</td>
<td>$50.00</td>
</tr>
<tr>
<td>10-3(d)</td>
<td>Garbage collection violations – 2nd offense only</td>
<td>$100.00</td>
</tr>
<tr>
<td>10-3(d)</td>
<td>Garbage collection violations – 3rd offense only</td>
<td>$250.00</td>
</tr>
<tr>
<td>10-10</td>
<td>Prohibited deposits; uncovered garbage</td>
<td>$75.00</td>
</tr>
<tr>
<td>10-14</td>
<td>Burning leaves, refuse or garbage – 1st offense only</td>
<td>$75.00</td>
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<tr>
<td>10-14</td>
<td>Burning leaves, refuse or garbage – 2nd offense only</td>
<td>$100.00</td>
</tr>
<tr>
<td>10-14</td>
<td>Burning leaves, refuse or garbage – 3rd offense only</td>
<td>$250.00</td>
</tr>
<tr>
<td>10-15</td>
<td>Unauthorized use of dumpster</td>
<td>$75.00</td>
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<tr>
<td>10-16</td>
<td>Encroachment of dumpsters</td>
<td>$75.00</td>
</tr>
<tr>
<td>10-19(d)</td>
<td>Dumpster enclosures required</td>
<td>$300.00</td>
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<tr>
<td>11-2(b)</td>
<td>Failure to post signs prohibiting sale of tobacco products to minors</td>
<td>$75.00</td>
</tr>
<tr>
<td>11-4</td>
<td>Purchase of tobacco by minors</td>
<td>$150.00</td>
</tr>
<tr>
<td>11-5</td>
<td>Possession of tobacco by minors</td>
<td>$150.00</td>
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<tr>
<td>11-103</td>
<td>Cannabis flower, unlawful possession</td>
<td>$200.00</td>
</tr>
<tr>
<td></td>
<td>Illinois Resident 21+ 30.0-100.0 grams</td>
<td>$200.00</td>
</tr>
<tr>
<td></td>
<td>Non-Resident 21+ 15.0-100.0 grams</td>
<td>$200.00</td>
</tr>
<tr>
<td></td>
<td>Persons Under 21 0-100.0 grams</td>
<td>$200.00</td>
</tr>
<tr>
<td></td>
<td>THC in cannabis infused product, unlawful possession</td>
<td></td>
</tr>
</tbody>
</table>

MISCELLANEOUS OFFENSES AND PROVISIONS
MISCELLANEOUS OFFENSES AND PROVISIONS

Illinois Resident 21+ 500.0 milligrams-100.0 grams--------$200.00
Non-Resident 21+ 250.0 milligrams-100.0 grams--------$200.00
Persons Under 21 0-100.0 grams--------------------------------$200.00
Cannabis concentrate, unlawful possession
Illinois Resident 21+ 5.0-100.0 grams------------------------$200.00
Non-Resident 21+ 2.5-100.0 grams------------------------$200.00
Persons Under 21 0-100.0 grams------------------------$200.00
Drug paraphernalia, unlawful possession-------------------------$100.00

12-18 Failure to obtain business license --------------------------$75.00
12-23(b) Failure to have tobacco license ------------------------$75.00
12-40 Licensed premises to be clear of rubbish, snow, ice -------$75.00
12-41 License to be displayed in prominent location------------$75.00
12-54 Operate a motor court without a license ------------------$75.00
12-73 Operate a junk shop, store without a license------------$75.00
12-88 Violation of amplification permit requirements..............$175.00
12-91 & 92 Violation of amplification permit----------------------$75.00
12-93 Lewd, obscene or false representations using
sound amplification-------------------------------------------$75.00
12-114 Failure to post address, phone number of
owner and service agency----------------------------------$75.00
12-117 Failure to have massage business license--------------$75.00
12-123 Failure to display massage business license and
massage therapist license----------------------------------$75.00
12-125(e) Minors prohibited from massage business----------$75.00
13-3 Nuisances generally-------------------------------------$75.00
13-4 Used appliances, junk stored on public property---------$75.00
13-5 Operation of snowmobiles, mini-bikes, etc.
on property of others without permission------------------$75.00
13-6 Making unusual noises; disturbing the peace-----------$75.00
13-7 Causing or permitting emission of smoke---------------$75.00
13-10 Posting of handbills on public property----------------$75.00
13-11 Spit or expectorate on public place------------------$75.00
13-15 Unlawful blowing of steam whistles--------------------$75.00
13-18 Curfew for minors-------------------------------------$75.00
13-19 Parents permitting curfew-------------------------------$75.00
13-20 Skateboarding/motorized scooter violations-----------$75.00
13-21 Bird feeding violations on Village property-----------$75.00
13-22 Burglar, fire and security alarms---------------------$150.00
13-54 Public urination / defecation------------------------$50.00
13-67 Throwing of missiles prohibited------------------------$75.00
13-68 Barbed wire/electrical fences prohibited-------------$75.00
13-83 Unlawful discharge of air gun in Village limits-------$75.00
### MISCELLANEOUS OFFENSES AND PROVISIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>13-84</td>
<td>Unlawful hunting/killing of animals</td>
<td>$75.00</td>
</tr>
<tr>
<td>13-101</td>
<td>Illegal fire in Village parks</td>
<td>$75.00</td>
</tr>
<tr>
<td>13-102</td>
<td>Fishing prohibitions</td>
<td>$75.00</td>
</tr>
<tr>
<td>13-103</td>
<td>Unlawful camping in Village parks</td>
<td>$75.00</td>
</tr>
<tr>
<td>13-104</td>
<td>Motor vehicles in Village parks</td>
<td>$75.00</td>
</tr>
<tr>
<td>13-105</td>
<td>Launching of motorized water craft in Village Parks</td>
<td>$75.00</td>
</tr>
<tr>
<td>13-106</td>
<td>Uncontrolled pets in Village Parks</td>
<td>$75.00</td>
</tr>
<tr>
<td>13-107</td>
<td>Swimming in Village Parks</td>
<td>$75.00</td>
</tr>
<tr>
<td>13-108</td>
<td>Litter, deposits and dumping in parks</td>
<td>$75.00</td>
</tr>
<tr>
<td>13-110</td>
<td>Park curfew</td>
<td>$75.00</td>
</tr>
<tr>
<td>13-111</td>
<td>Alcoholic beverages in Village parks</td>
<td>$75.00</td>
</tr>
<tr>
<td>13-112</td>
<td>Park Use Permit (sports team or groups of 10 or more)</td>
<td>$25.00</td>
</tr>
<tr>
<td>13-113</td>
<td>Hot air balloons prohibited in parks</td>
<td>$75.00</td>
</tr>
<tr>
<td>13-114</td>
<td>Encroachments and obstructions in Village parks</td>
<td>$75.00</td>
</tr>
<tr>
<td>13-115</td>
<td>Unauthorized plant materials and landscape waste in Village parks</td>
<td>$75.00</td>
</tr>
<tr>
<td>13-116</td>
<td>Ice skating and entering onto ice prohibited on ponds, rivers and streams in Village parks</td>
<td>$75.00</td>
</tr>
<tr>
<td>13-117</td>
<td>Snowboarding in Picnic Grove Park Violation</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-18</td>
<td>Unauthorized signs</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-21</td>
<td>Passengers on bicycles</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-23</td>
<td>Riding on outside of vehicle</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-24</td>
<td>Clinging to vehicles</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-42</td>
<td>Obstruction of traffic</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-43</td>
<td>Following; parking near fire apparatus</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-44</td>
<td>Crossing fire hose</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-45</td>
<td>Driving upon the sidewalk</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-46</td>
<td>Driving through safety zone</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-51</td>
<td>Wrong way on one-way street</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-54</td>
<td>Vehicle in excess of 8,000 pounds</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-57</td>
<td>Playing in street</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-58</td>
<td>Following too closely</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-67</td>
<td>Special speed limit when passing schools</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-127</td>
<td>Standing in roadways</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-128</td>
<td>Pedestrians interfering with traffic</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-129</td>
<td>Pedestrians interfering with sidewalk or other pedestrians</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-130</td>
<td>Not using a crosswalk in Business District</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-134</td>
<td>Soliciting rides or business in roadway</td>
<td>$50.00</td>
</tr>
<tr>
<td>15-136</td>
<td>Pedestrians walking on roadway instead of provided sidewalk</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-146</td>
<td>Parking in no parking zone</td>
<td>$50.00</td>
</tr>
</tbody>
</table>
### MISCELLANEOUS OFFENSES AND PROVISIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-146</td>
<td>Parking in Right of Way</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-146</td>
<td>No Parking Village Streets 2 a.m. to 6 a.m</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-147 &amp; 148</td>
<td>Parking prohibitions</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-149</td>
<td>Restricted parking winter months - snow</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-150</td>
<td>Exceeding parking time limits for certain streets</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-154</td>
<td>Displaying vehicle for sale on street</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-155</td>
<td>Loading zones</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-156</td>
<td>Illegal parking/blocking alley</td>
<td>$50.00</td>
</tr>
<tr>
<td>15-159</td>
<td>Parking on street prohibitions</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-160</td>
<td>Unattended vehicle</td>
<td>$50.00</td>
</tr>
<tr>
<td>15-163</td>
<td>Unauthorized use of parking space reserved for persons with disabilities and disabled veterans</td>
<td>$250.00</td>
</tr>
<tr>
<td>15-164</td>
<td>Parking municipal lot violations</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-166</td>
<td>Parking without permit</td>
<td>$50.00</td>
</tr>
<tr>
<td>15-173</td>
<td>Parking in resident-only parking zone without sticker</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-174</td>
<td>Driving unsafe, unequipped vehicles</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-175</td>
<td>Driving vehicle with obstructed view</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-176</td>
<td>Lights generally</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-178</td>
<td>Signal lamps and signal devices</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-179</td>
<td>Operating a vehicle making unusually loud or unnecessary noise</td>
<td>$75.00</td>
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<tr>
<td>15-180</td>
<td>Operating a vehicle which emits dense smoke/fumes</td>
<td>$75.00</td>
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<tr>
<td>15-181</td>
<td>Mufflers, prevention of noise</td>
<td>$75.00</td>
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<tr>
<td>15-182(c)</td>
<td>Illegal siren or horn on bicycle</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-185 to 15-187</td>
<td>Brakes, tires, nonskid devices</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-190</td>
<td>Operating a motorcycle without protective wear</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-191</td>
<td>Bicycle prohibitions</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-192</td>
<td>Vehicle with expired Illinois registration</td>
<td>$75.00</td>
</tr>
<tr>
<td>15-199</td>
<td>Abandoned vehicle</td>
<td>$25.00</td>
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<tr>
<td>15-219</td>
<td>Nuisance – inoperable motor vehicle</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-235</td>
<td>Failure to obtain vehicle sticker</td>
<td>$100.00</td>
</tr>
<tr>
<td>15-237</td>
<td>Failure to display vehicle sticker</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-244</td>
<td>Failure to replace vehicle sticker</td>
<td>$25.00</td>
</tr>
<tr>
<td>15-261</td>
<td>Operation of vehicles in excess of 10,000 lbs.</td>
<td>See</td>
</tr>
<tr>
<td></td>
<td>February 15 through May 15</td>
<td>15-270</td>
</tr>
<tr>
<td>15-280 to 283</td>
<td>Exceeds maximum width and length, axle</td>
<td>See</td>
</tr>
<tr>
<td></td>
<td>loads, height</td>
<td>15-286</td>
</tr>
<tr>
<td>16-2</td>
<td>Commercial soliciting, peddling without a license</td>
<td>$50.00</td>
</tr>
<tr>
<td>16-6</td>
<td>Non-commercial soliciting without a license</td>
<td>$50.00</td>
</tr>
<tr>
<td>16-9</td>
<td>Restrictions applicable to soliciting and peddling</td>
<td>$50.00</td>
</tr>
</tbody>
</table>
MISCELLANEOUS OFFENSES AND PROVISIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Offense</th>
<th>Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>16-20</td>
<td>Location for solicitation</td>
<td>$75.00</td>
</tr>
<tr>
<td>16-27</td>
<td>Indiscriminate distribution of handbills, etc. in public places</td>
<td>$25.00</td>
</tr>
<tr>
<td>16-28</td>
<td>Distribution of handbills, etc. without a license</td>
<td>$25.00</td>
</tr>
<tr>
<td>17.5-50</td>
<td>Driveways, parking lots, per day</td>
<td>$25.00</td>
</tr>
<tr>
<td>17.5-51</td>
<td>Driveways, parking areas, per day</td>
<td>$25.00</td>
</tr>
<tr>
<td>18-5</td>
<td>Obstructions to street, alley, sidewalk, public property</td>
<td>$25.00</td>
</tr>
<tr>
<td>18-8</td>
<td>Placing articles on windows, ledges abutting public property</td>
<td>$25.00</td>
</tr>
<tr>
<td>18-9</td>
<td>Sidewalk sales</td>
<td>$75.00</td>
</tr>
<tr>
<td>18-14</td>
<td>Harmful deposits on sidewalks</td>
<td>$25.00</td>
</tr>
<tr>
<td>18-15</td>
<td>Harmful deposits on streets</td>
<td>$25.00</td>
</tr>
<tr>
<td>18-16</td>
<td>Depositing gravel on parkway/public property without Village permission</td>
<td>$25.00</td>
</tr>
<tr>
<td>18-17</td>
<td>Mud and debris on streets</td>
<td>$75.00</td>
</tr>
<tr>
<td>18-18</td>
<td>Snow removal prohibitions</td>
<td>$75.00</td>
</tr>
<tr>
<td>18-88</td>
<td>Abandoned or junk vehicles</td>
<td>$75.00</td>
</tr>
<tr>
<td>19-132</td>
<td>Tree removal prior to subdivision</td>
<td>$100.00</td>
</tr>
<tr>
<td>21-1</td>
<td>Weed nuisance</td>
<td>$50.00</td>
</tr>
<tr>
<td>21-2</td>
<td>High weeds or grass</td>
<td>$50.00</td>
</tr>
<tr>
<td>22-17</td>
<td>Operating a taxicab without State license</td>
<td>$75.00</td>
</tr>
<tr>
<td>22-18</td>
<td>Operating a taxicab without required equipment</td>
<td>$75.00</td>
</tr>
<tr>
<td>22-30</td>
<td>Operating a taxicab in Village without a business license</td>
<td>$75.00</td>
</tr>
</tbody>
</table>

(b) Any of the following offenses arising under this Code may be settled and compromised by the offender within ten (10) days after the date of the notice of violation by payment to the Village of the sum of money set forth opposite the offense:

<table>
<thead>
<tr>
<th>Section of Code</th>
<th>Offense</th>
<th>Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-160</td>
<td>Unattended vehicle</td>
<td>$50.00</td>
</tr>
<tr>
<td>15-235</td>
<td>Failure to have vehicle sticker</td>
<td>$100.00</td>
</tr>
<tr>
<td>15-237</td>
<td>Display of vehicle sticker</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

(Ord. No. 07-10, Sec. 13, 4-19-07)
MISCELLANEOUS OFFENSES AND PROVISIONS

(c) Any of the following offenses arising under this Code may be settled and compromised by the offender within ten (10) days after the date of the notice of violation by payment to the Village of fifty ($50.00) dollars:

<table>
<thead>
<tr>
<th>Section of Code</th>
<th>Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-146</td>
<td>Parking in no parking zone</td>
</tr>
<tr>
<td>15-156</td>
<td>Parking in alley</td>
</tr>
<tr>
<td>15-159</td>
<td>Illegal parking (wrong way)</td>
</tr>
<tr>
<td>15-164</td>
<td>Restrictions on parking and operation of vehicles in municipal parking lots</td>
</tr>
<tr>
<td>15-166</td>
<td>Parking without required permit</td>
</tr>
</tbody>
</table>

(Ord. No. 01-17, Sec. 1, 3-15-2001, 04-09, Sec. 1, 3-18-04, Ord. No. 07-10, Sec. 14, 4-19-07)

(d) Any of the following offenses arising under this Code may be settled and compromised by the offender within thirty (30) days after the date of notice of violation by payment to the Village of the sum of money set forth opposite the offense for each separate offense:

<table>
<thead>
<tr>
<th>Section of Code</th>
<th>Offense</th>
<th>Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>13-22</td>
<td>Burglar, Fire and Security Alarms</td>
<td>$150.00</td>
</tr>
</tbody>
</table>

(Ord. No. 07-11, Sec. 2, 4-19-2007)

Sec. 13-97. Where payments are to be made; issuance of receipt.

Settlement payments shall be made to the Police Department, who shall provide the alleged offender with a receipt in the amount of such payment. (Ord. of 4-13-70, Sec. 2)

Sec. 13-98. Disposition of money collected in settlement of violations.

Money paid to the Police Department in settlement of the claims shall be promptly deposited by the Police Department with the Village Treasurer and shall be credited by the Treasurer to the General Fund. (Ord. of 4-13-70, Sec. 3)

Sec. 13-99. Offenders not to be prosecuted upon settlement of offense.

The Police Department shall not prosecute any alleged offender of the offenses enumerated in Section 13-96 after receipt of the settlement payment. (Ord. of 4-13-70, Sec. 4)

ARTICLE VII. PARKS

Sec. 13-100. Application of article.

The provisions of this Article shall be applicable to all parks owned or operated by the Village of Fox River Grove, and shall control the use and enjoyment of said parks by the public in conjunction
MISCELLANEOUS OFFENSES AND PROVISIONS

with all other Ordinances of the Village. (Ord. No. 77-11, Sec. 1, 4-27-77)

Sec. 13-101. Fires in parks.

It shall be unlawful to light, maintain or use any fire within Village parks unless such fire is to be used only for cooking purposes and is confined to a container designated for outdoor cooking such as a camp stove or barbecue pit. (Ord. No. 77-11, Sec. 1, 4-27-77)

Sec. 13-102. Fishing in parks.

It shall be unlawful to fish within or from any area within the Village parks which the corporate authorities have designated and have caused to be posted as a "No Fishing" area. (Ord. No. 77-11, Sec. 1, 4-27-77)

Sec. 13-103. Camping in parks.

(a) It shall be unlawful to camp in the Village parks, except in accordance with this Article and unless all campers have previously registered with the Fox River Grove Police Department, which registration shall include the full name, permanent residence address, automobile license number, and proof of identity of all persons who intend to camp in the Village parks.

(b) Motorized or vehicular campers shall not be used or brought into the Village parks.

(c) Campers shall comply with all rules and regulations established for campers by the Corporate Authorities, which rule and regulations shall be provided to campers at the time of registration. (Ord. No. 77-11, Sec. 1, 4-27-77)

Sec. 13-104. Motor vehicles in parks.

It shall be unlawful to bring any motorized vehicle, including, but not limited to, automobiles, snowmobiles, campers, buses, motor boats, motorcycles, motor-driven cycles and mini-bikes, within the Village parks, except where parking lots and driveways have been designated for specific types of motor vehicles. Furthermore, it shall be unlawful to operate or park any such motor vehicle within the Village parks in a manner contrary to posted instructions or signs including, but not limited to, directional signs, one-way signs, speed limits, no parking or limited parking signs. The provisions of this Section shall not apply to emergency vehicles and Village vehicles used for park maintenance. (Ord. No. 77-11, Sec. 1, 4-27-77; Ord. No. 79-14, Sec. 1, 6-20-79)

Sec. 13-105. Water craft launching in parks.

It shall be unlawful to launch or retrieve any motorized water craft from any area within the Village parks. Non-motorized water crafts shall be launched only from areas which the Corporate
MISCELLANEOUS OFFENSES AND PROVISIONS

Authorities have designated and have caused to be posted as boat launching areas. (Ord. No. 98-26, Sec. 1, 7-16-98, Ord. No. 2000-47, Sec. 1, 9-21-2000)

Sec. 13-106. Pets in parks.

It shall be unlawful for the owner of any pet to allow such pet to be within the Village parks unless the pet is on a leash and is controlled by a responsible person. All pet excrement shall be removed from the Village parks by the pet's owner or person in control of the pet. (Ord. No. 77-11, Sec. 1, 4-27-77)

Sec. 13-107. Swimming in parks.

It shall be unlawful for any person to enter the Fox River from any area within the Village parks for the purpose of swimming. (Ord. No. 77-11, Sec. 1, 4-27-77)

Sec. 13-108. Litter, deposits and dumping in parks.

It shall be unlawful to litter, to deposit any material, glass or other article which might cause injury to persons, animals, or property, or to dump any garbage or refuse, within the Village parks. (Ord. No. 77-11, Sec. 1, 4-27-77)

Sec. 13-109. Special events and activities in parks.

Special events and activities shall be held within the Village parks only with the permission and approval of the Corporate Authorities. Sponsors of special events and activities shall agree to pay such costs and comply with such regulations, including the posting of financial surety, as may be required by the Corporate Authorities. (Ord. No. 77-11, Sec. 1, 4-27-77)

Sec. 13-110. Park curfew.

It shall be unlawful to enter upon or remain upon any park of the Village after sunset and before sunrise. Except that sledding hill use in Picnic Grove Park and informal athletic activities at Kids Care Court are permitted until 10:00 p.m. when the lights at these locations have been turned on and are operating. (Ord. No. 78-12, Sec. 1, 8-16-78, Ord. No. 2003-35, 10-16-03)

Sec. 13-111. Alcoholic beverages in parks.

It shall be unlawful to bring any alcoholic beverage, other than beer and wine, into any park of the Village or to consume any alcoholic beverage other than beer or wine within any park of the Village. It shall be unlawful for any person to bring beer or wine into any park of the Village or to consume beer or wine within any park of the Village unless the person bringing or consuming the beer or wine is part of a group for which a park use permit has been issued pursuant to Section 13-112 by the Chief of the Fox River Grove Police Department that allows beer and wine consumption in the park. (Ord. No. 91-22, Sec. 1, 6-19-91)
Sec. 13-112. Park Use Permit.

(a) Park Use Permit Required. It shall be unlawful for (i) any organized sports team or (ii) any group which consists of ten (10) or more persons age eighteen (18) or older to use or occupy any portion of a park of the Village unless the group has been issued a park use permit. (Ord. No. 2006-45, Sec. 1, 10-19-06)

(b) Issuance of Park Use Permits.

(1) All park use permits shall be issued by the Chief of Police.

(2) No permit shall be issued unless the application for the permit is submitted to the Village's Police Department at least one business day prior to the date for which the permit is requested. No permit shall be issued unless the fee provided for in Section 13-112(c) is paid.

(3) Each park use permit shall specify:

(i) the group for which the permit is issued,

(ii) the date and hours during which the group may use the park,

(iii) the maximum number of persons over the age of 18 who are entitled to use the park as part of the group,

(iv) the name, address and telephone number of a contact person for the group, and

(v) whether the group is permitted to have beer and wine in the park.

(4) Each application for a park use permit shall specify:

(i) The name of the group applying for the permit;

(ii) The name, address and telephone number of a person the Village may contact on behalf of the group;

(iii) The maximum number of persons over the age of 18 who will be part of the group using the park under the permit; and

(iv) The number of persons who will be part of the group using the park who are not residents of the Village of Fox River Grove.
(v) The purpose for which the group wants to use the park.

(5) The Chief of Police may refuse to issue a permit if:

(i) The use of the park by the group applying for the permit will conflict with the use of the park by another group to which a permit has previously been issued;

(ii) The use of the park by the group will exceed the capacity of the park.

(iii) The group’s proposed use of the park would be unlawful or would require the issuance of a license or permit which has not been obtained by the group.

(c) Fees for Park Use Permit.

(1) The following fees shall be paid for a park use permit:

<table>
<thead>
<tr>
<th>No. of Persons in Group</th>
<th>Fee for Village Residents</th>
<th>Fee for Non-Residents</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 years of older</td>
<td>Fee</td>
<td>No. of Persons in Group</td>
</tr>
<tr>
<td></td>
<td>18 years or older</td>
<td></td>
</tr>
<tr>
<td>Up to 25</td>
<td>0</td>
<td>Up to 25</td>
</tr>
<tr>
<td>26-50</td>
<td>70.00</td>
<td>26-50</td>
</tr>
<tr>
<td>51-75</td>
<td>100.00</td>
<td>51-75</td>
</tr>
<tr>
<td>76-100</td>
<td>150.00</td>
<td>76-100</td>
</tr>
<tr>
<td>101-125</td>
<td>200.00</td>
<td>101-125</td>
</tr>
</tbody>
</table>

There shall be an additional fee of $65.00 for a park use permit which allows the consumption of beer and wine. The $65.00 fee shall be paid by both residents and non-residents of the Village and shall be paid in addition to any other applicable fee. (Ord. No. 07-10, Sec. 15, 4-19-07)

(2) The resident fee applies to those groups where more than fifty (50%) percent of the persons 18 years or older, who will be using the park as part of the group, are residents of the Village or if the group using the park is sponsored by a business or religious organization, located in the Village or any other organization which is based in the Village.

(d) Miscellaneous.

(1) It shall be unlawful for any group which is required to have a park use permit to be
within a park of the Village unless the park use permit is in the immediate personal possession of a member of the group who is within the park. The park use permit must be produced upon the request of a Village Police Officer.

(2) It shall be unlawful for any group which has been issued a park use permit to exceed the maximum number of persons specified in the permit.

(3) It shall be unlawful to make a false statement on an application for a park use permit.

(4) It shall be unlawful for any person to be within a park of the Village as part of a group which is required to have a park use permit unless the group has been issued the required permit. (Ord. No. 91-22, Sec. 2, 6-19-91)

(5) Organized sports teams must provide proof of general liability insurance coverage under an insurance policy with coverage limits of not less than one million dollars ($1,000,000) per occurrence. Such insurance policy must include athletic participants’ liability coverage. The insurance policy must also name the Village, its employees and its agents as additional insureds. (Ord. No. 06-45, Sec. 2, 10-19-06)

Sec. 13-113. Hot air balloons prohibited in parks.

It shall be unlawful either to launch a hot air balloon from within any Village park, or to land a hot air balloon in any Village park. (Ord. No. 80-19, Sec. 1, 7-24-80)

Editor's note--Ord. No. 80-19, Sec. 1, amended Ch. 13 by adding provisions designated as Sec. 13-112 which provisions were re-designated Sec. 13-113 by the editors since the Code already contained a Sec. 13-112.

Sec. 13-114. Encroachments and obstructions prohibited in Village parks.

It shall be unlawful for any person to erect, place or maintain any fence, building, structure, swimming pool or other type of pool, sandbox, jungle gym, swing set, or similar item or object in such a manner that it encroaches upon, obstructs or is otherwise located on property that is part of a park owned or operated by the Village of Fox River Grove, without the prior approval of the Village's Board of Trustees. (Ord. 95-18, Sec. 1, 8-17-95)

Sec. 13-115. Unauthorized placing and maintaining of plant materials and landscape waste prohibited in Village parks.

It shall be unlawful for any person to place, plant or maintain any tree, shrub, flowers, grass, or other plant material on property that is part of a park owned or operated by the Village of Fox River Grove, without the prior approval of the Village's Board of Trustees. It shall be unlawful for any person to place or maintain any grass clippings, tree leaves, tree or shrub branches or any other form of landscape waste as defined in the Illinois Environmental Protection Act on property that is part of a park owned or operated by the Village of Fox River Grove, without the prior approval of the

Chapter 13, Page 31 01/13/20
Sec. 13-116. Ice skating and entering onto ice prohibited on ponds, rivers and streams in Village parks.

It shall be unlawful for any person to ice skate on any pond, river or stream within any Village Park. It shall be unlawful for any person to go onto any ice which is formed on a pond or stream located within a Village Park or to go onto any ice which has formed on the Fox River from any area within a Village Park. It shall be unlawful for the parent or guardian of a child under the age of eighteen (18) years to allow the child to go onto ice which has formed on a pond or stream located within a Village Park or to enter onto ice which has formed on the Fox River from an area within a Village Park. (Ord. 95-35, Sec. 1, 12-21-95)


It shall be unlawful for any person to snowboard within those areas of Picnic Grove Park which have been designated by the Village’s Corporate Authorities as an area where snowboarding is not allowed and which have been posted with signs stating that no snowboarding is allowed in this area. (Ord. No. 05-04, Sec. 2, 2-17-05)

Sec. 13-118. Park Improvements.

All park facility improvements, except those by the Village of Fox River Grove or its agents, require a Village permit. Application for such permit shall be made to the Public Works Superintendent and shall be referred to the Parks Commission, Public Works Committee and Village Board of Trustees for approval, modification or rejection. (Ord. 09-01, Sec. 1, 1-15-09)

ARTICLE VIII – NUISANCE AND LIEN PROCEDURES

Sec. 13-119. Definitions.

For the purposes of this Article, the following terms shall be defined as follows:

1. "Abandoned residential property" means any type of permanent residential dwelling unit, including detached single family structures, and townhouses, condominium units and multifamily rental apartments covering the entire property, and manufactured homes treated under Illinois law as real estate and not as personal property, that has been unoccupied by any lawful occupant or occupants for at least ninety (90) days, and for which after such ninety (90) day period, the municipality has made good faith efforts to contact the legal owner or owners of the property identified on the recorded mortgage, or, if known, any agent of the owner or owners, and no contact has been made. A property for which the municipality has been given notice of the order of confirmation of sale pursuant to subsection (b-10) of
Section 15-1508 of the Code of Civil Procedure shall not be deemed to be an abandoned residential property for the purposes of this Article.

2. "Enclose" or "enclosing" means surrounding part or all of the abandoned residential property's underlying parcel with a fence or wall or otherwise making part or all of the abandoned residential property's underlying parcel inaccessible to the general public.

3. "MERS program" means the nationwide Mortgage Electronic Registration System approved by Fannie Mae, Freddie Mac, and Ginnie Mae that has been created by the mortgage banking industry with the mission of registering every mortgage loan in the United States to lawfully make information concerning each residential mortgage loan and the property securing it available by Internet access to mortgage originators, servicers, warehouse lenders, wholesale lenders, retail lenders, document custodians, settlement agents, title companies, insurers, investors, county recorders, units of local government, and consumers.

4. "Secure" or "securing" means boarding up, closing off, or locking windows or entrances or otherwise making the interior of a building inaccessible to the general public;

Sec. 13-120. Nuisance Abatement.

The Village is authorized to perform or provide for property maintenance activities to abate the following nuisances on private property, each of which are herein declared to be a public nuisance:

1. Nuisance vegetation and weeds as defined in Section 21-1 of the Village Code;

2. Allowing a residential structure to deteriorate to the point that pests, as defined in 65 ILCS 5/11-20-8, can have ingress to the interior of the structure;

3. Allowing a structure to be used as a harborage for pests, as defined in 65 ILCS 5/11-20-8 and/or failing to exterminate such pests;

4. Trees infected with Dutch elm disease and ash trees infected with the emerald ash borer (Agrilus planipennis Fairnmaire);

5. Allowing or causing garbage, debris, and graffiti on a parcel of property or structure;

6. Failing to secure and enclose an abandoned residential property.

Sec. 13-121. Notice and Abatement.

1. In the case of nuisance vegetation and weeds as defined in Section 21-1 of the Village Code, a notice to abate the nuisance shall be served pursuant to Section 21-2 of the Village Code.

2. In the case of a nuisance described in Section 13-120 (2) through and including 13-120(6) of the above Section 13-120 of this Article, a notice describing the nuisance and demanding that it be abated within at a minimum of thirty (30) calendar days of the date of the notice shall be
served by United States Mail or personal service upon the owner and occupant and the last taxpayer of record for the premises upon which the nuisance exists.

3. Village Abatement. If after sending the required notice, the nuisance described in the notice is not abated within the time set forth in the notice, then the Village may proceed to abate said nuisance.

Sec. 13-122. Charges for Nuisance Abatement.

Upon the Village’s abatement of a nuisance pursuant to this Article, the Village shall have the authority to collect from the property owner its reasonable costs for the abatement of the nuisance. The Village shall send a bill for the cost to the property owner, his agent, legal representative, or occupant in legal possession or control of the premises.

Sec. 13-123. Traditional Lien Procedure.

If a bill sent pursuant to this Section is not paid in full within thirty (30) days of the date of the bill, either the Village or the person performing the service by authority of the Village, in its, his or her own name, shall have a lien against the property upon which the nuisance abatement work was performed for the amount of such work and may, within one (1) year after the nuisance abatement cost was incurred, record a notice of lien in the office of the recorder for the County in which the liened property is located, pursuant to Section 11-20-15 of the Illinois Municipal Code, 65 ILCS 5/11-20-15. If, for any one property, the nuisance abatement activity described in subsection 13-120 occurred on more than one (1) occasion during the course of one (1) year, then all of the costs of those activities may be combined into a single notice of lien. The notice of lien shall consist of a sworn statement setting forth:

a. A description of the real estate that sufficiently describes the parcel;
b. The amount of the cost and expense incurred or payable for the nuisance abatement activities; and
c. The date or dates when such cost and expense was incurred by the Village or someone working on behalf of the Village.

In addition to recording the notice of lien, an additional notice shall be personally served on, or sent certified mail, to the person to whom was sent the tax bill for the general taxes on the liened property for the taxable year immediately preceding the abatement activities. This additional notice must be delivered or sent after the removal activities have been performed, and must: (1) state the substance of 65 ILCS 5/11-20-15 and the substance of this Article; (2) identify the underlying parcel by common description; and (3) describe the removal activity. After recording, the notice of lien shall be sent by certified mail to the property owner, his agent or legal representative or occupant in legal
MISCELLANEOUS OFFENSES AND PROVISIONS

possession or control of the premises and, if different, to the person who received the tax bill for the preceding year.


The priority lien procedure described in this subsection 13-124 shall apply only to costs incurred for activities performed on abandoned residential properties, as permitted by State Law, and is an alternative to the traditional lien authorized in this Article. If a bill sent pursuant to Section 13-122 of this Article is not paid in full within thirty (30) days of the date of the bill, the Village shall have a lien against the property upon which the nuisance abatement work was performed for the amount of such work and the authority to file and record a priority lien against the abandoned residential property, pursuant to Section 11-20-15.1 of the Illinois Municipal Code, 65 ILCS 5/11-20-15.1, in the following manner:

(1). Notice of Lien. The Village or the person performing the nuisance abatement work by authority of the Village, in its, his or her own name, may file a notice of a lien in the office of the recorder of deeds in the County in which the liened real estate is located. The notice of lien shall be filed within one (1) year after the cost and expense is incurred. If, for any one (1) property, nuisance abatement work occurred on more than one (1) occasion during the course of one (1) year, then the Village may combine any or all of the costs of those activities into a single notice of lien.

The notice of lien shall consist of a sworn statement setting forth:

a. A description of the abandoned residential property that sufficiently describes the parcel;

b. The amount of the cost incurred or payable for the activities;

c. The date or dates when such cost was incurred by the Village or someone working on behalf of the Village; and

d. A statement that the lien has been filed pursuant to one (1) or more of the property maintenance activities described in Section 13-120 of this Article and authorized by 65 ILCS 5/11-20-7(d), 65 ILCS 5/11-20-8(d), 65 ILCS 5/11-20-12(d), 65 ILCS 5/11-20-13(e), 65 ILCS 5/11-31-1.01, as applicable.

After recording, the notice of lien shall be sent by certified mail to the property owner, his agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year.
The Village may not file a lien if (i) the mortgagee or servicer of the abandoned residential property has provided notice to the Village that it has performed, or will perform, remedial actions; provided, however, that the remedial actions must be performed or initiated in good faith within thirty (30) days of the lender’s notice to the Village; or (ii) the Village has provided the mortgagee or servicer of the abandoned residential property with the notice of abatement and the mortgagee or servicer has performed, performs or originates in good faith the remedial actions specified in the notice within thirty (30) days of the notice. The lien under this Section 13-124 shall be enforceable as provided in 65 ILCS 5/11-20-15.1.

The provisions of this Section 13-124 shall become inoperative upon certification by the Secretary of the Illinois Department of Financial and Professional Regulation, after consultation with the United States Department of Housing and Urban Development, that the Mortgage Electronic Registration System program is effectively registering substantially all mortgaged residential properties located in the State of Illinois, is available for access by all municipalities located in the State of Illinois without charge to them, and such registration includes the telephone number for the mortgage servicer. Any notice of lien recorded prior to this Section 13-124 becoming inoperative shall remain in full force and effect after this Section 13-124 has become inoperative.

(2) Recordkeeping. To enforce a lien, the Village must maintain contemporaneous records that include, at a minimum:

a. a dated statement of a finding by the Village that the property has become abandoned residential property which includes: (1) the date when the property was first observed to be unoccupied by any lawful occupants; (2) a description of all the actions taken by the Village to contact the legal owner(s) of the property on the recorded mortgage, or if known, any agent of the owner; and (3) a statement that no contacts were made with the legal owner(s) or, if known, any agent of the owner as a result of the Village’s actions;

b. a dated certification by an authorized Village official of the necessity and specific nature of the work performed;

c. a copy of the agreement with the person or company performing the work and the rates and estimated cost of the work, if applicable;

d. detailed invoices and payment vouchers for the work;

e. a statement whether the work was competitively bid, and if so, a copy of all proposals submitted by the bidders.

Upon payment of the cost of the abatement work after the notice of lien has been filed as provided in this Article, the Village shall provide a release of lien which may be recorded by the person making the payment at their sole expense.

**Sec. 13-126 Foreclosure of Lien.**

Subsequent to the filing of the above-described lien, the Village may cause to be filed a complaint for foreclosure of such lien, or upon becoming a defendant in a pending lawsuit affecting the premises or real estate, by answer to the complaint or in the nature of an intervening petition or cross-complaint the Village may proceed in its corporate name to foreclose such lien. The property subject to a lien arising under this Article shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the monies owing the Village. (Ord. No. 13-02, Sec. 2, 1-17-13)
Chapter 14

PUBLIC SAFETY EMPLOYEES BENEFITS ACT

Sec. 14-1. Purpose.

The purpose of this Chapter of the Code is to provide a fair and efficient method for determining the eligibility of a full-time employee for the benefits enumerated under the Public Safety Employee Benefits Act (820 ILCS 320/1 et seq.) (“PSEBA” or the “Act”) through an administrative process, including if necessary, an administrative hearing.


(a) Employees or family member(s) of injured or deceased employees, who may qualify for PSEBA benefits (“Applicant”) must file a full and complete application in writing with the Village Administrator no later than sixty (60) days from the date of issuance of a written decision by the Police Pension Fund Board granting a line of duty disability pension. Failure to timely file a full and complete application shall result in a forfeiture of benefits under PSEBA.

(b) A complete PSEBA application shall include the following:

(1) The name of the Applicant, date of hire, detailed information regarding the incident, including information stating to how the injury was sustained in the line of duty (date, time, place, nature of injury, and other factual circumstances surrounding the incident giving rise to the claim);

(2) The Applicant’s firsthand knowledge explaining, to the Village’s satisfaction, how the injury/death directly resulted from:

   (i) Response to fresh pursuit;
   (ii) Response to what is reasonably believed to be an emergency;
   (iii) Response to an unlawful act perpetrated by another; or
   (iv) Participation during the investigation of a criminal act.

(3) A signed PSEBA medical authorization release which authorizes the collection of information related to the incident including, but not limited to, disability pension proceedings, worker’s compensation records and medical records and specifies the name and address for pertinent health care provider(s);

(4) A signed PSEBA general information release specifying the name and signature of the Applicant, or her/his authorized representative along with
legal proof of representation, and name and signature of a witness, authorizing the collection of information pertinent to the incident review process;

(5) The names, addresses and telephone numbers of witnesses to the incident resulting in the injury for which PSEBA benefits are sought, along with any statements of the witnesses which the Applicant either possesses, may obtain or is aware of;

(6) The names, addresses, and telephone numbers of witnesses the Applicant intends to call at the PSEBA hearing, along with their anticipated subjects of testimony and any opinions the witnesses are expected to give;

(7) Information and supporting pension documentation filed with the pension board;

(8) Information supporting the PSEBA eligibility requirements; and;

(9) Other sources of health insurance benefits currently enrolled in or received by the Applicant and/or family members if the officer is deceased.

(c) The PSEBA application must be submitted to the Village Administrator in its entirety.

(d) The PSEBA application must be sworn and notarized to certify the truthfulness of the content of the information. A review of the application shall not occur until the application is complete.

(e) On the date that the PSEBA application is deemed complete by the Village, the completed application shall then be deemed the Preliminary Record, and a copy of the same shall be date stamped and provided to the Applicant.

(f) Upon receipt of a complete application for PSEBA benefits, the Village Administrator shall set the matter for an administrative hearing before a hearing officer to make a determination on whether to grant or deny the Applicant PSEBA benefits based on the result of the administrative hearing.

(g) The Applicant will be given written notice of the date, time and location for the scheduled administrative hearing to be served not less than ten (10) days prior to the commencement of the hearing. If the Applicant, upon receiving written notice of the administrative hearing, cannot attend on the scheduled date, the Applicant must contact the hearing officer in writing within seven (7) days after being served. The hearing officer shall establish an alternative hearing date which is within thirty (30) days of the original hearing date. Failure to appear at the administrative hearing shall result in denial of PSEBA benefits.
Sec. 14.3 Administrative Hearing Officer.

The administrative hearing shall be scheduled and conducted by a hearing officer whose authority and limitations are as follows:

(a) **Hearing Officer.** The Village President, with the advice and consent of the Village Board, is hereby authorized to appoint a person to hold the position of hearing officer for each hearing on PSEBA benefits that shall come before this Village. The individual must be an attorney licensed to practice law in the State of Illinois and have knowledge of and experience in employment and labor law, general civil procedure, the rules of evidence and administrative practice.

(b) **Authority of the Hearing Officer.** The hearing officer shall have all of the authority granted to her/him under common law or applicable statutes with respect to the conduct of an administrative hearing, including the authority to:

1) Preside over Village hearings involving PSEBA;

2) Administer oaths;

3) Hear testimony and accept evidence that is relevant to the issue of eligibility under PSEBA;

4) Issue subpoenas to secure attendance of witnesses and the production of relevant papers or documents upon the request of the parties or their representatives;

5) Rule upon objections to the admissibility of evidence;

6) Preserve and authenticate the record of the hearing and all exhibits in evidence introduced at the hearing; and

7) Issue a written determination, based on the evidence presented at the hearing. The determination shall include findings of fact, decision and order.

Sec. 14.4 Administrative Hearing.

Upon submission of a full and complete PSEBA application, an administrative hearing shall be held to adjudicate and determine whether the Applicant is eligible for benefits under PSEBA. If the Applicant is found eligible, the benefits shall be consistent with the Act.

(a) **Record.** The Village shall ensure that all hearings are attended by a certified court reporter and a transcript of all proceedings shall be made by said certified court
reporter and a copy provided to the Applicant within twenty-eight (28) days of the completion of the date of the administrative hearing.

(b) **Procedures.** The Village and the Applicant shall be entitled to representation by counsel and may present witnesses, testimony and documents, may cross-examine opposing witnesses and may request the issuance of subpoenas to compel the appearance of relevant witnesses or the production of relevant documents.

(c) **Evidence.** The Illinois Rules of Evidence shall apply to the extent practicable, unless the hearing officer determines that application of the rule would be an injustice or preclude the introduction of evidence of the type commonly relied upon by a reasonably prudent person in the conduct of her or his affairs. Such determination shall be in the sole discretion of the hearing officer. The hearing officer must state on the record her or his reason for that determination.

(d) **Final Determination.** A written determination by the hearing officer of whether the petitioning Applicant is eligible for the benefits under PSEBA shall constitute a final administrative determination for the purpose of judicial review pursuant to the Illinois Administrative Review Act.

(e) **Burden of Proof.** At any administrative hearing, the Applicant shall have the obligation and burden of proof to establish that the Applicant is eligible and qualified to receive PSEBA benefits. The standard of proof in all hearings conducted under this Section of this Code shall be by the preponderance of the evidence.

(f) **Administrative Records.** All records pertaining to the administrative process shall be held in a separate file under the Applicant’s name with the Village.

**Sec. 14.5 PSEBA Benefits Granted By The Village**

(a) **Basic Group Insurance Plan.** If an Applicant is determined to be eligible for PSEBA benefits, the Applicant will be eligible to receive continued health coverage consistent with the PSEBA under the Village’s basic group health insurance plan. The basic group health insurance plan shall be the health plan offered to Village employees with the lowest premium cost to the Village, as determined solely by the Village from time to time. PSEBA benefits only include benefits provided in the Village’s basic group health insurance plan.

(b) **Reduction or Elimination of PSEBA Benefits by Other Health Coverage.** If health insurance benefits become payable to an Applicant from any other source, including, but not limited to, Medicare, the applicant’s PSEBA coverage may be reduced or eliminated as determined by the Village consistent with PSEBA.

(c) **Affidavit of Continued PSEBA Eligibility.** All recipients of PSEBA benefits from the Village shall complete and return to the Village Administrator, on an annual basis, an
affidavit verifying the recipient’s continued eligibility for PSEBA benefits. The affidavit must be completed and returned to the Village Administrator within sixty (60) calendar days of written notice from the Village. If the recipient does not complete and return the affidavit within the time required, the Village Administrator shall give the recipient an additional written notice providing an additional thirty (30) calendar days for the recipient to complete and return the affidavit. Failure to return the affidavit on or before the thirtieth (30th) calendar day following the date of the additional written notice shall result in the recipient incurring responsibility for reimbursing the Village for health insurance premiums paid by the Village, relative to the recipient’s individual and/or family health insurance, from the date of the initial sixty (60) day written notice until the affidavit is filed. (Ord. No. 2018-13, Sec. 2, 09-20-18)
ARTICLE I. IN GENERAL

Sec. 15-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alley. A public way within a block generally giving access to the rear of lots or buildings, and not used for general traffic circulation.

Authorized emergency vehicle. Police vehicles, vehicles of the fire department, ambulances, vehicles carrying a state, county or municipal officer or employee in response to an emergency call, and emergency vehicles of public service corporations on an emergency call.

Bicycles. Every device propelled by human power upon which any person may ride, having two (2) tandem wheels, either of which is more than twenty (20) inches in diameter.
Crosswalk.

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Driver. Every person who drives or is in actual physical control of a vehicle.

Explosive. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

Farm tractor. Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.

Flammable liquids. Any liquid which has a flash point of seventy (70) degrees Fahrenheit or less, as determined by tagliabue or equivalent closed cup test device.

Improved highway. A roadway of concrete, brick, asphalt, macadam or gravel.

Intersection.

(1) The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at or approximately at, right angles or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways forty (40) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection.

Laned roadway. A street, the roadway of which is divided into two (2) or more clearly marked lanes for vehicular traffic.

Loading zone. The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Merging traffic A maneuver executed by the drivers of vehicles on converging roadways to permit simultaneous or alternate entry into the junction thereof, wherein the driver of each vehicle involved is required to adjust his vehicular speed and lateral position so as to avoid a collision with any other vehicle.
Metal tire. Every tire the surface of which in contact with the roadway is wholly or partially of metal or other hard, nonresilient material.

Motor vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. (Ord. No. 95-07, Sec. 1, 4-26-95)

Motorcycle. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

Park or parking. The standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers.

Pedestrian. Any person afoot.

Pneumatic tire. Every tire in which compressed air is designed to support the load.

Properly Equipped Non-highway Vehicle. A self-propelled, electric-powered, four-wheeled motor vehicle (or a self-propelled, gasoline-powered, four-wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) that is capable of attaining in one mile a speed of more than 20 miles per hour (e.g. golf cart). The vehicle must also include at a minimum, brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem on the rear of the vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible at least 100 feet from the rear, brake lights, turn signals, a windshield and seat belts. (Ord. No. 15-01, Sec. 1, 1-15-15)

Property line. The line marking the boundary between any street and the lots or property abutting thereon.

Public building. A building used by the municipality, the county, any park district, school district, the state of Illinois, or the United States government.

Right-of-way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Road tractor. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Roadway. That portion of a street or highway, improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.
Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

School bus. Every motor vehicle of the second division, as defined by State law, owned or operated by or for a public or governmental agency or by or for a private or religious organization for the transportation of pupils in connection with any school activity. This definition does not include a bus operated by a public utility or a municipal corporation authorized to conduct local or interurban transportation of passengers.

Semitrailer. Every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk. That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

Solid tire. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Street or highway. The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

Traffic. Pedestrians, ridden or herded animals, vehicles and other conveyances whether singly or together while using any highway for the purpose of travel.

Trailer. Every vehicle without motive power designed for carrying passengers or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Urban district. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter mile or more.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway except devices moving by human power or used exclusively upon stationary rails or tracks.

Yield right-of-way. When required by an official sign means the act of granting the privilege of the immediate use of the intersecting roadway to traffic within the intersection and to vehicles approaching from the right or left, provided that when the roadway is clear the vehicle may proceed into the intersection. (Ord. of 2-8-65, Sec. 1; (Ord. No. 15-01, Sec. 1, 1-15-15)

State law reference--For similar provisions, see 625 ILCS 5/1-101 et seq.
Sec. 15-2. Power of police to enforce chapter.

The Police Department of the Village shall enforce the provisions of this Chapter, and have the powers and duties enumerated in this Chapter. (Code 1958, Sec. 16.201)

Sec. 15-3. Tickets authorized.

For offenses other than driving while intoxicated or reckless driving, police officers, 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 of the violation, which ticket shall be placed on the vehicle or given to or mailed to the offender.

Sec. 15-4. Presumption of owner's responsibility.

The fact that an automobile which is illegally operated or parked is registered in the name of the person shall be considered prima facie proof that such person was in control of the automobile at the time of such violation.

Sec. 15-5. Applicability to bicycles and animals.

Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon any street, shall be subject to the provisions of this Chapter applicable to the driver of a vehicle, except those provisions which can have no application. (Ord. of 2-8-65, Sec. 11)

State law reference--For similar provisions, see 625 ILCS 5/11-206

Sec. 15-6. Exemptions for authorized emergency vehicles.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this Chapter

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation;

(3) Exceed the maximum speed limits so long as he does not endanger life or property;

(4) Disregard regulations governing direction of movement or turning specified directions.

(c) The exceptions herein granted to an authorized emergency vehicle, other than a police vehicle, shall apply only when the vehicle is making use of either an audible signal when in motion or visual signals meeting the requirements of State law.
(d) The foregoing provisions do not relieve the driver of an authorized emergency vehicle from the duty of driving with due regard for the safety of all persons, nor do such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (Ord. of 2-8-65, Sec. 12)

State law reference--For similar provisions, see 625 ILCS 5/11-205(b)-(e)

Sec. 15-7. Exemption for street maintenance vehicles.

The provisions of this Chapter, with the exception of Sections 15-26, 15-39 and 15-40 do not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of the highway but apply to such persons and vehicles when traveling to or from such work, (Ord. of 2-8-65, Sec. 12)

State law reference--For similar provisions, see 625 ILCS 5/11-205(f)

Sec. 15-8. Authority to direct traffic; unauthorized directing.

Members of the Police Department, and special police assigned to traffic duty, are hereby authorized to direct all traffic in accordance with the provisions of this Chapter, or in emergencies as public safety or convenience may require. Except in case of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic. (Ord. of 2-8-65, Sec. 2)

Sec. 15-9. Obedience to directions.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.

State law reference--For similar provisions, see 625 ILCS 5/11-203

Sec. 15-10. Directing traffic at fires.

The Fire Department Officer in command or any fireman designated by him, may exercise the powers and authority of a policeman in directing traffic at the scene of any fire where the fire department equipment is on the scene in the absence of or in assisting the police. (Ord. of 2-8-65, Sec. 3)


All signs and signals established by direction of the governing body shall conform to the Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways. (Ord. of 2-8-65, Sec. 4) State law reference--For similar provisions, see 625 ILCS 5/11-304

Sec. 15-12. Obedience to devices; evading.

(a) Every person shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with this Chapter, unless otherwise directed by a Police officer.

(b) It is unlawful for any person to leave the roadway and travel across private property to avoid an official traffic-control device. (Ord. of 2-8-65, Sec. 4)

State law reference--For similar provisions, see 625 ILCS 5/11-305

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights successively one at a time, or with lighted green arrows, only the following colors shall be used and such terms and lights and lighted green arrows shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Circular green (alone).
   (a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.
   (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow.
   (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic may not enter the intersection.
   (b) Pedestrians facing a steady yellow signal are thereby advised that there is insufficient time to cross the roadway, and no pedestrian shall start to cross.

(3) Steady red indication.
   (a) Vehicular traffic facing a steady red signal alone must stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of an intersection, or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown except as provided in Paragraphs (c)(2) and (c)(3) of this Section.
   (b) Vehicular traffic facing a steady red signal at an intersection may turn right after stopping as required by Paragraph (c)(1) of this Section, but shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
   (c) No pedestrian facing such signal shall enter the roadway unless he can do so safely without interfering with any vehicular traffic or unless a separate "Walk" indication is shown.

(4) Green straight-through arrow (alone).
   (a) Vehicular traffic facing the signal may proceed straight through, but shall not turn right or left. Such vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians legally within the intersection at the time such signal is exhibited.
(b) Pedestrians facing the signal may proceed across the roadway within the appropriate marked or unmarked crosswalk.

(5) **Green turn arrow (with circular green, with steady yellow, with steady red, or with green straight-through arrow).**

(a) Vehicular traffic facing the signal shall comply with the meaning of the circular green, steady yellow, steady red, or green straight-through arrow indication as if it were shown alone, except that such vehicular traffic may cautiously enter the intersection to make the movement indicated by the green turn arrow. Vehicular traffic shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall comply with the meaning of the circular green, steady yellow, steady red, or straight-through arrow indication as if it were shown alone.

(6) **Signals not at intersections.** In the event an official traffic-control signal or flashing red signal is erected and maintained at a place other than an intersection, the provisions of this Section and Section 15-14 shall be applicable except as to provisions which by their nature can have no application. Any stop required shall be at a traffic sign or a marking on the pavement indicating where the stop shall be made. (Ord. of 2-8-65, Sec. 5; Ord. of 9-10-73, Sec. 1; (Ord. No. 15-01, Sec. 3, 1-15-15)

State law reference--For similar provisions, see 625 ILCS 5/11-306

Sec. 15-14. **Flashing signals.**

Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic-control device, it shall require obedience by vehicular traffic as follows:

(1) **Flashing red (stop signal).** When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) **Flashing yellow (caution signal).** When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution. (Ord. of 2-8-65, Sec. 6)

State law reference--For similar provisions, see 625 ILCS 5/11-309

Sec. 15-15. **Traffic-control intersections enumerated.**

The following intersection in the city is hereby designated a traffic control intersection:

Route 14 and Lincoln Avenue
Route 14 and Algonquin Road
Route 14 and Route 22
Route 14 and Foxmoor Road (Ord. No. 10-31, Sec. 1, 10-27-10)
Sec. 15-16.  Lane-control signals.

Whenever lane-control signals are used in conjunction with official signs, they shall have the following meanings:

1. Downward-pointing green arrow. A driver facing this indication is permitted to drive in the lane over which the arrow signal is located. Otherwise he shall obey all other traffic controls present and follow normal safe driving practices.

2. Red X symbol. A driver facing this indication shall not drive in the lane over which the signal is located, and this indication shall modify accordingly the meaning of all other traffic controls present. Otherwise he shall obey all other traffic controls and follow normal safe driving practices.

3. Yellow X (steady). A driver facing this indication should prepare to vacate the lane over which the signal is located, in a safe manner to avoid, if possible, occupying that lane when a steady red X is displayed. (Ord. of 2-8-65, Sec. 7)

State law reference--For similar provisions, see 625 ILCS 5/11-308

Sec. 15-17.  Posting signs.

The Superintendent of Streets and Parks shall post or cause to be posted suitable signs for all through streets, one-way streets or alleys and stop intersections. (Ord. of 2-8-65, Sec. 204)

Sec. 15-18.  Unauthorized signs.

(a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any highway any other sign which hides from view or interferes with the movement of traffic or the effectiveness of any traffic-control device or any railroad sign or signal.

(b) No person may place or maintain nor may any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(c) Every such prohibited sign, signal or marking is a public nuisance, and any policeman is due empowered to remove the same or cause it to be removed without notice. (Ord. of 2-8-65, Sec. 9) State law reference--For similar provisions, see 625 ILCS 5/11-310

Sec. 15-19.  Interference with devices or railroad signs or signals.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device, or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof. (Ord. of 2-8-65, Sec. 10)

State law reference--For similar provisions, see 625 ILCS 5/11-311
Sec. 15-20. Advertising signs and lights.

It shall be unlawful to maintain anywhere in the Village any sign, signal, marking or device, other than a traffic sign or signal authorized by the city council or the state department of public works and buildings, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate in view of any street or highway any flashing or rotating beacon of light. (Ord. of 2-8-65, Sec. 13)

Sec. 15-21. Passengers on bicycles.

It shall be unlawful for more than one (1) person to ride upon any bicycle, unless the bicycle is specifically designed to safely carry two (2) persons. (Ord. of 2-8-65, Sec. 325)

Sec. 15-22. Riding on motorcycles.

The operator of a motorcycle shall ride only astride the permanent and regular seat or saddle attached thereto, and the operator shall not permit more than one (1) other person to ride thereon nor shall such other person ride on the motorcycle unless it is designed to carry two (2) people, in which event the passenger shall also ride astride the permanent and regular seat or saddle if it is designed for two (2) persons, or astride another seat or saddle firmly attached to the rear of the operator; however, any seat or saddle designed for a passenger must be equipped with permanent handgrips and, in addition, the motorcycle must be equipped with footrests adjusted to fit such passenger. A sidecar may be attached to a motorcycle in which additional persons may ride.

State law reference--For similar provisions, see 625 ILCS 5/11-1403

Sec. 15-23. Riding on outside of vehicle.

It shall be unlawful for any person to ride upon the outside of any vehicle. (Ord. of 2-8-65, Sec. 330)

Sec. 15-24. Clinging to vehicles.

It shall be unlawful for any person on any street riding a bicycle, motorcycle, or any toy vehicle to cling to or to attach himself or his vehicle to any moving motor vehicle or wagon. (Ord. of 2-8-65, Sec. 328)

Sec. 15-25. Open containers in or about motor vehicles prohibited.

No person shall transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle, except in the original package and with the seal unbroken, on any public street, alley or thoroughfare in the city. (Ord. of 2-8-65, Sec. 703)

State law reference--For similar provisions, see 625 ILCS 5/11-501

Sec. 15-26. Accidents.

The driver of a vehicle which has collided with, or been in an accident with any vehicle, person or property in such a manner as to cause injury or damage, shall stop immediately, and render such
assistance as may be possible, and give his true name and residence to the injured person or any other persons requesting the same on behalf of the injured person, or the owner of the property damaged, and to a policeman, if one is present. A report of each such accident shall be given by the driver of each vehicle concerned in it to the Chief of Police within twenty-four (24) hours after the accident, if the accident resulted in injury to or the death of any person, or in which damage to the property of any one person, including the driver, in excess of one hundred ($100.00) dollars is sustained. (Ord. of 2-8-65, Sec. 701)

State law reference--For similar provisions, see 625 ILCS 5/11-401 et seq.

Sec. 15-27. Violators entitled to bail.

Any person arrested for a violation of any provision of this Chapter shall be released upon proper bail being furnished as required by State law. (Ord. of 2-8-65, Sec. 902)


ARTICLE II. OPERATION

DIVISION 1. GENERALLY

Sec. 15-39. Driving while under the influence of alcohol, other drug, or combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this Village while:

(1) The alcohol concentration in such person's blood or breath is 0.08 or more, based on the definition of blood and breath units in Subsection (c) of this Section.

(2) Under the influence of alcohol.

(3) Under the influence of any other drug or combination of drugs to a degree which renders such person incapable of safely driving.

(4) Under the combined influence of alcohol and any other drug or drugs to a degree which renders such person incapable of safely driving.

(5) There is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Illinois Cannabis Control Act (720 ILCS 550/1 et seq.), as now or hereafter amended or a controlled substance listed in the Illinois Controlled Substance Act (720 ILCS 570/100 et seq.) as now or hereafter amended, (Ord. No. 97-27, Sec. 9, 8-21-97)

(b) The fact that any person charged with violating Subsection (a) of this Section is or has been legally entitled to use alcohol, or other drugs, or any combination of both, shall not constitute a defense against any charge of violating Subsection (a) of this Section.
(c) Upon the trial of any civil or criminal action or proceeding arising out of an arrest for an offense as defined in Subsection (a) of this Section, evidence of the concentration of alcohol, other drug or combination thereof in a person's blood or breath at the time alleged, as determined by analysis of the person's blood, urine, breath or other bodily substance, shall be admissible. Where such test is made the following provisions shall apply:

1. Chemical analyses of the person's blood, urine, breath, or other bodily substance to be considered valid under the provisions of this Subsection shall have been performed according to standards promulgated by the Illinois Department of Public Health in consultation with the Illinois Department of Law Enforcement by an individual possessing a valid permit issued by the Illinois Department of Public Health for this purpose.

2. When a person shall submit to a blood test at the request of a Village Police officer as provided by State law, only a physician authorized to practice medicine, a registered nurse or other qualified person approved by the Illinois Department of Public Health may withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content therein. This limitation shall not apply to the taking of breath or urine specimens.

3. The person tested may have a physician or a qualified technician, chemist, registered nurse, or other qualified person of their own choosing administer a chemical test or tests in addition to any administered at the direction of a village police officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a Village Police officer.

4. Upon the request of the person who shall submit to a chemical test or tests at the request of a Village Police officer, full information concerning the test or tests shall be made available to the person or such person's attorney.

5. Alcohol concentration shall mean either grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath.

(d) If a Village Police officer has probable cause to believe that a person is violating or has violated Subsection (a) of this Section, the Officer, prior to an arrest, may request the person to provide a sample of his or her breath for a preliminary breath screening test using a portable device approved by the Illinois Department of Public Health. The results of this preliminary breath screening test may be used by the Village Police officer for the purpose of assisting with the determination of whether to require a chemical test as authorized under state law and the appropriate type test to request. Any chemical test authorized under State law may be requested by the Officer regardless of the result of the preliminary breath screening test, if probable cause for an arrest exists. The result of a preliminary breath screening test may be used by the defendant as evidence in any administrative or court proceeding involving a violation of Subsection (a) of this Section.

(e) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle under the
influence of alcohol, the concentration of alcohol in the person's blood or breath at the time
alleged as shown by analysis of the person's blood, urine, breath, or other bodily substance shall
give rise to the following presumptions:

(1) If there was at that time, an alcohol concentration of 0.05 or less, it shall be presumed that
the person was not under the influence of alcohol.

(2) If there was at that time, an alcohol concentration in excess of 0.05, but less than
0.08, such facts shall not give rise to any presumption that the person was or was not
under the influence of alcohol, but such fact may be considered with other competent
evidence in determining whether the person was under the influence of alcohol.

(3) If there was at that time, an alcohol concentration of 0.08 or more, it shall be presumed
that the person was under the influence of alcohol.

(4) The foregoing provisions of this Subsection shall not be construed as limiting the
introduction of any other relevant evidence bearing upon the question of whether the
person was under influence of alcohol.

(f) If a person under arrest refuses to submit to a chemical test as provided by State law, evidence of
refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged
to have been committed while the person under the influence of alcohol or other drugs, or a
combination of both was driving or in actual physical control of a motor vehicle.

(g) (1) Any person convicted of violating the provisions of Subsection (a) of this Section shall be
guilty of a misdemeanor and, upon conviction, except as set forth in Subsection (g)(2) of
this Section, shall be subject to one (1) or more of the following penalties:

a. A period of probation of less than one (1) year.

b. A term of periodic imprisonment in a penal institution, other than a penitentiary,
   for a term of less than one (1) year.

c. A term of conditional discharge for a period of less than one (1) year.

d. A term of incarceration in a penal institution, other than a penitentiary, for a term
   of less than one (1) year.

e. A fine, not to exceed one thousand ($1,000.00) dollars.

f. If such person pleads guilty or stipulates to the facts supporting a charge or a
   finding of guilty, the court may defer further proceedings and the imposition of a
   sentence and enter an order for the supervision of the defendant, if the court is of
   the opinion that the standards set forth in Section 5/5-6-1(c) of the Unified Code
   of Corrections (730 ILCS 5/5-6-1(c)) are met; provided, however, that no order of
supervision shall be entered with respect to a defendant charged with violating Subsection (a) of this Section, if said defendant within the last five (5) years has:

1. Been convicted for a violation of 625 ILCS 5/11-501, Subsection (a) of this Section or a similar provision of a local ordinance enacted by another municipality; or

2. Been assigned supervision for a violation of 625 ILCS 5/11-501, Subsection (a) of this Section or a similar provision of a local ordinance enacted by another municipality; or

3. Plead[ed guilty to or stipulated to the facts supporting a charge or a finding of guilty to a violation of 625 ILCS 5/11-503 or Section 15-40 of this Code or a similar provision of a local ordinance enacted by another municipality, and the plea or stipulation was the result of a plea agreement.

The court shall consider the statement of the Village prosecutor with regard to the standards referred to in this Subsection.

(2) In addition to any other criminal or administrative action where a person is convicted of violating Subsection (a) of this Section, and such person has, during the preceding five (5) years, been convicted of violating either Subsection (a) of this Section, 625 ILCS 5/11-501 or a similar provision of a local ordinance enacted by another municipality, such person shall be mandatorily sentenced to a minimum of forty-eight (48) consecutive hours of incarceration in a penal institution, other than a penitentiary, or assigned to a minimum of ten (10) days of community service, as may be determined by the court. The imprisonment or assignment shall not be subject to supervision, nor shall said person be eligible for probation in order to reduce the sentence or assignment. (Ord. of 2-8-65, Sec. 702; Ord. of 10-9-72, Sec. 1; Ord. No. 81-28, Sec. 1, 12-16-81; Ord. No. 83-10, Sec. 1, 11-16-83; Ord. No. 86-01, Sec. 1, 1-15-86; Ord. No. 97-20, Sec. 2, 7-17-97; Ord. No. 97-27, Sec. 9, 8-21-97; Ord. No. 05-16, Sec. 3, 7-21-05)

(3) Every person found guilty of violating Subsection (a) of this Section, whose operation of a motor vehicle while in violation of Subsection (a) of this Section proximately caused any incident resulting in an appropriate emergency response shall be liable for the expense of an emergency response as provided under 730 ILCS 5/5-5-3.

(4) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of Subsection (a) of this Section, individuals shall be required to undergo a professional evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting these evaluations shall be licensed by the Illinois Department of Alcoholism and Substance Abuse. The cost of any such professional evaluation shall be paid for by the individual required to undergo such professional evaluation. (Ord. No. 91-02, Sec. 1, 1-16-91)
Sec. 15-40. Reckless driving.

It shall be unlawful for any person to drive a vehicle with a willful or wanton disregard for the safety of persons or property, and any person who does so shall be guilty of reckless driving. (Ord. of 2-8-65, Sec. 321)

State law reference--For similar provisions, see 625 ILCS 5/11-503

Sec. 15-41. Careless driving.

It shall be unlawful for any person to drive a vehicle in a careless manner. (Ord. of 2-8-65, Sec.321)

Sec. 15-42. Obstructing traffic.

No vehicle shall be operated or allowed to remain upon the street in such a manner as to form an unreasonable obstruction to the traffic thereon. (Ord. of 2-8-65, Sec. 324)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

State law reference--For similar provisions, see 625 ILCS 5/11-1416

Sec. 15-43. Following; parking near fire apparatus prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

State law reference--For similar provisions, see 625 ILCS 5/11-1411

Sec. 15-44. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

State law reference--For similar provisions, see 625 ILCS 5/11-1412

Sec. 15-45. Driving upon sidewalk.

No person shall drive any motor-driven vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway, or for routine maintenance, utility or emergency service, or for special delivery or pickup involving goods or customer services. (Ord. of 2-8-65, Sec. 306)

State law reference--For similar provisions, see 625 ILCS 5/11-1412.1

Sec. 15-46. Driving through safety zone prohibited.

No vehicle shall at any time be driven through or within a safety zone. (Ord. of 2-8-65, Sec. 306)

State law reference--For similar provisions, see 625 ILCS 5/11-1104
Sec. 15-47. Entering and leaving limited access roadways.

No person shall drive a vehicle onto or from any controlled or limited controlled access roadway except at such entrances and exits as are established by public authority. (Ord. of 2-8-65, Sec. 336) State law reference --For similar provisions, see 625 ILCS 5/11-711(a)

Sec. 15-48. Limitations on backing.

(a) The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interference with other traffic.

(b) The driver of a vehicle shall not back the same on any controlled access highway. (Ord. of 2-8-65, Sec. 335)

State law reference --For similar provisions, see 625 ILCS 5/11-1402

Sec. 15-49. Funeral processions.

(a) Funeral processions have the right-of-way at intersections when vehicles comprising such procession have their headlights lighted, subject to the following conditions and exceptions:

(1) Operators of vehicles in a funeral procession shall yield the right-of-way upon the approach of an authorized emergency vehicle giving an audible or visible signal;

(2) Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a traffic officer.

(3) The operator of the leading vehicle in a funeral procession shall comply with stop signs and traffic-control signals but when the leading vehicle has proceeded across an intersection in accordance with such signal or after stopping as required by the stop sign, all vehicles in such procession may proceed without stopping, regardless of the sign or signal and the leading vehicle and the vehicles in procession shall proceed with due caution.

(b) The operator of a vehicle not in the funeral procession shall not drive his vehicle in the funeral procession except when authorized to do so by a traffic officer or when such vehicle is an authorized emergency vehicle giving audible or visible signal.

(c) Operators of vehicles not a part of a funeral procession may not form a procession or convoy and have their headlights lighted for the purpose of securing the right-of-way granted by this Section to funeral processions.

(d) The operator of a vehicle not in a funeral procession may overtake and pass the vehicles in such procession if such overtaking and passing can be accomplished without causing a traffic hazard or interfering with such procession.

(e) The lead vehicle in the funeral procession may be equipped with a flashing amber light which may be used only when such vehicle is used as a lead vehicle in such procession. Vehicles
comprising a funeral procession may utilize funeral pennants or tags or windshield stickers to identify the individual vehicles in such a procession. (Ord. of 2-8-65, Sec. 332--334)

State law reference--For similar provisions, see 625 ILCS 5/11-1420

Sec. 15-50.  Driving on roadways laned for traffic.

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three (3) lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(3) Official traffic-control devices may be erected directing specific traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

(4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device. (Ord. of 2-8-65, Sec. 319)

State law reference--For similar provisions, see 625 ILCS 5/11-709

Sec. 15-51.  One-way roadways and rotary traffic islands.

(a) The city council with respect to highways under its jurisdiction, may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one (1) direction at all or such times as shall be indicated by official traffic-control devices.

(b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

(c) A vehicle passing around a rotary traffic island must be driven only to the right of such island.

(d) Whenever any highway has been divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle must be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle may be driven over, across, or within any such dividing space, barrier, or section, except through an opening in the physical barrier, or dividing section, or space, or at a cross-over or intersection as established by public authority. (Ord. of 2-8-65, Sec. 318)
Sec. 15-52. One-way streets enumerated.

The following streets and parts of streets in the Village, when properly sign-posted, are hereby declared to be one-way streets; and it shall be unlawful to operate any vehicle on a one-way street in any direction other than the direction designated as follows, respectively:

*Adams Road*, one-way northbound between Circle Road and North River Road.

*Adams Road*, one-way northbound between Opatrny Drive and Circle Road.

*Elder Lane*, one-way northbound between Hillcrest Avenue and Lincoln Avenue. (Ord. No. 96-37, Sec. 2, 9-19-96)

*Lily Lane*, one-way northbound between Oak Street and Woodbine Lane.

*Lucille Way*, one-way eastbound between Lucille Avenue and Glenice Parkway.

*Opatrny Drive*, one-way westbound between Illinois and Glenice Parkway.

*Park Way*, one-way southbound and eastbound between Center Street and Grace Lane. (Ord. of 2-8-65, Sec. 202; Ord. No. 85-12, Sec. 1, 10-16-85; Ord. No. 85-15, Sec. 1, II-20-85; Ord. No. 85-16, Secs. 1, 2, 12-11-85; Ord. No. 86-05, Secs. 1-3, 5-21-86; Ord. No. 86-12, Secs. 1, 2, 12-10-86; Ord. No. 87-03, Secs. 1, 2, 1-21-87; Ord. No. 90-17, 7-18-90; Ord. No. 91-30, Sec. 1, 9-18-91; Ord. No. 10-09, Sec. 1, 2-18-10)

Sec. 15-53. Limited one-way traffic when school is in session.

(a) When school is in session, traffic on Ridgeland from Mound Street to Ridgeland Street shall be northbound between the hours of 7:30 a.m. and 8:30 a.m. and between 3:00 p.m. and 4:00 p.m.

(b) When school is in session, traffic shall move one way as designated by appropriate signs posted on Mound, Ridgeland and Midway Streets between the hours of 7:30 a.m. and 8:30 a.m. and between 2:30 p.m. and 3:30 p.m. (Ord. of 1-9-70, Sec. 1; Ord. No. 77-22, Sec. 1, 8-31-77; Ord. No. 80-30, Sec. 1, 10-15-80; Ord. No. 90-17, 7-18-90)

Sec. 15-54. Vehicles in excess of eight thousand pounds prohibited on streets; exception.

It shall be unlawful to drive any vehicle, which, with its load, exceeds eight thousand (8,000) pounds on any street in the village, except for the purpose of making delivery or picking up a load, in which case such vehicle may be driven on such street for not more than the minimum distance necessary for the purpose. (Ord. of 2-8-65, Sec. 337)

Sec. 15-55. Reserved.
Sec. 15-56.  Play streets.

The streets or parts of streets designated by Ordinance as play streets are hereby declared to be play streets. During the hours that any play street is in use for the purpose of recreation, the roadway thereof shall be closed to vehicular traffic by ropes or other removable barriers, and at each end of such section there shall be placed a standard sign on which shall be printed, in letters plainly legible for a distance of one hundred (100) feet, a notice designating such street as a play street. Such signs shall be kept in place until the close of the period of recreation each day that it is so used, and shall then be removed, together with the said barriers. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof. (Ord. of 2-8-65, Sec. 339)

Sec. 15-57.  Playing on streets.

It shall be unlawful for any person to play or participate in any form of recreation on any street in the Village except on a street designated as a play street as provided in this Article. (Ord. of 2-8-65, Sec. 340)

Sec. 15-58.  Following too closely.

(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the street.

(b) The driver of any motor vehicle of the second division or motor vehicle drawing another vehicle when traveling upon a street outside of a business or residence district shall not follow within three hundred (300) feet of another motor vehicle of the second division or motor vehicle drawing another vehicle. The provisions of this Subsection shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use by motor vehicles of the second division.

(c) Motor vehicles being driven upon any street outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions. (Ord. of 2-8-65, Sec. 342)

State law reference--For similar provisions, see 625 ILCS 5/11-710

Sec. 15-59.  Operation of ambulances.

No person shall operate an ambulance, which shall include any motor vehicle primarily designed and used for conveyance of sick or injured persons, in a manner not conforming to a provision of the motor vehicle laws and regulations of this State or of this Village as such provisions apply to motor vehicles in general, except in compliance with the following conditions:
(1) The person operating the ambulance shall be either responding to a bona fide emergency call or specifically directed by a licensed physician to disregard traffic laws in operating the ambulance during and for the purpose of the specific trip or journey that is involved;

(2) The ambulance shall be equipped with a siren producing an audible signal of an intensity of one hundred (100) decibels at a distance of fifty (50) feet from said siren, and with a lamp emitting an oscillating, rotating or flashing red beam directed in part toward the front of the vehicle and containing a power rating of at least one hundred (100) amps;

(3) The aforesaid siren and lamp shall be in full operation at all times during such trip or journey; and

(4) Whenever the ambulance is operated at a speed in excess of forty (40) miles per hour, the ambulance shall be operated in complete conformance with every other motor vehicle law and regulation of this State and of this Village in which the ambulance is operated, relating to the operation of motor vehicles, as such provision applies to motor vehicles in general, except laws and regulations pertaining to compliance with official traffic-control devices or to vehicular operation upon the right half of the roadway. (Ord. of 2-8-65, Sec. 343)

State law reference--For similar provisions, see 625 ILCS 5/11-1421

Sec. 15-60. Operation of properly equipped non-highway vehicles.

Subject to the requirements of Sections 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/11-1426.1, which are hereby adopted by the Village only as to properly equipped non-highway vehicles as defined in this article, and any other requirements imposed by this article, drivers properly licensed to operate motor vehicles on the roadways of the Village shall be authorized to operate properly equipped non-highway vehicles on all roadways of the Village except Route 14, Route 22 and Algonquin Road—except for that portion between Lexington Avenue and Lincoln Avenue. A properly equipped non-highway vehicle shall be permitted to cross Route 14 at the Lincoln Avenue and Foxmoor Road intersections. (Ord. No. 15-01, Sec. 2, 1-15-15; Ord. 19-14, Sec. 1, 7-18-19)

Sec. 15-61. Maximum occupancy in properly equipped non-highway vehicles.

The maximum occupancy of properly equipped non-highway vehicles travelling on Village streets shall be equal to the number of safety belts or passenger restraints in said vehicle. (Ord. No. 15-01, Sec. 2, 1-15-15)


Properly equipped non-highway vehicles must yield the right-of-way to overtaking vehicles at all times. (Ord. No. 15-01, Sec. 2, 1-15-15)

Sec. 15-63. Other laws, regulation and ordinances.

A properly equipped non-highway vehicle shall be operated at all times in accordance with the provisions of the Illinois Vehicle Code, the rules of the road contained therein, and any other laws, regulations or ordinances governing the operation of motor vehicles in the Village (e.g. no properly
equipped non-highway vehicle may be operated on sidewalks or on park land—aside from areas accessible to other motor vehicles), as well as any laws, regulations or ordinances specifically pertaining to Non-Highway Vehicles and the operation thereof.

Properly equipped non-highway vehicles shall be subject to all ordinances governing the parking of motor vehicles in the Village.

Municipally owned vehicles shall be exempt from the provisions of this Ordinance. (Ord. No. 15-01, Sec. 2, 1-15-15)


DIVISION 2. SPEED

Sec. 15-66. Speed generally.

(a) It shall be unlawful to drive any motor vehicle on any street not under the jurisdiction of the State of Illinois, McHenry County or Lake County, in an urban district within the village at a speed in excess of twenty-five (25) miles per hour, or in an alley at a speed in excess of fifteen (15) miles per hour, unless the street has been designated as a minor arterial street as provided in Section 15-69 of this Code.

(b) Provided, that if the President and Board of Trustees by ordinance, sets other limits as provided by statute after an engineering or traffic survey, then such limits shall govern the rate of speed on the streets indicated in such ordinances. The Chief of Police shall have the authority to have appropriate signs installed showing such speed limits.

(c) The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway or when special hazards exist with respect to pedestrians or other traffic by reason of weather or highway conditions; and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(d) It shall be unlawful to drive any vehicle on any street or highway within the village under the jurisdiction of the State of Illinois, McHenry County or Lake County, at a speed exceeding that lawfully set for such street.

(e) Provided further that the speed of all vehicles of the second division as defined by Statute shall be as follows:

(1) If the vehicle is designed and used for pulling or carrying freight and has a gross weight of eight thousand (8,000) pounds or less, including the weight of the vehicle and maximum load, and is equipped with pneumatic tires, the maximum is fifty-five (55) miles per hour outside of an urban district, twenty-five (25) miles per hour in an urban
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district, and fifteen (15) miles per hour in an alley; but if such vehicle is equipped with two (2) or more solid tires, the maximum is ten (10) miles per hour at all times and in all locations.

(2) If the vehicle is designed and used for pulling or carrying freight and has a gross weight of more than eight thousand (8,000) pounds, including the weight of the vehicle and maximum load, and is equipped with pneumatic tires, the maximum is fifty (50) miles per hour outside of an urban district, twenty-five (25) miles per hour in an urban district, and fifteen (15) miles per hour in an alley; but if such vehicle is equipped with two (2) or more solid tires, the maximum is ten (10) miles per hour at all times and in all locations. (Ord. of 2-8-65, Sec. 322, Ord. 05-15, Sec. 1, 7-21-05)

Sec. 15-67. Special speed limits when passing schools.

No person shall drive a motor vehicle at a speed in excess of twenty (20) miles per hour while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present. Appropriate signs shall be posted to indicate this restriction. (Ord. of 2-8-65, Sec. 323)

Sec. 15-68. Speed restricted zones.

The speed limit on minor arterial streets for vehicles of the first division is thirty (30) miles per hour. The following street is designated as a minor arterial:

(1) Algonquin Road, between U.S. Highway Route 14 and the Village Corporate limits.

(Ord. No. 74-9, Sec. 1, 9-11-74; Ord. No. 82-17, Sec. 1, 10-20-82; Ord. No. 87-21, Sec. 1, 9-16-87; Ord. No. 05-15, Sec. 2, 7-21-05)


DIVISION 3. OVERTAKING AND PASSING

Sec. 15-74. Duty to keep to right; exceptions; slow-moving traffic.

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

(2) When the right half of a roadway is closed to traffic while under construction or repair.

(3) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon.
(4) Upon a roadway restricted to one-way traffic.

(5) Whenever there is a single-track paved road on one side of the public highway and two (2) vehicles meet thereon, the driver on whose right is the wider shoulder shall give the right-of-way on such pavement to the other vehicle.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. (Ord. of 2-8-65, Sec. 313)

State law reference--For similar provisions, see 625 ILCS 5/11-701

Sec. 15-75. Manner of meeting vehicles.

Drivers of vehicles proceeding in opposite direction, except as provided in Section 15-74 shall pass each other to the right and upon roadways having width for not more than one (1) line of traffic in each direction, each driver shall give to the other at least one-half (1/2) of the main traveled portion of the roadway as nearly as possible. (Ord. of 2-8-65, Sec. 314)

State law reference--For similar provisions, see 625 ILCS 5/11-702

See. 15-76. Manner of overtaking, passing vehicles.

The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules otherwise stated in this Chapter:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. In no event shall such movement be made by driving off the pavement or the main traveled portion of the roadway.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(3) The driver of a two (2) wheeled vehicle may not, in passing upon the left of any vehicle proceeding in the same direction, pass upon the right of any vehicle proceeding in the same direction unless there is an unobstructed lane of traffic available to permit such passing maneuver safely. (Ord. of 2-8-65, Sec. 315)

State law reference--For similar provisions, see 625 ILCS 5/11-703

Sec. 15-77. Overtaking vehicles on the right.

(a) The driver of a vehicle with three (3) or more wheels may overtake and pass upon the right of another vehicle only under the following conditions:
(1) When the vehicle overtaken is making or about to make a left turn.

(2) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction.

(3) Upon a one-way street, or upon any roadway on which traffic is restricted to one (1) direction of movement, where the roadway is free from obstruction and of sufficient width for two (2) or more lines of moving vehicles.

(b) The driver of a two (2) wheeled vehicle may not pass upon the right of any other vehicle proceeding in the same direction unless the unobstructed pavement to the right of the vehicle being passed is of a width of not less than eight (8) feet.

(c) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway. (Ord. of 2-8-65, Sec. 316)

State law reference--For similar provisions, see 625 ILCS 5/11-704 Sec. 15-78.

Sec. 15-78. Limitations on overtaking on the left.

(a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred (200) feet of any vehicle approaching from the opposite direction.

(b) No vehicle shall in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within sufficient distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(2) When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing.

(3) Where official signs are in place directing that traffic keep to the right, or a distinctive sign also directs traffic as declared in the sign manual adopted by the State Department of Public Works and Buildings.

(4) The limitations in Subparagraphs (1) and (2) of Subsection (b) shall not apply upon a one-way street, or upon a street with unobstructed pavement of sufficient width for two (2) or more lanes of moving traffic in each direction when such movement can be made with safety. (Ord. of 2-8-65, Sec. 317)
Sec. 15-79. Meeting, passing school buses.

(a) The driver of a vehicle upon a highway upon meeting or overtaking, from either direction, any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching the school bus when there is in operation on the school bus a visual signal as specified by State law, and the driver shall not proceed until the school bus resumes motion or the driver of the vehicle is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(b) Every school bus when used for the transportation of school children must comply with the color requirements established by the superintendent of public instruction and shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height, and in addition shall be equipped with visual signals meeting the requirements of State law, which shall be actuated by the driver of the school bus immediately preceding the point at which the school bus stops for the purpose of loading or discharging passengers. Such visual signals shall be actuated by the driver continuously during not less than the last one hundred (100) feet traveled by the school bus within a business or residence district, except that outside a business or residence district such visual signals shall be given continuously during not less than the last two hundred (200) feet traveled by the school bus. Such visual signals must remain actuated when children are loading or unloading from a school bus which is stopped on a roadway. At no other time shall these visual signals be actuated.

(c) The driver of a vehicle upon a highway of which the roadways for traffic moving in opposite directions are separated by a strip of ground which is not surfaced or suitable for vehicular traffic need not stop his vehicle upon meeting or passing a school bus which is on the opposite roadway; and need not stop his vehicle when driving upon a controlled access highway when a school bus is stopped in a loading zone adjacent to the surfaced or improved part of the controlled access highway where pedestrians are not permitted to cross such controlled access highway.

(d) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or in connection with any school activity, all signs thereon indicating "SCHOOL BUS" shall be covered or concealed. (Ord. of 2-8-65, Sec. 341)

Secs. 15-80--15-85. Reserved.

DIVISION 4. TURNING

Sec. 15-86. Required position and method of turning at intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:
(1) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

(2) The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) The city council may cause official traffic-control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this Section be traveled by vehicles turning at an intersection and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices. (Ord. of 2-8-65, Sec. 301)

Sec. 15-87. Turning on the curve or crest of a hill.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet. (Ord. of 2-8-65, Sec. 302)

State law reference--For similar provisions, see 625 ILCS 5/11-802

Sec. 15-88. When signal required.

(a) No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 15-86 or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(b) A signal of intention to turn right or left when required must be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning within a business or residence district, and such signal must be given continuously during not less than the last two hundred (200) feet traveled by the vehicle before turning outside a business or residence district.

(c) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this Chapter to the driver of any vehicle immediately to the rear when there is opportunity to give such a signal.

(d) The electric turn signal device required by State law must be used to indicate an intention to turn, change lanes or start from a parallel parked position but must not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear. However, such signal devices may be flashed simultaneously on both sides of a motor vehicle to indicate the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking and passing. (Ord. of 2-8-65, Sec. 309)

State law reference--For similar provisions, see 625 ILCS 5/11-804
Sec. 15-89. Signal by hand and arm or signal device.

Any stop or turn signal when required herein shall be given either by means of the hand and arm or by an electric turn signal device. (Ord. of 2-8-65, Sec. 304)
State law reference--For similar provisions, see 625 ILCS 5/11-805

Sec. 15-90. Method of giving hand and arm signals.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn: Hand and arm extended horizontally.
2. Right turn: Hand and arm extended upward.
3. Stop or decrease of speed: Hand and arm extended downward. (Ord. of 2-8-65, Sec. 304)
State law reference--For similar provisions, see 625 ILCS 5/11-806

Sec. 15-91. No left turn.

It shall be unlawful for the operator of any vehicle to turn left at the intersections/locations set forth below or at any other place where such turns are prohibited by Ordinance:

1. The intersection of the driveway from the Chicago Northwestern Commuter Lot and Algonquin Road.
2. No left turn shall be made by vehicles exiting the METRA lot access driveway located on the northerly side of Lincoln (400 Lincoln) to Lincoln.

Such prohibition shall be indicated by appropriate signs. (Ord. No. 92-01, Sec. 1, 1-15-92; Ord. 10-38, Sec. 1, 12-16-10)
State law reference--Authority to regulate turns, 625 ILCS 5/11-208(a)9.

Sec. 15-92. "U" turns.

(a) It shall be unlawful for the operator of any vehicle to turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without backing into traffic or otherwise interfering with traffic.

(b) It shall be unlawful for the operator of any vehicle to make a "U" turn at any place where such turns are prohibited by Ordinance. Such prohibition shall be indicated by appropriate signs. (Ord. of 2-8-65, Sec. 309, 310)


Editor's Note-Ord. 90-17, 7-18-90 repealed Sec. 15-93 "Right Turn Prohibited on Certain Streets Except for Permit Holders" in its entirety.
DIVISION 5. RIGHT-OF-WAY

Sec. 15-99. Vehicles approaching or entering intersection.

(a) When two (2) vehicles approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right.

(b) The right-of-way rule declared in Subsection (a) of this Section is modified at through highways and otherwise as stated in this Chapter. (Ord. of 2-8-65, Sec. 307)

State law reference--For similar provisions, see 625 ILCS 5/11-901

Sec. 15-100. Vehicle turning left.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard, but said driver, having so yielded may proceed at such time as a safe interval occurs. (Ord. of 2-8-65, Sec. 308)

State law reference--For similar provisions, see 625 ILCS 5/11-902

Sec. 15-101. Vehicles entering stop crosswalk.

Where stop signs or flashing red signals are in place at an intersection or flashing red signals are in place at a plainly marked crosswalk between intersections, drivers of vehicles shall stop before entering the nearest crosswalk and pedestrians within or entering the crosswalk at either edge of the roadway shall have the right-of-way over vehicles so stopped. Drivers of vehicles having so yielded the right-of-way to pedestrians entering or within the nearest crosswalk at an intersection shall also yield the right-of-way to pedestrians within any other crosswalk at the intersection.

State law reference--For similar provisions, see 625 ILCS 5/11-903

Sec. 15-102. Vehicle entering stop or yield intersection.

(a) Preferential right-of-way at an intersection may be indicated by stop or yield signs.

(b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway, before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another roadway or which is approaching so closely on the roadway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection, but said driver having so yielded may proceed at such time as a safe interval occurs.

(c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the
intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection.

(d) If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a yield right-of-way sign, such collision or interference shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

State law reference--For similar provisions, see 625 ILCS 5/11-904

Sec. 15-103. Duty to stop and yield right-of-way at through streets.

The streets and parts of streets of the city designated by Section 15-104 as through streets are hereby declared to be through streets, and the driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard, unless directed otherwise by the traffic officer or a traffic control signal.

Sec. 15-104. Through streets enumerated.

The following streets and portions of streets are designated as through streets:

- Algonquin Road
- Highway 14
- North Lincoln Avenue
- North River Road
- School Drive
- South Lincoln Avenue. (Ord. of 2-8-65, Sec. 20)

State law reference--Authority of city to designate through streets, 625 ILCS 5/11-208(a)6.

Sec. 15-105. Merging traffic.

At an intersection where traffic lanes are provided for merging traffic, the driver of each vehicle on the converging roadways is required to adjust his vehicular speed and lateral position so as to avoid a collision with another vehicle.

State law reference--For similar provisions, see 625 ILCS 5/11-905

Sec. 15-106. Vehicle entering highway from private road or driveway.

The driver of a vehicle about to enter or cross a highway from an alley, building, private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered. (Ord. of 2-8-65, Sec. 301, 305)

State law reference--For similar provisions, see 625 ILCS 5/11-906

Chapter 15, Page 29  07/22/19
Sec. 15-107. Duties on approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of law or a police vehicle properly and lawfully making use of an audible or visual signal, the driver of every other vehicle on the same roadway shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall stop, if possible, and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (Ord. of 2-8-65, Sec. 312, 320)

State law reference--For similar provisions, see 625 ILCS 5/11-907


DIVISION 6. STOPPING

Sec. 15-114. Obedience to signal indicating approach of train.

Whenever any person driving a vehicle approaches a railroad grade crossing such person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.

(2) A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train.

(3) A railroad train approaching a highway crossing emits a warning signal and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(5) A railroad train is approaching so closely that an immediate hazard is created. (Ord. of 2-8-65, Sec. 331)

State law reference--For similar provisions, see 625 ILCS 5/11-1201

Sec. 15-115. Certain vehicles must stop at all railroad grade crossings.

(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying liquid petroleum and liquid petroleum products, explosives, flammable or oxidizing liquids and solids flammable or poisonous compressed gases,
volatile liquids and solids which emit poisonous fumes, corrosive liquids, and radioactive materials as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely.

(b) After stopping as required in this Section, the driver shall proceed only in a gear not requiring a change of gears during the crossing, and the driver shall not shift gears while crossing the track or tracks.

(c) No stop need be made at any such crossing where a Police officer or a traffic-control signal directs traffic to proceed. (Ord. of 2-8-65, Sec. 331)

Sec. 15-116. Duty to stop at designated stop intersections.

The street intersections of the city designated by Section 15-117 to be stop intersections are hereby designated as stop intersections, and all vehicles shall stop at the entrances to such intersections and shall proceed cautiously yielding to vehicles not so obligated to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event the directions of the Police officer shall be complied with.

Sec. 15-117. Stop intersections enumerated.

(a) The following street intersections are hereby designated as stop intersections, and all vehicles shall stop at the entrances to such intersections as indicated by the signs located at such intersections, and shall proceed cautiously yielding to vehicles not so obligated to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event the directions of the Police officer shall be complied with:

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<td>Adams Avenue Crescent Road</td>
<td>North River Road</td>
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<td>Adams Avenue (old) Foxmoor Road</td>
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<td>Woodbine</td>
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<tr>
<td>North River Road</td>
<td>Route 14</td>
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<tr>
<td>Oak Street</td>
<td>Orchard Street</td>
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<td>Oak Street</td>
<td>Ski Hill Road</td>
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<tr>
<td>Oak Street</td>
<td>Wildwood Lane</td>
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<tr>
<td>Old Hunt Road</td>
<td>Algonquin Road</td>
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<tr>
<td>Old Hunt Road</td>
<td>Foxmoor Road</td>
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<tr>
<td>Old Hunt Road</td>
<td>Hunters Way</td>
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<tr>
<td>Old Hunt Road</td>
<td>Lexington Avenue</td>
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<tr>
<td>Opatrny Drive</td>
<td>Adams Avenue</td>
</tr>
<tr>
<td>Opatrny Drive (northbound only)</td>
<td>Glenice Parkway (three-way stop)</td>
</tr>
<tr>
<td>Address 1</td>
<td>Address 2</td>
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<tr>
<td>Opatrny Drive</td>
<td>Lincoln Avenue</td>
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<tr>
<td>Opatrny Drive</td>
<td>Orchard Street</td>
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<tr>
<td>Opatrny Drive</td>
<td>Route 14</td>
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<tr>
<td>Orchard Street</td>
<td>Opatrny Drive</td>
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<tr>
<td>Orchard Street</td>
<td>School Drive</td>
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<tr>
<td>Park Court</td>
<td>Orchard Street</td>
</tr>
<tr>
<td>Paul Court</td>
<td>Elder Lane</td>
</tr>
<tr>
<td>Picnic Grove Park – Parking Lot Exit Driveway</td>
<td>Birch Lane</td>
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<tr>
<td>Pine Street</td>
<td>Algonquin Road</td>
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<tr>
<td>Pleasant Street</td>
<td>Violet Avenue</td>
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<tr>
<td>Pleasant Street</td>
<td>Barberry Trail</td>
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<tr>
<td>Plum Tree Road</td>
<td>Algonquin Road</td>
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<tr>
<td>Primrose Lane</td>
<td>Camellia Place</td>
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<tr>
<td>Primrose Lane</td>
<td>Route 22</td>
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<tr>
<td>Primrose Court</td>
<td>Primrose Lane</td>
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<tr>
<td>Route 22 (Traffic Light)</td>
<td>Route 14</td>
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<tr>
<td>Saddle Lane</td>
<td>Morgan Lane</td>
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<tr>
<td>Saddle Lane</td>
<td>Bridle Path Lane</td>
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<tr>
<td>School Street</td>
<td>Mound</td>
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<td>School Street</td>
<td>Ski Hill Road</td>
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<tr>
<td>School Street</td>
<td>Route 14</td>
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<tr>
<td>South Lincoln Avenue</td>
<td>South River Road</td>
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<tr>
<td>South River Road</td>
<td>Algonquin Road</td>
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<tr>
<td>Ski Hill Road</td>
<td>Route 22</td>
</tr>
<tr>
<td>Thackeray Lane</td>
<td>Essex Road</td>
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<tr>
<td>Thackeray Lane</td>
<td>Hunters Way</td>
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<tr>
<td>Tower Place</td>
<td>Algonquin Road</td>
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<tr>
<td>Victoria Drive</td>
<td>Primrose Lane</td>
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<tr>
<td>Victoria Drive</td>
<td>Gardner Road</td>
</tr>
<tr>
<td>Violet Avenue and Ski Hill Road:</td>
<td>The intersection of Violet Avenue and Ski Hill Road is hereby designated as a stop intersection for traffic traveling on Violet Avenue and for southbound traffic on Ski Hill Road. This intersection shall be a through intersection for traffic traveling northbound on Ski Hill Road.</td>
</tr>
<tr>
<td>Windsor Circle</td>
<td>Birch Lane</td>
</tr>
<tr>
<td>Woodbine</td>
<td>Ski Hill Road</td>
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<tr>
<td>Woodbine (south)</td>
<td>Ski Hill Road</td>
</tr>
<tr>
<td>Yorkshire Drive</td>
<td>Foxmoor Road</td>
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<tr>
<td>Yorkshire Drive</td>
<td>Foxmoor Road</td>
</tr>
</tbody>
</table>

(Ord. No. 11-21, Sec. 1, 7-21-11)
(b) The following street intersections are hereby designated as three-way stop intersections, and all vehicles shall stop at the entrance to such intersections as indicated by the signs located at such intersections, unless traffic at such intersections is controlled by a Police officer on duty; in which event, the directions of the Police officer shall be complied with:

Foxmoor Road and Yorkshire Drive  
Mound Street and School Drive.  
Old Hunt Road and Hunters Way.  
Old Hunt Road and Lexington Avenue.  
Lexington Avenue and Hunters Way.

(Ord. of 2-8-65, Sec. 203; Ord. No. 74-12, Sec. 2, 11-13-74; Ord. No. 79-09, Sec. 1, 3-21-79; Ord. No. 79-3 1, Sec. 1, 10- 17-79; Ord. No. 81-26, Sec. 1-4, 9-16-81; Ord. No. 82-03, Sec. 1, 3-17-82; Ord. No. 82-05, Sec. 1, 2, 4-21-82; Ord. No. 83-04, Sec. 1, 2, 6-15-83; Ord. No. 87-02, Sec. 1, 2, 1-21-87; Ord. No. 94-08, Sec. 2, 3-17-94; Ord. No. 96-03, Sec. 3, 1-18-96; Ord. No. 97-44, Sec. 1, 11-20-97; Ord. No. 2000-04, Sec. 1, 1-20-2000, Ord. 05-17, Sec. 1, 7-21-05; Ord. No. 05-36, Sec 1 & 2, 11-17-05)  
State law reference--Authority of city to designate stop intersections, 625 ILCS 5/11-1204

(c) All vehicles traveling northbound on Foxmoor Road shall stop on the south side of the right of way for the Union Pacific Railroad tracks at the location indicated by a stop sign, unless traffic at such location is controlled by a Police officer, on duty, in which event the directions of the Police officer shall be complied with. (Ord. No. 96-03, Sec. 2, 1-18-96)

(d) (1) Whenever the warning signals at the Algonquin Road grade crossing over the right-of-way of the Union Pacific Railroad are flashing and/or sounding, all northbound traffic on Algonquin Road which have not passed the sign stating "Stop Here on Red" at the time the warning signals begin to flash and/or sound, shall stop at or south of the location designated by the "Stop Here on Red" sign and shall not proceed to enter upon the right-of-way for the Union Pacific Railroad tracks until such time as the warning signals cease sounding and flashing and the traffic signal at the intersection of Algonquin Road and Route 14 is green for northbound traffic on Algonquin Road.

(2) Whenever the warning signals at the Lincoln Avenue grade crossing over the right-of-way of the Union Pacific Railroad are flashing and/or sounding, all northbound traffic on Lincoln Avenue which have not passed the sign stating "Stop Here on Red" at the time the warning signals begin to flash and/or sound, shall stop at or south of the location designated by the "Stop Here on Red" sign and shall not proceed to enter upon the right-of-way for the Union Pacific Railroad tracks until such time as the warning signals cease sounding and flashing and the traffic signal at the intersection of Lincoln Avenue and Route 14 is green for northbound traffic on Lincoln Avenue. (Ord. No. 96-03, Sec. 3, 1-18-96)

(e) (1) No vehicle traveling northbound on Algonquin Road shall proceed past the location designated by the sign stating "Stop Here on Red" located on the south side of the right-of-way for the Union Pacific Railroad tracks during such time as the traffic signal at the intersection of Algonquin Road and Route 14 is red for northbound Algonquin Road traffic. (Ord. No. 2001-04, Sec. 1, 2-15-2001)
(2) No vehicle traveling northbound on Lincoln Avenue shall proceed past the location designated by the sign stating "Stop Here on Red" located on the south side of the right-of-way for the Union Pacific Railroad tracks during such time as the traffic signal at the intersection of Lincoln Avenue and Route 14 is red for northbound Lincoln Avenue traffic. (Ord. No. 96-03, Sec. 4, 1-18-96)

(2) No vehicle traveling northbound on Foxmoor Road shall proceed past the location designated by the sign stating “Stop Here on Red” located on the south side of the right-of-way for the Union Pacific Railroad tracks during such time as the traffic signal at the intersection of Foxmoor Road and Route 14 is red for northbound Foxmoor Road traffic. (Ord. No. 2003-41, Sec. 1, 11-20-03)

Secs. 15-118–15-120. Reserved.

DIVISION 7 ADOPTION BY REFERENCE OF PROVISIONS OF THE ILLINOIS VEHICLE CODE

Sec. 15-121. Adoption of certain provisions of the Illinois Vehicle Code by reference. The following provisions of the Illinois Vehicle code are hereby adopted by reference:

(1) Section 6-101(a) and (b), relating to "Drivers must have licenses or permits" (625 ILCS 5/6101(a) and (b)).

(2) Section 6-301(a) and (c), relating to "Unlawful use of license or permit" (625 ILCS 5/6 301(a) and (c)).

(3) Section 6-301.1(a), (b) and (d), relating to "Fictitious or unlawfully altered driver's license or permit" (625 ILCS 5/6 301.1(a), (b) and (d)).

(4) Section 6-301.2(a), (b) and (d), relating to "Fraudulent driver's license or permit" (625 ILCS 5/6-301.2(a), (b) and (d)).

(5) Section 6-303(a), relating to "Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked" (625 ILCS 5/6-303 (a)).

(6) Section 6-304 relating to "Permitting an unauthorized person to drive" (625 ILCS 5/6-304).

(7) Section 6-304.1 relating to "Permitting a driver under the influence to operate a motor vehicle" (625 IILCS 5/6-304.1).

In the sections of the Illinois Vehicle Code listed above references to "this Code," or "this Act," shall be to the Illinois Vehicle Code and references to another section shall be to the enumerated section of the Illinois Vehicle Code. (Ord. No. 95-07, Sec. 2, 4-26-95)
Sec. 15-122. Penalty.

Any person violating any provision of Section 15-121 of this Code shall be fined not less than two hundred fifty ($250.00) dollars nor more than one thousand ($1,000.00) dollars for each offense. (Ord. No. 95-07, Sec. 2, 4-26-95)

Sec. 15-123. Operation limited to licensed drivers.

Any person who operates a properly equipped non-highway vehicle must possess a valid driver’s license to operate a motor vehicle issued by Illinois or any other state. (Ord. No. 15-01, Sec. 2, 1-15-15)

ARTICLE III. PEDESTRIANS

Sec. 15-124. Pedestrian control signal.

Whenever special pedestrian control signals exhibiting the words "Walk" or "Don’t Walk" are in place such signals shall indicate as follows:

1. Walk. While the "Walk" indication is illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal, and shall be given the right-of-way by the drivers of all vehicles.

2. Don't Walk. While the "Don't Walk" indication is illuminated, either steady or flashing, no pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partly completed his crossing during the "Walk" indication shall proceed to a sidewalk, or to a safety island if one is provided. (Ord. of 2-8-65, Sec. 8)

State law reference--For similar provisions, see 625 ILCS 5/11-307

Sec. 15-125. Pedestrian obedience to traffic-control devices and traffic regulations.

(a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.

(b) Pedestrians shall be subject to traffic and pedestrian control signals provided in this Chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Article.

Sec. 15-126. Pedestrians' right-of-way at crosswalks.

(a) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(c) Whenever stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between intersections, pedestrians shall have the right-of-way over drivers of vehicles as set forth in Section 15-102. (Ord. of 2-8-65, Sec. 401)

State law reference--For similar provisions, see 625 ILCS 5/11-1002

Sec. 15-127. Standing in roadways.

No person shall stand or loiter in any roadway other than in a safety zone, if such act interferes with the lawful movement of traffic. (Ord. of 2-8-65, Sec. 402)

Sec. 15-128. Obedience to policemen, signals.

At intersections where traffic is directed by a policeman or by a stop and go signal, it shall be unlawful for any pedestrian to cross the roadway other than with released traffic, if such crossing interferes with the lawful movement of traffic. (Ord. of 2-8-65, Sec. 403)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 15-129. Standing on sidewalk.

It shall be unlawful for a pedestrian to stand upon any sidewalk except as near as reasonably possible to the building line or curb line, if such standing interferes with the use of said sidewalk by other pedestrians. (Ord. of 2-8-65, Sec. 404)

Sec. 15-130. When use of crosswalk required.

(a) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall, not cross at any place except in a crosswalk.

(b) No pedestrian shall cross a roadway other than in a crosswalk in any business district. (Ord. of 2-8-65, Sec. 405)

Sec. 15-131. Crossing at other than crosswalks.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Notwithstanding the foregoing provisions of this Section every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by
sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. (Ord. of 2-8-65, Sec. 402)

State law reference--For similar provisions, see 625 ILCS 5/11-1003

Sec. 15-132. Use of direct route in crossing roadway.

At no place shall a pedestrian cross any roadway other than by the most direct route to the opposite curbing. (Ord. of 2-8-65, Sec. 402)

Sec. 15-133. Pedestrians to use right half of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
State law reference--For similar provisions, see 625 ILCS 5111-1005

Sec. 15-134. Pedestrians soliciting rides or business.

(a) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

(b) Outside a business or residence district, no person shall stand on or in the proximity of a roadway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.

(c) No person shall stand on or in the proximity of a roadway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. (Ord. of 2-8-65, Sec. 406)
State law reference-For similar provisions, see 625 ILCS 5/11-1006

Sec. 15-135. Pedestrians' right-of-way on sidewalks.

The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk or any sidewalk area extending across such alley, building entrance, road or driveway.

Sec. 15-136. Pedestrians walking on roadways.

(a) Any person walking along and upon any roadway shall keep on the left of the roadway or on the left shoulder thereof and upon meeting a vehicle shall step off to the left.

(b) Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent roadway except at a crosswalk.

(c) It is unlawful for any pedestrian who is under the influence of intoxicating liquors to be upon any highway of this city. (Ord. of 2-8-65, Sec. 406)
State law reference--For similar provisions, see 625 ILCS 5/1007
Sec. 15-137. Blind pedestrians.

Any blind person who is carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, or who is being guided by a dog, shall have the right-of-way in crossing any street or highway, whether or not traffic on such street or highway is controlled by traffic signals, anything in this Chapter to the contrary notwithstanding. The driver of every vehicle approaching the place where a blind person, so carrying such a cane or walking stick or being so guided, is crossing a street or highway shall bring his vehicle to a full stop and before proceeding shall take such precautions as may be necessary to avoid injury to the blind person. The provisions of this Section shall not apply to a blind person who is not so carrying such a cane or walking stick or who is not guided by a dog, but the other provisions of this Chapter relating to pedestrians shall then be applicable to such person. However, the failure of a blind person to so use or carry such a cane or walking stick or to be guided by a guide dog when walking on streets, highways or sidewalks shall not be considered evidence of contributory negligence. (Ord. of 2-8-65, Sec. 407)

State law reference--For similar provisions, see 625 ILCS 5/11-1004


ARTICLE IV. PARKING

Sec. 15-144. Presumption of Liability.

The fact that an automobile which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such parking. (Ord. of 2-8-65, Sec. 803)

Sec. 15-145. Signs required.

Appropriate signs shall be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions. (Ord. of 2-8-65, Sec. 514)

Sec. 15-146. Generally prohibited parking locations enumerated.

No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

(1) On a sidewalk.

(2) In public right-of-way on a curbed street.

(3) On an unimproved parkway (parkway without gravel or an approved parking pad surface installed after August 1, 2014) where all tires from the vehicle are not on any paved roadway. A portion of the vehicle must remain on the paved surface.

(4) Within fifteen (15) feet of a fire hydrant.
(5) On a crosswalk.

(6) Within twenty (20) feet of a crosswalk at an intersection.

(7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.

(8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length by signs or markings is indicated thereon.

(9) Within fifty (50) feet of the nearest raff of a railroad grade crossing.

(10) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign-posted.

(11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.

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

(13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(14) In the front yard on any surface such as grass or dirt.

(15) At any place where official signs prohibit parking. (Ord. of 2-8-65, Sec. 501; Ord. No. 11-22, Sec. 3, 9-15-11; Ord. 12-16, Sec. 2, 6-21-12 - repealed by Ord. No. 12-22, Sec. 2, 9-20-12; Ord. No. 12-36, Sec. 2, 12-20-12 – repealed by Ord. 14-12, Sec. 2, 6-19-14; Ord. 14-15, Sec. 1, 7-17-14)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 15-147. No-parking zones enumerated.

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

Beachway Avenue, on its south side, from Lincoln Avenue, west a distance of eighty (80) feet.

Bristol Lane, on its east side from the intersection of Bristol Lane and Foxmoor Road to a point, one hundred forty (140) feet south of the southwest corner of Bristol Lane and Foxmoor Road. (Ord. No. 2002-11, Sec. 1, 6-27-2002)

Doyle Road, west side of Doyle Road from Route 22 to twenty (20) feet south of the south side of the northernmost Route 22/Doyle Road strip mall entrance. (Ord. No. 11-25, Sec. 1, 11-17-11)
Highview, at the dead end. (Ord. No. 12-07, Sec. 1, 3-15-12)

Illinois Street, on its east and west side, from Lucille Avenue to Opatrny Drive. (Ord. No. 2000-39, Sec. 1, 7-20-2000)

Johnson Street, at the dead end. (Ord. No. 12-07, Sec. 1, 3-15-12)

Lincoln Avenue, on the east side of Lincoln Avenue from Crawford Lane to Opatrny Drive. (Ord. No. 17-31, Sec. 1, 12-21-17)

Lincoln Avenue, on both sides from the southernmost rail of the Chicago and Northwestern Railway to a point two hundred and twenty-five (225) feet south thereof.

Lincoln Avenue, on its southeast side, within twenty (20) feet of the crosswalk located at the southwest corner of Lincoln Avenue and Beachway.

Midway Street, the east side of Midway between Ridgeland Avenue and School Drive. (Ord. No. 94-17, Sec. 1, 5-19-94)

North River Road, on its east side, between U. S. 14 and Crescent Road.

North River Road, north side abutting Lincoln Park, as posted for no parking.

Orchard Street, at the dead end. (Ord. No. 12-07, Sec. 1, 3-15-12)

Old Hunt Road, on its south side of Hunters Way to Algonquin Road. (Ord. No. 96-36, Sec. 2, 9-19-96)

Opatrny Drive, on its south side, between Lincoln Avenue and Illinois Street, except on Sundays between 9:00 a.m. and 12:00 noon.

Pleasant Street, north and south sides from 901 Pleasant Street to Violet Street.

Ridgeland Avenue, on its south side, between Midway Street and Mound Street.

Route 14, on its north side, from Opatrny Drive west to the Village’s corporate limits.

Route 14, on its south side, within the Village's corporate limits.

School Drive, on its north side, between U.S. 14 and Ski Hill Road.

Ski Hill Road, both sides, between Illinois Route 22 and School Street.

Ski Hill Road, both sides, between Oak Street to 101 Ski Hill Road. (Ord. of 1 1-9-70, Sec. 1; Ord. No. 74-9, Sec. 2, 9-11-74; Ord. No. 74-13, Sec. 1, 11-13-74; Ord. No. 78-2, Sec. 1, 1-18-78; Ord. No. 80-25, Sec. 1, 8-21-80; Ord. No. 85-11, Sec. 1, 10-16-85; Ord. 90-21, Sec. 4, 8-15-90; (Ord. No. 18-07, Sec. 1, 5-3-18)
Ski Hill Road, at the dead end. (Ord. No. 12-07, Sec. 1, 3-15-12)

South River Road, the southeast side of South River Road between Gladys Avenue and the point where South River Road begins to run in a north-south direction. (Ord. No. 96-30, Sec. 2, 8-15-96)

South River Road, from the corner of South River and Algonquin Road to the lot lines between 228 and 226 South River Road and from the corner of South River and Algonquin Road to the lot lines between 229 and 227 South River Road. (Ord. No. 07-18, Sec. 1, 4-19-07, Ord. No. 08-13, Sec. 1, 7-17-08)

Sec. 15-148. Limited no-parking zones enumerated.

It shall be unlawful for any person to park any vehicle or permit any vehicle to stand on:

Public park areas. There shall be no parking in and around public park areas or streets adjoining said areas between the hours of 10:00 p.m. and 6:00 a.m.

U.S. 14, from the northeast corner of U.S. 14 and Lincoln Avenue to a point one hundred and seventy (170) feet east of the curb on Lincoln Avenue between the hours of 4:00 p.m. and 6:00 p.m. except on Saturdays, Sundays and legal holidays.

U.S. 14, on its north side, between Opatrny Drive and Algonquin Road between the hours of 6:00 a.m. and 6:00 p.m. except on Sundays and holidays, unless otherwise posted. (Ord. of 11-9-70, Sec. 1; Ord. No. 85-11, Sec. 2, 10-16-85; Ord. No. 10-08, Sec. 1, 2-18-10; Ord. 17-31, Sec. 2, 12-21-17)

Sec. 15-149. Restricted parking during winter months.

During the months of November, December, January, February and March there shall be no parking on any parkway or within six (6) feet of the edge of any roadway within the Village, except the 900 block of Ski Hill Road during a snow fall in which there is an accumulation of two (2) or more inches of snow and/or ice. The no parking period shall end twelve (12) hours after the time the snow fall ends. (Ord. of 11-9-70, Sec. 1; Ord. No. 80-06, Sec. 1, 3-19-80; Ord. No. 88-13, Sec. 1, 7-20-88; Ord. No. 97-01, Sec. 1, 1-16-97; Ord. No. 97-02, Sec. 1, 2-20-97; Ord. No. 12-26, Sec. 1, 10-18-12; Ord. N. 13-04, Sec. 1, 3-21-13; Ord. No. 13-25, Sec. 1, 10-3-13)

Sec. 15-150. Time limits for parking on certain streets.

It shall be unlawful for any person to park any vehicle or permit any vehicle to stand on the following streets or portions of streets for a longer period of time than established by this Section:

Lincoln Avenue, on the north side, from Opatrny Drive to U.S. Route 14, two (2) hours

Lincoln Avenue, on the south side, from U.S. Route 14 to Center Street two (2) hours between the hours of 6:00 am and 6:00 pm

Beachway Avenue, from Lincoln Avenue to Grace Street, four (4) hours
Sec. 15-151. Parking during street cleaning.

It shall be unlawful to park any vehicle on any public street or portion thereof in the Village at any time when such street is being cleaned. Signs, indicating that a street or portion thereof is being cleaned, shall be posted immediately before the cleaning of the street and shall be removed after the cleaning of the street is finished. (Ord. of 2-8-65, Sec. 504)

Sec. 15-152. Parking near theater buildings.

The operator of a vehicle shall not park such vehicle on the same side of the street with and in front of any entrance or exit of any theater building, nor in any public way in which such theater building is located, during the hours such theater is open to the public for the uses permitted therein. (Code 1958, Sec. 16.1303)

Sec. 15-153. Stopping, standing and parking of buses regulated.

(a) The driver of a bus shall not stand or park such vehicle upon any street unless unloading/loading passengers.

(b) The bus shall not impede the movement of other vehicular traffic. (Code 1958, Sec. 16.1304; Ord. 2013-14, Sec. 1, 6-20-13)

Sec. 15-154. Vehicles for sale.

It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale. (Ord. of 2-8-65, Sec. 509)

Sec. 15-155. Loading zones.

In the following designated loading zones, it shall be unlawful for the driver of a passenger vehicle to park or stand the passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers and for the driver of a truck or other non-passenger vehicle to park or stand the vehicle for a period of time longer than necessary for the loading or unloading of the truck or other vehicle:

The north side of Route 14 from the intersection of Route 14 with Algonquin Road to a point eighty (80) feet west of the intersection Monday through Friday during the hours from 7:00 a.m. and 4:00 p.m. (Ord. No. 95-14, Sec. 1, 7-20-95)

Sec. 15-156. Parking in alleys restricted.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic,
and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. (Ord. of 2-8-65, Sec. 511)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 15-157. Parking in taxicab stands and bus loading zones.

No vehicle other than a licensed taxicab shall be parked in any area designated as a taxicab stand and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone. (Ord. of 2-8-65, Sec. 512)

Sec. 15-158. Parking on private property.

It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property. (Ord. of 2-8-65, Sec. 513)

Sec. 15-159. Manner of parking.

(a) No vehicle shall be parked with the left side of such vehicle next to the curb or edge of the roadway, except on one-way streets, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curbway, and with the two (2) right wheels of the vehicle within twelve (12) inches of the regularly established curb line or edge of the roadway, except that upon those streets that have been marked for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks.

(b) On one-way streets where parking is permitted on the left side of the street vehicles shall be parked parallel with the curb or edge of the roadway with the two (2) left wheels of the vehicle within twelve (12) inches of the regularly established line or edge of the roadway. (Ord. of 2-8-65, Sec. 508)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.
State law reference--For similar provisions, see 625 ILCS 5/11-1304

Sec. 15-160. Duties when leaving vehicle unattended.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine and removing the ignition key, and when standing upon any perceptible grade, without effectively setting the brake and turning the front wheels to the curb or side of the highway. (Ord. of 2-8-65, Sec. 326)

Cross reference-For settlement and compromise of violations of this section, see Sec. 13-96 et seq.
State law reference--For similar provisions, see 625 ILCS 5/11-1401

Sec. 15-161. Starting parked vehicles.

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. (Ord. of 2-8-65, Sec. 303)

State law reference--For similar provisions, see 625 ILCS 5/11-1304
Sec. 15-162. Towing away illegally parked vehicles; expenses.

(a) The Police Department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away or have removed and towed away by commercial towing service, any vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any vehicle which has been parked in any public street or other public place for a period of twenty-four (24) consecutive hours.

(b) Cars so towed away shall be stored on any Village property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the Village in removing and storing such vehicles. (Ord. of 2-8-65, Sec. 326)

Sec. 15-163. Unauthorized use of parking spaces reserved for persons with disabilities and disabled veterans.

(a) It shall be prohibited to park any motor vehicle which is not properly displaying registration plates or decals issued to a person with disabilities, as defined by Section 1–159.1 of the Illinois Vehicle Code, pursuant to Sections 3-616, 11-1301.1 or 11-1301.2 of the Illinois Vehicle Code, or to a disabled veteran pursuant to Section 3-609 of the Illinois Vehicle Code as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran, in any parking place, including any private or public off-street parking facility, specifically reserved, by the posting of an official sign as designated under Section 11-301 of the Illinois Vehicle Code, for motor vehicles displaying such registration plates. It shall be prohibited to park any motor vehicle in a designated access aisle adjacent to any parking place specifically reserved for persons with disabilities, by the posting of an official sign as designated under Section 11-301 Illinois Vehicle Code, for motor vehicles displaying such registration plates. When using the parking privileges for persons with disabilities, the parking decal or device must be displayed properly in the vehicle where it is clearly visible to law enforcement personnel, either hanging from the rearview mirror or placed on the dashboard of the vehicle in clear view. Any motor vehicle properly displaying a disability license plate or a parking decal or device containing the International symbol of access issued to persons with disabilities by any local authority, state, district, territory or foreign country shall be recognized as a valid license plate or device and receive the same parking privileges as residents of Illinois.

(b) An individual with a vehicle displaying disability license plates or a parking decal or device issued to a qualified person with a disability under Sections 3-616, 11-1301.1 or 11-1301.2 of the Illinois Vehicle Code or to a disabled veteran under Section 3-609 of the Illinois Vehicle Code is in violation of this Section if (i) the person using the disability license plate or parking decal or device is not the authorized holder of the disability license plate or parking decal or device or is not transporting the authorized holder of the disability license plate or parking decal or device to or from the parking location and (ii) the person uses the disability license plate or parking decal or device to exercise any privileges granted through the disability license plate or parking decals or devices under this Code or the Illinois Vehicle Code.
(c) Notwithstanding any other provision of this Code, the fine for violation of this Section 15-163 shall be not less than two hundred fifty ($250.00) dollars for each offense. (Ord. No. 96-43, Sec. 1, 10-17-96; Ord. No. 2006-03, Sec. 1, 2-16-06)

Sec. 15-164. Restrictions on parking and operation of vehicles in municipal parking lots.

(a) As used in this Section and in Section 15-165 a "municipal parking lot" is any parking lot for motor vehicles owned, operated or managed by or on behalf of the Village of Fox River Grove.

(b) The following restrictions shall apply to the parking and operation of motor vehicles in municipal parking lots:

(1) No person shall park a vehicle in a municipal parking lot between the hours of 2:00 a.m. and 4:00 a.m. providing that the lot contains signs to that effect;

(2) If a municipal parking lot is marked so as to identify separate parking spaces, no person shall park a vehicle in the municipal parking lot except in a designated parking space.

(c) If a fee is charged for parking in a municipal parking lot pursuant to Section 15-165, no person shall park a vehicle in the municipal parking lot without paying the applicable fee.

(d) No person shall operate a motor vehicle within a municipal parking lot or when exiting or entering a municipal parking lot in violation of any directional signs posted within the parking lot or at the entrance or exits to the parking lot.

(e) During the months of November, December, January, February and March there shall be no parking in a municipal parking lot between the hours of 2:00 a.m. and 4:00 a.m. during or after a snow fall in which there is an accumulation of two (2) or more inches of snow and/or ice when signed appropriately.

(f) No person shall park a vehicle in a municipal parking lot for more than four (4) hours between the hours of 6:00 a.m. and 2:00 p.m. providing the lot contains signs to that effect. (Ord. 17-03, Sec. 1, 2-2-17)

Editor's Note: Sec. 15-164(e) repealed by Ord. 96-01, Sec. 2, 1-18-96.

Sec. 15-165. Fee for parking in certain municipal parking lots.

(a) Daily Parking – Metra

The fee for parking in the municipal parking lot located north of the Union Pacific Railroad tracks, and south of U.S. Route 14 (Northwest Highway), between Algonquin Road and Lincoln Avenue, and the Metra Parking Lot shall be one dollar fifty cents ($1.50) per day per vehicle except on Saturdays and Sundays. There is no fee for Saturdays and Sundays. A separate fee shall be paid for each time a vehicle enters the parking lots listed in this Subsection A.
(b) Hang Tags

Vehicles that display Village issued hang tags are not subject to four (4) hour parking limits in any municipal lots. Municipal Center parking lots are excluded. All other rules and regulations pertaining to municipal parking lots shall remain in full effect. Village issued hang tag that eliminate the four (4) hour parking limits in municipal parking lots shall cost thirty dollars ($30) per month, paid for the month prior to the permitted parking. Hang tag purchases are non-refundable and the tags must be returned to the Village when the purchaser terminates the use of the tag. Village issued hang tags for the municipal parking lot located north of the Union Pacific Railroad tracks, and south of U.S. Route 14 (Northwest Highway), between Algonquin Road and Lincoln Avenue, and the Metra Parking Lot shall be valid until June 30, 2017. (Ord. No. 94-08, Sec. 4, 3-17-94; Ord. No. 09-28, Sec. 1, 11-19-09; Ord. No. 13-20, Sec. 1, 9-5-13; Ord. No. 15-07, Sec. 1, 4-16-15; Ord. No. 17-06, 3-2-17)

Sec. 15-166. Permit parking only zones enumerated.

It shall be unlawful for any person to park a motor vehicle, other than a motorcycle or motorbike, or permit any such vehicle to stand in the following locations during the times indicated, unless there is affixed in the lower corner of the operator's side of the windshield of the vehicle, a permit issued by the Village Clerk which indicates that it is permissible for the vehicle to park and stand at such location:

Adams Street from Crescent Road to Opatrny Drive during the period from 10:00 p.m. until 6:00 a.m.

On the north side of Opatrny Drive adjacent to the property with a street address of 200 N. Opatrny during the period from 7:00 a.m. until 6:00 p.m. on Monday through Friday.

The permits provided for in this Section shall be issued only for vehicles (1) which are registered to addresses located along a street, or that section of a street, where a permit is required in order for a vehicle to be lawfully parked on the street or (2) which are owned or used by persons employed at or who are tenants of a building located along that section of a street where a permit is required in order for a vehicle to be lawfully parked on the street. No permit shall be issued to a vehicle unless a current license has been issued by the Village for the vehicle, if such license is required. The Village Clerk may charge a fee of up to five ($5.00) dollars for the issuance of a permit. (Ord. No. 96-42, Sec. 1, 10-17-96; Ord. 08-01, Sec. 1, 2-21-08)

Secs. 15-167–15-172. Reserved

Sec. 15-173. Resident Only Parking

There shall be no parking on any parkway or within six (6) feet of any roadway with the exception of vehicles with a valid Village sticker in accordance with Article VI, titled “Vehicle Licenses” on any of the following sections of streets:

South River – from the property line between 213 and 215 to Algonquin Road, both sides

Gladys – from the property line between 213 and 215 to Algonquin Road, both sides
Millard – from the property line between 213 and 215 to Algonquin Road, both sides

Birch Lane – entire street, both sides (Ord. 12-27, Sec. 1, 10-18-12; Ord. 16-21, Sec. 1, 9-15-16)

ARTICLE V. MOTOR VEHICLES

DIVISION 1. GENERALLY

Sec. 15-174. Driving unsafe, unequipped vehicles.

It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required by state law, or which is equipped in any manner in violation of state law. (Ord. of 2-8-65, Sec. 604)

Sec. 15-175. Obstructions to vision.

It shall be unlawful to operate any vehicle which is so loaded or in such a condition that the operator does not have a clear vision of all parts of the roadway essential to the safe operation of the vehicle. Any vehicle with the view of the roadway to the rear so obstructed shall be equipped with a mirror so attached as to give him a view of the roadway behind him. (Ord. of 2-8-65, Sec. 601)

Sec. 15-176. Lights generally.

It shall be unlawful to operate or park on any street any vehicle not equipped with adequate lights conforming to the requirements of the State law, provided that vehicles may be parked at nighttime without lights on any street or portion thereof designated by Ordinance as a place where vehicles may be so parked at nighttime. (Ord. of 2-8-65, Sec. 609)

State law reference--Lights required, 625 ILCS 5/12-201 et seq.

Sec. 15-177. Lights on firemen's vehicles.

Any motor vehicle owned or fully operated by a fireman may be equipped with not to exceed two (2) lamps which shall emit a blue light without glare. One (1) such lamp may be mounted on the rear of any such vehicle. A flashing blue light may be used only when such fireman is responding to a fire call. (Ord. of 2-8-65, Sec. 608, 616)

Sec. 15-178. Signal lamps and signal devices.

(a) Every vehicle other than an antique vehicle displaying an antique plate operated in this Village shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight and which shall be actuated upon application of the service (foot) brake and which may but need not be incorporated with other rear lamps. During times when lighted lamps are not required, an antique vehicle may be equipped with a stop lamp or lamps on the rear of...
such vehicle of the same type originally installed by the manufacturer as original equipment and in working order. However, at all other times such antique vehicle must be equipped with stop lamps meeting the requirements of this Section.

(b) Every motor vehicle other than an antique vehicle displaying an antique plate shall be equipped with an electric turn signal device which shall indicate the intention of the driver to turn to the right or to the left in the form of flashing lights located at and showing to the front and rear of the vehicle on the side of the vehicle toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a red or amber light. An antique vehicle shall be equipped with a turn signal device of the same type originally installed by the manufacturer as original equipment and in working order.

(c) Every trailer and semitrailer shall be equipped with an electric turn signal device which indicates the intention of the driver in the power unit to turn to the right or to the left in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made and mounted on the same level and as widely spaced laterally as practicable.

(d) Turn signal lamps must be visible from a distance of not less than three hundred (300) feet in normal sunlight.

(e) Motorcycles and motor-driven cycles need not be equipped with electric turn signals. Antique vehicles need not be equipped with turn signals unless such were installed by the manufacturer as original equipment. (Ord. of 2-8-65, Sec. 613)

State law reference—For similar provisions, see 625 ILCS 5/12-208.

Sec. 15-179. Unnecessary noise.

It shall be unlawful to operate a vehicle which makes unusually loud or unnecessary noise. (Ord. of 2-8-65, Sec. 603)

Sec. 15-180. Gas and smoke.

It shall be unlawful to operate any vehicle which emits dense smoke or such an amount of smoke or fumes as to be dangerous to the health of persons or as to endanger the drivers of other vehicles. (Ord. of 2-8-65, Sec. 602)

Sec. 15-181. Mufflers, prevention of noise.

Every motor vehicle driven or operated upon the highways of this Village shall at all times be equipped with an adequate muffler or exhaust system in constant operation and property 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
Sec. 15-182. Horns and warning devices.

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this subdivision. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet, but such siren, whistle or bell shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law in which events the driver of such vehicle shall sound said siren, whistle or bell, when necessary to warn pedestrians and other drivers of the approach thereof.

(c) No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle. (Ord. of 2-8-65, Sec. 607)

Sec. 15-183. Width, length, height, and load of vehicles.

(a) The maximum width, length and height of any vehicle and its load shall not exceed the limits expressed in the Illinois State Traffic Law.

(b) No passenger type vehicle shall be operated on the streets with a load extending beyond the line of the fenders on the left side of the vehicle nor extending more than six (6) inches beyond the line of the fenders on the right side thereof.

(c) No combination of vehicles coupled together shall consist of more than two (2) units, but such limitation shall not apply to vehicles operated in daytime when transporting pipes, poles, machinery and other objects which cannot be readily dismembered, nor to such vehicles operated at nighttime by a public utility when engaged in emergency repair work; but such loads carried at night shall be clearly marked with sufficient lights to show the full dimensions of the load.

(d) No part of the load of a vehicle shall extend more than three (3) feet in front of the extreme front portion of the vehicle. (Ord. of 2-8-65, Sec. 612)
Sec. 15-184. Weight.

It shall be unlawful to drive on any street any motor vehicle with a weight, including load, in excess of that permitted by the State Traffic Law for driving on improved highways, or with weight distributed in a manner not conforming to such law, or in violation of special weight limits provided for by Ordinance and signposted. (Ord. of 2-8-65, Sec. 615)
State law reference—For similar provisions, see 625 ILCS 5/15-111

Sec. 15-185. Brakes.

It shall be unlawful to drive any motor vehicle upon a street unless such vehicle is equipped with good and sufficient brakes in good working condition, as required by the State Traffic Law or to operate any vehicle which is so loaded that the operator does not have ready access to the mechanics operating the brakes of such vehicles. (Ord. of 2-8-65, Sec. 606)
State law reference—Brakes required, 625 ILCS 5/12-301

Sec. 15-186. Tires.

It shall be unlawful to operate on any street any motor vehicle which is not equipped with tires conforming to the requirements of the State Traffic Law. (Ord. of 2-8-65, Sec. 614)
State law reference—Restrictions as to tire equipment, 625 ILCS 5/12-401


It shall be unlawful to operate upon any street any motor vehicle equipped with any nonskid device so constructed that any rigid or nonflexible portion thereof comes into contact with the pavement or roadway. (Ord. of 2-8-65, Sec. 611)

Sec. 15-188. Spilling loads.

No vehicle shall be so loaded that any part of its load spills or drops on any street or alley in the Village. (Ord. of 2-8-65, Sec. 605)

Sec. 15-189. Required equipment on motorcycles.

(a) No person shall operate any motorcycle with handlebars more than fifteen (15) inches in height above that portion of the seat or saddle occupied by the operator.

(b) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with permanent handgrips on the seat or saddle carrying such passenger, and with footrests adjusted to fit such passenger.
State law reference—For similar provisions, see 625 ILCS 5/11-1405

Sec. 15-190. Protective wear for motorcyclists and passengers.

The operator of a motorcycle and every passenger thereon shall be protected by glasses, goggles or a transparent shield, as provided by Section 11-1404 of the Illinois Vehicle Code. (Ord. No. 87-19,
Sec. 15-191. Equipment on bicycles.

(a) Every bicycle, when in use during the period when lighted lamps are required under Section 625 ILCS 5/12-102, shall be equipped on the front with a lamp which shall be emitting a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the Secretary of State. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in lieu of a red reflector.

(b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(c) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use any siren or whistle upon a bicycle.

(d) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any provision of this Article. (Ord. of 2-8-65 Sec. 618)

Sec. 15-192. Parking or operating a vehicle with expired Illinois registration prohibited.

(a) It shall be unlawful for any person to operate a motor vehicle, or permit a vehicle to be operated within the Village upon which is displayed an Illinois registration plate, plates or registration stickers after the termination of the registration period for which the registration plate or plates or registration sticker was issued or after the expiration date set pursuant to Sections 3-414 and 3-414.1 of the Illinois Motor Vehicle Code (625 ILCS 5/3-414. 3-414.1).

(b) It shall be unlawful for any person to stop, park, or leave standing upon a public street, highway or roadway within the Village a vehicle upon which is displayed an Illinois registration plate, plates or registration stickers after the termination of the registration period for which the registration plate or plates or registration sticker was issued or after the expiration date set pursuant to Sections 3-414 and 3-414.1 of the Illinois Motor Vehicle Code (625 ILCS 5/3-414. 3-414.1).

(c) Police officers of the Village of Fox River Grove shall enforce the provisions of Sections 15-192(a) and 15-192(b).

(d) Any person violating the provisions of Section 15-192(a) and Section 15-192(b) shall, upon a determination that a violation has occurred, be subject to a fine of twenty-five ($25.00) dollars. (Ord. No. 2000-48, Sec. 1, 9-21-2000)

DIVISION 2. ABANDONED VEHICLES *

Sec. 15-198. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

*Abandoned vehicle* shall mean all motor vehicles or other vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

*Antique vehicle* shall mean any motor vehicle or other vehicle twenty-five (25) years of age or older.

*Highway* shall mean any street, alley, or public way within the Village. (Ord. of 7-26-71, Sec. 1)

Sec. 15-199. Prohibited.

The abandonment of a motor vehicle or other vehicle or any part thereof on any highway in this village is unlawful and subject to penalties as set forth herein. The abandonment of a motor vehicle or other vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this Village is unlawful except on property of the owner or bailee of such abandoned vehicle. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the Chief of Police after a waiting period of seven (7) days or more has expired. (Ord. of 7-26-71, Sec. 2)

Sec. 15-200. Possession by other than owner.

When an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this Village, not the owner of the vehicle, such person shall immediately notify the Police Department when the vehicle is within the corporate limits of the Village. Upon receipt of such notification, the Chief of Police shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this division. (Ord. of 7-26-71, Sec. 3)

Sec. 15-201. Removal.

(a) When a motor vehicle or other vehicle is abandoned on a highway in this Village ten (10) hours or more, its removal by a towing service may be authorized by order of the Chief of Police.

(b) When an abandoned, unattended, wrecked, burned or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway or its

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* State law reference – Abandoned vehicles, 625 ILCS 5/4-201
physical appearance is causing the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the Chief of Police.

(c) When a vehicle removed from either public or private property is authorized by order of the Chief of Police, the owner of the vehicle will be responsible for all towing costs. (Ord. of 7-26-71, Sec. 4)

Sec. 15-202. Record of towed vehicles.

When a motor vehicle or other vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer’s series number, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow. (Ord. of 7-26-71, Sec. 5)

Sec. 15-203. Determination of ownership

(a) When the Police Department does not know the identity of the registered owner or other legally entitled person, it will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

(b) The Police Department will cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information on the vehicle. When the Illinois State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the Illinois State Police. The information determined from these record searches will be used by the Police Department in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition be made and setting forth public sale information.

(c) When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the Police Department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner. (Ord. of 7-26-71, Sec. 6, 7)

Sec. 15-204. Redemption by owner.

Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle
shall be released to the owner or other person under this Section until all towing and storage charges have been paid. (Ord. of 7-26-71, Sec. 8)

Sec. 15-205. Sale of vehicles seven years old or newer.

(a) Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, seven (7) years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the Police Department shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

(b) In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved, or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice will not be required.

(c) When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any means provided for in this division, the vehicle may be sold as provided herein or disposed of in the manner authorized by this division without notice to the registered owner or other person legally entitled to the possession of the vehicle. (Ord. of 7-26-71, Sec.10)

Sec. 15-206. Disposal of vehicles over seven years old.

When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this division, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the registered owner by the U.S. Mail, public service or in person for a determination of disposition; and, an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information. At the expiration of the ten (10) day period, without the benefit of disposition information being received from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk only, and will not require the issuance of a junking certificate of title by the Secretary of State. (Ord. of 7-26-71, Sec. 10)

Sec. 15-207. Exemption for antique vehicles.

A motor vehicle or other vehicle classified as an antique vehicle is excluded from this division. (Ord. of 7-26-71, Sec. 10)
Sec. 15-208. Report of sale or disposal.

When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this division, a report of the transaction will be maintained by the Police Department for a period of one (1) year from the date of the sale or disposal. (Ord. of 7-26-71, Sec. 11)

Sec. 15-209. Use of proceeds of sale or disposal.

When a vehicle located within the corporate limits of this Village is authorized to be towed away by the Chief of Police and disposed of as set forth in this division, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the Village treasury. (Ord. of 7-26-71, Sec. 12)

Sec. 15-210. Declaration of nonliability.

Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this division. (Ord. of 7-26-71, Sec. 13)

Secs. 15-211—15-216. Reserved.

DIVISION 3. INOPERABLE VEHICLES

Sec. 15-217. Defined.

For the purposes of this division, the term "inoperable motor vehicle" shall mean any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels, or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations. (Ord. of 7-26-71, Sec. 1; Ord. No. 82-02, Sec. 1, 2-17-82; Ord. 89-19, Sec. 1, 8-16-89)

Sec. 15-218. Exemptions from division.

The provisions of this division shall not apply to any motor vehicle that is kept within a building when not in use, to historic vehicles over twenty-five (25) years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles. (Ord. of 7-26-71, Sec. 1)

Sec. 15-219. Declared a nuisance.

An inoperable motor vehicle on the property of the owner or bailee of such vehicle in the Village is hereby declared to be a nuisance. (Ord. of 7-26-71, Sec. 2)
Sec. 15-220. Duty to dispose of inoperable vehicles upon notice from Village.

All inoperable motor vehicles under any person's control shall be disposed of by such person upon receipt of a notice from the Village to dispose of such vehicle. (Ord. of 7-26-71, Sec. 3)

Sec. 15-221. Removal by Village upon failure of owner to remove; costs.

If an inoperable motor vehicle is not disposed of within seven (7) days after the receipt of the notice required by Section 15-220, the Village may, without further notice, enter upon the premises where such inoperable motor vehicle is standing and dispose of such inoperable motor vehicle. The costs incurred by the Village in removing and disposing of said inoperable motor vehicle shall be charged to the person who has control of such inoperable motor vehicle. (Ord. of 7-26-71, Sec. 4)

Sec. 15-222. Penalty.

Any person failing to dispose of an inoperable motor vehicle shall be deemed to be in violation of this Code and shall be subject to the penalty prescribed in Section 1-8. A separate offense shall be deemed committed for each inoperable motor vehicle that is not disposed of by the person who has control of such inoperable motor vehicle. The fine provided for in this Section shall be in addition to, and shall not be diminished by, the costs of disposing of the inoperable motor vehicle that might be incurred by the Village. (Ord. of 7-26-71, Sec. 5)

DIVISION 4. AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM VIOLATIONS

Sec. 15-223. Definitions.

(a) Automated traffic law enforcement system means a device within the Village with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a steady or flashing red signal indication in violation of Section 11-306 of the Illinois Vehicle Code (“Vehicle Code”), 625 ILCS 5/11-306, or similar violation of the Village Municipal Code.

(b) Disregard a traffic control device means failure to stop and remain stopped before an intersection that is controlled by a red signal as provided for in Section 11-306 of the Vehicle Code. When making a right turn on red, a vehicle must first come to a complete stop before making that turn as provided in Section 11-306(c)(3) of the Vehicle Code.

(c) No turn on red means stopping and remaining stopped, and not proceeding to turn right at, an intersection controlled by both a sign indicating “No turn on red,” or other similar language, and a red signal as provided for in Section 11-306 of the Vehicle Code.

(d) An illegal right hand turn means a right hand turn in violation of a sign prohibiting such a turn as further defined in Section 11-306(c)(3).

(e) Recorded images means images produced by the automated traffic law enforcement system, which consist of either: (1) 2 or more photographs; (2) 2 or more microphotographs; (3) 2 or
more electronic images; or, (4) a video recording showing a motor vehicle and, on at least one image or portion of the records, clearly identifying the registration plate number of the motor vehicle. (Ord. 08-24, Sec. 2, 11-20-08)

**Sec. 15-224. Violation**

It shall be a violation of this Division for a vehicle to disregard a traffic control device or conduct an illegal right hand turn in violation of Section 11-306 of the Illinois Vehicle Code (“Vehicle Code”), 625 ILCS 5/11-306. Violations recorded by an automated traffic law enforcement system must be reviewed and approved by a law enforcement officer of the Village. Violations recorded by an automated traffic law enforcement system may not be given when a vehicle comes to a complete stop or does not enter the intersection, even if the vehicle stops at a point past a stop line or crosswalk except when one or more pedestrians or bicyclists are present. Violations of an automated traffic law enforcement system shall be adjudicated under Section 2-350 through 2-363 of the Village’s Code of Ordinances. A police officer that witnesses a violation of this Section may prosecute the matter through either the Court system or under the provisions of Sections 2-350 through 2-363 of the Village’s Code of Ordinances. (Ord. 08-24, Sec. 2, 11-20-08; Ord. 10-26, Sec. 1, 12-16-10)

**15-225. Penalty**

The owner or lessee of a vehicle violating Section 15-224 shall be fined one hundred dollars ($100) for each offense. Failure to pay the original fine within fourteen (14) days of the issuance of the Notice of Final Determination shall result in an additional one hundred dollar ($100) late payment fee. (Ord. 08-24, Sec. 2, 11-20-08)

**Secs. 15-226—15-233. Reserved.**

**ARTICLE VI. VEHICLE LICENSES**

**Sec. 15-234. "Motor vehicle" defined.**

Whenever the term "motor vehicle" is used in this Article it shall be construed to include automobiles, locomobiles and all other vehicles propelled otherwise than by muscular power, except traction engines and rollers, the cars of electric and steam railways, other motor vehicles running only upon rails or tracks, bicycles, tricycles or such other vehicles as are propelled exclusively by human muscular power. (Ord. of 1-24-69, Sec. 15.101)

**Sec. 15-235. Tax or license fee imposed.**

Every owner or operator of a motor vehicle or motor bicycle who resides within the Village shall pay to the Village Clerk a tax or license fee for the use of each motor vehicle or motor bicycle used on any public street or highway in the Village as provided in Section 15-238. Any person who fails to pay such tax or license fee when due as provided in this Article VI, in addition to being liable for the payment of the tax or license fee, also shall be punished by a fine or not less than One Hundred ($100) dollars or more than Five Hundred ($500) dollars upon conviction of violating the provisions of this Section 15-235. (Ord. 93-16, Sec. 1, 9-15-93; Ord. 04-09, Sec. 2, 3-18-04)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.
Sec. 15-236. Application for license; issuance.

(a) Every owner or operator of a motor vehicle or motor bicycle desiring a license for a motor vehicle or motor bicycle shall file an application with the Village Clerk, upon a form provided by the Village Clerk, setting forth the name and address of the applicant, and a description of the motor vehicle or motor bicycle for which a license is desired.

(b) Upon the payment by the applicant of the fee prescribed by this Article, the Village Clerk shall issue a license which shall be attested by him, authorizing the operation of such motor vehicle or motor bicycle within the Village until the expiration of the license. (Ord. of 1-24-69, Sec. 15.105)

Sec. 15-237. Issuance of vehicle license sticker or tag; affixing to vehicle.

Every motor vehicle licensee shall be given a receipt and a serially numbered motor vehicle license sticker or tag upon payment of the required fee. The vehicle license sticker or tag shall bear a designation showing its expiration date or the period or fiscal year for which it is issued. It shall be permanently affixed on the inside front window of the licensed vehicle so that is publicly legible as soon as possible after issuance, except that in the case of a motorcycle or properly equipped non-highway vehicle, the tag shall be permanently affixed to some publicly visible part of the motorcycle or non-highway vehicle. (Ord. No. 93-16, Sec. 2, 9-15-93; Ord. No. 2003-11, Sec. 1, 4-17-03; Ord. No. 15-01, Sec. 3, 1-15-15)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 15-238. When tax or fee is due; amount.

(a) The fee to be paid for a vehicle license shall be payable on or before the last day of June of each year. Such tax or fee shall be as follows for each vehicle:

Automobiles and recreational vehicles .......................................................... $20.00
Automobiles and RV’s (senior citizens) .......................................................... $2.00
Motorcycles .................................................................................................. $10.00
Properly Equipped Non-Highway Vehicles ................................................ $10.00
Trucks, classified according to the vehicle’s class for purposes of determining the state flat weight tax:
Class A and B .......................................................................................... $26.00
Classes C and above ................................................................................ $60.00

(Ord. No. 93-16, Sec. 3, 9-15-93; Ord. No. 2003-11, Sec. 2, 4-17-03; Ord. No. 15-01, Sec. 3, 1-15-15)

Sec. 15-239. Increased tax or fee when paid late.

If the annual vehicle license tax or fee required by Section 15-238 is not paid before the last day of June of any year, the tax or fee shall be increased by fifty (50%) percent when such license is obtained after the last day of June but before the first day of August of such year and shall be increased by one hundred (100%) percent when the license is obtained after the last day of July of any year. (Ord. No. 93-16, Sec. 5, 9-15-93; Ord. No. 2000-21, Sec. 1, 4-27-2000; Ord. No. 2003-11, Sec. 3, 4-17-2003)
Sec. 15-240. Applicability of senior citizens rate.

The senior citizen rate for automobiles and recreational vehicles specified in Section 15-238 will be applicable to an automobile or recreational vehicle owned by a resident of the Village who is 65 years of age or older, and at the time of applying for the license presents his or her current Illinois driver's license which verifies age and proof of ownership of the vehicle. No more than one (1) senior citizen vehicle license shall be issued per household. (Ord. No. 93-16, Sec. 7, 9-15-93)

Sec. 15-241. Expiration date.

All vehicle licenses required by this Article shall expire on the last day of May following the date of their issuance. (Ord. of 11-24-69, Sec. 15.103; Ord. No. 93-16, Sec. 8, 9-15-93)

Sec. 15-242. When vehicle is acquired or residence in village commences after the first day of June.

Those persons who become vehicle owners, operators or residents of the village after the first day of June of any year but before the first day of December of the same year shall pay the vehicle tax or fee set forth in Section 15-238, provided such license is obtained within thirty (30) days after such vehicle ownership is acquired, such vehicle operation is commenced or village residency is commenced. If the vehicle license is obtained more than thirty (30) days but less than sixty (60) days after any of such events, the license fee set forth in Section 15-238 shall be increased by an additional fifty (50%) percent. If the vehicle license is obtained sixty (60) or more days after any of such events, the license fee set forth in section 15-238 shall be increased by an additional one hundred (100%) percent. (Ord. No. 93-16, Sec. 12, 9-15-93)

Sec. 15-243. When vehicle is acquired or residence in village commences after the first day of December.

Those persons who become vehicle owners, operators or residents of the village after the first day of December of any year, shall pay a vehicle license fee equal to fifty (50%) percent of the fee set forth in Section 15-238, provided such license is obtained within thirty (30) days after such vehicle ownership is acquired, such vehicle operation is commenced or village residency is commenced. If the vehicle license is obtained more than thirty (30) days but less than sixty (60) days after any of such events, the fifty (50%) percent license fee shall be increased by an additional fifty (50%) percent thereof. If the vehicle license is obtained sixty (60) or more days after any of such events, the fifty (50%) percent license fee shall be increased by an additional one hundred (100%) percent thereof. (Ord. No. 93-16, Sec. 12, 9-15-93)

Sec. 15-244. Replacement vehicle license sticker or tags.

Upon the loss, destruction or mutilation of any vehicle license sticker or tag issued pursuant to this Article, or upon the sale and replacement of a vehicle licensed by the Village, the license shall obtain a replacement vehicle license sticker or tag from the Village Clerk for a replacement fee of twelve ($12.00) dollars and shall affix it in the manner heretofore described. (Ord. of 11-24-69, Sec. 15.107; Ord. No. 2000-21, Sec. 2, 4-27-2000; Ord. No. 2003-11, Sec. 4, 4-17-03)
Sec. 15-245. Reserved.

Editor’s note—Section 15-245 regarding vehicle replacement fees changed by Ord. 11-24-69, Sec. 15.107)

Sec. 15-246. Transferability.

Village vehicle licenses are not transferable to subsequent owners. (Ord. of 1 1-24-69, Sec. 15.103)

Sec. 15-247. Dealer's license.

The motor vehicle license sticker or tag issued to dealers in motor vehicles held for sale and used only for demonstrations may be transferred to any other vehicle so held and used by the same dealer in the Village; provided that such dealer shall procure one (1) license sticker for each motor vehicle so held by him at any one (1) time during the year. (Ord. of 11-24-69, Sec. 15.104)

Sec. 15-248. Records and reports of fees collected.

The Village Clerk shall keep a duplicate of all receipts issued for vehicle license sticker fees and shall report the amount that is collected each month to the Board of Trustees and Village Treasurer. (Ord. of 11-24-69, Sec. 15.108)

Sec. 15-249. Use of funds.

All fees collected from the issuance of such vehicle license sticker shall be used for the purpose of improving, paving, repairing, or maintaining the streets and other public ways within the Village, provided that the actual cost of the collection of such fees and the disbursement thereof may be deducted from the total amount collected. (Ord. of 11-24-69, Sec. 15.108; Ord. No. 2000-21, Sec. 3, 4-27-2000)

Sec. 15-250. Mandatory insurance.

The owner of any properly equipped non-highway vehicle registered under this Article shall continuously maintain liability insurance for said vehicle having at least the same limits as required from time to time for motor vehicles under the mandatory insurance law of the State of Illinois. (Ord. No. 15-01, Sec. 3, 1-15-15)

Sec. 15-251. Inspection of properly equipped non-highway vehicles.

All properly equipped non-highway vehicles registered, or proposed to be registered, pursuant to this Article shall be subject to inspection by the Chief of Police, or his/her designee(s), at any time to determine that said properly equipped non-highway vehicle meets, and continues to meet, the definition thereof as set forth in this article, particularly the provisions for maintenance in operating condition of required safety systems and equipment. (Ord. No. 15-01, Sec. 3, 1-15-15)

Secs. 15-252--15-259. Reserved.

ARTICLE VII. RESTRICTION
CERTAIN VEHICLES*

Sec. 15-260. Findings of fact.

The President and Board of Trustees find that because of deterioration, rain, snow and other climatic conditions, the operation of any motor vehicle which has a gross weight in pounds, including vehicle and maximum load, in excess of ten thousand (10,000) pounds (any vehicle required by State law to display license plates in any of the Classes D through VDB inclusive), upon any street within the Village of Fox River Grove, except those set forth in section 15-262, will cause such streets to be seriously damaged or destroyed. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-261. Operation of vehicles in excess of gross weight of ten thousand pounds prohibited during certain months.

The operation of any motor vehicle which has a gross weight in pounds, including vehicle and maximum load, in excess of ten thousand (10,000) pounds, (any vehicle required by State law to display license plates in any of the Classes D through VDB inclusive), upon any street within the Village of Fox River Grove, except those set forth in Section 15-262, is prohibited during the period from February 15th through May 15th of each year. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-262. Certain streets excepted from article provisions.

The following streets are specifically excepted from the provisions of this Article VII:

(1) U.S. Route 14 (Northwest Highway);
(2) State Route 22;
(3) Lincoln Avenue, from the intersection of Opatrny Drive to Beachway;
(4) Algonquin Road from Route 14 to Lexington Avenue;
(5) Lexington Avenue from Algonquin Road to Old Hunt Road;
(6) Opatrny Drive from Lincoln Avenue to Route 14. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-263. Article provisions not applicable to certain vehicles.

The provisions of this Article VII shall not be applicable to emergency vehicles, vehicles of the Village of Fox River Grove, vehicles belonging to other governmental agencies, vehicles that are being used for garbage removal, and vehicles for which a special permit has been issued pursuant to Section 15-265. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-264. Erection, maintenance of signs.

* Cross reference – Vehicle load weight restrictions, Sec. 15-280 et seq.
The Village President or his designates are authorized and directed to erect and maintain signs designating the provisions of this Article VII at each end of that part of the Village street system affected hereby and that this Article VII shall not be effective unless such signs are erected and maintained. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-265. Special permit.

Each vehicle exceeding the weight limitations of Section 15-261 may be operated on the roads and streets under the jurisdiction of the Village only with a special written permit issued from the office of the Village Clerk in accordance with the following procedure:

(a) Application for special permit. Application for a special permit shall be made in writing to the Police Department and shall:

(1) State if the applicant is an authorized carrier under the Illinois Motor Carrier of Property Act; if so, its certificate, registration or permit number issued by the Illinois Commerce Commission;

(2) Specifically describe the vehicle or vehicles and the load to be operated or moved, and whether such permit is requested for a single trip or for limited continuous operation;

(3) State the points of origin and destination of the vehicle or vehicles to be operated under the special permit;

(4) State if the vehicles or loads will be transported for hire.

(b) Issuance of permit. The Village Clerk, or Deputy Clerk, is authorized to issue permits hereunder subject to the following conditions:

(1) When a vehicle or combination of vehicles, unladen or with load, shall exceed the gross weight of twelve thousand (12,000) pounds per axle on the road's surface, or exceeds a maximum weight of thirty-six thousand (36,000) pounds, regardless of the number of axles, no permit shall be issued until the applicant shall have supplied the Village Clerk with a surety bond to compensate for any injury to any road or road structure. The amount of said bond shall be determined by the product of five thousand ($5,000.00) dollars multiplied by the number of miles the vehicle, or vehicles, proposes to travel on the Village roads or streets.

(c) Permit to be in writing and carried in vehicle; inspection. Every permit shall be in writing and shall be carried in the driving compartment of the vehicle or combination of vehicles to which it refers, and shall be open to inspection by any police officer or authorized agent of the village.

(d) Report of number and nature of permits issued. The Village Clerk shall report the number and nature of all permits issued each month to the Board of Trustees.
(e) **Operation in violation of permit.** It shall be unlawful to operate a motor vehicle for which a special permit has been issued in violation of such permit. (Ord. No.79-15, Sec. 1, 6-20-79)

**Sec. 15-266. Authority of police to cause vehicle and load to be weighed.**

Any police officer having reason to believe that the weight of a vehicle and load is unlawful shall require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales. If such scales are not available at the place where such vehicle is stopped, the police officer shall require that such vehicle be driven to the nearest public scales. (Ord. No. 79-15, Sec. 1, 6-20-79)

**Sec. 15-267. Authority of police officer to require removal of portion of load.**

Whenever an officer, upon weighing a vehicle and load as above provided, determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this Article, and shall forthwith arrest the driver. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator. (Ord. No. 79-15, Sec. 1, 6-20-79)

**Sec. 15-268. Failure of driver to stop and submit load and vehicle to weighing.**

Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer upon weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this Article, shall be guilty of a violation of this Article VII. (Ord. No. 79-15, Sec. 1, 6-20-79)

**Sec. 15-269. Both owner and driver held responsible for violation of section 15-261 or 15-265.**

When any vehicle is operated on the roads and streets under the jurisdiction of the Village in violation of the provisions of Section 15-261 or 15-265, the owner or driver, or both, of such vehicle shall be deemed guilty of such violation, and the owner or driver, or both, of such vehicle may be prosecuted for such violation. (Ord. No. 79-15, Sec. 1, 6-20-79)

**Sec. 15-270. Penalty for violation of section 15-261.**

Any person convicted of any violation of Section 15-261 shall be fined as follows:

<table>
<thead>
<tr>
<th>Excess Weight Amount (pounds)</th>
<th>(per pound)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,000 or less</td>
<td>$0.02</td>
</tr>
<tr>
<td>Above 2,000 and 3,000 or less</td>
<td>$0.04</td>
</tr>
<tr>
<td>Above 3,000 and 4,000 or less</td>
<td>$0.06</td>
</tr>
<tr>
<td>Above 4,000 and 5,000 or less</td>
<td>$0.08</td>
</tr>
<tr>
<td>Above 5,000</td>
<td>$500.00</td>
</tr>
</tbody>
</table>

(Ord. No. 79-15, Sec. 1, 6-20-79)
Sec. 15-271. Penalty for violation of Section 15-265 or 15-268.

Any person convicted of any violation of Section 15-265 or 15-268 shall be fined as follows:

First conviction: Not less than ten ($10.00) dollars nor more than two hundred ($200.00) dollars.

Second conviction within one year thereafter: Not less than fifty ($50.00) dollars nor more than five hundred ($500.00) dollars.

Third or subsequent conviction within one year after the first conviction: Not less than two hundred ($200.00) dollars nor more than five hundred ($500.00) dollars. (Ord. No. 79-15, Sec. 1, 6-20-79)


ARTICLE VIII. VEHICLE LOAD AND WEIGHT REGULATIONS

Sec. 15-280. Width of vehicles.

No vehicle and its load shall have a maximum width exceeding eight (8) feet, except loads of loose hay, straw, corn fodder, or other similar farm products; agricultural implements, vehicles operated by a public utility when required for the installation or repair of public service facilities or properties, fire apparatus, equipment for snow and ice removal owned or operated by a government body, garbage or refuse equipment, equipment while actually engaged in work upon the surface of the roadway or highway, or vehicles operating under a special permit as provided in this article. (Ord. No. 80-29, Sec. 1, 10-15-80)

Sec. 15-281. Length of vehicles.

(a) No vehicle, unladen or with load, shall exceed a length of forty-two (42) feet extreme overall length.

(b) No truck tractor and semi-trailer, unladen or with load, shall exceed a length of fifty-five (55) feet extreme overall length.

(c) Said length restrictions shall not apply to vehicles operated by a public utility when required for installation or repair of public service facilities or properties, and shall not apply to fire apparatus, equipment designed for snow and ice removal owned or operated by a government body, garbage or refuse equipment, vehicle operated in the daytime when transporting poles, machinery, or other objects of a structural nature eighty (80) feet or less in length, except upon Saturdays, Sundays or legal holidays; nor to vehicles operating under a special permit as provided in this article. (Ord. No. 80-29, Sec. 1, 10-15-80)

Sec. 15-282. Axle loads and gross weights.

(a) No vehicle, unladen or with load, or any combination of vehicles, unladen or with load, shall exceed gross weight of twelve thousand (12,000) pounds per axle transmitted to the road surface.

(b) No vehicle or combination of vehicles, unladen or with load, regardless of the number of axles shall exceed a maximum gross weight of thirty-six thousand (36,000) pounds whether said vehicle or combination of vehicles is unladen or with load.

(c) Said weight limitations shall not apply to vehicles operated by a public utility when required for the installation or repair of public service facilities or properties or to vehicles operated by a home heating supply company, and shall not apply to fire apparatus, equipment designed for snow and ice removal, owned or operated by a government body, garbage or refuse equipment or vehicles operating under a special permit as provided in this article. (Ord. No. 80-29, Sec. 1, 10-15-80; Ord. No. 81-27, Sec. 1, 12-16-81)

Sec. 15-283. Height of vehicles.

(a) The maximum height for all vehicles shall not exceed thirteen (13) feet, six (6) inches from the underside of the tire to the top of the vehicle and load.

(b) Said height limitations shall not apply to vehicles operating under a special permit as provided for in this Article. (Ord. No. 80-29, Sec. 1, 10-1-5-80)

Sec. 15-284. Special permits; fees; exempted streets; signs.

(a) Special permits required. Each vehicle exceeding the size, weight and load limitations of this Article may be operated on the roads and streets under the jurisdiction of this Village only with a special written permit issued by the Village Clerk, Chief of Police or his designee. A special permit issued pursuant to this Section may provide authorization for more than one (1) vehicle to be operated on the streets and roads under the jurisdiction of the Village if the destination of all vehicles covered by this special permit is the same building, structure or contiguous parcel of land and if all vehicles covered by the permit follow the same route, except that where a vehicle or combination of vehicles is used to transport materials, equipment, fill or debris used in or resulting from the construction or demolition of a building or other structure, a separate special permit shall be required for each building or demolition permit that has been issued or is otherwise required.

(b) Application for permit. Application for a special permit shall be in writing and shall:

(1) State if the applicant is an authorized carrier under the Illinois Motor Carrier or Property Act; if so, his certificate, registration or permit number issued by the Illinois Commerce Commission.

(2) Specifically describe (i) the vehicle or vehicles and the load to be operated or moved, (ii) the number and the period of time or trips necessary to complete the job and (iii) whether
the load to be operated or moved, is being operated or moved in connection with the construction or renovation of residential property.

(3) State the point of origin and destination of the vehicle or vehicles to be operated under the special permit.

(4) State if the vehicle or loads will be transported for hire.

(5) State whether the debris or material to be transported pursuant to the special permit is to be transported in connection with construction activity or other work for which a building permit is required pursuant to Section 6-32 of this Code. (Ord. No. 94-19, Sec. 2, 6-16-94)

(c) Issuance of permit. The Village Clerk, Chief of Police or his designee, is authorized to issue permits hereunder subject to the following conditions:

(1) When a vehicle or combination of vehicles, unladen or with load, shall exceed the gross weight of twelve thousand (12,000) pounds per axle on the road surface, or exceeds the maximum gross weight of thirty-six thousand (36,000) pounds, regardless of the number of axles.

(2) When a vehicle or combination of vehicles shall exceed fifty-five (55) feet, extreme overall dimension unladen or with load.

(3) When a vehicle or combination of vehicles shall exceed a height of thirteen (13) feet, six (6) inches, unladen or with load.

(4) In establishing the routes to be traveled, the Village Clerk, Chief of Police or his designee, shall establish the most direct and shortest route consistent with the public safety, taking into consideration existing traffic, the character of the road or roads, and the configuration of the terrain.

(5) Every permit shall be in writing and shall be open for inspection by any police officer or authorized agent of the Village.

(6) No permit shall be issued where the debris or material to be transported pursuant to the permit is to be transported in connection with construction activity or other work for which a building permit is required under Section 6-32 of this Code, unless the applicant for the permit has applied for a building permit and the issuance of the building permit has been approved by the Office of Building & Zoning. (Ord. No. 94-19, Sec. 3, 6-16-94)

(d) Special permit is a legal document. A permit is a legal document authorizing the grantee to move an oversize vehicle or load upon or across a street or highway within the jurisdictional boundaries of the Village of Fox River Grove. It is issued as a result of an agreement between the grantee and the Village of Fox River Grove. The agreement is based upon the information contained in the
written application, upon the applicant being legally competent, upon the conditions and restrictions stated in the permit, and upon the applicable provisions of this policy.

(e) *Acceptance of the permit.* Acceptance of the permit by the grantee shall be prima facie evidence of an unequivocal allegation by the grantee that:

1. He is in compliance with all operational requirements.
2. All dimensions and weight limitations specified in the permit shall not be exceeded.
3. All operation, registration and license requirements have been met.
4. All financial responsibility obligations and other legal requirements have been met.
5. He assumes all responsibility for injury to persons or damage to public or private property, including that of his own, or to the object being transported, caused directly or indirectly by the transportation of vehicles and objects authorized under the permit. He agrees to hold the Village of Fox River Grove harmless from all suits, claims, damages or proceedings of any kind and indemnify the Village of Fox River Grove for any claim it may be required to pay arising from the movement.

Undertaking the move is deemed prima facie evidence of acceptance of the permit.

(f) *Streets and highways exempted from weight limitations.* The following streets and highways are specifically exempted from the provisions of Section 15-282:

2. State Route 22.
3. Lincoln Avenue from the intersection of Opatrny Drive to Algonquin Road.
4. Algonquin Road from U.S. Route 14 to Lincoln Avenue.
5. Ski Hill Road from State Route 22 to School Street.
6. Opatrny Drive from U.S. Route 14 to Lincoln Avenue.

(g) *Fees for special permits and types of permits.* The fee for a special permit shall be based on the length of the period for which the permit is to be valid except where the special permit is being issued in connection with the construction of residential dwelling units or the renovation or construction of an addition to residential property. Except as provided below in this Subsection (g), fees for special permits and types of permits shall be as follows:

1. One-day permit: forty ($40.00) dollars.
(2) One-week permit: one hundred twenty ($120.00) dollars.

(3) One-month permit (for thirty (30) calendar days): four hundred ($400.00) dollars.

(4) Six-month permit (for one hundred eighty (180) calendar days): one thousand ($1,000.00) dollars.

(5) One-year permit (for three hundred sixty-five (365) calendar days): two thousand ($2,000.00) dollars.

(6) For New Residential Construction: four hundred eighty ($480.00) dollars per dwelling unit.

(7) For renovation or additions to residential property: forty ($40.00) dollars plus ten ($.10) cents per square foot based on the area being renovated and/or the size of the addition. (Ord. No. 94-19, Sec. 4, 6-16-94)

The amount of the fee specified above shall be doubled if the permit to be issued will allow a vehicle to transport materials or items to or from a location outside the Village of Fox River Grove where the shortest route to and from such location is over the railroad grade crossing located at Foxmoor Road and Union Pacific Railroad tracks. (Ord. No. 97-22, Sec. 1, 7-17-97)

(h) Payment of fees. Payment of fees authorized by this Article shall be made to the Village Clerk, Chief of Police or his designee. No permit(s) shall be issued until such fee has been paid. All money received shall be deposited in the general corporate fund. No permit shall be issued if the debris or material to be transported pursuant to the permit is being transported in connection with construction activity or other work for which a building permit is required under Section 6-32 of this Code, unless the applicant for the permit has applied for and received approval for the building permit and has paid any fees which may be required pursuant to Section 6-37 of this Code. (Ord. No. 94-19, Sec. 5, 6-16-94)

(i) Posting of signs. Signs shall be erected giving notice of the weight limitations on the streets and highways under the jurisdiction of the Village of Fox River Grove. (Ord. No. 80-29, Sec. 1, 10-15-80)


(a) When any vehicle or combination of vehicles is operated on the streets or highways of the Village Fox River Grove in violation of the provisions of this Article, the owner or driver, or both of such vehicle or combination of vehicles shall be deemed guilty of such violation and the owner or driver, or both, may be prosecuted for such violation. (Ord. No. 90-03, Sec. 4, 3-21-90).

(1) It shall be deemed unlawful to operate or cause to be operated any vehicle or combination of vehicles upon or across any street or highway within the jurisdiction of Fox River
Grove without having the original permit issued within the cab of the vehicle or combination vehicles.

(2) It shall be deemed unlawful to operate or cause to be operated any vehicle or combination of vehicles upon or across any street or highway within the jurisdiction of Fox River Grove without having the original or copy of a permit (when such permit is for multiple vehicles) within the cab of the vehicle or combination of vehicles.

(b) Operating vehicle or combination of vehicles on multiple vehicle permit without authority.

(1) It shall be deemed unlawful for any driver of a vehicle or combination of vehicles to operate under a multiple vehicle permit if such vehicle or combination of vehicles is not so listed on the permit or notification in writing has not been made to the Village.

(2) Vehicles or combination of vehicles not listed on the permit, or where no notification has been made to the Village of Fox River Grove regarding such vehicle or combination of vehicles operating under a multiple vehicle permit, shall be subjected to the weight and load limitations set forth in this policy.

(c) Compliance with State permit where both State and Village permit issued. When any vehicle or combination of vehicles makes a move upon or across any street or highway in the Village of Fox River Grove, and said vehicle or combination of vehicles is operating under a special permit from both the Village of Fox River Grove and the Illinois Department of Transportation, such driver of said vehicle or combination of vehicles shall comply with all provisions listed in the Department of Transportation permit (pertaining to form #BT993 of the Illinois Department of Transportation) when such operation is upon any street or highway within the jurisdiction of the Village of Fox River Grove.

(d) Alteration of permit. When any special permit issued by the Village of Fox River Grove is found to have been altered in any manner whatsoever, such permit shall be deemed as void and such vehicle or combination of vehicles shall be subjected to the weight and load limitations set forth in this policy. (Ord. No. 80-29, Sec. 1, 10-15-80)

Sec. 15-286. Fines.

(a) When any vehicle or combination of vehicles is operated upon or across any street or highway within the jurisdictional boundaries of the Village of Fox River Grove in violation of this Article, the owner, driver, or both, of such vehicle or combination of vehicles may be prosecuted for such violation(s).

(b) Any person in violation of any of Sections 15-280, 15-281, 15-283 and 15-285 shall be fined in the amount of twenty-five ($25.00) dollars plus ten ($10.00) dollars court costs.

(c) It shall be unlawful to operate or cause to be operated, any motor vehicle or combination of vehicles for which a permit has been issued in violation of such permit. Any person convicted of any violation of this Chapter pertaining to overweight on permit shall be fined as follows:
Excess Weight (pounds)          Amount (per pound)
2,000 or less                   $ 0.04
Above 2,000 and 3,000 or less   0.06
Above 3,000 and 4,000 or less   0.08
Above 4,000 (total fine)        500.00
(Ord. No. 90-03, Sec. 5, 3-21-90).

(d) It shall be unlawful to operate or cause to be operated any motor vehicle or combination of vehicles for which a special permit has been issued in violation of such permit. Any person found guilty of any violation of this Article pertaining to overweight on permit shall be fined as follows:

Pounds in Excess Weight          Amount (per pound)
2,000 or less                    $ 0.04
2,001 to 3,000                   0.06
3,001 to 4,000                   0.08
4,001 and above                  500.00 (maximum total fine)
(Ord. No. 80-29, Sec. 1, 10-15-80)

Sec.15-287-299. Reserved.

ARTICLE IX. TOWING OF VEHICLES

Sec. 15-300 Towing for violations of Section 5/11-501 of the Illinois Vehicle Code and for combined and/or multiple violations of Sections 5/11-501 or 5/6-303 of the Illinois Vehicle Code or similar local ordinances.

(a) Whenever a Village law enforcement officer reasonably believes that a person under arrest for a violation of Section 5/11-501 of the Illinois Vehicle Code, titled “Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or combination thereof,” or Section 15-39 of the Village Code is likely, upon release, to commit a subsequent violation of either Section 5/11-501 of the Illinois Vehicle Code or Section 15-39 of the Village Code, the arresting officer shall have the vehicle which the person was operating at the time of the arrest towed and impounded for a period of not more than twelve (12) hours after the time of arrest.

(b) Whenever a registered owner of a vehicle is taken into custody for operating the vehicle in violation of Section 5/11-501 of the Illinois Vehicle Code, titled “Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or combination thereof,” Section 15-39 of the Village Code, Section 5/6-303 of the Illinois Vehicle Code, titled “Driving while driver’s license, permit or privilege to operate a motor vehicle is suspended or revoked,” or Section 15-121(5) of the Village Code, a law enforcement officer may have the vehicle immediately towed and impounded for a period not less than:
(1) twenty-four (24) hours for a second violation of Section 5/11-501 of the Illinois Vehicle Code, Section 15-39 of the Village Code, Section 5/6-303 of the Illinois Vehicle Code, or Section 15-121(5) of the Village Code or a combination of these offenses; or

(2) forty-eight (48) hours for a third violation of Section 5/11-501 of the Illinois Vehicle Code, Section 15-39 of the Village Code, Section 5/6-303 of the Illinois Vehicle Code or Section 15-121(5) of the Village Code or a combination of these offenses.

(c) Any vehicle towed subparagraphs (a) and (b) of this Section 15-300 shall be released by the arresting law enforcement agency prior to the towing or the end of the impoundment period if:

(1) the motor vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, proof of insurance for the vehicle and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of either the Illinois Vehicle Code or Village Ordinance; or

(2) the motor vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license, proof of insurance for the vehicle and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or who would otherwise, by operating such motor vehicle, be in violation of the Illinois Vehicle Code or Village Ordinance. (Ord. No. 12-05, Sec. 2, entire Article IX, 2-16-12)

Sec. 15-301. Towing for violations of Section 5/7-601 of the vehicle Code in combination with a violation of either Sections 5/6-303 or 5/6-101 of the Illinois Vehicle Code or similar local ordinances.

(a) Any person in violation of Section 5/6-303 of the Illinois Vehicle Code, titled “Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked,” or Section 15-121(5) of the Village Code, who is also in violation of Section 7-601 of the Illinois Vehicle Code, titled “Required liability insurance policy,” shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer.

(b) Any person in violation of Section 5/6-101 of the Illinois Vehicle Code, titled “Drivers must have licenses or permits” or Section 15-121(1) of the Village Code, who is also in violation of Section 7-601 of the Illinois Vehicle Code, titled “Required liability insurance policy,” shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer.

(c) Any vehicle towed subparagraphs (a) and (b) of this Section 15-301 shall be released by the arresting law enforcement agency prior to the towing or the end of the impoundment period if:

(1) the motor vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, proof of
insurance for the vehicle and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of either the Illinois Vehicle Code or Village Ordinance; or

(2) the motor vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license, proof of insurance for the vehicle and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or who would otherwise, by operating such motor vehicle, be in violation of the Illinois Vehicle Code or Village Ordinance.

Sec. 15-302. Towing of vehicles subject to seizure and forfeiture pursuant to Section 36-1 of the Illinois Criminal Code.

A Village law enforcement officer may cause the towing, removal and impound any motor vehicle located within the Village which was operated or used in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code (720 ILCS 5/36-1). The Sherriff of the County of the seizure shall be notified and the vehicle delivered forthwith to said Sherriff in the manner requested by said Sherriff. If the Sherriff requests that the Village hold the vehicle, the Village shall not release the vehicle to the owner, lease or lienholder until such time as the Sherriff, State’s Attorney or other County or State official directs the Village to release the vehicle.

Sec. 15-303. Towing of vehicles that jeopardize public safety and the efficient movement of traffic.

(a) In order to maintain public safety and the efficient movement of vehicular or pedestrian traffic, a Village law enforcement officer may authorize a towing service to tow and remove any motor vehicle located within the Village that cannot otherwise be timely relocated pursuant to Section 15-303(b) under any one of the following hazardous circumstances:

(1) the location of the motor vehicle impedes traffic, obstructs the normal movement of traffic or creates a traffic hazard because of its position in relation to any public highway, street or public way;
(2) the location of the motor vehicle blocks or disrupts visual lines of sight that are beneficial to the safe flow of traffic;
(3) the location of the motor vehicle blocks access to the public way from any driveway or private road without the consent of the owner of the driveway or private road;
(4) the condition of the motor vehicle is such that its location on or near any public highway, street or public way can reasonably be expected to impede safe traffic flow because other drivers may divert their attention to the vehicle;
(5) the motor vehicle is located on a sidewalk or otherwise impedes pedestrian travel;

(6) the motor vehicle is blocking a pedestrian crosswalk;

(7) the motor vehicle is located on the side of a two lane road where parking is not permitted;

(8) the location of the motor vehicle blocks or reduces lines of sight to traffic control signals or signs;

(9) the motor vehicle has left the public highway, street or way and has come to rest on public property or private property, not owned by the driver, that is not intended to be utilized for the movement or parking of motor vehicles;

(10) the motor vehicle must be left in a location where the motor vehicle could not be legally parked or at any hazardous location identified in any subsection of this Section 15-303(a) because of the arrest and removal of the driver from the vehicle;

(11) the motor vehicle is located in a tow zone.

(b) A Village law enforcement officer shall not authorize a towing service to tow and remove any motor vehicle located within the Village under Section 15-303(a) if either the owner of the motor vehicle, or an individual with the consent of the owner (including a towing service contacted by the Owner), is able to provide for the speedy and efficient elimination of the hazardous condition by removing the motor vehicle to a safe location provided, the owner or driver possesses a valid operator's license, proof of ownership or consent from the Owner to operate the vehicle, proof of insurance for the vehicle and would not, as determined by the law enforcement officer, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of the Illinois Vehicle Code.

Sec. 15-304. Towing of vehicles operated or used in the commission of other violations.

(a) A Village law enforcement officer may, upon the arrest of the driver or occupant of a motor vehicle, authorize the towing, removal and impoundment of any motor vehicle located within the Village that cannot otherwise be timely relocated pursuant to Section 15-304(b) from one (1) or more of the hazardous locations itemized in subsections (a)(1) through and including (a)(11) of Section 15-303 for the following violations:

(1) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony; or

(2) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a violation of the Cannabis Control Act (720 ILCS 550/1 et.seq.); or
(3) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act (720 ILCS 570/100 et.seq.); or

(4) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Section 24-1 (Unlawful Use of Weapons), 24-1.5 (Reckless Discharge of a Firearm), or 24-3.1 (Unlawful Possession of Firearms and Firearm Ammunition) of the Illinois Criminal Code (720 ILCS 5/24-1, 5/24-1.5 and 5/24-3.1); or

(5) Driving while a driver’s license, permit, or privilege to operate a motor vehicle is revoked pursuant to Section 6-303 of the Illinois Vehicle Code (625 ILCS 5/6-303); or

(6) Driving while a driver’s license, permit, or privilege to operate a motor vehicle is suspended pursuant to Section 6-303 of the Illinois Vehicle Code (625 ILCS 5/6-303), but only if the suspension is not for an unpaid parking or moving citation or not due to the failure to comply with emissions testing; or

(7) Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act (720 ILCS 550/1 et.seq.) or the Illinois Controlled Substances Act (720 ILCS 570/100 et.seq.); or

(8) Operation or use of a motor vehicle with an expired driver’s license in violation of Section 6-101 of the Illinois Vehicle Code (625 ILCS 5/6-101), if the period of expiration is greater than one year; or

(9) Operation or use of a motor vehicle without ever having been issued a driver’s license or permit in violation of Section 6-101 of the Illinois Vehicle Code (625 ILCS 5/6-101), or operating a motor vehicle without ever having been issued a driver’s license or permit due to the person’s age; or

(10) Operation or use of a motor vehicle by a person against whom a warrant has been issued by a Circuit Clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of the Illinois Vehicle Code (625 ILCS 5/6-101, 5/6-303 or 5/11-501); or

(11) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16 (Theft and Related Offenses) or Article 16A (Retail Theft) of the Illinois Criminal Code (720 ILCS 5/16-1 et.seq. or 720 ILCS 5/16A-1 et.seq.).

(b) A Village law enforcement officer shall not authorize the towing, removal and impoundment of any motor vehicle located within the Village under Section 15-304(a) or any of its subsections if either the owner of the motor vehicle, or an individual with the consent of the owner (including a
towing service contacted by the Owner), is able to provide for the speedy and efficient elimination of the hazardous location of the vehicle by removing the motor vehicle to a safe location provided, the owner or driver possesses a valid operator's license, proof of ownership or consent from the Owner to operate the vehicle, proof of insurance for the vehicle and would not, as determined by the law enforcement officer, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of the Illinois Vehicle Code.

Sec. 15-305 Location of towed vehicle.

Any vehicle towed pursuant to this Article shall be relocated to a facility approved by the Village.

Sec. 15-306 Record of towed vehicles.

When a motor vehicle or other vehicle is authorized to be towed under this Article, the police department shall keep and maintain a record of the vehicle towed, listing the color; year of manufacture; manufacturer's trade name; manufacturer's series name; body style; vehicle identification number; license plate year and number displayed on the vehicle; and any registration sticker year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

Sec. 15-307 Determination of ownership.

When a Village law enforcement officer does not know the identity of the registered owner or other legally entitled person entitled to the possession of a vehicle that has been towed or is otherwise subject to being towed under this Article, he/she will cause the motor vehicle registration records of the state to be searched for the purpose of obtaining the required ownership information. The law enforcement officer will also cause the stolen motor vehicle files of the state police to be searched by a directed communication to the state police for stolen or wanted information on the vehicle. When the state police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the state police. The information determined from these record searches will be used to send notification by certified mail to the registered owner of record, lienholder of record and other person of record legally entitled to possession of the vehicle. When the registered owner, lienholder or other person legally entitled to the possession of a motor vehicle cannot be identified from the registration files of this state or from the registration files of a foreign state, if applicable, the police department shall notify the state police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle.

Sec. 15-308 Notice of Vehicle Impoundment Hearing.

At the time the vehicle is towed, the officer shall make a reasonable attempt to provide the person found to be in control of the Vehicle at the time of the tow with a Notice of Vehicle Impoundment Hearing that is in compliance with this Section. In addition, within (ten) 10 days after the vehicle is impounded, a Notice of Vehicle Impoundment Hearing that is in compliance with this Section shall be served by personal service or by first class mail to the addresses for the owner(s) or lessee and any lienholders of record as registered with the Secretary of State. The Notice shall identify the color; year; make; model;
Vehicle Identification Number; license plate year and number displayed on the vehicle; the registration sticker year and number displayed on the vehicle; the date and hour of tow; location towed from; location towed to; all the reasons for the tow; the procedure and costs for obtaining release of the towed vehicle and include the date upon which the Notice of Vehicle Impoundment Hearing was mailed. The Notice shall also inform the owner, lienholder or other persons legally entitled to possession of the towed vehicle of:

1. the date time and location of an administrative hearing which hearing shall be scheduled and convened no later than forty-five (45) days after the date of the mailing of the Notice of Vehicle Impoundment Hearing; and

2. that the vehicle will remain impounded pending the completion of the administrative hearing unless the owner of record, lessee of record or lienholder of record posts a five hundred ($500.00) dollar bond with the Village and pays the towing company for all towing and storage charges;

If the vehicle has dealer plates, the above notice shall also be sent to the dealer.

Sec. 15-309. Vehicle Impoundment Hearing.

The Vehicle Impoundment Hearing shall be held before the Village’s Hearing Officer, who shall be an Attorney that has been licensed to practice law in the State of Illinois for a minimum of three (3) years. At the hearing, the Owner, lienholder or other person legally entitled to possession of the vehicle may represent themselves or be represented by an attorney and shall be allowed to cross-examine all witnesses. The hearing shall be tape-recorded. At the hearing, the hearing officer shall determine whether, by a preponderance of the evidence, the impoundment was made in compliance with this Article and prepare a written decision either sustaining or overruling the vehicle impoundment. A copy of the decision shall be given to the owner, lessee or lienholder appearing. If the basis for the vehicle impoundment is sustained, any administrative fee posted to secure the release of the vehicle shall be forfeited to the municipality or otherwise paid to secure the release of the vehicle. If the impoundment is sustained, the vehicle shall not be released by the Village until the administrative fee is paid. If the impoundment is not sustained, the vehicle shall be released without the payment of any administrative fee. Or, if the impoundment has not been sustained and the vehicle has previously been released upon payment of the Village fee and fees owed the towing company, the Village shall reimburse the administrative fee, the towing fee and one day’s storage charge.

Sec. 15-310. Release of vehicle/Administrative Fee.

A vehicle impounded pursuant to this Article shall be released to the owner of record, lessee, lien holder of record or any person legally entitled to possession of the vehicle upon the payment of an Administrative fee in the amount of five hundred ($500.00) dollars. The Village’s administrative fee may be paid in cash, by certified check or by credit card at the Village’s police department during normal business hours. Upon receipt of the Administrative fee, the Village shall, unless a hold has been placed on the vehicle, give the owner a receipt that will allow them to obtain a release of the vehicle from the towing company upon the payment of the towing company’s charges and storage fees. The administrative fee shall be in addition to: (1) any other penalties that may be assessed by a Court of law.
for the underlying violations; and (2) any storage and/or towing fees charged by the towing company. Any storage or towing fees charged by the towing company shall be collected by and directly paid to the towing company. In order to obtain release of a vehicle, the owner must provide evidence of ownership in the form of a Title, Vehicle registration or Bill of Sale and picture identification. For leased vehicles, the lessee must provide the lease agreement naming them as lessee and picture identification. The administrative fee shall be waived upon receipt of verifiable proof that the vehicle was stolen at the time the vehicle was impounded.

A hold may be placed upon the release of a towed motor vehicle if it is subject to forfeiture under State and/or Federal law until such time that the Federal or State authorities decide not to pursue forfeiture of the vehicle. If the Federal and/or State authorities decide to pursue forfeiture of the vehicle, Federal and/or State procedures must be followed to obtain a release of their vehicle. A hold may also be placed upon the release of a towed vehicle if possession of the vehicle is necessary for an ongoing investigation.

Sec. 15-311. Administrative review of the Hearing Officer’s determination.

The final decision of the Hearing Officer on whether a vehicle impoundment is sustained or not sustained shall be subject to judicial review in the Circuit Court pursuant to the provisions of the Administrative Review Law (735 ILCS 5/3-101 et.seq.)

Sec. 15-312. Enforcement.

Unless stayed by a Court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this Article which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law (735 ILCS 5/3-101 et.seq.) may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

Sec. 15-313. Vehicles subject to forfeiture under federal or state law.

Nothing in this Article shall be deemed as precluding the seizure of a motor vehicle that is subject to forfeiture under Federal or State law.

Sec. 15-314. Vehicles seized in furtherance of a criminal investigation.

Nothing in this Article shall be interpreted as precluding the legal seizure of a motor vehicle that is necessary to further a criminal investigation.

Sec. 15-315. Report of sale or disposal.

When a motor vehicle or other vehicle is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold or otherwise disposed of as provided by State law, a report of the transaction will be maintained by the police department for a period of one (1) year from the date of the sale or disposal. (Ord. No. 12-05, Sec. 2, entire Article IX, 2-16-12)
Chapter 16

PEDDLERS AND SOLICITORS

Art. I. Peddlers and Solicitors, Sec. 16-1--16-26
Div. 1. Requirements for Peddlers and Solicitors, Sec. 16-1--16-19
Div. 2. Solicitation on Highways, Sec. 16-20--16-26
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ARTICLE I. PEDDLERS AND SOLICITORS
DIVISION I. REQUIREMENTS FOR PEDDLERS AND SOLICITORS

Sec. 16-1. Definitions.

As used in this Chapter, the following terms, phrases and words and their derivations shall have the meanings given in this Section, unless otherwise specifically provided in this Chapter:

(1) Peddler means a person who engages in peddling, including persons required to be licensed pursuant to the Transient Merchant Act of 1987. (225 ILCS 5/31-6, et seq.)

(2) Peddling means the sale, offering for sale, barter or exchange of any goods, article, commodity or service of any kind, for immediate delivery, from other than a fixed place of business on private property.

(3) Soliciting or Solicitation shall include both commercial soliciting and non-commercial soliciting.

(a) Commercial soliciting or solicitation shall mean and include any one or more of the following activities:

(i) Seeking to obtain orders for the purchase and future delivery of any goods, article, commodity or service of any kind, character or description whatsoever, other than orders or subscriptions for publications from other than a fixed place of business on private property; or

(ii) Seeking to obtain prospective customers for applications or purchase of insurance of any type, kind or character; or

(b) Non-commercial soliciting or solicitation shall mean and include any one or more of the following activities:
(i) Any activity where a person goes to three (3) or more residences within a sixty (60) minute period for the primary purpose of seeking gifts or contributions of money, clothing or any other valuable good for the support or benefit of any charitable, political, religious or non-profit association, organization, corporation or project. Any activity undertaken where gifts or contributions are requested by a person who is a “professional fundraiser” or “professional solicitor” as defined in the Solicitation for Charity Act (225 ILCS 460/0/01 et. seq.) shall be considered to have as its primary purpose the seeking or obtaining of gifts or contributions.

(ii) Any activity where a person goes to three (3) or more residences within a sixty (60) minute period for the purpose of selling or obtaining orders for goods or services where it is represented that proceeds from the payment that is to be made for the good or service will benefit a charitable, political, religious or non-profit organization, organization, corporation or project. The activities covered by this Subsection, include, but are not limited to seeking to obtain orders for books, magazines, periodicals and newspapers, and seeking to obtain orders for food products or other goods.

(iii) Any activity where a person goes to three (3) or more residences within a sixty (60) minute period for the primary purpose of selling tickets to an event or raffle tickets where it is represented that proceeds from the ticket sales for the event or the raffle will benefit a charitable, political, religious or non-profit association, organization corporation or project. (Ord. No. 02-22, Sec. 1, 8-15-02)

(4) *Residence* shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure, along with the yard or grounds upon which structure is located.

(5) *Charitable purpose* shall mean any charitable, benevolent, philanthropic, patriotic or eleemosynary purpose.

**Sec. 16-2. License required for peddling and commercial soliciting.**

Unless otherwise provided herein, it shall be unlawful for any person to engage in peddling or commercial soliciting within the Village without first obtaining a license as herein provided. Notwithstanding the fact that a group, organization or other entity may have several peddlers or solicitors in the Village at one time, a separate license application shall be filled out for each individual and each individual shall be required to obtain a separate license.
Sec. 16-3. Application for license.

(a) The application for a peddler’s/commercial solicitor’s license shall be made under oath upon a form provided by the Village Clerk. Each original application shall be completed by the individual applicant in full and shall set forth:

1. The applicant's name, home address or addresses with zip code during the past three (3) years, social security number, date of birth, sex, and a physical description of the applicant. If the applicant is married, the name and address of the applicant's spouse shall be stated on the application.

2. The name, address and telephone number of the person, firm, corporation, association or organization by whom the applicant is employed or which the applicant represents, and the length of time of such employment or representation;

3. The name and address of the applicant's employer during the past three years, if other than the present employer;

4. A description of the goods, articles, commodities or services that will be the subject of peddling or the soliciting of orders;

5. A statement as to whether the applicant desires to be licensed to peddle from a vehicle, or from a pushcart, pack, basket or other receptacle to be carried by the peddler;

6. The number and description of any vehicles to be used in peddling or soliciting, including the vehicle make, model year, model and style, color and license number;

7. The period of time to be covered by the license being sought;

8. The date, or approximate date, of the latest previous application for license under this Chapter or its predecessor;

9. Whether a license issued to the applicant under this Chapter, or its predecessor, has ever been revoked;

10. Whether the applicant has ever been convicted of a violation of any of the provisions of this Chapter, its predecessor, or any ordinance of any other Illinois municipality, or any Illinois Statute, regulating soliciting or peddling;
(11) Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois, or any other State, or under the laws of the United States;
(12) Evidence that the applicant is authorized to solicit or peddle for the firm, corporation or organization represented.

(b) All applicants subject to the Transient Merchant Act of 1987 shall submit proof of compliance with this Act upon request of the Village Clerk or Chief of Police and must submit a copy of his or its certificate of registration under the Retailers' Occupation Tax Act.

(c) The applicant shall also submit such other information or documentation as the Village Clerk and/or Chief of Police may deem necessary to determine the identity of the applicant or to process the application. The Chief of Police may require an applicant to submit to fingerprinting by the Police Department.

(d) The Chief of Police shall cause to be kept in his or her office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all licenses issued under the provisions of this Chapter, and of the denial of applications. Applications for licenses shall be numbered consecutively in the order filed, and every license issued shall be identified with the duplicate number of the application upon which it was issued.

(e) No license shall be issued to any person who:

(1) has been convicted of the commission of a felony under the laws of the State of Illinois or any other State, or under the Federal laws of the United States, within five (5) years of the date of the application; or

(2) has violated any of the provisions of this Chapter or its predecessors; or

(3) whose license issued hereunder has previously been revoked, as herein provided.

(4) has not complied with any applicable law, ordinance, rule or regulation pertaining to the sale or distribution of the good, article, commodity or service which the applicant is peddling or for which the applicant is soliciting orders or customers.

(f) No license for peddling or commercial soliciting shall be issued to any individual under the age of fourteen (14).

Sec. 16-4. Issuance and denial of license.
Upon receipt of a properly completed application, the Village Clerk shall submit the completed application to the Chief of Police, who shall evaluate the application no later than five (5) working days after the receipt of the completed application by the Clerk. The Chief of Police shall either issue a license, or notify the applicant in writing that the application has been denied because of the applicant's failure to comply with the requirements of this Chapter or with the requirements of any other provision of this Code which is applicable to the activities of the applicant.

Sec. 16-5. License fee.

The license fee for peddling and commercial soliciting shall be twenty-five ($25.00) dollars. Each license shall be valid for no more than thirty (30) days from the date of issuance. (Ord. No. 07-10, Sec. 16, 4-19-07)

Sec. 16-6. Non-commercial soliciting; certificate of registration required.

(a) All persons seeking to engage in non-commercial soliciting who are sixteen (16) years of age or older must obtain a certificate of registration from the Village Clerk no less than one (1) working day prior to the date on which the soliciting is to occur. Notwithstanding the fact that a group, organization or entity may have several solicitors in the Village at one time, a separate application shall be filled out for each individual and each individual shall be required to obtain a separate certificate of registration.

(b) The application for a certificate of registration shall include:

(1) The applicant's name, home address with zip code, social security number, date of birth, sex, and a physical description of the applicant;

(2) The name, address and telephone number of the person, firm, corporation, association or organization by whom the applicant is employed or which the applicant represents, and the length of time of such employment or representation;

(3) A description of the subject matter of the soliciting in which applicant will engage;

(4) The period of time to be covered by the certificate of registration being sought;

(5) The date, or approximate date, of the latest previous application for a certificate of registration under this Chapter or its predecessor;

(6) Whether a certificate of registration issued to the applicant under this Chapter, or its predecessor, has ever been revoked;
(7) Whether the applicant has ever been convicted of a violation of any of the provisions of this Chapter, its predecessor, or any ordinance of any other Illinois municipality, or any Illinois Statute, regulating soliciting;

(8) Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois, or any other State, or under the laws of the United States;

(9) Evidence that the applicant is authorized to solicit for the person, organization, corporation or association represented.

(c) Each person who is a "professional fundraiser" or "professional solicitor" as defined in the Solicitation for Charity Act (225 ILCS 460/0.01 et seq.) shall submit to the Village Clerk proof of compliance with said Act including, but not limited to, current registration with the Illinois Attorney General. (Ord. No. 97-27, Sec. 10, 8-21-97)

(d) The Chief of Police shall cause to be kept in his or her office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all licenses issued under the provisions of this Chapter, and of the denial of applications. Applications for certificates of registration shall be numbered consecutively in the order filed, and every certificate issued shall be identified with the duplicate number of the application upon which it was issued.

(e) No certificate of registration shall be issued to any person who:

(1) has been convicted of the commission of a felony under the laws of the State of Illinois or any other state, or under the laws of the United States, within five (5) years of the date of the application; or

(2) has violated any of the provisions of this Chapter or its predecessors; or

(3) whose license issued hereunder has previously been revoked, as herein provided; or

(4) has not complied with any applicable law, ordinance, rule or regulation.

(f) A certificate of registration shall not be valid for a period longer than fourteen (14) days.

(g) There shall be no fee for a certificate of registration.

Sec. 16-7. Policy on peddling or soliciting.
It is hereby declared to be the policy of the Corporate Authorities of the Village of Fox River Grove that the occupant or occupants of the residences in the Village shall make the determination of whether peddlers or solicitors shall or shall not be invited to their respective residences.

**Sec. 16-8. Notice regulating peddling or soliciting.**

Every person desiring to secure the protection intended to be provided by the regulations pertaining to peddling or soliciting contained in Section 16-7 shall give notice that the occupant refuses invitation to peddlers and solicitors to the occupant's premises, said notice to be given in the following manner:

1. A weatherproof card, approximately three inches by four inches (3" x 4") in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words "NO PEDDLERS OR SOLICITORS INVITED."

2. The letters shall be at least one-third inch (1/3") in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting same, at the cost thereof.

3. Such card so exhibited shall constitute sufficient notice to any peddler or solicitor of the determination by the occupant of the residence of the information contained thereon.

**Sec. 16-9. Restrictions applicable to soliciting and peddling.**

(a) It is hereby declared unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of engaging in peddling or soliciting in defiance of a notice posted at the residence in accordance with the provisions of Section 16-8.

(b) It is hereby declared unlawful and shall constitute a nuisance for any person to remain in any residence or upon any premises for the purpose of engaging in peddling or soliciting after the occupant or owner of such residence or premises has requested that the person leave such residence or premises.

(c) It is hereby declared unlawful and a nuisance for any person who has not made a pre-arranged appointment with the occupant, to go upon any premises, and ring the doorbell or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of engaging in peddling or soliciting between nine o'clock (9:00) p.m., and eight o'clock (8:00) a.m. on the following day.

(d) It shall be unlawful for any person who engages in peddling or commercial solicitation to use any plan, scheme or ruse, or to make any statement, which indicates or implies that the
purpose of such person's peddling or solicitation is other than to obtain orders for or to make sales of goods or services.

(e) The license or certificate of registration of any peddler or solicitor shall be displayed on the outer garment of the peddler or solicitor at all times while the person is engaged in soliciting or peddling within the Village.

(f) It shall be unlawful for any person who engages in peddling or soliciting to misrepresent the right of a buyer to rescind or cancel a sale under the provisions of applicable laws.

(g) It shall be unlawful for any person who engages in peddling or soliciting to cheat, deceive or make fraudulent misrepresentations, whether through himself or through an employee, while acting as a peddler or solicitor within the Village.

(h) It shall be unlawful for any person engaged in peddling or soliciting to interfere with vehicular, bicycle or pedestrian traffic on any public right-of-way, or to display any goods, merchandise or wares on any Village property or right-of-way, or within one hundred (100’) feet of the intersection of any public right-of-way or driveway, except as provided in Division 2 of this Chapter.

(i) Any person engaging in peddling or commercial soliciting within the Village, thereby gives his consent to inspection by the Police Department of his goods, wares and merchandise as to sanitation and as to compliance with the kinds of goods, wares or merchandise stated in the person's application for a license.

Sec. 16-10. Revocation; grounds.

Any license or certificate of registration issued pursuant to this Article shall be revoked by the Chief of Police if the holder of the certificate is convicted of a violation of any of the provisions of this Article, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this Article. Such revocation shall become effective seven (7) days after the Chief of Police delivers notice of revocation to the holder of the license or certificate in person or mails notice of revocation to the holder of the license or certificate by certified U.S. Mail addressed to his residence address set forth in the application unless the holder of the license or certificate files a written request within such seven (7) day period with the Village Clerk requesting that the Village President conduct a hearing on the revocation. If a hearing is requested, the hearing shall be conducted by the Village President. Following the hearing the Village President shall issue a written decision as to whether the license or certificate should be revoked.

Sec. 16-11. Enforcement.
The Police Department, under the direction of the Chief of Police, shall have the duty to enforce the provisions of this Chapter, including the conducting of all required inspections.

**Sec. 16-12. Penalties.**

Any person, firm or corporation found guilty of violating any provision of this Chapter shall be fined not less than fifty ($50.00) dollars nor more than five hundred ($500.00) dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**Secs. 16-13--16-19. Reserved.**

**DIVISION 2. SOLICITATION ON HIGHWAYS**

**Sec. 16-20. Location for solicitation.**

No person shall engage in peddling or commercial soliciting while standing on any highway within the Village. No person shall stand on any highway within the Village while engaged in non-commercial soliciting unless such person is soliciting contributions from occupants of a vehicle at the intersection of a highway when traffic has come to a full stop. A person soliciting such contributions must have a valid certificate of registration as provided in this Chapter.

**Sec. 16-21. Liability for injuries.**

Nothing in this Chapter shall relieve any person who is engaged in soliciting contributions on a highway or the organization or association on whose behalf the solicitation is being made from liability for injuries to persons or property which are caused by the negligent or intentional acts or omissions of such person.

**Sec. 16-22. Age requirement.**

Any person engaged in the act of non-commercial solicitation on a highway shall be sixteen (16) years of age or more and shall be wearing a high visibility vest.

**Secs. 16-23--16-26. Reserved.**

**ARTICLE II. HANDBILLS AND SAMPLES**

**Sec. 16-27. Indiscriminate distribution in public places prohibited.**

It shall be unlawful for any person to indiscriminately distribute to the public any cards, circulars, handbills, samples of merchandise or any matter for the purpose of advertising the sale of a good,
article, commodity or service on any public street or sidewalk or other public place in the Village; provided that this Section shall not be construed to prohibit the peddling or sale of any article or publication that may carry or be accompanied by advertising matter where a charge is made or a price is paid for such article or publication.

**Sec. 16-28. License required for house to house distribution; exception.**

It shall be unlawful for any person to distribute indiscriminately to the public, by leaving at stores, offices, houses or residences in the Village, any cards, circulars, samples of merchandise, handbills or any matter for the purpose of advertising the sale of a good, article or commodity without having first secured a license therefor; however, this Section shall not be construed to apply to the sale of articles by licensed or registered solicitors or licensed peddlers.

**Sec. 16-29. Application for license; contents.**

Applications for licenses required by this Article shall be made to the Village Clerk and shall contain a statement of the nature of the article, cards or advertisement to be distributed, the name of the applicant, the name of the manufacturer or distributor of the good, article or service advertised, the dates on which the article, card or advertisement will be distributed and the location(s) where the distribution shall occur. The application shall also state whether the applicant has been convicted of a felony under the laws of Illinois, another State or the United States.

**Sec. 16-30. License fee and duration.**

The fee for a license required by this Article shall be twenty-five ($25.00) dollars. Each license shall be issued for a period not to exceed thirty (30) days. No license shall be issued to any person who has been convicted of a felony during the preceding five (5) years. (Ord. No. 07-10, Sec. 17, 4-19-07)

**Sec. 16-31. Fraudulent advertiser.**

It shall be unlawful for any person to distribute a card, handbill, circular, samples of merchandise or other matter advertising the sale of a good, article or service which is deceptive or contains fraudulent misrepresentations.
Chapter 17

Police and Prisoners

Art. I. In General, Secs. 17-1--17-17
Art. II. Police Department, Secs. 17-18--17-44
Div. 1. Generally, Secs. 17-18--17-29
Div. 2. Chief of Police, Secs. 17-30--17-44
Art. III. Prisoners, Secs. 17-45--17-51

Article I. In General

Sec. 17-1. Resisting or obstructing a peace officer.

A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer of any authorized act within his official capacity shall be guilty. (Code 1958, Sec. 28.328)

Secs. 17-2--17-17. Reserved.

Article II. Police Department

Division 1. Generally

Sec. 17-18. Composition.

The Police Department shall consist of the Chief of Police who shall be ex officio Village marshall, and such other members as may be provided for from time to time by the Village President with the advice and consent of the Board of Trustees. (Ord. No. 94-05, Sec. 1, 3-17-94)

Sec. 17-19. Appointment.

(a) The Village President may require, at his option, that all applicants possess, at the time of initial application, a Municipal Police Registry Public Safety Assessment Transcript (PSAT) or equivalent evaluation prepared by a qualified testing firm which will provide the Village President with at least the following:

(1) An Aptitude Profile designed specifically to determine a candidate's basic cognitive ability to participate in the mandated course of training for the Police Department. The profile shall illustrate strengths and weaknesses which may be used during initial training and probationary periods.
(2) A **Physical Agility Profile** designed specifically to determine a candidate's basic fitness for the mandated course of training for the Police Department.

(3) A **Character Profile** designed to identify personality characteristics and attitudes associated with counterproductive behavior.

(4) A **Historical Profile** designed to provide suitability criteria regarding the lifetime background of the candidate, which has been evaluated for informational reliability.

(5) A **Behavior Potential Profile** which shall be a professional evaluation based on current psychological data provided through the use of a valid and recognized written personality inventory completed by the candidate. This profile will only be conducted for the Village on receipt by the candidate and the Municipal Police & Fire Registry or other third-party testing firm of a written job offer contingent upon meeting the Village's standards in compliance with Americans with Disabilities Act (ADA) regulations.

(6) A **Forensic Background Evaluation** will be utilized in the form of a polygraph examination where legally allowed. If a polygraph examination is not allowed, an in-depth background interview and updating review of the candidate's background will be made. This profile will only be conducted for the Village on receipt by the candidate and the Municipal Police & Fire Registry or other third party testing firm of a written job offer contingent upon meeting the Village's standards in compliance with ADA regulations.

(7) A **Training Assessment Profile** to be provided upon request of the Village President, after a candidate has met all hiring standards and is officially sworn in. This profile shall be utilized as a guide for candidate training at a police academy and during the probationary field training period.

(b) The Village shall utilize the Municipal Police & Fire Registry PSAT, or other third-party testing firm in a non-discriminatory manner. All applicants evaluated for a given position with the Police Department within a specific recruitment cycle shall be required to possess such a transcript profiled in the same manner.

(c) The Municipal Police & Fire Registry is hereby officially recognized as a third-party testing firm found to be qualified by the Corporate Authorities of the Village of Fox River Grove. The Village President may utilize other third-party testing firms which are qualified and which can provide the information set forth in Section 17-19 (a).

(d) The Village President shall use the Aptitude Profile contained in the Municipal Police & Fire Registry PSAT in lieu of a written examination and the Physical Agility Profile contained in
the Municipal Police & Fire Registry PSAT in lieu of a physical agility test and all or other portions from the Municipal Police & Fire Registry PSAT in lieu of the Village's own selection process. In the event a third-party testing firm other than the Municipal Police and Fire Registry is utilized, the information and documentation provided by such third-party testing firm shall be utilized in lieu of the Village's examination and selection process. (Ord. No. 94-05, Sec. 2, 3-17-94)

(e) Applicants for appointment to the Village of Fox River Grove Police Department shall be required to pay a fee in the amount of twenty dollars ($20.00) at the time the application for appointment is submitted. (Ord. No. 2007-26, Sec. 1, 8-16-07)

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or the application thereof to any person or circumstance 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 of this Ordinance or the application of such portion to other person or circumstances. (Ord. No. 07-26, Sec. 3, 8-16-07)

Sec. 17-20. General duties of members.

It shall be the duty of the members of the Police Department to see to the enforcement of all provisions of this Code and other Ordinances of the Village, of all Statutes effective in the Village and to preserve order and prevent infractions of the law and to arrest violators thereof. Every member of the Police Department is hereby declared to be a conservator of the peace. (Code 1958, Sec. 5.102)

Sec. 17-21. Conduct of members.

It shall be the duty of every member of the Police Department to conduct himself in a proper and law abiding manner and to avoid the use of unnecessary force. (Code 1958, Sec. 5.106)

Sec. 17-22. Duty of members of serve as witnesses; disposition of fees.

Every member of the Police Department shall appear as a witness whenever this is necessary in a prosecution for a violation of this Code, other Village Ordinance or a State or Federal law. No member of the Police Department shall receive any witness fee for such services in any action or suit to which the Village is a party. All fees due for such service shall, if paid, be turned over to the Village Treasurer. (Code 1958, Sec. 5.107)

Sec. 17-23. Special policemen-appointment; powers and duties; compensation; revocation of appointment.

The Chief of Police may appoint any reputable person as a special policeman to serve for such term
and on such conditions as may be designated by the terms of his appointment. Special policemen shall have the powers and duties of a conservator of the peace, and shall receive no compensation from the Village, unless such compensation is ordered by the Board of Trustees. Appointments may be revoked at any time by the Village President, the Board of Trustees, or the Chief of Police. (Code 1958, Sec. 5.109)

Sec. 17-24. Part-time police officers; Training.

(1) Hiring; Discharge: Terms of Employment. All part-time police officers shall be hired by the Village’s Corporate Authorities and assigned, supervised and directed by the Chief of Police, or the Chief’s designee and shall be considered at-will employees, subject to discipline and discharge by the Village’s Corporate Authorities. The terms and conditions of their employment shall be set forth in the Village’s Employee Handbook. The number of hours a part-time officer may work within a calendar year is restricted to not more than one thousand (1,000) hours per year.

(2) Administrative Code. The Village’s Administrative Code shall apply to all part-time officers except those portions pertaining to full-time employees of the Village.

(3) Hiring Standards.

(a) All part-time police officers shall be qualified to enter and successfully complete any training mandated by the Illinois Law Enforcement Training Standards Board.

(b) The aforesaid hiring standard shall be submitted to the Illinois Law Enforcement Training Standards Board, as required by statute.

(c) All part-time officers employed by the Village shall be subject to the following:

   (a) Criminal history check;
   (b) Background and personal history investigation indicating proper qualifications, character and behavior;
   (c) Possession of a high school diploma or equivalent;
   (d) Proof of required handgun training;
   (e) Drug screening analysis;
   (f) Oral interview;
   (g) Psychological exam;
   (h) Medical exam

(d) All part-time officers employed by the Village must meet all of the following standards:
(a) Be at least twenty-one (21) years of age.
(b) Possess a high school diploma or GED certificate.
(c) Possess a valid driver’s license.
(d) Possess no prior felony convictions.

(Ord. 11-15, Sec. 1, 5-19-11; Ord. 12-30, Sec. 1, 11-15-12)

Secs. 17-25--17-29. Reserved.

DIVISION 2. CHIEF OF POLICE

Sec. 17-30. General powers and duties.

The Chief of Police shall be responsible for the performance by the Police Department of all its functions, and all persons who are members of the Police Department shall serve subject to the orders of the Chief of Police. The Chief of Police shall be keeper of the Village jail, and shall have custody of all persons incarcerated therein and of all property pertaining thereto. He shall keep such records and make such reports concerning the activities of his department as may be required by statute or ordinance, or at the request of the Chairman of the Public Health and Safety Committee. (Code 1958, Secs. 5.103, 8.202)

Sec. 17-31. Custodian of lost and stolen property.

The Chief of Police shall be custodian of all lost, abandoned or stolen property in the Village. (Code 1958, Sec. 5.104)

Sec. 17-32. Serving processes.

The Chief of Police shall be authorized to serve writs, summons, and other processes, but no patrolman shall serve any such summons or process except on the order of the Chief of Police or of the Village President. (Code 1958, Sec. 5.105)

Sec. 17-33. Promulgation of rules and regulations.

The Chief of Police may make such rules and regulations for the guidance of the members of the Police Department as he shall see fit. Such rules, when approved by the Village President and Board of Trustees, shall be binding on members of the Police Department. (Code 1958, Sec. 5.108)

Secs. 17-34--17-44. Reserved.

ARTICLE III. PRISONERS
Sec. 17-45. Village jail established.

The place in the Village heretofore established and used as the Village jail, or any other place which may be hereafter used for that purpose, is hereby declared to be the Village jail. (Code 1958, Sec. 8.201)

Sec. 17-46. When prisoners may be incarcerated.

The Village jail shall be used for the incarceration of all persons arrested for violating any State or Federal law or for violating any Village Ordinance until such person shall be lawfully brought before a court of proper jurisdiction for a hearing or until such person shall be lawfully transferred to some other place of incarceration or otherwise lawfully released. (Code 1958, Sec. 8.203)

Sec. 17-47. Escape from jail.

It shall be unlawful for any person to escape, attempt to escape, or to assist any prisoner to escape or attempt to escape from the Village jail. (Code 1958, Sec. 8.204)

Sec. 17-48. Escape from custody of peace officer.

A person in the lawful custody of a peace officer who intentionally escapes from custody shall be guilty of a violation of this Code.

State law reference--For similar provisions, see 720 ILCS 5/31-6

Sec. 17-49. Aiding escape.

(a) Whoever, with intent to aid any prisoner in escaping from any penal institution, conveys into the institution or transfers to the prisoner anything for use in escaping shall be guilty of a violation of this Code.

(b) Whoever knowingly aids a person convicted of a violation of an Ordinance, or charged with the violation of an Ordinance in escaping from any penal institution or from the custody of any employee of that institution shall be guilty of a violation of this Code.

(c) Whoever knowingly aids a person in the lawful custody of a peace officer in escaping from custody shall be guilty of a violation of this Code.

(d) An officer or employee of any penal institution who recklessly permits any prisoner in his custody to escape shall be guilty of a violation of this Code.

State law reference--For similar provisions, see 720 ILCS 5/31-7

Sec. 17-50. Communications with prisoners.
It shall be unlawful for any person to communicate with any prisoner held in jail without the permission of the Chief of Police or the police officer in charge. (Code 1958, Sec. 8.20-5)

Sec. 17-51.  Bail Processing Fee.

The Village of Fox River Grove’s Police Department shall charge a bail processing fee of twenty ($20.00) dollars to each person arrested for violating any bailable Municipal Ordinance, State law or Federal law. However, the release of any individual on bail shall not be denied solely because of the individual’s inability to pay the bail processing fee. (Ord. No. 11-24, Sec. 1, 10-20-11)
Chapter 17½

STANDARDS FOR REQUIRED IMPROVEMENTS*

Art. I. General Provisions, Secs. 17½-1--17½-10
Art. II. Storm Water Drainage, Secs. 17½-11--17½-30
Art. III. Standards and Specifications for Water Mains, Sanitary Sewers, Storm Sewers, Streets, Sidewalks and Appurtenances, Secs. 17½-31--17½-48
Art. IV. Private Driveways, Parking Lots and Right-of-Way Parking Pads, Secs. 17½-49--17½-63

ARTICLE I. GENERAL PROVISIONS

Sec. 17½-1. Applicability and purpose of chapter.

The provisions of this Chapter shall be applicable whenever the improvements specified herein are required to be constructed as part of the development of a subdivision or a planned unit development, or as a condition of the construction of a structure pursuant to the building code, or as a condition of the establishment or maintenance of a use pursuant to the zoning ordinance. The provisions of this Chapter define the improvements required of certain developments, and establish the design and construction standards and specifications for improvements required by this Chapter and by other Ordinances of the Village. (Ord. No. 79-07, Sec. 1, 2-21-79)

Sec. 17½-2. Unlawful to develop in violation of chapter.

It shall be unlawful to develop any property without the improvements required and specified herein. It shall also be unlawful to construct any of the improvements specified herein except in accordance with the standards, specifications and procedures established by this Chapter. (Ord. No. 79-07, Sec. 1, 2-21-79)

Sec. 17½-3. Interpretations and variances.

Interpretations of the provisions of this Chapter shall be the responsibility of the Village Engineer with the right of appeal to the President and Board of Trustees, whose interpretation shall be final.

*Editor's note-Ord. No. 79-07, Sec. 1, enacted Feb. 21, 1979, amended this Code by adding provisions designated Ch. 24 which provisions were redesignated Ch. 17 1/2 by the editors in order to preserve the alphabetical arrangement of chapters within the Code.
Cross references--Buildings and building regulations, Ch. 6; mobile homes and mobile home parks, Ch. 14; streets and sidewalks, Ch. 18; subdivisions, Ch. 19; water and sewers, Ch. 23.
the case of conflict between the provisions of this Chapter and the provisions of any other Ordinance, the strictest provisions, as determined by the President and Board of Trustees, shall be applicable. Variations from the provisions of this Chapter can be granted only by the President and Board of Trustees after a hearing on the proposed variation. The President and Board of Trustees shall grant or deny a request for a variation after receiving the recommendation of the Village Engineer, and after considering the effects of said variation on the person requesting it, on other property, on Village maintenance, and on the public health, welfare and safety. (Ord. No. 79-07, Sec. 1, 2-21-79)

Sects. 17½-4–17½-10. Reserved.

ARTICLE II. STORM WATER DRAINAGE

Sec. 17½-11. Purpose.

The storm water drainage control regulations hereinafter set forth shall be applicable in conjunction with the Code and regulations of the Village to provide for orderly growth and development and to safeguard public and private property against damage from storm water runoff and flooding. (Ord. No. 79-07, Sec. 1, 2-21-79)

Sec. 17½-12. Definitions.

[The following definitions shall be applicable to this article:]

(1) **Storm water runoff**: Water that results from precipitation which is not absorbed by the soil or plant material.

(2) **Natural drainage**: Channels formed by the existing surface topography of the earth prior to changes made by unnatural causes.

(3) **Excess storm water**: That portion of storm water runoff which exceeds the transportation capacity of storm sewers or natural drainage channels serving a specific watershed.

(4) **Bypass channel**: A channel formed in the topography of the earth's surface to carry storm water runoff through a specific area.

(5) **Storm water runoff release rate**: The rate at which storm water runoff is released from dominant to servient land.

(6) **Storm water storage area**: Areas designated to store excess storm water,

(7) **Tributary watershed**: All of the area that contributes storm water runoff to a given point.
Recognized agency: An agency or governmental unit that has statistically and consistently examined local and climatic and geologic conditions and maintained records as they apply to storm water runoff, e.g., Metropolitan Sanitary District of Greater Chicago, U.S. Weather Bureau, University of Illinois Engineering Experiment Station, Illinois State Water Survey, etc.

Dry bottom storm water storage area: A facility that is designed to be normally dry and contains water only when excess storm water runoff occurs.

Wet bottom storm water storage area: A facility that is designed to be maintained as free water surface or pond.

Control structure: A structure designed to control the volume of storm water runoff that passes through it during a specific length of time,

Positive gravity outlet: A term used to describe the drainage of an area by means of natural gravity so that it lowers the free water surface to a point below the existing grade or invert of storm drains within the area.

Ground water recharge: Replenishment of existing natural underground water supplies.

Safe storm drainage capacity: A term used to describe the quantity of storm water runoff that can be transported by a channel or conduit without having the water surface rise above the level of the earth's surface over the conduit, or adjacent to the waterway. (Ord. No. 79-07, Sec. 1, 2-21-79)

Sec. 17½-13. Land drainage requirements.

All land developments and improvements within the jurisdictional control of the Village must have an adequate outlet with safe storm drainage capacity for storm water drainage as determined by the Village Engineer. If the storm water drainage outlet is not adequate, then detention facilities for storm water runoff shall be provided as determined by the Village Engineer to store the excess storm water. A combination of on-site excess storm water storage and controlled release of storm water runoff shall be provided for all of the following land uses:

1. Commercial and industrial building developments of two (2) acres and larger in area.
2. Multiple-family dwelling developments of five (5) acres and larger in area.
3. Single-family dwelling developments of ten (10) acres and larger in area. (Ord. No. 79-07, Sec. 1, 2-21-79)
Sec. 17½-14. Storm water runoff release rate.

The storm water runoff release rate from all land developments and improvements required to provide detention facilities for excess storm water shall not exceed the storm water runoff rate from the area calculated for a rainfall storm of three-year frequency with a rainfall runoff coefficient of fifteen hundredths (0.15), unless the permit applicant can show by detailed calculations of an Illinois registered professional Engineer which are approved by the Village Engineer that the safe storm drainage capacity of the existing outlet serving the tributary watershed is greater. (Ord. No. 79-07, Sec. 1, 2-21-79)

Sec. 17½-15. Bypass storm water flow.

The storm water drainage system for all land developments and improvements shall be designed with adequate bypass capacity to convey the storm water runoff flow from all tributary watershed areas through the land development area to the existing drainage outlet. The bypass storm water flow rate for upstream tributary watershed areas shall be computed to carry the peak rate of runoff from a one hundred-year storm with a rainfall-runoff coefficient of thirty-five hundredths (0.35). An allowance will be made for upstream detention storage when such upstream storage and runoff release rate has previously been approved by the Village and has been constructed. (Ord. No. 79-07, Sec. 1, 2-21-79)

Sec. 17½-16. Excess storm water storage.

(a) The required volume of live detention storage of excess storm water shall be calculated on the basis of the runoff from a one hundred-year frequency rainfall of any duration, as published by a recognized agency, from the fully developed watershed that is tributary to the storm water storage area less the volume discharged from the watershed during the same duration at the allowable storm water release rate. The live detention storage (LDS) required for all excess storm water flows shall be calculated by the following formula:

\[ \text{LDS} = CI_{100}T - 0.15 I_{3T} \]

where LDS = Live detention storage in inches of depth which can be converted to acre-feet by multiplying by the drainage area in acres and by the factor of 0.0833.

C = Rainfall-runoff coefficient calculated for the ultimate development of the total tributary watershed area using the following values:

- Commercial and industrial-- 0.95
- Residential, multifamily-- 0.75
- Residential, single family-- 0.55
- Parks, golf courses, etc.-- 0.35
- Undeveloped-- 0.15
STANDARDS FOR REQUIRED IMPROVEMENTS

I\text{100} = \text{Rainfall intensity in inches per hour determined by a recognized agency for a 100-year storm frequency for any and all durations.}

I\text{3} = \text{Rainfall intensity in inches per hour determined by a recognized agency for a 3-year storm frequency for the time of concentration of the undeveloped land.}

T = \text{Time of duration in hours of the 100-year storm varied to determine the most critical runoff rate and therefore the maximum live detention storage.}

(b) Dry bottom storm water storage areas shall be designed to serve a secondary purpose for recreation, open space or other types of uses that will not be adversely affected by occasional or intermittent flooding. A method of carrying the low flow through these areas shall be provided in addition to a system of drains, and both shall be provided with a positive gravity outlet to a natural channel or storm sewer.

(1) The combination of storage of the water from a one hundred-year storm and the design release rate shall not result in a storage duration in excess of seventy-two (72) hours.

(2) Maximum depth of planned storm water storage shall not exceed four (4) feet unless the existing natural ground contours and other conditions lend to greater storage depth, which shall be approved by the Village.

(3) Minimum grades for turf areas shall be two (2\%) percent and maximum slopes shall be ten (10\%) percent (ten (10) units horizontally to one unit vertically). Storage areas side slopes shall be kept as close to the natural land contours as practical and a ten (10\%) percent slope or less shall be used wherever possible. If slopes greater than ten (10\%) percent are necessary to meet storage requirements or area restrictions, approval shall be obtained from the Village and suitable erosion control provided in addition to the protection required to insure public health, safety and welfare.

(4) Outlet control structures shall be designed as simply as possible and shall require little or no attention for proper operation. Each storm water storage area shall be provided with a method of emergency overflow in the event that a storm in excess of the one hundred-year frequency storm occurs. This emergency overflow facility shall be designed to function without attention and shall become part of the "natural" or surface channel system. Hydraulic calculations shall be submitted to the Village Engineer to substantiate all design features. Both outlet control structures and emergency overflow facilities shall be designed and constructed to fully protect the public health, safety and welfare. Storm water runoff velocities shall be kept at a minimum and turbulent conditions at an outfall control structure will not be permitted without complete protection for the public safety. The use of restrictive
fences shall be kept to a minimum and used only as a last resort when no other method is feasible.

(c) Wet bottom storm water storage areas shall be designed in accordance with all of the requirements for dry bottom storm water storage areas except that a low flow conduit and a system of drains with a positive gravity outlet shall be eliminated. However, the following additional conditions shall be complied with:

1. Water surface area shall not exceed ten (10%) percent of the tributary drainage area.
2. Shoreline protection shall be provided to prevent erosion from wave action.
3. Minimum normal water depth shall be four (4) feet. If fish are to be used to keep the pond clean, a minimum of twenty-five (25%) percent of the pond area shall have a minimum depth of ten (10) feet.
4. Facilities shall be available, if possible, to allow the pond level to be lowered by gravity flow for cleaning purposes and shoreline maintenance.
5. Control structures for storm water release shall be designed to operate at full capacity with only a minor increase in the water surface level. Hydraulic calculations shall be submitted to the Village Engineer to substantiate all design features.
6. Aeration facilities to prevent pond stagnation shall be provided. Design calculations to substantiate the effectiveness of these aeration facilities shall be submitted with final engineering plans. Agreements for the perpetual operation and maintenance of aeration facilities shall be prepared to the satisfaction of the Village.
7. In the event that the water surface of the pond is to be raised for purposes of storing water for irrigation or in anticipation of the evapotranspiration demands of dry weather, the volume remaining for storage of excess storm water runoff shall still be sufficient to contain the one hundred-year storm runoff.

(d) Paved surfaces that are to serve as storm water storage areas shall have minimum grades of one per cent and shall be restricted to storage depths of one foot maximum. Rooftop storage shall be designed with permanent-type control outlets and parapet walls to contain runoff on the rooftop. Emergency overflow areas shall be provided to insure that the weight of water stored will not exceed the structural capacity of the roof. If a portion of an area within a storm water storage area is to be paved for parking or recreational purposes, the paved surface shall be placed at the highest elevation within the storage area as possible. Maximum parking lot grades shall not exceed normal design parameters of three (3%) to five (5%) percent. (Ord. No. 79-07, Sec. 1, 2-21-79)
Sec. 17½-17. Ground water recharge.

The ability to retain and maximize the ground water recharge capacity of the area being developed is encouraged. Design of the storm water runoff control system shall give consideration to providing ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and roofed over. Specific design calculations and details shall be provided with the final plans and specifications presented for Village approval. The use of natural gravel deposits for the lower portions of storm runoff storage areas, the flattening of drainage slopes and the retention of existing topography are examples of possible recharge methods. (Ord. No. 79-07, Sec. 1, 2-21-79)

Sec. 17½-18. Construction of storm water control facilities.

(a) Where development of a property presents the threat of flooding or damage by flash runoff to downstream residents, the facilities for storm water runoff control shall be constructed prior to any earthmoving or drainage construction on the project site.

(b) During the construction phases of land development, facilities shall be provided to prevent the erosion and washing away of the earth. Silting of downstream areas shall be prevented through the strategic use of stilling basins, sodding of runoff channels, and by limiting the period of time during which the earth is stripped of vegetation.

(c) The construction of the storm water control system shall be accomplished as part of the cost of land development. If the amount of storage capacity can be increased to provide benefits to the Village, negotiations for public participation in the cost of development may be feasible. (Ord. No. 79-07, Sec. 1, 2-21-79)

Sec. 17½-19. Submittal of engineering design data.

Plans, specifications and all calculations for a storm water runoff as required hereunder shall be submitted to the Village Engineer for review and approval prior to the Village's approval of a final plat in the case of subdivisions and planned unit developments, or issuance of a building permit in the case of commercial or industrial construction. (Ord. No. 79-07, Sec. 1, 2-21-79)

Secs. 17½-20–17½-30. Reserved.
ARTICLE III. STANDARDS AND SPECIFICATIONS FOR WATER MAINS, SANITARY SEWERS, STORM SEWERS, STREETS, SIDEWALKS AND APPURTEANCES

Sec. 17½-31. Applicability of provisions.

The provisions of this Article establish the standards and specifications for the design and construction of public improvements including water mains, sanitary sewers, storm sewers, streets, sidewalks, and appurtenances within the corporate limits of the Village of Fox River Grove and within the area one and one-half (1½) miles beyond the corporate limits as now or hereafter established. (Ord. No. 79-07, Sec. 1, 2-21.-79)

Sec. 17½-32. Definitions.

[For the purpose of this Article, the following words, terms and phrases shall have the meaning ascribed to them in this Section:]

(1)  *ANSI*: American National Standards Institute.


(3)  *AWWA*: American Water Works Association.

(4)  *CISPI*: Cast Iron Soil Pipe Institute.

(5)  *Building sewer*: A private sewer that conveys sewage and polluted industrial wastes from a building to the public sanitary sewer.

(6)  *Cul-de-sac*: A minor street having one open end and being permanently terminated at the other end by a vehicle turnaround.

(7)  *Development*: Any construction or any installation of site improvements.

(8)  *Distribution system*: The network of water mains by which a water supply is delivered to consumers.

(9)  *Engineer*: A professional engineer registered as such in the State of Illinois.

(10) *Infiltration*: The quantity of groundwater that leaks into a pipe through joints, porous walls, or breaks.
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(11) **Major street:** A street of considerable continuity which serves or is intended to serve as a major traffic artery connecting large areas.

(12) **Minor street:** A street intended primarily as access to abutting properties.

(13) **Owner:** Any person having legal and equitable title to the land sought to be subdivided, developed or otherwise improved.

(14) **Ordinance:** This chapter.

(15) **Person:** Any individual, firm, association, syndicate, corporation, trust, or any other legal entity.

(16) **Psi:** Pounds per square inch of pressure.

(17) **Psig:** Pounds per square inch of gage pressure.

(18) **Public right-of-way:** A strip of public land which affords pedestrian and vehicle access to abutting private properties.

(19) **Public sewer:** A sewer in which all owners of abutting properties have equal rights of connection and use, and is operated, maintained and controlled by the Village.

(20) **Sanitary sewer:** A sewer that conveys sewage and polluted industrial wastes, and to which storm water, surface drainage, groundwater or unpolluted waste water are not intentionally admitted.

(21) **Sewage:** A combination of the waste water from residential, commercial, industrial and institutional buildings together with such groundwater infiltration and surface water inflow that may be in the sewers.

(22) **Shall:** Mandatory.

(23) **Sidewalk:** A paved walk for pedestrians in the public street right-of-way.

(24) **Storm sewer:** A sewer that conveys storm water runoff and surface water drainage, but excludes sewage and polluted industrial wastes.

(25) **Storm water runoff:** That portion of precipitation which is not absorbed into the ground and which is drained from the ground surface to a natural outlet or watercourse.

(26) **Street:** A roadway for motor vehicles in the public right-of-way.
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(27) **Secondary street:** A street which is intended to carry traffic from minor streets to major streets and highways, including the principal entrance streets of residential subdivisions.

(28) **Superintendent:** The Superintendent of Water and Sewers of the Village or his duly authorized deputy or representative.

(29) **Village:** The Village of Fox River Grove, Illinois.

(30) **Village Engineer:** The engineer duly designated or appointed by the Village President and Board of Trustees, or his duly authorized deputy or representative.

(31) **Water main:** A pressure pipe through which water supply is delivered for domestic, industrial and fire protection uses. (Ord. No. 79-07, Sec. 1, 2-21-79)

Sec. 17½-33. Water system improvements.

(a) Water mains shall be sized as determined by a hydraulic analysis based on anticipated flow demands and pressure requirements to maintain a normal working pressure in the distribution system of not less than forty (40) psi and a minimum residual pressure of twenty (20) psi for fire protection, but the minimum size of water main shall be six-inch diameter.

(b) All water main extensions shall be looped to avoid dead-ends and shall extend across the entire frontage of the property to be served unless otherwise recommended by the Village Engineer and/or approved by the Board of Trustees.

(c) Water mains shall be either cement-mortar lined ductile cast-iron pipe, Class 52 conforming to the latest revision of ANSI Specification A21.51, or asbestos-cement pressure pipe, Class 150 conforming to the latest revision of AWWA Standard C400, or polyvinyl chloride Class 150 pressure pipe with a standard dimension ratio of 17 conforming to the latest revisions of ASTM D-1784 and ASTM D-2241. Fittings shall conform to the latest revision of ANSI Specification A21.10. Cast-iron pipe and fittings installed in corrosive soils containing cinders or having a high organic content shall be protected by polyethylene encasement conforming to the latest revision of ANSI Specification A21.5.

(d) Water mains shall have a minimum depth of cover of five and one-half (5 1/2) feet over all pipe and fittings, and shall be installed in accordance with the latest revision of AWWA Standard C600 for cast-iron pipe and AWWA Standard C603 asbestos-cement pipe. A continuous and uniform bedding of gravel or crushed stone, Size No. 67, conforming to the latest revision of ASTM Specification D448, shall be placed in the trench to provide a minimum thickness of four (4) inches under and supporting the full bottom quadrant of the pipe. Backfill materials shall be placed and tamped by hand in six-inch layers around the pipe.
to a height of twelve (12) inches over the top of the pipe.

(e) Water mains shall be provided with gate valves at all tees and crosses, and at not more than five hundred-foot intervals in commercial districts and at not more than eight hundred-foot intervals in residential and industrial districts.

(f) Gate valves shall be cast-iron body, bronze fitted, resilient wedge disc and seat type with non-rising stem and O-ring seals, and conform to the latest revision of AWWA Standard C509. (Ord. No. 2001-02, Sec. 1, 1-18-2001)

(g) Gate valves under streets and driveways shall be installed inside forty-eight-inch diameter precast concrete valve vault structures complete with cast-iron steps and manhole covers marked "Water". Gate valves under dirt or grass parkways shall be installed with valve boxes extended to the finished grade ground level with covers marked "Water".

(h) Fire hydrants shall be installed at all street intersections and at intervals of not more than three hundred (300) feet in commercial and industrial districts and four hundred (400) feet in residential districts. Fire hydrants shall be the compression type with five and one-quarter (5¼) inch minimum size main valve assembly, 0-ring seals, two and one-half (2½) inch hose nozzles and a four and one-half (4½) inch pumper nozzle with National Standard threads, a National Standard operating nut, a break-away type ground level flange, conforming to the latest revision of AWWA Standard C502, and be manufactured by Waterous Company. Each hydrant shall be provided with a six-inch auxiliary gate valve and not less than a twenty-four-inch length of six-inch pipe between the hydrant and valve. Two (2) three-quarter-inch threaded steel rods with hex nuts shall be installed to tie the auxiliary valve to the water main connecting tee. Fire hydrants shall be installed vertically so that the center line of the pumper nozzle is not less than twelve (12) inches nor more than eighteen (18) inches above the finished grade ground level. Hydrants shall be set on a precast concrete block of adequate area and thickness to provide firm support for the base, and shall be securely braced with solid concrete blocking between the base and undisturbed trench wall to counteract the reaction thrust of water pressure at the base. Hydrant barrels shall be braced in such a manner to hold them plumb during backfilling. A minimum of three-eighths (3/8) cubic yard of washed coarse stone shall be placed at and around the hydrant base for proper drainage of the hydrant barrel after use. Backfill material shall be carefully placed and compacted in six-inch layers around the hydrant and auxiliary gate valve to ensure protection and plumbness of the hydrant barrel and auxiliary valve box.

(i) Connections to existing water mains shall be made only at a time convenient to and with the presence of the Village Superintendent. Existing gate valves shall only be operated by personnel of the Village Department of Water and Sewers.
(j) All new water mains, fittings, valves and hydrants shall be pressure tested and leakage tested in accordance with the latest revision of Section 13 of AWWA Standard C600.

(k) All new, cleaned or repaired water mains, fittings, valves and hydrants shall be disinfected in accordance with the latest revision of AWWA Standard C601 and the requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies. (Ord. No. 79-07, Sec. 1, 2-21-79)

Sec. 17½-34. Sanitary sewer system improvements.

(a) Sanitary sewers shall be designed to carry, when flowing half full, not less than the following domestic sewage flow rates, exclusive of sewage or other waste water from industrial plants, for the ultimate tributary area to be served as determined by the Village Engineer.

(1) Lateral sewers--Four hundred (400) gallons per capita per day.

(2) Main sewers--Two hundred fifty (250) gallons per capita per day.

(b) All public sanitary sewer extensions shall extend across the entire frontage of all abutting properties to be served unless otherwise recommended by the Village Engineer and/or approved by the Board of Trustees.

(c) Sanitary sewers shall not be less than eight-inch diameter size pipe, and shall be installed with uniform invert slope and straight alignment between manholes.

(d) Building sewers shall not be less than six-inch diameter size pipe installed at a minimum slope of 0.125 (1/8) inch per foot, or not less than four-inch diameter size pipe in lengths of not less than ten (10) feet installed at a minimum invert slope of 0.25 (1/4) inch per foot.

(e) Sanitary sewers shall be constructed using one of the following listed materials:

(1) Polyvinyl chloride (PVC) sewer pipe conforming to the latest revised specification requirements of ASTM D3034, Type PSM. The pipe and fittings shall have a minimum wall thickness SDR 35. The joints shall be either the solvent weld type conforming to the latest revised specification requirements of ASTM D2564 and ASTM D2855, or elastomeric gasket type conforming to the latest revised specification requirements of ASTM D1869 and ASTM D3212. A thicker walled pipe, SDR 26, may be required by the Superintendent of Water and Sewers or the Village Engineer if a thicker walled pipe is determined to be necessary in order to protect the public health because of design and/or field conditions. The Superintendent of Water and Sewers or the Village Engineer shall state in writing the reason why design and/or field conditions necessitate a thicker walled pipe. Pipe and
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fittings shall be the products of one approved manufacturer only, and there shall not
be any mixing of pipe and fittings of different manufacturers.

(2) Acrylonitrile-butadiene-styrene (ABS) and polyvinyl chloride (PVC) composite
sewer pipe conforming to the latest revised specification requirements of ASTM
D2680. Couplings and fittings shall be of the same material as the pipe. ABS pipe
joints shall be of the solvent weld type and shall be made in strict accordance with
the manufacturer's instructions using the proper primer and cement materials. PVC
pipe joints shall be either the elastomeric gasketed type conforming to the latest
revised specification requirements of ASTM D3212 or solvent-weld type as specified
for ABS pipe. (Ord. No. 89-04, Sec. 1, 1-18-89)

(f) Building sewers shall be constructed using one of the following listed materials:

(1) Polyvinyl Chloride (PVC) pipe and fittings conforming to the latest specification
requirements of ASTM D3034, Type PSM. The pipe and fittings shall have a
minimum wall thickness of SDR 35. The joints shall be either the solvent weld type
conforming to the latest revised specification requirements of ASTM D2564 and
ASTM D2855, or elastomeric gasket type conforming to the latest revised
specification requirements of ASTM D1869 and ASTM D3212.

(2) Acrylonitrile-butadiene-styrene (ABS) solid wall sewer pipe and fittings with solvent
welded joints or compression-type rubber ring gasket joints conforming to the latest
revision of ASTM Specifications D2321 and D2751 for wall thickness SDR 35
installed in accordance with the manufacturer's recommendations.

(3) Extra heavy cast-iron soil pipe and fittings conforming to the latest revision of ASTM
Specification A74 with compression-type rubber ring gasket joints installed in
accordance with the latest revision of the Illinois State Plumbing Code. (Ord. No. 89-
04, Sec. 2, 1-18-89).

(g) The connection of the building sewer into the public sewer shall be made at the branch
fitting, if such is available at a suitable location. If the public sewer is twelve (12) inches in
diameter or less, and no properly located branch fitting is available, the owner shall, at his
expense, install a branch fitting in the public sewer at the location specified and installation
approved by the Superintendent of Water and Sewers. Where the public sewer is greater than
twelve (12) inches in diameter, and no properly located branch fitting is available, a neat hole
may be cut into the public sewer to receive the building sewer, with entry in the downstream
direction at an angle of about forty-five (45) degrees. A forty-five (45) degree ell may be
used to make such connection, with the spigot end cut so as not to extend past the inner
surface of the public sewer. The invert of the building sewer at the point of connection, with
the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of
the building sewer at the point of connection shall be at the same or a higher elevation than
the invert of the public sewer. A smooth, neat joint shall be made, and the connection made
secure and watertight by encasement in concrete. Special fittings may be used for the
connection when approved by the Superintendent of Water and Sewers.

(h) PVC and ABS pipe shall be installed in accordance with the latest revised specification
requirements of ASTM D2321 using either compacted Class I or Class II granular
embedment materials for bedding, haunching and initial backfill of twelve (12) inches over
the top of pipe to provide the necessary support for the pipe so that the maximum deflection
does not exceed five (5%) percent of the pipe's original internal diameter.

The contractor shall provide the necessary tools and equipment and perform the work
necessary to test the deflection in the initial 1,200 feet of installed sewer and not less than ten
(10%) percent of the remainder of the sewer project at random locations selected by the
Engineers no sooner than thirty (30) days after backfilling has been completed. In the event
that deflection exceeds the maximum limit of five (5%) percent, the contractor shall test all
other new flexible pipe for deflection. Deflection shall be tested by use of either a mandrel
or rigid ball having a diameter equal to ninety-five (95%) percent of the inside diameter of
the pipe, and the test shall be performed without using mechanical pulling devices. Wherever the deflection limitation is exceeded, the contractor shall uncover the pipe,
carefully replace compacted embedment and backfill material, and retest for deflection. (Ord.
No. 89-04, Sec. 3, 1-18-89)

(I) All sanitary sewers and building sewer branches shall be tested for watertightness by a low
pressure air test to assure that infiltration will not exceed two hundred (200) gallons per inch
of pipe diameter per twenty-four (24) hours per mile of sewer. The contractor shall furnish
all testing equipment and personnel required for conducting the low pressure air test as
directed by the Superintendent of Water and Sewers or Village Engineer.

1. Prior to low pressure air testing, the sewers shall be thoroughly cleaned and
dampened by passing a snug-fitting inflated rubber ball through the sewer by
upstream water pressure.

2. After cleaning and dampening, all sewer pipe openings shall be sealed with suitable
airtight plugs and braces,

3. Wherever the sewer to be tested is submerged under groundwater, a pipe probe shall
be inserted by boring or jetting into the backfill material adjacent to the center of the
sewer pipe. Air shall be forced to flow very slowly through the probe pipe to
determine the back pressure caused by groundwater static head. The gage pressure of
the groundwater static head shall be added to the standard air test pressure to
compensate for the back pressure effect of groundwater static head on the low
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pressure air test.

(4) The low pressure air test shall be made by slowly adding air to the plugged sewer sections under test until the internal air pressure reaches four (4.0) psig greater than any groundwater hydrostatic pressure. After the initial pressurization, at least two (2) minutes shall be allowed for air temperature to stabilize and adding only the amount of air to maintain the initial test pressure.

(5) After the initial air pressure temperature has been stabilized, the air supply shall be shut off. An approved stopwatch shall be used to record the time in seconds for the internal sewer pressure to drop from three and one-half (3½) psig to two and one-half (2½) psig greater than any groundwater hydrostatic pressure. The low pressure air test of sanitary sewers shall be considered satisfactory if the total rate of air loss from any section of sewer tested in its entirety does not exceed thirty ten-thousands (0.0030) cubic feet of air per minute per square foot of internal pipe surfaces. If the low pressure air test fails to meet these requirements, the contractor shall locate and repair, or remove and replace the faulty sections of sewer in a manner approved by the Superintendent of Water and Sewers or Village Engineer, as necessary to perform a satisfactory low pressure air test upon retesting. The use of acrylamid gel sealants as a method of correcting leakage will not be acceptable.

(j) Sanitary sewer manholes shall have an inside diameter of forty-eight (48) inches for all sewer sizes of 8-inch through 24-inch diameter, and an inside diameter of sixty (60) inches for all sewer sizes of 27-inch through 36-inch pipe diameter. Manholes shall be constructed of precast reinforced concrete sections conforming to the latest revision of ASTM Specification C478. Manhole sections shall be joined together using either flexible watertight rubber ring gaskets or preformed bituminous plastic gaskets similar to RAM-NEK made by K. T. Snyder Company, Inc., or Type CS-208 made by Concrete Sealants, Inc., or equal, approved by the Village Engineer. Top manhole sections shall be precast eccentric, or concentric type cones with a 24-inch diameter manhole cover opening. Manhole frames and covers shall be Neenah Foundry Company No. R-1077-A, or East Jordan Iron Works, Inc. No. 1022, or equal approved by the Village Engineer, with standard duty, nonrocking type, indented top solid lids marked "Sewer". Not more than eight (8) inches of grade adjusting rings will be permitted. Frames shall be set on a preformed bituminous plastic gasket to provide a watertight joint. Cast-iron steps similar to Neenah Foundry Company No. R-1980-C, or East Jordan Iron Works, Inc. No. 8501, or equal approved by the Village Engineer, shall be installed at 16-inch spacings on centers. Precast concrete bottom slabs shall be constructed as an integral part of the bottom manhole section and shall be carefully bedded on a two-inch compacted sand cushion. Gasket-type waterstop collars consisting of a meoprene collar and a stainless steel band or other approved manhole waterstop shall be installed wherever a pipe passes through the manhole walls to provide a watertight joint to prohibit infiltration into the sewer system. Each manhole shall have bottom concrete fillets shaped to provide smooth
flow channels through manholes conforming in shape and slope to that of the sewers, with the top of the fillet sides at one-half of the outlet sewer vertical diameter dimension. An outside drop connection is required when any entering sewer invert differs by two feet or more from the manhole invert. (Ord. No. 89-04, Sec. 4, 1-16-89.)

Sec. 17½-35. Storm water drainage improvements.

(a) Storm sewers, culverts, inlets and open ditches shall be designed to carry a rate of flow not less than the runoff rate computed by the rational method formula:

\[ Q = CIA \]
\[ Q = \text{Runoff rate in cubic feet per second} \]
\[ A = \text{Drainage area in acres} \]
\[ I = \text{Rainfall intensity for a 10-year storm} \]
\[ C = \text{Runoff coefficient using following values:} \]

- Commercial and industrial-- 0.95
- Residential, single family-- 0.55
- Residential, multifamily-- 0.75
- Parks, golf courses, etc.-- 0.35
- Undeveloped-- 0.15

(b) The storm sewer sizes shall be determined on the basis of the Kutter's formula or the Manning's formula using an "n" roughness coefficient of thirteen hundredths (0.13) for smooth pipe and twenty-one hundredths (0.21) for corrugated pipe. The minimum size storm sewer shall be twelve-inch diameter pipe.

(c) Storm sewers shall be constructed using one of the following listed materials:

1. Reinforced concrete pipe conforming to the latest revision of ASTM Specification C76 for Class III pipe with all joints sealed with mastic joint sealer or preformed flexible gaskets in accordance with the recommendations of the manufacturer.

2. Type I asbestos-cement nonpressure sewer pipe, Class V, conforming to the latest revision of ASTM Specification C663, with plastic coupling joints installed in accordance with the manufacturer's recommendations.

(d) Culvert sizes shall be designed to carry the ten-year storm with no head available at the culvert inlet. The minimum size culvert shall be fifteen-inch diameter pipe. Flared end sections shall be provided for all culvert pipes of twenty-four-inch diameter and larger sizes.
(e) Storm sewer inlets shall be located at street intersections, low points between intersections, and at sufficiently frequent intervals that gutters or ditches will not be overloaded.

(f) Storm sewer manholes shall be located at all changes in pipe sizes, slope or alignment, at all sewer junctions, and at distances of not greater than five hundred (500) feet for sewer size of twelve (12) inches to twenty-one (21) inches, and not greater than six hundred (600) feet for sewer sizes and twenty-four (24) inches and larger.

(g) Catch basins shall not be provided for storm sewer inlets in curbs and gutters. Catch basin type inlets shall be provided for ditch and area drains where excessive silt can be expected to be carried with the storm water runoff from unpaved areas.

(h) Manholes, inlets and catch basins shall be standard types approved by the State of Illinois Department of Transportation, Division of Highways. (Ord. No. No. 79-07, Sec. 1, 2-21-79)

Sec. 17½-36. Street and sidewalk improvements.

(a) Street and sidewalk improvements shall be constructed in accordance with the latest applicable provisions of the *Standard Specifications for Road and Bridge Construction* adopted by the State of Illinois Department of Transportation, Division of Highways, hereinafter referred to as the "State Standard Specifications".

(b) Prior to the construction of public streets and/or sidewalks, all fences, walls, foundations, buildings, debris, trees and hedges within the improvement area of the public right-of-way shall be removed in accordance with Section 201 of the State Standard Specifications.

(c) The following specifications shall govern the design, grading and surfacing of new and existing public streets, unless otherwise approved by the Village Engineer:

(1) The minimum pavement width between backs of curbs shall be:

<table>
<thead>
<tr>
<th>Class of Street</th>
<th>Residential</th>
<th>Industrial or Business</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major streets</td>
<td>49 feet</td>
<td>57 feet</td>
</tr>
<tr>
<td>Collector streets</td>
<td>45 feet</td>
<td>45 feet</td>
</tr>
<tr>
<td>Minor streets</td>
<td>30 feet</td>
<td>39 feet</td>
</tr>
<tr>
<td>Frontage road</td>
<td>24 feet</td>
<td>36 feet</td>
</tr>
<tr>
<td>Half street</td>
<td>1/2 the width of proposed street but not less than 18 feet</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Alleys</td>
<td>18 feet</td>
<td>24 feet</td>
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(2) The minimum diameter of cul-de-sac pavements between backs of curbs shall be:

- Residential--Eighty (80) feet;
- Industrial or business--One hundred (100) feet;

(3) Grades of major streets shall not exceed six (6%) percent. Grades of other streets shall not exceed ten (10%) percent. Grades for all streets shall not be less than five-tenths (0.5%) percent.

(4) The minimum radius of center line horizontal curves shall be:

- Major streets-One thousand (1,000) feet;
- Collector streets-Three hundred (300) feet;
- Minor streets-One hundred fifty (150) feet.

(5) Vertical curves shall be provided for all changes in center line grades of streets. The minimum length of vertical center line curves shall be:

- Major and collector streets-Three hundred (300) feet;
- Minor streets-One hundred fifty (150) feet.

(6) The minimum stopping sight distance shall be three hundred (300) feet measured from an eye level of four (4) feet above the pavement center line with a clear view of an obstacle one (1) foot in height.

(7) The minimum requirements for street pavement design shall be:

**Major streets:**

- Subbase four-inch gravel or crushed stone, CBR = 70;
- Base course ten-inch stabilized, MS/900 or equal;
- Surface course four-inch bituminous concrete, or Class I, MS/1700; or
- Subbase four-inch gravel or crushed stone, CBR = 70;

**Industrial streets:**

- Subbase four-inch gravel or crushed stone, CBR=70;
- Base course eight-inch stabilized, MS/900 or equal;
- Surface course three-inch bituminous concrete, Class I, MS/1700; or
Seven-inch Portland cement concrete.

Collector streets:

Base course six-inch stabilized MS/900 or ten-inch gravel or crushed stone;
Surface course three-inch bituminous concrete, Class I, MS/1700; or
Six-inch Portland cement concrete.

Minor streets:

Base course eight-inch gravel or crushed stone;
Surface course two-inch bituminous concrete, Class I, MS/1700.

(8) Street pavements shall be constructed in accordance with Sections 200, 300 and 400 of the State Standard Specifications.

(d) Combination concrete curbs and gutters shall be constructed along the edges of all street pavements.

(1) Gutters and curbs shall be either Standard Type B-6.12 (barrier curb type) or M-6.12 (mountable curb type) approved by the state division of highways.

(2) Depressed type of entrance curbs having a width of not less than twelve (12) feet shall be provided at all private driveways.

(3) The outside edge of curbs and gutters shall be parallel to street lines, and radii at intersections shall not be less than twenty-five (25) feet.

(4) Concrete curb and gutters shall be constructed of air-entrained Class X Portland cement concrete in accordance with Section 616 of the State Standard Specifications. Contraction joints shall be provided at uniform intervals of fifty (50) feet.

(e) Sidewalks shall be constructed of air-entrained Class X Portland cement concrete in accordance with Section 624 of the State Standard Specifications,

(1) The minimum width of sidewalks shall be:

Residential-- Four (4) feet;
Business-- Six (6) feet.
STANDARDS FOR REQUIRED IMPROVEMENTS

(2) Sidewalks shall be located one (1) foot inside the right-of-way line, and not more than twelve (12) inches nor less than three (3) inches above the center line of the street.

(3) Sidewalk thickness shall be not less than four (4) inches for pedestrian walks and not less than six (6) inches for private driveway crossings.

(4) Sidewalks shall be constructed on a prepared subgrade of not less than a two-inch compacted layer of coarse sand or fine aggregate conforming to a gradation of one hundred (100%) percent passing a 0.375-inch sieve. (Ord. No. 79-07, Sec. 1, 2-21-79)


ARTICLE IV. PRIVATE DRIVEWAYS, PARKING LOTS AND RIGHT-OF-WAY PARKING PADS

Sec. 17½-49. Designation of specifications for materials and construction work.

The specifications for materials and construction work required by this article shall be the most recent provisions and amendments of the Standard Specifications for Road and Bridge Construction adopted by the State of Illinois, Department of Transportation, Division of Highways which shall be referred to herein a "Standard Specifications." (Ord. No. 80-1, Sec. 1, 3-19-80)

Sec. 17½-50. Applicable specifications for construction work for driveways and parking lots.

A. Construction work for driveways and parking lots and right-of-way parking pads shall conform to the following applicable sections of the Illinois Department of Transportation Standard Specifications:

(1) Earth excavation--Section 202;

(2) Subgrade--Section 301;

(3) Granular subbase--Section 311;

(4) Aggregate base course--Section 351;

(5) Hot-Mix base course--Section 355;

(6) Hot-Mix Asphalt surface course—Sections 407 and 482;
B. Size of Right-of-Way Parking Pads

(1) Right-of-Way parking pads shall be a minimum of twenty-five (25) feet long, as measured along the lot line adjacent to the Right-of-Way and shall not exceed nine (9) feet wide.

Sec. 17½-51. Types of pavement for residential driveways, parking areas and right-of-way parking pads.

All residential driveways, parking areas and right-of-way parking pads shall be constructed of one of the following types of pavements:

(1) Eight-inch gravel base course and two-inch hot-mix asphalt surface course.

(2) Four-inch gravel subbase and six-inch nonreinforced Portland cement concrete pavement.

(3) Four-inch gravel subbase and six-inch reinforced Portland cement concrete pavement.

(4) Brick pavers per Village approved specifications.

Sec. 17½-52. Grading of residential driveways, parking areas and right-of-way parking pads.

Residential driveways, parking areas and right-of-way parking pads shall be graded to provide drainage of surface run-off water to an adequate outlet in compliance with the County and Village's storm water drainage regulations. Drainage of surface run-off water onto adjacent property is prohibited.

Sec. 17½-53. Residential driveways to extend to edge of public street pavement.

Residential driveways shall extend to the edge of the public street pavement. Existing combination concrete barrier curbs and gutters shall be removed and replaced with combination concrete depressed curbs and gutters.
Sec. 17½-54. Residential driveways and right-of-way parking pads crossing drainage swales and ditches.

Residential driveways and right-of-way parking pads crossing drainage swales shall either be depressed so as to provide unobstructed flow of storm water drainage or be provided with a ten (10) inch culvert pipe, or larger size where required by the Village Engineer, which extends not less than five (5) feet beyond each edge of driveway or right-of-way parking pad and has flared end selections at each end of the culvert pipe. (Ord. No. 80-01, Sec. 1, 3-19-80; Ord. No. 11-22, Sec. 4, 9-15-11)

Sec. 17½-55. Proximity of residential driveways on corner lots to intersections.

Residential driveways on corner lots shall be no closer than twenty-five (25) feet from the intersection. (Ord. No. 80-01, Sec. 1, 3-19-80)

Sec. 17½-56. Types of pavement for commercial and industrial driveways and parking areas.

All commercial and industrial driveways and parking areas shall be constructed of one of the following types of pavements:

1. Ten-inch gravel base course and a two and one-half-inch bituminous concrete surface course.
2. Two-inch gravel subbase and eight-inch nonreinforced Portland cement concrete pavement.
3. Two-inch gravel subbase and six-inch reinforced Portland cement concrete pavement. (Ord. No. 80-01, Sec. 1, 3-19-80)

Sec. 17½-57. Grading of commercial and industrial driveways and parking areas.

Commercial and industrial driveways and parking areas shall be graded to provide drainage of surface run-off water to an adequate outlet in compliance with the Village's storm water drainage regulations. Drainage of surface run-off water onto adjacent property is prohibited. (Ord. No. 80-01, Sec. 1, 3-19-80)

Sec. 17½-58. Commercial and industrial drive extend to edge of public street pavement; length of driveway entrance opening.

Commercial and industrial driveways shall extend to the edge of the public street pavement. Existing combination concrete barrier curbs and gutters shall be removed and replaced with combination concrete depressed curbs and gutters. The maximum length of driveway entrance opening at the edge of the public street pavement shall be sixty (60) feet. (Ord. No. 80-01, Sec. 1, 3-19-80)
Sec. 17½-59. Commercial and industrial driveways crossing drainage swales or ditches.

Commercial and industrial driveways crossing drainage swales shall be depressed so as to provide unobstructed flow of storm water drainage. Driveways crossing drainage ditches shall be provided with a fifteen-inch culvert pipe, or larger size where required by the Village Engineer, which extends not less than ten (10) feet beyond each edge of driveway and has flared end sections at each end of the culvert pipe. (Ord. No. 80-01, Sec. 1, 3-19-80)

Sec. 17½-60. Plans for multiple-family, commercial and industrial driveways and parking areas improvements.

Complete detailed plans for multiple-family or commercial or industrial driveway and parking area improvements prepared by an Illinois registered professional engineer shall be submitted to the Village Engineer for review and approval prior to the Village's issuance of a building permit. The plans shall have a graphic scale of not more than fifty (50) feet equal to one (1) inch, and shall show, but not be limited to, the following information:

(1) Property boundary lines.

(2) Location, width and names of adjacent public street rights-of-way and showing pavements, curbs and gutters and sidewalks (if any).

(3) Location, size and capacity of any existing storm sewers, culverts, ditches, catch basins, manholes and inlets.

(4) Topographic data including existing and proposed elevation contour lines at a vertical interval of not more than two (2) feet of U.S.G.S. datum.

(5) Typical cross-section of driveways and parking areas.

(6) Proposed drainage plan including location, size, gradients and elevations of storm sewers, culverts, ditches, detention/retention basins, inlets, catch basins, manholes, drywells, seepage beds, etc.

(7) Typical construction details for all pavements, concrete curbs and gutters, sidewalks, inlets, catch basins, manholes, drywells, seepage beds, etc. (Ord. No. 80-01, Sec. 1, 3-19-80)

Sec. 17½-61. Proximity of commercial and industrial driveways on corner lots to intersections.

Commercial and industrial driveways on corner lots shall be no closer than ten (10) feet from the intersection. Whenever practicable, a driveway shall be no closer than twenty-five (25) feet from any
adjacent drive. (Ord. No. 80-01, Sec. 1, 3-19-80)

Sec. 17½-62. Time for completion of construction.

The construction of any driveway or parking area, including the surface course, shall be completed within six (6) months after the issuance of an occupancy permit in the case of new construction and within one (1) year from issuance of building permit in the case of construction of additional facilities where the premises have been previously occupied. (Ord. No. 80-01, Sec. 1, 3-19-80)

Sec. 17½-63. Right-of-Way Parking Pad Permit.

No new residential right-of-way parking pad shall be constructed unless it meets all the requirements of this Article IV and first receives a permit from the Village. Any permit granted by the Village for a new residential right-of-way parking pad shall be revocable at will by the Village when the Village, in its sole discretion, determines that the public interest requires revocation of the permit.

Any alterations (i.e. culvert work, reconstruction, repaving, etc.) of an existing parking pad shall require said parking pad to be brought into compliance with the requirements of this Article IV and receive a permit from the Village.

The fee for a residential right-of-way parking pad permit shall be fifty ($50) dollars plus any applicable Village consultant fees necessary to review and evaluate any application for compliance with Village ordinances. (Ord. No. 11-22, Sec. 5, 9-15-11; Ord. No. 12-16, Sec. 4, 6-21-12-repealed by Ord. 12-22, Sec. 2, 9-20-12; Ord. No. 12-36, Sec. 4, 12-20-12-repealed by Ord. 14-12, Sec. 2, 6-19-14; Ord. 14-15, Sec. 3, 7-17-14)
Chapter 18

STREETS AND SIDEWALKS*

Art. I. In General, Secs. 18-1 - 18-27
Art. II. Construction and Excavations, Secs. 18-28 - 18-77
  Div. 1. Generally, Secs. 18-28 - 18-36
  Div. 2. Construction and Repair, Secs. 18-37 - 18-46
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  Div. 4. Driveways, Secs. 18-60 - 18-77
Art. III. Parking Lots, Secs. 18-78-18 - 88
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Art. V. Construction Of Utility Facilities In The Public Rights-Of-Way,
  Sec. 18-101--124

ARTICLE I. IN GENERAL

Sec. 18-1. Supervision generally, enforcement.

All public streets, alleys, sidewalks and other public ways shall be under the supervision of the
Superintendent of Streets & Parks. He shall have supervision over all work thereon, and the cleaning
thereof, and shall be charged with the enforcement of all provisions of this Code and other
ordinances relating to such public places, except traffic ordinances, and is hereby authorized to
enforce such provisions. (Ord. No. 88-24, Sec. 6, 12-15-88)

Sec. 18-2. Injury to pavements.

It shall be unlawful to walk upon or drive any vehicle or animal upon, or injure any newly laid street
or alley pavement while the same is guarded by a warning sign or barricade or to knowingly injure
any street, sidewalk or alley pavement. (Code 1958, Sec. 9.105)

Sec. 18-3. Pavement to be kept in good repair; supervision of work.

All public streets, alleys and sidewalks shall be kept in good repair. All repair work, whether done
by the Village or the abutting owner, shall be under the supervision of the Superintendent of Streets
& Parks.

* Cross references--Street and sidewalk defined, Sec. 1-2; Superintendent of Streets & Parks, Sec. 2-171 et seq.;
buildings and building regulations, Sec. 6-1 et seq.; use of public ways during construction operations, Sec. 6-54 et seq.;
motor vehicles and traffic, Sec. 15-1 et seq.; subdivisions, Sec. 19-1 et seq.
State law reference--General power of village over streets and public ways, 65 ILCS 5/11-80-1 et seq.
Sec. 18-4.  Duty of Village employees to report defects.

It shall be the duty of every Village officer or employee becoming cognizant of any defect in any street, alley or sidewalk, or any obstruction thereof, to report the same to the Superintendent of Streets & Parks as soon as possible.

Sec. 18-5.  Obstructions generally.

It shall be unlawful and is hereby declared a nuisance for any person to cause, create or maintain any obstruction of any street, alley, sidewalk or other public property, except as may be specifically authorized by Ordinance or by the Superintendent of Streets & Parks.

Sec. 18-6.  Obstructing drains.

It shall be unlawful to obstruct any drain or culvert in any public street or alley.  (Code 1958, Sec. 9.113)

Sec. 18-7.  Scaffolds and ladders over public ways.

Any scaffold or ladders placed in such a position that they overhang or can fall onto any public street, alley or other public place in the Village, shall be firmly and properly constructed and safeguarded.  (Code 1958, Sec. 28.321)

Sec. 18-8.  Placing articles on windows, ledges abutting public ways.

It shall be unlawful to place any moveable article on any window ledge, or other place abutting on a public street, alley or other place at a height above four (4) feet from the ground, in such a manner that the same can be or is in danger of falling onto such sidewalk, street, alley or other public place.  (Code 1958, Sec. 28.322)

Sec. 18-9.  Sidewalk sales.

It shall be unlawful for any person to use any street, sidewalk or other public place as space for the display of goods or merchandise for sale or otherwise without first obtaining written permission from the Chief of Police.  (Code 1958, Sec. 9.111)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 18-10.  Encroachments generally.

(a)  It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property unless there is a written agreement with the Village that has been approved by the Village’s Corporate Authorities which allows the building or structure to encroach upon the public street or property.  (Code 1958, Sec. 9.112, Ord. No. 2003-17, Sec. 1, 6-26-03)
(b) The Village’s Corporate Authorities may enter into agreements with the owner of land adjacent to a public street or property to allow the owner to construct or maintain a building or structure which encroaches upon the public street or property, provided that the Corporate Authorities find that allowing the building or structure to encroach on the public street or property is in the public interest and that allowing the building or structure to encroach upon a public street or property will not have a material adverse effect on the ability of the public to use the public street or property for its intended purpose. (Ord. No. 2003-17, Sec. 1, 6-26-03)

Sec. 18-11. Erection of poles and wires.

It shall be unlawful to erect any poles or wires or maintain any poles or wires over any public place, street, alley or other public way without having first secured permission from the Superintendent of Streets & Parks.

Sec. 18-12. Erection of gas pumps.

It shall be unlawful to maintain or erect any gasoline pump or tank in any public street, alley or sidewalk. (Code 1958, Sec. 9.115)

Sec. 18-13. Stairways and other openings.

It shall be unlawful to construct or maintain any opening or stairway in any public street or alley or sidewalk or other public place without a permit from the Village President and Board of Trustees. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing, to the approval of the Superintendent of Streets & Parks. (Code 1958, Sec. 9.119)

Sec. 18-14. Deposits on sidewalks.

(a) It shall be unlawful to deposit on any public sidewalk any material which may be harmful to the pavement thereof, or any waste material or any glass or other article which might cause injury to persons, animals or property.

(b) Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width of the sidewalk is not thereby reduced to less than two (2) feet; and provided that no such article shall remain on such walk for more than one-half (1/2) hour. (Code 1958, Sec. 9.122)

Sec. 18-15. Deposits on streets.

(a) It shall be unlawful to deposit on any street any material which may be harmful to the pavement thereof, or any waste material or any glass, or other articles which may cause injury to any person, animal or property.
(b) Coal or other materials may be deposited in streets preparatory to delivery for use, provided, that such deposit does not reduce the usable width of the street or roadway at that point to less than eighteen (18) feet, and provided that such material or coal other than material used in actual building construction, shall not be permitted to remain in such street for more than three (3) hours.

(c) Any such material or coal shall be guarded by lights if the same remains upon any streets during nighttime. (Code 1958, Sec. 9.121)

Sec. 18-16. Depositing gravel on parkways and other public property.

It shall be unlawful for any person to deposit any gravel or similar material on any parkway or other public property without first obtaining permission from the Village Superintendent of Streets & Parks.

Sec. 18-17. Mud and debris on streets.

It shall be unlawful for any contractor, subcontractor, equipment operator, truck driver, or landowner of any building or construction project, or any land excavation or landfill project, to permit sand, earth, clay, stones, debris, rubbish or building materials to accumulate or remain on the sidewalk or paved portion of any street, road, highway, or easement for public right-of-way. Mud, earth, sand and clay shall be considered to have unlawfully accumulated when allowed to remain more than four (4) hours. Stones, debris, rubbish or building materials shall be considered to have unlawfully accumulated when allowed to remain more than two (2) hours. (Ord. No. 78-11, Sec. 1, 8-16-78)

Secs. 18-18. Deposit of snow on streets and sidewalks prohibited.

(a) No person, who removes or causes to be removed, snow or ice from any building, parking lot, driveway, driveway apron, driveway approach, other private property or a public sidewalk shall sweep, blow, plow, shovel, scrap, drag or in any other manner move or deposit such snow or ice in a manner that either (i) decreases the driveable width of any public street or public alley; (ii) blocks the vision of motorists at any intersection of two or more public streets or any intersection of a public street and alley; (iii) prevents the parking of motor vehicles along the curb of a public street; (iv) covers any fire hydrant or otherwise interferes with the use of any fire hydrant; (v) blocks any public sidewalk or public driveway; (vi) damages any tree, sod or other public improvement located within a public right-of-way; or (vii) otherwise creates a traffic hazard or destroys a public property.

(b) It shall be unlawful for any person to obstruct, harass, prevent or otherwise interfere with any employee or contractor of the Village who is engaged in the removal of snow from any public right-of-way or from public property or to obstruct, cause damage to or otherwise
interfere with any Village owned or leased vehicle which is used by the Village to provide snow and ice removal.

(c) Any person who violates any provision contained in Section 18-18 of this Chapter, shall, upon conviction, be fined not less than seventy-five ($75.00) dollars. Each day in which any violations shall continue shall be deemed a separate offense for which a fine may be imposed. (Ord. No. 99-01, Sec. 1, 1-19-99; Ord. No. 2012-02, Sec. 1, 1-19-2012)

Sec. 18-19. Removal of snow and ice from sidewalks in business areas.

(a) Each owner of property within a B-1 “Retail / Service District”, B-2 “General Business District,” B-4 “Community Shopping Center”, or B-5 “Light Assembly – Marinas” zoning district as shown on the Village of Fox River Grove’s most recent zoning map, shall, within twenty-four (24) hours after a snow fall or freezing precipitation, remove, or cause to be removed, from any sidewalks abutting the owner’s property, all snow and ice which has accumulated on the sidewalk or, if the snow and ice on a sidewalk are too hard for removal, to cover them, or cause them to be covered, with abrasive materials. (Ord. No. 00-13, Sec. 1, 2-17-00)

(b) Any person who violates any provision of Section 18-19 shall, upon conviction, be fined in an amount not less than seventy-five ($75.00) dollars. Each day in which any violations shall continue shall be deemed a separate offense for which a fine may be imposed. (Ord. No. 2012-02, Sec. 2, 1-19-2012)

Sec. 18-20. Mailboxes on Parkway

(a) Mailboxes shall be permitted to be installed in the parkway adjacent to a single family home or townhouse, provided the following conditions are met:

1. The mailbox shall be set upon wood, hollow metal or plastic posts which have a diameter above ground which does not exceed six (6) inches.

2. The supports for the mailbox shall be of sufficient strength and size to properly support the mailbox.

3. The mailbox shall comply with all applicable rules and regulations of the United States Postal Service, including, but not limited to rules and regulations relating to the location or placement of mailboxes.

4. The Superintendent of Streets and Parks has determined that the location of the mailbox will not create a hazard to persons or property, will not endanger any trees and will not interfere with or inhibit the use of any roadway or sidewalk that
may be located in the right of way and has issued a written permit for the mailbox.

(b) The Superintendent of Streets and Parks shall have the right to require the owner or user of any mailbox that is located in a parkway to relocate or remove the mailbox from the parkway in the event that the Superintendent of Streets and Parks determines that the mailbox in its current location constitutes a hazard or danger to persons or property or interferes with or inhibits the use of any roadway or sidewalk.

(c) The use of concrete posts or bricks to support a mailbox located in a parkway is prohibited unless the owner of the mailbox obtains a permit to maintain a non-conforming mailbox as provided in Subsection (d) of this Section.

(d) A mailbox which is located in the parkway as of April 1, 2007 that does not meet the requirements of Subsection (a) of this Section may continue to be located in such location, provided each of the following conditions are met:

1. The owner of the mailbox must obtain a permit from the Village which allows the owner to maintain a non-conforming mailbox.

2. The owner must execute an agreement indemnifying the Village against any and all claims, losses and damage made or incurred by third parties (including legal fees incurred in the defense of any claims against the Village) arising out of or resulting from the non-conforming mailbox being located on the parkway; and

3. The owner must either:

   a. deliver and maintain on file with the Village a certificate of insurance showing that the owner has in force a general liability insurance policy with policy limits per occurrence of not less than three hundred thousand ($300,000) dollars which insures the Village as either a named or additional insured against any claims, losses or damage arising out of or resulting from the non-conforming mailbox being located on the parkway. The certificate of insurance shall indicate that the insurance policy described in the certificate cannot be cancelled unless at least ten (10) days written notice is given to the Village.

   OR
(b) execute an agreement which holds the Village of Fox River Grove and its employees, officers and agents harmless for the damage or destruction to the non-conforming mailbox or for any damage or injury to property owned by the Village of Fox River Grove arising out of or resulting from the non-conforming mailbox being located on the parkway.

(4) The Superintendent of Streets and Parks determines that the mailbox in its current position does not constitute a hazard to persons or vehicles using any roadway or sidewalk.

(5) The mailbox must comply with all applicable rules and regulations of the United States Postal Service, including, but not limited to rules and regulations relating to the location or placement of mailboxes.

The Village Administrator shall maintain a list identifying all mailboxes which do not meet the requirements of Subsection (a) of this Section which are permitted to be located in the parkway.

(e) If a mailbox which does not meet the requirements of Subsection (a) of this Section is removed, destroyed or damaged and repair of the damage will cost fifty (50%) percent or more of the value of the mailbox, then the mailbox shall not be rebuilt or replaced unless the rebuilt or replacement mailbox meets all of the requirements of Subsection (a) of this Section. (Ord. 2007-06, Sec. 1, 3-15-07)

Sec. 18-21–18-27. Reserved.

ARTICLE II. CONSTRUCTION AND EXCAVATIONS

DIVISION 1. GENERALLY

Sec. 18-28. Barricades and lighting.

(a) Any person laying or repairing any pavement on a street, sidewalk or other public place or making an excavation in the same shall maintain suitable barricades to prevent injury of any person or vehicle by reason of the work; such barricades shall be protected by suitable lights at nighttime.

(b) Any defect in any such pavement shall be barricaded to prevent injury; and any person properly maintaining any opening or excavation in any such place shall guard such opening or excavation while the same remains open by proper barricades and lights. (Code 1958, Sec. 9.109)
Sec. 18-29. Disturbing barricades.

It shall be unlawful to disturb or interfere with any barricades or lights lawfully placed to protect or mark any new pavement or excavation or opening in any public street, alley or sidewalk. (Code 1958, Sec. 9.110)

Sec. 18-30. Street and sidewalk specifications.

All street and sidewalk pavement shall be made in conformity with specifications approved from time to time by the Village President and Board of Trustees. (Code 1958, Sec. 9.104)

Secs. 18-31–18-36. Reserved.

DIVISION 2. CONSTRUCTION AND REPAIR

Sec. 18-37. Permit required.

It shall be unlawful to construct or lay any pavement on any public street, sidewalk, alley or other public way or to repair the same without having first secured a permit therefore. (Code 1958, Sec. 9.102)

Cross reference--Permits generally, Sec. 12-1 et seq.

Sec. 18-38. Application for permit; contents.

Applications for a permit required by this division shall be made to the Village Clerk and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual work. (Code 1958, Sec. 9.102)

Sec. 18-39. Order authorizing issuance of permit.

No permit required by this division shall be issued except on order of the Village Superintendent of Streets & Parks. (Code 1958, Sec. 9.102)

Sec. 18-40. Bond or insurance policy required.

Each applicant for a permit required by this division shall file a bond or insurance policy, in the amount of fifty thousand ($50,000) dollars with sureties to be approved by the Village President and Board of Trustees, conditioned to indemnify the Village from any loss or damage resulting from the work undertaken or the manner of doing the same. (Code 1958, Sec. 9.103)

Secs. 18-41–18-46. Reserved.
DIVISION 3. EXCAVATIONS

Sec. 18-47. Supervision of work.

All excavations, tunneling, backfills or refills, restorations and resurfacing made pursuant to this division shall be made subject to the review and approval of the Superintendent of Streets & Parks. (Code 1958, Sec. 9.116, Ord. No. 2005-12, Sec. 1, 4-21-05)

Sec. 18-48. Permit required.

It shall be unlawful for any person, other than (i) employees of the Village, (ii) utility companies which have a franchise agreement with the Village, (iii) utility or telecommunications companies subject to Article V of this Chapter 18, or (v) a contractor retained by the Village, to make any excavation in or tunnel under any public street, public alley, public sidewalk, public right of way or under any real property owned by the Village, for any purpose, including, but not limited to, the installation of water, sewer and utility lines, without having first secured a permit therefore in accordance with the provisions of this division. (Code 1958, Sec. 9.116, Ord. No. 2005-12, Sec. 1, 4-21-05)

Cross reference--Permits generally, Sec. 12-1 et seq.

Sec. 18-49. Application for permit; contents; reimbursement of Village engineering review costs.

Application for a permit required by this division shall be made to the Village Clerk and shall specify the intended location and purpose of the excavation or tunnel. The Village Clerk shall not issue any permit required by this division unless the issuance of the permit is approved by the Village’s Superintendent of Streets & Parks. The permit must also be approved by the Chief of Police if the excavation work or tunneling will require the closing of a street, roadway or alley or require the re-routing or detouring of motor vehicle traffic. Prior to, or as a condition to, the issuance of a permit required by this division, the Superintendent of Streets & Parks may require the permit applicant and representatives of the contractor retained by the applicant to perform the excavation or tunneling work to attend a pre-construction meeting convened by the Superintendent. In addition to any permit fee which the applicant may be required to pay, the applicant shall also be required to reimburse the Village for any costs incurred by the Village in having the application and any accompanying plans reviewed by the Village engineer or an engineering firm retained on behalf of the Village. The applicant may be required to make a cash deposit with the Village to cover the anticipated cost of any engineering review. Any such deposit shall be held in escrow by the Village until the engineering costs are actually incurred, with the unused balance of the cash deposit being returned to the applicant upon completion of all required restoration work. The cash deposit provided for in this Section 18-49 shall be in addition to, not in lieu of, the letter of credit or cash deposit required under Section 18-51. (Code 1958, Sec. 9.116, Ord. No. 2005-12, Sec. 1, 4-21-05)
Sec. 18-50. Completion and Restoration of Surface.

Any person making any excavation or tunneling pursuant to a permit required by this division shall perform the excavation or tunneling work diligently so that the work is completed promptly. All excavation, tunneling and restoration work shall be performed in compliance with all applicable statutes, codes, rules and regulations, including to the extent applicable any rules and regulations of the Illinois Department of Transportation. The permit may specify a deadline for the completion of the work, with the deadline being determined by the Superintendent of Streets & Parks. Any person making any excavation or performing any tunneling pursuant to a permit required by this division shall, as soon as reasonably possible, but no later than seven (7) days after the completion of the excavation or tunneling work, promptly and properly refill the excavation or tunnel and restore the surface where the excavation or tunnel was located to the same or a better condition than existed before the excavation was made or the tunneling work performed. (Code 1958, Sec. 9.117, 9.118; Ord. No. 77-13, Sec. 1, 4-27-77; Ord. No. 82-07, Sec. 1, 6-16-82; Ord. No. 92-20, Sec. 1, 7-15-92; Ord. No. 94-33, Sec. 1, 10-20-94, Ord. No. 2005-12, Sec. 1, 4-21-05)

Sec. 18-51. Letter of Credit or cash deposit required to guarantee completion and restoration; refund.

(a) No permit required by this division shall be issued unless the applicant has also filed with the Village Clerk a cash deposit or a letter of credit in an amount of not less than one hundred fifteen (115%) percent of the estimated cost of restoring the location of the excavation or tunnel to a condition equal to or better than the conditions that existed prior to the excavation or tunneling work as determined by the Village’s Engineer. If a letter of credit is filed, the letter of credit shall have an expiration date of not less than fifteen (15) months after the estimated date of completion of all restoration work as determined by the Village Engineer. The form of the letter of credit shall be subject to the approval of the Superintendent of Streets & Parks.

(b) If (i) the excavation or tunneling work is abandoned, (ii) the excavation or tunneling work is not completed by the deadline specified in the permit, (iii) the completion of the excavation or tunneling work is not pursued diligently, or (iv) the surface of the location where the excavation or tunneling work occurred is not properly and completely restored within one (1) week after the completion of the excavation work or such other longer time period as may be designated in writing by the Superintendent of Streets & Parks, the Village shall proceed to backfill the site where the excavation or tunneling occurred, if necessary, and restore the surface, drawing on the letter of credit or using the cash deposit to pay the costs thereof. If within one (1) year after the completion of the work, a defect in the surface of the location where the excavation or tunneling occurred becomes apparent which results in the surface being in worse condition than it was in prior to the start of the work, the permit applicant shall proceed to perform whatever repair work may be necessary to correct the defect. If the defect is not repaired within thirty (30) days after the Village sends a notice informing the
permit applicant of the defect, the Village may proceed to correct the defect and restore the surface to its original condition or to retain a contractor to correct the defect and restore the surface, drawing on the letter of credit or using the deposit to pay the costs thereof. If the letter of credit or cash deposit is insufficient to either restore the surface to its original condition and/or to correct a defect in the surface as provided in this Section, the permit applicant shall be liable to the Village for the full cost of completing the work and/or correcting any defects in the surface and the agreement of the applicant to be so liable shall be part of each permit. The letter of credit, if not completely drawn down, shall be returned to the permit applicant or the balance, if any, of the deposit shall be returned to the applicant either twelve (12) months after the initial restoration of the surface to its original condition or thirty (30) days after any defects in the surface have been corrected, whichever occurs last. (Ord. No. 89-16, Sec. 1, 7-13-89, Ord. No. 2005-12, Sec. 1, 4-21-05)

Sec. 18-52. Proof of insurance required to be filed.

No permit required by this division shall be issued unless there shall first be filed with the Village Clerk evidence that a public liability insurance policy has been obtained and is in full force. Such public liability insurance policy must name the Village and any persons who may have been retained by the Village to review, approve or inspect the excavation or tunneling work as an insured or additional insured, have a policy limit of not less than two million ($2,000,000) dollars general aggregate coverage and one million ($1,000,000) dollars per occurrence and indemnify the Village against any claim for injury or damages caused by the making of such excavation or tunnel or the existence thereof. (Ord. No. 2005-12, Sec. 1, 4-21-05)

Sec. 18-53. Trees or shrubs not to be injured.

In making excavations in streets or other public places of the Village, proper care shall be taken to avoid injury, wherever possible, to any tree or shrub, including the root structure. (Code 1958, Sec. 9.308, Ord. No. 2005-12, Sec. 1, 4-21-05)

Secs. 18-54--18-59. Reserved.

DIVISION 4. DRIVEWAYS

Sec. 18-60. Permit required.

No person shall construct a driveway for vehicles or animals across any sidewalk in the Village without first having obtained a permit therefore. (Code 1958, Sec. 9.201)
Cross reference--Permits generally, Sec. 12-1 et seq.

Sec. 18-61. Application for permit.

Application for a permit required by this division shall be made to the Village Clerk and shall be
Sec. 18-62.  Permit fee.

The fee for a permit required by this division shall be five ($5.00) dollars.  (Code 1958, Sec. 9.202)

Sec. 18-63.  Permits not to issue for certain driveways; approval of permits.

No permit for construction of a driveway for commercial use, or for the habitual use of other than the owner or occupant of the premises served, shall be issued.  All driveway permits shall be subject to approval of the Superintendent of Streets & Parks.  (Code 1958, Sec. 9.201)

Sec. 18-64.  Specifications generally.

Driveways across sidewalks shall be constructed in compliance with specifications adopted by the Village Board of Trustees.  (Code 1958, Sec. 9.204)

Sec. 18-65.  Grade and surface requirements.

(a)  No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction on the sidewalk.  The grade shall be as nearly as possible the same as that of the adjoining sidewalk.

(b)  It shall be unlawful to have the surface finish of any driveway where the driveway crosses the sidewalk constructed of such materials as to render it slippery or hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk or be other than level.  (Code 1958, Sec. 9.203)

Sec. 18-66.  Duty of person maintaining driveway to keep driveway repaired and free from obstructions.

It shall be the duty of any person maintaining a driveway in the Village to keep the same in good repair where it crosses the sidewalk, and free from obstruction and openings.  (Code 1958, Sec. 9.205)

Secs. 18-67--18-77.  Reserved.

ARTICLE III. PARKING LOTS

Sec. 18-78.  Location.

No parking lot shall be established or operated in any place where such establishment or operation
would be in violation of the Zoning Ordinance or any other Ordinance of the Village. (Code 1958, Sec. 14.501)

**Sec. 18-79. Number of vehicles per square feet; spaces to be marked.**

Not more than one (1) vehicle for each two hundred (200) square feet of area shall be accepted for parking in any parking lot located in the Village. Each parking lot shall be marked so as to show the parking place allotted for each vehicle. (Code 1958, Sec. 14.501)

**Sec. 18-80. Entrances and exits.**

Each parking lot located in the Village shall have sufficient entrances and exits to permit the entrance and egress of vehicles without obstruction to traffic. (Code 1958, Sec. 14.501)

**Sec. 18-81. Requirements for driveways.**

No driveway to a parking lot shall be constructed except in full compliance with the provisions of this Chapter relative to the issuance of permits for driveways. It shall be the duty of the operator of each parking lot to maintain the sidewalk and parkway over which the driveway passes in good condition. (Code 1958, Sec. 14.502)

**Sec. 18-82. Surface requirements.**

It shall be unlawful to operate a parking lot unless the surface is covered with concrete, asphalt, macadam or similar paving. (Code 19-58 Sec. 14.50(6)

**Sec. 18-83. Rates and closing hours to be posted.**

At the entrance of each parking lot there shall be posted in words and figures large enough to be read by prospective patrons a statement of the rates to be charged and of the closing hours. (Code 1958, Sec. 14.504)

**Sec. 18-84. Reserved.**

**Sec. 18-85. General cleanliness.**

Each parking lot located in the Village shall at all times be kept clean and free from dust or refuse and shall be adequately drained. (Code 1958, Sec. 14.506)

**Sec. 18-86. Construction of buildings on premises.**

Any buildings constructed on a parking lot shall be constructed in full compliance with the
provisions of this Code and other Ordinances pertaining thereto. The exterior walls of such buildings shall be constructed of nonflammable material. Any structure used or to be used for office purposes only may have less than the minimum area requirements prescribed for residential or commercial buildings. (Code 1958, Sec. 14.507)

Sec. 18-87. Conducting other businesses on premises.

If any business other than that of operating a parking lot is conducted on the same premises with a parking lot, such business shall be conducted in full compliance with all provisions of this Code and other Ordinances pertinent thereto, and any license required for the operation of such business must be procured and the fee therefor required must be paid prior to the operation of such business. (Code 1958, Sec. 14.503)

Sec. 18-88. Certain vehicles not to be parked on premises.

It shall be unlawful to park or store in any parking lot, any vehicle which is not in a condition ready for use, or to permit the parking of any abandoned, junked or partially disabled vehicle in any such lot. It shall be unlawful to use any parking lot for storage or parking of any vehicle for the purpose of displaying the same for sale, or to use any parking lot or portion thereof as an automobile repair shop. (Code 1958, Sec. 14.508)

ARTICLE IV. MUNICIPAL INFRASTRUCTURE MAINTENANCE FEE

Section 18-95: 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 expense allocation between the corporations and not the generation of profit other than a regulatory required 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 coins 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.

(d) “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.

(e) “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.

(f) “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 communications. Retailer access charges, right of access charges, charges for use of 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.

(g) "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.

(h) “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.

(i) “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. §332(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services. (Ord. No. 97-35, Sec. 2, 10-16-97)

Section 18-96. Registration of Telecommunications Providers:

(a) Every telecommunications provider as defined by this Chapter shall register with the Village within thirty (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 Subsection 18-98(c) of this Chapter shall be deemed to have registered in accordance with
(b) Every telecommunications provider who has registered with the Village pursuant to Subsection 18-96(a) has an affirmative duty to submit an amended registration form or current return as required by Subsection 18-98(c), as the case may be to the Village within thirty (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. (Ord. 97-35, Sec. 2, 10-16-97)

Section 18-97. Municipal Telecommunications Infrastructure Maintenance Fee:

(a) A Village telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of one (1%) percent 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 Article, the Village infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the Village by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this Article does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.

(c) The Village telecommunications infrastructure maintenance fee authorized by this Section shall be collected, enforced, and administered as set forth in Section 18-98 of this Article. (Ord. No. 97-35, Sec. 2, 10-16-97)

Section 18-98. Collection, Enforcement, and Administration of Village 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’s Director of Finance the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the Village not later than the last day of the month subsequent to the month in which a bill is issued to the customer; provided, however, that the telecommunications retailer may retain an amount not to exceed two (2%) percent 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 maintenance fee to the Village shall be
accompanied by a return, in a form to be prescribed by the Village’s Director of Finance, which shall contain such information as the Village Director of Finance may reasonably require.

(d) Any infrastructure maintenance fee required to be collected pursuant to this Article and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the Village. The charge imposed under Subsection 18-98(a) by the telecommunications retailer pursuant to this Article shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.

(e) If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this Article, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under this Article, from the telecommunications retailer who made the erroneous payment; provided, however, the Village Director of Finance may request, and telecommunications retailer shall provide, written substantiation for such credit.

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

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 Article to determine whether the telecommunications retailer has properly accounted to the Village for the Village infrastructure maintenance fee. Any underpayment of the amount of the Village infrastructure maintenance fee due to the Village by the telecommunications retailer shall be paid to the Village plus five (5%) percent of the total amount of the underpayment determined in an audit. If the audit indicates that the underpayment was more than three (3%) percent of the amount remitted to the Village in a timely manner as provided in this Ordinance, then the telecommunications retailer shall reimburse the Village for any costs
incurred by the Village in conducting the audit. Any amounts payable to the Village pursuant to this Subsection (g) shall be paid to the Village within twenty-one (21) days after the date of issuance of an invoice for same.

(h) The Village’s Director of Finance, or his or her designee, may promulgate such further or additional regulations concerning the administration and enforcement of this Article, consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to Section 18-96. (Ord. No. 97-35, Sec. 2, 10-16-97)

Section 18-99. Compliance With Other Laws.

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

(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 rights-of-way, as provided; and

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

(d) compliance with any Ordinance or provision of this Village Code concerning uses or structures not located on, over, or within the rights-of-way. (Ord. 97-35, Sec. 2, 10-16-97)

Section 18-100. Existing Franchises and Licenses.

Any franchise, license, or similar agreements between telecommunications retailers and the Village entered into before the effective date of this Article regarding the use of public rights-of-way shall remain valid according to and for their stated terms, except for any fees, charges or other compensation to the extent waived. (Ord. No. 97-35, Sec. 2, 10-16-97)

ARTICLE V. CONSTRUCTION OF UTILITY FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

Sec. 18-101. Purpose and Scope.

(a) Purpose. The purpose of this Article is to establish policies and procedures for constructing facilities on rights-of-way within the Village of Fox River Grove’s jurisdiction, which will
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provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Village of Fox River Grove rights-of-way and the Village of Fox River Grove as a whole.

(b) **Intent.** In enacting this Article, the Village of Fox River Grove intends to exercise its authority over the rights-of-way in the Village of Fox River Grove and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues present by utility facilities, including without limitation:

1. prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;

2. prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;

3. prevent interference with the facilities and operations of the Village of Fox River Grove’s utilities and of other utilities lawfully located in rights-of-way or public property;

4. protect against environmental damage, including damage to trees, from the installation of utility facilities;

5. protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;

6. preserve the character of the neighborhoods in which facilities are installed;

7. preserve open space, particularly the tree-lined parkways that characterize the Village of Fox River Grove’s residential neighborhoods;

8. prevent visual blight from the proliferation of facilities in the rights-of-way; and

9. assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(c) **Facilities Subject to This Article.** This Article applies to all facilities on, over, above, along, upon, under, across, or within the public rights-of-way within the jurisdiction of the Village of Fox River Grove. A facility lawfully established prior to the effective date of this Article may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.
(d) **Franchises, Licenses, or Similar Agreements.** The Village of Fox River Grove, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the Village of Fox River Grove rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the Village of Fox River Grove enter into such an agreement. In such an agreement, the Village of Fox River Grove may provide for terms and conditions inconsistent with this Article.

(e) **Effect of Franchises, Licenses, or Similar Agreements.**

(1) **Utilities Other Than Telecommunications Providers.** In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the Village of Fox River Grove, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof to the extent that the franchise, license or similar agreement conflicts with a provision of this Article.

(2) **Telecommunications Providers.** In the event of any conflict with, or inconsistency between, the provisions of this Article and the provisions of any franchise, license or similar agreement between the Village of Fox River Grove and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(f) **Conflicts with Other Articles.** This Article supersedes all Articles or parts of Articles adopted prior hereto that are in conflict herewith to the extent of such conflict.

(g) **Conflicts with State and Federal Laws.** In the event that applicable Federal or State laws or regulations conflict with the requirements of this Article, the utility shall comply with the requirements of this Article to the maximum extent possible without violating Federal or State laws or regulations.

(h) **Sound Engineering Judgment.** The Village of Fox River Grove shall use sound engineering judgment when administering this Article and may vary the standards, conditions, and requirements expressed in this Article when the Village of Fox River Grove so determines. Nothing herein shall be construed to limit the ability of the Village of Fox River Grove to regulate its rights-of-way for the protection of the public health, safety and welfare. (Ord. No. 07-32, Sec. 2, 10-18-07)

**Sec. 18-102. Definitions.**

As used in this Article and unless the context clearly requires otherwise, the words and terms listed...
shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code § 530.30, unless the context clearly requires otherwise.

“AASHTO” – American Association of State Highway and Transportation Officials.

“ANSI” – American National Standards Institute.

“Applicant” – A person applying for a permit under this Article.


“Backfill” – The methods or materials for replacing excavated material in a trench or pit.

“Bore” or “Boring” – To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

“Cable operator” – That term as defined in 47 U.S.C. 522(5).

“Cable service” – The term as defined in 47 U.S.C. 522(6).

“Cable system” – That term as defined in 47 U.S.C. 522(7).

“Carrier Pipe” – The pipe enclosing the liquid, gas or slurry to be transported.

“Casing” – A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

“Clear Zone” – The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

“Coating” – Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.


“Conductor” – Wire carrying electrical current.

“Conduit” – A casing or encasement for wires or cables.
“Construction” or “Construct” – The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

“Cover” – The depth of earth or backfill over buried utility pipe or conductor.

“Crossing Facility” – A facility that crosses one or more right-of-way lines of a right-of-way.

“Disrupt the Right-of-Way” – For the purposes of this Article, any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a road.

“Emergency” – Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

“Encasement” – Provision of a protective casing.

“Equipment” – Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

“Excavation” – The making of a hole or cavity by removing material, or laying bare by digging.

“Extra Heavy Pipe” – Pipe meeting ASTM standards for this pipe designation.

“Facility” – All structures, devices, objects, and materials (including, but not limited to track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Article. For purposes of this Article, the term “facility” shall not include any facility owned or operated by the Village of Fox River Grove.

“Freestanding Facility” – A facility that is not a crossing facility or a parallel facility. Freestanding Facilities include, but are not limited to a vault, box, an antenna, transformer, pump, or meter station.

“Frontage Road” – Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

“Hazardous Materials” – Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Streets and Parks Superintendent to pose an
unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment including but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any Federal or State law, statute or regulation.


“Highway” – A specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. “Highway” includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

“Holder” – A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

“IDOT” – Illinois Department of Transportation.


“Jacking” – Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

“Jetting” – Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

“Joint Use” – The use of pole lines, trenches or other facilities by two (2) or more utilities.


“Major Intersection” – The intersection of two (2) or more major arterial highways.

“Occupancy” – The presence of facilities on, over or under right-of-way.

“Parallel Facility” – A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

“Parkway” – Any portion of the right-of-way not improved by street or sidewalk.

“Pavement Cut” – The removal of an area of pavement for access to facility or for the construction of a facility.
“Permittee” – That entity to which a permit has been issued pursuant to Sections 18-104 and 18-105 of this Article.

“Practicable” – That which is performable, feasible or possible, rather than that which is simply convenient.

“Pressure” – The internal force acting radically against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

“Petroleum Products Pipelines” – Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

“Prompt” – That which is done within a period of time specified by the Village of Fox River Grove. If no time period is specified, the period shall be thirty (30) days.

“Public Entity” – A legal entity that constitutes or is part of the government, whether at local, State or Federal level.

“Restoration” – The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

“Right-of-Way” or “Rights-of-Way” – Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements in which the Village of Fox River Grove has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village of Fox River Grove. “Right-of-way” or “Rights-of-way” shall not include any real or personal Village of Fox River Grove property that is not specifically described in the previous two (2) sentences and shall not include Village of Fox River Grove buildings, fixtures, and other structures or improvements, regardless of whether they are situated in the right-of-way.

“Roadway” – That part of the highway that includes the pavement and shoulders.

“Sale of Telecommunications at Retail” – 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.

“Security Fund” – That amount of security required pursuant to Section 18-110.

“Shoulder” – A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed
“Sound Engineering Judgment” – A decision(s) consistent with generally accepted engineering principles, practices and experience.

“Streets & Parks Superintendent” – The head of the Village of Fox River Grove Department that has the primary responsibility for maintaining streets and other public rights-of-way or his or her designee.

“Telecommunications” – This term 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 service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points or wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. “Private line” means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. “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 such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. “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 of Fox River Grove 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.

“Telecommunications Provider” – Means any person that installs, owns, operates or controls facilities in the public right-of-way used or designed to be used to transmit telecommunications in any form.

“Telecommunications Retailer” – Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

“Trench” – A relatively narrow open excavation for the installation of an underground facility.

“Utility” – The individual or entity owning or operating any facility as defined in this Article.

“Vent” – A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground

“Village Engineer” – The person or firm appointed or otherwise designated by the Village President as the Village’s civil engineer.

“Water Lines” – Pipelines carrying raw or potable water.

“Wet Boring” – Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material. (Ord. No. 07-24, Sec. 1, Sec. 2, 6-21-07; Ord. No. 07-32, Sec. 1, 10-18-07)

Sec. 18-103. Annual Registration Required.

Every utility that occupies a right-of-way within the Village of Fox River Grove shall register on January 1 of each year with the Streets & Parks Superintendent, providing the utility’s name, address and regular business telephone and telecopy numbers, the name of one (1) or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility’s facilities in the right-of-way and a twenty-four (24) hour telephone number for each such person, and evidence of insurance as required in Section 18-108 of this Article, in the form of a certificate of insurance. A telecommunications provider that has registered under this Section, shall be deemed to have satisfied the registration requirement under Section 18-96 of this Code. (Ord. No. 07-32, Sec. 2, 10-18-07)

Sec. 18-104. Permit Required; Applications and Fees.

(a) Permit Required. No person shall construct (as defined in this Article) any facility on, over, above, along, upon, under, across, or within any Village of Fox River Grove right-of-way which (1) changes the location of the facility, (2) adds a new facility, (3) disrupts the right-of-way (as defined in this Article), or (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the Streets and Park Superintendent and obtaining a permit from the Village of Fox River Grove therefor, except as otherwise provided in this Article. No permit shall be required for installation and maintenance of service connections to customers’ premises where there will be no disruption of the right-of-way.

(b) Permit Application. All applications for permits pursuant to this Article shall be filed on a form provided by the Village of Fox River Grove and shall be filed in such number of duplicate copies as the Village of Fox River Grove may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking
(c) Minimum General Application Requirements. The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

1. The utility’s name and address and telephone and telecopy numbers;

2. The applicant’s name and address, if different than the utility, its telephone, telecopy numbers, e-mail address, and its interest in the work;

3. The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;

4. A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;

5. Evidence that the utility has placed on file with the Village:
   
   i. A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
   
   ii. An emergency contingency plan which shall specify the nature of potential emergencies including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the Village of Fox River Grove and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this Section unless the Village of Fox River Grove finds that additional information or assurances are needed;

6. Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;

7. Evidence of insurance as required in Section 18-108 of this Article;
(8) Evidence of posting of the security fund as required in Section 18-110 of this Article;

(9) Any request for a variance from one or more provisions of this Article (See Section 18-121); and

(10) Such additional information as may be reasonably required by the Village of Fox River Grove.

(d) **Supplemental Application Requirements for Specific Types of Utilities.** In addition to the requirements of Subsection (c) of this Section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

(1) In the case of installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any “Certificate of Public Convenience and Necessity” or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain has been issued by the ICC or other jurisdictional authority;

(2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;

(3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;

(4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control and the Metropolitan Water Reclamation District (other local or State entities with jurisdiction) have been satisfied; or

(5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

(e) **Applicant’s Duty to Update Information.** Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the Village of Fox River Grove within thirty (30) days after the change necessitating the amendment.

(f) **Application Fees.** Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Article shall be accompanied by a fee in the amount
of twenty ($20.00) dollars per one hundred (100) linear feet of the facility within Village right-of-way, or one hundred ($100.00) dollars whichever is less, provided no application fee is required to be paid by any telecommunications retailer that is paying the municipal telecommunications infrastructure maintenance fee or the optional state telecommunications infrastructure maintenance fee pursuant to the Telecommunications Municipal Infrastructure Maintenance Fee Act, or by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act. (Ord. No. 07-32, Sec. 2, 10-18-07)

Sec. 18-105. Action on Permit Applications.

(a) Review of Permit Applications. Completed permit applications, containing all required documentation, shall be examined by the Streets & Parks Superintendent within a reasonable time after filing. If the application does not conform to the requirements of all applicable Ordinances, codes, laws, rules, and regulations, the Streets & Parks Superintendent shall reject such application in writing, stating the reasons therefor. If the Streets & Parks Superintendent is satisfied that the proposed work conforms to the requirements of this Article and all applicable Ordinances, codes, laws, rules, and regulations, the Streets & Parks Superintendent shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Streets and Parks Superintendent, that the construction proposed under the application shall be in full compliance with the requirements of this Article.

(b) Additional Review of Applications of Telecommunications Retailers.

(1) Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the Village of Fox River Grove that it intends to commence work governed by this Article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the Village of Fox River Grove not less than ten (10) days prior to the commencement of work requiring no excavation and not less than thirty (30) days prior to the commencement of work requiring excavation. The Streets & Parks Superintendent shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.

(2) In the event that the Streets & Parks Superintendent fails to provide such specification of location to the telecommunications retailer within either (i) ten (10) days after service of notice to the Village of Fox River Grove by the telecommunications retailer in the case of work not involving excavation for new construction or (ii) twenty-five (25) days after service of notice by the telecommunications retailer in the case of work involving excavation for new
construction, the telecommunications retailer may commence work without obtaining a permit under this Article.

(3) Upon the provision of such specification by the Village of Fox River Grove, where a permit is required for work pursuant to Section 18-104 of this Article the telecommunications retailer shall submit to the Village of Fox River Grove an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of Subsection (a) of this Section.

(c) **Additional Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007.** Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted forty-five (45) days after submission to the Village of Fox River Grove, unless otherwise acted upon by the Village of Fox River Grove, provided the holder has complied with applicable Village of Fox River Grove codes, ordinances and regulations. (Ord. No. 07-32, Sec. 2, 10-18-07)

Sec. 18-106. Effect of Permit.

(a) **Authority Granted; No Property Right or Other Interest Created.** A permit from the Village of Fox River Grove authorizes a permittee to undertake only certain activities in accordance with this Article on Village of Fox River Grove rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.

(b) **Duration.** No permit issued under this Article shall be valid for a period longer than six (6) months unless construction is actually begun within that period and is thereafter diligently pursued to completion.

(c) **Pre-construction meeting required.** No construction shall begin pursuant to a permit issued under this Article prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the Village of Fox River Grove with such Village of Fox River Grove representatives in attendance as the Village of Fox River Grove deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.
(d) Compliance with All Laws Required. The issuance of a permit by the Village of Fox River Grove does not excuse the permittee from complying with other requirements of the Village of Fox River Grove and applicable statutes, laws, ordinances, rules, and regulations. (Ord. 07-32, Sec. 1, 10-18-07)

Sec. 18-107. Revised Permit Drawings.

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the Village of Fox River Grove within ninety (90) days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Article, it shall be treated as a request for variance in accordance with Section 18-121 of this Article. If the Village of Fox River Grove denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor. (Ord. No. 07-32, Sec. 2, 10-18-07)

Sec. 18-108. Insurance.

(a) Required Coverages and Limits. Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the Village of Fox River Grove, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs (1) and (2) below:

(1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as “X”, “C”, and “U” coverages) and products-completed operations coverage with limits not less than:

(i) Five million ($5,000,000) dollars for bodily injury or death to each person;

(ii) Five million ($5,000,000) dollars for property damage resulting from any one accident; and

(iii) Five million ($5,000,000) dollars for all other types of liability;

(2) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of one million ($1,000,000) dollars for personal injury and property damage for each accident;
(3) Worker’s compensation with statutory limits; and

(4) Employer’s liability insurance with limits of not less than one million ($1,000,000) dollars per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.

(b) Excess or Umbrella Policies. The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(c) Copies Required. The utility shall provide copies of any of the policies required by this Section to the Village of Fox River Grove within ten (10) days following receipt of a written request therefor from the Village of Fox River Grove.

(d) Maintenance and Renewal of Required Coverages. The insurance policies required by this Section shall contain the following endorsement:

“It is hereby understood and agreed that this policy may not be cancelled nor the intention not to renew be stated until thirty (30) days after receipt by the Village of Fox River Grove, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Village of Fox River Grove Administrator of such intent to cancel or not to renew.”

Within ten (10) days after receipt by the Village of Fox River Grove of said notice, and in no event later than ten (10) days prior to said cancellation, the utility shall obtain and furnish to the Village of Fox River Grove evidence of replacement insurance policies meeting the requirements of this Section.

(e) Self-Insurance. A utility may self-insure all or a portion of the insurance coverage and limit requirements required by Subsection (a) of this Section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under Subsection (a) or the requirements of Subsections (b), (c) and (d) of this Section. A utility that elects to self-insure shall provide to the Village of Fox River Grove evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under Subsection (a) of this Section, such as evidence that the utility is a “private self insurer” under the Workers Compensation Act.

(f) Effect of Insurance and Self-Insurance on Utility’s Liability. The legal liability of the utility to the Village of Fox River Grove and any person for any of the matters that are the subject
of the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(g) Insurance Companies. All insurance provided pursuant to this Section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. [All insurance carriers and surplus line carriers shall be rated “A-” or better and of a class size “X” or higher by A.M. Best Company.] (Ord. No. 07-32, Sec. 2, 10-18-07)

Sec. 18-109. Indemnification.

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the Village of Fox River Grove and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney’s fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Article or by a franchise, license, or similar agreement; provided, however, that the utility’s indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Article by the Village of Fox River Grove, its officials, officers, employees, agents or representatives. (Ord. No. 07-32, Sec. 2, 10-18-07)

Sec. 18-110. Security.

(a) Purpose. The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee’s sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve as security for:

(1) The faithful performance by the permittee of all the requirements of this Article;

(2) Any expenditure, damage, or loss incurred by the Village of Fox River Grove occasioned by the permittee’s failure to comply with any codes, rules, regulations, orders, permits and other directives of the Village of Fox River Grove issued pursuant to this Article; and

(3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the Village of Fox River Grove may pay or incur by reason of any action or non-
performance by permittee in violation of this Article including, without limitation, any damage to public property or restoration work the permittee is required by this Article to perform that the Village of Fox River Grove must perform itself or have completed as a consequence solely of the permittee’s failure to perform or complete, and all other payments due the Village of Fox River Grove from the permittee pursuant to this Article or any other applicable law.

(b) **Form.** The permittee shall provide the Security Fund to the Village of Fox River Grove in the form, at the permittee’s election, of cash, a surety bond in a form acceptable to the Village of Fox River Grove, or an unconditional letter of credit in a form acceptable to the Village of Fox River Grove. Any surety bond or letter of credit provided pursuant to this Subsection shall, at a minimum:

1. Provide that it will not be cancelled without prior notice to the Village of Fox River Grove and the permittee;

2. Not require the consent of the permittee prior to the collection by the Village of Fox River Grove of any amounts covered by it; and

3. Shall provide a location convenient to the Village of Fox River Grove and within the State of Illinois at which it can be drawn.

(c) **Amount.** The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Streets & Parks Superintendent, and may also include reasonable, directly related costs that the Village of Fox River Grove estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the Village of Fox River Grove, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Streets & Parks Superintendent may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this Subsection (c) for any single phase.

(d) **Withdrawals.** The Village of Fox River Grove, upon fourteen (14) days advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this Subsection, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the Village of Fox River Grove for such amount within the fourteen (14) day notice period. Withdrawals may be made if the permittee:
(1) Fails to make any payment required to be made by the permittee hereunder;

(2) Fails to pay any liens relating to the facilities that are due and unpaid;

(3) Fails to reimburse the Village of Fox River Grove for any damages, claims, costs or expenses which the Village of Fox River Grove has been compelled to pay or incur by reason of any action or non-performance by the permittee; or

(4) Fails to comply with any provision of this Article that the Village of Fox River Grove determines can be remedied by an expenditure of an amount in the Security Fund.

(e) Replenishment. Within fourteen (14) days after receipt of written notice from the Village of Fox River Grove that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in Subsection (c) of this Section.

(f) Interest. The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the Village, upon written request for said withdrawal to the Village of Fox River Grove, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in Subsection (c) of this Section.

(g) Closing and Return of Security Fund. Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the Village of Fox River Grove for failure by the permittee to comply with any provisions of this Article or other applicable law. In the event of any revocation of the permit, the Security Fund and any and all accrued interest therein, shall become the property of the Village of Fox River Grove to the extent necessary to cover any reasonable costs, loss or damage incurred by the Village of Fox River Grove as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

(h) Rights Not Limited. The rights reserved to the Village of Fox River Grove with respect to the Security Fund are in addition to all other rights of the Village, whether reserved by this Article or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the Village of Fox River Grove may have. Notwithstanding the foregoing, the Village of Fox River Grove shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated. (Ord. No. 07-32, Sec. 2, 10-18-07)

Sec. 18-111. Permit Suspension and Revocation.
(a) **Village's Right to Revoke Permit.** The Village of Fox River Grove may revoke or suspend a permit issued pursuant to this Article for one or more of the following reasons:

1. Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;

2. Non-compliance with this Article;

3. Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or

4. Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(b) **Notice of Revocation or Suspension.** The Village of Fox River Grove shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this Section 18-111.

(c) **Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension.** Upon receipt of a written notice of revocation or suspension from the Village of Fox River, the permittee shall have the following options:

1. Immediately provide the Village of Fox River Grove with evidence that no cause exists for the revocation or suspension;

2. Immediately correct, to the satisfaction of the Village of Fox River Grove, the deficiencies stated in the written notice, providing written proof of such correction to the Village of Fox River Grove within five (5) working days after receipt of the written notice of revocation; or

3. Immediately remove the facilities located on, over, above, along, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the Village of Fox River Grove providing written proof of such removal to the Village of Fox River Grove within ten (10) days after receipt of the written notice of revocation.

The Village of Fox River Grove may, in its discretion, for good cause shown, extend the time periods provided in this Subsection.
(d) **Stop Work Order.** In addition to the issuance of a notice of revocation or suspension, the Village of Fox River Grove may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within Subsection (a) of this Section.

(e) **Failure or Refusal of the Permittee to Comply.** If the permittee fails to comply with the provisions of Subsection (c) of this Section, the Village of Fox River Grove or its designee may, at the option of the Village of Fox River Grove: (1) correct the deficiencies; (2) upon not less than twenty (20) days notice to the permittee, remove the subject facilities or equipment; or (3) after not less than thirty (30) days notice to the permittee of failure to cure the non-compliance, deem them abandoned and property of the Village of Fox River Grove. The permittee shall be liable in all events to the Village of Fox River Grove for all costs of removal. (Ord. No. 07-32, Sec. 2, 10-18-07)

Sec. 18-112. **Change of Ownership or Owner’s Identity or Legal Status.**

(a) **Notification of Change.** A utility shall notify the Village of Fox River Grove no less than thirty (30) days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this Article, with respect to the work and facilities in the right-of-way.

(b) **Amended Permit.** A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the Village of Fox River Grove’s right-of-way.

(c) **Insurance and Bonding.** All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer. (Ord. No. 07-32, Sec. 2, 10-18-07)

Sec. 18-113. **General Construction Standards.**

(a) **Standards and Principles.** All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

(1) Standard Specifications for Road and Bridge Construction;

(2) Supplemental Specifications and Recurring Special Provisions;
(3) Highway Design Manual;

(4) Highway Standards Manual;

(5) Standard Specifications for Traffic Control Items;

(6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);

(7) Flagger’s Handbook; and


(b) Interpretation of Municipal Standards and Principles. If a discrepancy exists between or among differing principles and standards required by this Article, the Streets & Parks Superintendent shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Streets & Parks Superintendent shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future. (Ord. No. 07-32, Sec. 2, 10-18-07)

Sec. 18-114. Traffic Control.

(a) Minimum Requirements. The Village of Fox River Grove’s minimum requirements for traffic protection are contained in IDOT’s Illinois Manual of Uniform Traffic Control Devices and this Code.

(b) Warning Signs, Protective Devices, and Flaggers. The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting all applicable Federal, State, and local requirements for protection of the public and the utility’s workers when performing any work on the public rights-of-way.

(c) Interference with Traffic. All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(d) Notice When Access is Blocked. At least forty-eight (48) hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided; however, that in cases involving emergency repairs pursuant to Section 18-120 of this Article, the utility shall provide such notice as is practicable under the circumstances.
(e) **Compliance.** The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility’s attention by the Village of Fox River Grove. (Ord. No. 07-32, Sec. 2, 10-18-07)

**Sec. 18-115. Location of Facilities.**

(a) **General Requirements.** In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this Subsection.

(1) **No Interference with Village of Fox River Grove Facilities.** No utility facilities shall be placed in any location if the Streets and Parks Superintendent determines that the proposed location will require the relocation or displacement of any of the Village of Fox River Grove’s utility facilities or will otherwise interfere with the operation or maintenance of any of the Village of Fox River Grove’s utility facilities.

(2) **Minimum Interference and Impact.** The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.

(3) **No Interference with Travel.** No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.

(4) **No Limitations on Visibility.** No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.

(5) **Size of Utility Facilities.** The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

(b) **Parallel Facilities Located Within Highways.**

(1) **Overhead Parallel Facilities.** An overhead parallel facility may be located within the right-of-way lines of a highway only if:

(i) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;

(ii) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two (2) feet (0.6 m) behind the face of the curb, where available;
(iii) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four (4) feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;

(iv) No pole is located in the ditch line of a highway; and

(v) Any ground-mounted appurtenance is located within one (1) foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.

(2) **Underground Parallel Facilities.** An underground parallel facility may be located within the right-of-way lines of a highway only if:

(i) The facility is located as near the right-of-way line as practicable and not more than eight (8) feet (2.4 m) from and parallel to the right-of-way line;

(ii) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and

(iii) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five (5) feet (1.5 m) from the right-of-way line and any above grounded appurtenance shall be located within one (1) foot (0.3 m) of the right-of-way line or as near as practicable.

(c) **Facilities Crossing Roadways.**

(1) **No Future Disruption.** The construction and design of crossing facilities installed between the ditch lines or curb lines of Village of Fox River Grove highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.

(2) **Cattle Passes, Culverts, or Drainage Facilities.** Crossing facilities shall not be located in cattle passes, culverts or drainage facilities.

(3) **90 Degree Crossing Required.** Crossing facilities shall cross at or as near to a ninety (90) degree angle to the centerline as practicable.
(4) **Overhead Power or Communication Facility.** An overhead power or communication facility may cross a highway only if:

(i) It has a minimum vertical line clearance as required by ICC’s rules entitled, “Construction of Electric Power and Communication Lines” (83 Ill. Adm. Code 305);

(ii) Poles are located within one (1) foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and

(iii) Overhead crossings at major intersections are avoided.

(5) **Underground Power or Communication Facility.** An underground power or communication facility may cross a highway only if:

(i) The design materials and construction methods will provide maximum maintenance-free service life; and

(ii) Capacity for the utility’s foreseeable future expansion needs is provided in the initial installation.

(6) **Markers.** The Village of Fox River Grove may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. § 192.707 (1989)).

(d) **Facilities to be Located Within Particular Rights-of-Way.**

The Village of Fox River Grove may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

(e) **Freestanding Facilities.**

(1) The Village of Fox River Grove may restrict the location and size of any freestanding facility located within a right-of-way.

(2) The Village of Fox River Grove may require any freestanding facility located within a right-of-way to be screened from view.

(f) **Facilities Installed Above Ground.** Above ground facilities may be installed only if:
(1) No other existing facilities in the area are located underground;

(2) New underground installation is not technically feasible; and

(3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used whenever practicable; the installation of additional utility poles is strongly discouraged.

(g) Facility Attachments to Bridges or Roadway Structures.

(1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.

(2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:

(i) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;

(ii) The type, length, value, and relative importance of the highway structure in the transportation system;

(iii) The alternative routings available to the utility and their comparative practicability;

(iv) The proposed method of attachment;

(v) The ability of the structure to bear the increased load of the proposed facility;
(vi) The degree of interference with bridge maintenance and painting;

(vii) The effect on the visual quality of the structure; and

(viii) The public benefit expected from the utility service as compared to the risk involved. (Ord. No. 07-24, Sec. 3, 6-21-07)

(h) Appearance Standards.

(1) The Village of Fox River Grove may prohibit the installation of facilities in particular locations in order to preserve visual quality.

(2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if does not impair the aesthetic quality of the lands being traversed. (Ord. No. 07-32, Sec. 2, 10-18-07)

Sec. 18-116. Construction Methods and Materials.

(a) Standards and Requirements for Particular Types of Construction Methods.

(1) Boring or Jacking.

(i) Pits and Shoring. Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Village of Fox River Grove Streets & Parks Superintendent from the edge of the pavement. Pits for boring or jacking shall be excavated no more than forty-eight (48) hours in advance of boring or jacking operations and backfilled within forty-eight (48) hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.

(ii) Wet Boring or Jetting. Wet boring or jetting shall not be permitted under the roadway.

(iii) Borings with Diameters Greater Than Six (6) Inches. Borings over six (6) inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one (1) inch (25 mm).
(iv) **Borings with Diameters Six (6) Inches or Less.** Borings of six (6) inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.

(v) **Tree Preservation.** Any facility located within the drip line of any tree designated by the Village of Fox River Grove to be preserved or protected shall be bored under or around the root system.

(2) **Trenching.** Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 of IDOT’s “Standard Specifications for Road and Bridge Construction.”

(i) **Length.** The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Streets & Parks Superintendent.

(ii) **Open Trench and Excavated Material.** Open trench and windrowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.

(iii) **Drip Line of Trees.** The utility shall not trench within the drip line of any tree designated by the Village of Fox River Grove to be preserved.

(3) **Backfilling.**

(i) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT’s “Standard Specifications for Road and Bridge Construction.” When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.

(ii) For a period of three (3) years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Streets & Parks Superintendent, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility,
place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Streets & Parks Superintendent.

(4) **Pavement Cuts.** Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the roadway is closed to traffic. If a variance to the limitation set forth in this paragraph (4) is permitted under Section 18-121, the following requirements shall apply:

(i) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Streets & Parks Superintendent.

(ii) Restoration of pavement, in kind, shall be accomplished as soon as practicable and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the Village of Fox River Grove.

(iii) All saw cuts shall be full depth.

(iv) For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven (7) years, or resurfaced in the last three (3) years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or resurfacing or unless a pavement cut is necessary for a J.U.L.I.E. locate.

(5) **Encasement.**

(i) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the Village.

(ii) The venting, if any, of any encasement shall extend within one (1) foot (0.3 m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.

(iii) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or Village of Fox River Grove approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is
continuous or mechanical joints are of a type approved by the Village of Fox River Grove. Bell and spigot type pipe shall be encased regardless of installation method.

(iv) In the case of gas pipelines of sixty (60) psig or less, encasement may be eliminated.

(v) In the case of gas pipelines or petroleum products pipelines with installations of more than sixty (60) psig, encasement may be eliminated only if: (1) extra heavy pipe is used that precludes future maintenance or repair and (2) cathodic protection of the pipe is provided;

(vi) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.

(6) Minimum Cover of Underground Facilities. Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

<table>
<thead>
<tr>
<th>TYPE OF FACILITY</th>
<th>MINIMUM COVER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric Lines</td>
<td>30 Inches (0.8 m)</td>
</tr>
<tr>
<td>Communication, Cable or Video Service Lines</td>
<td>18-24 Inches (0.6 m, as determined by Village of Fox River Grove)</td>
</tr>
<tr>
<td>Gas or Petroleum Products</td>
<td>30 Inches (0.8 m)</td>
</tr>
<tr>
<td>Water Line</td>
<td>Sufficient Cover to Provide Freeze Protection</td>
</tr>
<tr>
<td>Sanitary Sewer, Storm Sewer, or Drainage Line</td>
<td>Sufficient Cover to Provide Freeze Protection</td>
</tr>
</tbody>
</table>

(b) Standards and Requirements for Particular Types of Facilities.

(1) Electric Power or Communication Lines.

(ii) **Overhead Facilities.** Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.

(iii) **Underground Facilities.** (1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads. (2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: (a) the crossing is installed by the use of “moles”, “whip augers” or other approved method which compress the earth to make the opening for cable installation or (b) the installation is by the open trench method which is only permitted prior to roadway construction. (3) Cable shall be grounded in accordance with the National Electrical Safety Code.

(iv) **Burial of Drops.** All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snowdrops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the Village of Fox River Grove. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within ten (10) business days after placement.

(2) **Underground Facilities Other than Electric Power or Communication Lines.** Underground facilities other than electric power or communication lines may be installed by:

(i) the use of “moles”, “whip augers” or other approved methods which compress the earth to move the opening for the pipe;

(ii) jacking or boring with encasement provided between the ditch lines or toes of slopes of the roadway;

(iii) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or

(iv) tunneling with vented encasement, but only if installation is not possible by other means.
(3) **Gas Transmission, Distribution and Service.** Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a Village of Fox River Grove approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural Gas and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR § 192), IDOT’s “Standard Specifications for Road and Bridge Construction” and all other applicable laws, rules, and regulations.

(4) **Petroleum Products Pipelines.** Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).

(5) **Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines.** Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current “Standard Specifications for Water and Sewer Main Construction in Illinois”.

(6) **Ground Mounted Appurtenances.** Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one (1) foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Streets & Parks Superintendent. With the approval of the Streets & Parks Superintendent, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

c) **Materials.**

(1) **General Standards.** The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT’s “Standards Specifications for Road and Bridge Construction”, the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.

(2) **Material Storage on Right-of-Way.** No material shall be stored on the right-of-way without the prior written approval of the Streets & Parks Superintendent. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property.
(3) **Hazardous Materials.** The plans submitted by the utility to the Village of Fox River Grove shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(d) **Operational Restrictions.**

(1) Construction operations on rights-of-way may, at the discretion of the Village of Fox River Grove, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.

(2) These restrictions may be waived by the Village when emergency work is required to restore vital utility services.

(3) Unless otherwise permitted by the Village, the hours of construction are sunrise to sunset.

(e) **Location of Existing Facilities.** Any utility proposing to construct facilities in the Village of Fox River Grove shall contact J.U.L.I.E. and ascertain the presence and location of existing aboveground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The Village of Fox River Grove will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Village of Fox River Grove or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within forty-eight (48) hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 et seq.). (Ord. No. 07-32, Sec. 2, 10-18-07; Ord. 14-14, Sec. 1, 7-17-14)

Sec. 18-117. **Vegetation Control.**

(a) **Electric Utilities – Compliance with State Laws and Regulations.** An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the Village of Fox River Grove as permitted by law.

(b) **Other Utilities -- Tree Trimming Permit Required.** Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Article.
(1) Application for Tree Trimming Permit. Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

(2) Damage to Trees. Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The Village of Fox River Grove will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The Village of Fox River Grove may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(c) Specimen Trees or Trees of Special Significance. The Village of Fox River Grove may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(d) Chemical Use.

(1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the Village of Fox River Grove for any purpose, including the control of growth, insects or disease.

(2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Streets & Parks Superintendent. (Ord. No. 07-32, Sec. 2, 10-18-07)

Sec. 18-118. Removal, Relocation, or Modifications of Utility Facilities.

(a) Notice. Within ninety (90) days following written notice from the Village of Fox River Grove, a utility shall, at it’s own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the Corporate Authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Village of Fox River Grove improvement in or upon, the rights-of-way.
(b) **Removal of Unauthorized Facilities.** Within thirty (30) days following written notice from the Village of Fox River Grove, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

1. Upon expiration or termination of the permittee’s license or franchise, unless otherwise permitted by applicable law;
2. If the facility was constructed or installed without the prior grant of a license or franchise, if required;
3. If the facility was constructed or installed without prior issuance of a required permit in violation of this Article; or
4. If the facility was constructed or installed at a location not permitted by the permittee’s license or franchise.

(c) **Emergency Removal or Relocation of Facilities.** The Village of Fox River Grove retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village of Fox River Grove, as the Village of Fox River Grove may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(d) **Abandonment of Facilities.** Upon abandonment of a facility within the rights-of-way of the Village of Fox River Grove, the utility shall notify the Village of Fox River Grove within ninety (90) days. Following receipt of such notice the Village of Fox River Grove may direct the utility to remove all or any portion of the facility if the Streets & Parks Superintendent determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the Village of Fox River Grove does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the Village of Fox River Grove, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person. (Ord. No. 07-32, Sec. 2, 10-18-07)

**Sec. 18-119. Cleanup and Restoration.**

The utility shall remove all excess material and restore all turf and terrain and other property within ten (10) days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the Village of Fox River Grove.
STREETS AND SIDEWALKS

This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Streets & Parks Superintendent. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the Streets & Parks Superintendent for good cause shown. (Ord. 07-24, Sec. 4, 6-21-07; Ord. No. 07-32, Sec. 2, 10-18-07)

Sec. 18-120. Maintenance and Emergency Maintenance.

(a) General. Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the Village of Fox River Grove and at the utility’s expense.

(b) Emergency Maintenance Procedures. Emergencies may justify non-compliance with normal procedures for securing a permit:

(1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.

(2) In an emergency, the utility shall, as soon as possible, notify the Streets & Parks Superintendent or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the Village of Fox River Grove Police shall be notified immediately.

(3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(c) Emergency Repairs. The utility must file in writing with the Village of Fox River Grove a description of the repairs undertaken in the right-of-way within forty-eight (48) hours after an emergency repair. (Ord. No. 07-32, Sec. 2, 10-18-07)
Sec. 18-121. Variances.

(a) Request for Variance. A utility requesting a variance from one or more of the provisions of this Article must do so in writing to the Streets & Parks Superintendent as a part of the permit application. The request shall identify each provision of this Article from which a variance is requested and the reasons why a variance should be granted.

(b) Authority to Grant Variances. The Village Engineer shall decide whether a variance is authorized for each provision of this Article identified in the variance request on an individual basis.

(c) Conditions for Granting of Variance. The Village Engineer may authorize a variance only if the utility requesting the variance has demonstrated that:

(1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and

(2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(d) Additional Conditions for Granting of a Variance. As a condition for authorizing a variance, the Village Engineer may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Article but which carry out the purposes of this Article.

(e) Right to Appeal. Any utility aggrieved by an order, requirement, decision or determination, including denial of a variance, made by the Village Engineer under the provisions of this Article shall have the right to appeal to the Village President of the Village of Fox River Grove. The application for appeal shall be submitted in writing to the Village of Fox River Grove Clerk within thirty (30) days after the date of such order, requirement, decision or determination. The Village President shall commence its consideration of the appeal within not more than fifteen (15) days after the filing of the appeal. The Village President shall timely decide the appeal. (Ord. No. 07-32, Sec. 2, 10-18-07)

Sec. 18-122. Penalties.

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article shall be subject to a fine in accordance with the penalty provisions of this Code. There may be times when the Village of Fox River Grove will incur delay or other costs, including third
party claims, because the utility will not or cannot perform its duties under its permit and this Article. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village of Fox River Grove’s costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the Village of Fox River Grove. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it. (Ord. No. 07-32, Sec. 2, 10-18-07)

Sec. 18-123. Enforcement.

Nothing in this Article shall be construed as limiting any additional or further remedies that the Village of Fox River Grove may have for enforcement of this Article. (Ord. No. 07-32, Sec. 2, 10-18-07)

Sec. 18-124. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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. (Ord. No. 99-09, Sec. 1, 4-15-99, Ord. No. 07-32, Sec. 3, 10-18-07)
ARTICLE I. JURISDICTION

Sec. 19-1. Subdivision of land.

(a) Wherever any subdivision of land shall hereafter be laid out within the incorporated limits of Fox River Grove or contiguous one and five-tenths (1.5) mile planning area, the subdivider or his agent shall submit both a preliminary and a final subdivision plan to Fox River Grove. Said plans, proposed improvements and all procedures relating thereto, shall be in full compliance with these regulations.

(b) Exception. This Chapter 19 shall not require that a plat of subdivision be recorded prior to the subdivision of any Village owned property or the recording of a deed selling any Village owned property when: (1) a plat of subdivision is not required by the Illinois Plat Act; (2) the subdivision of property does not create or require the development of any new public streets, roads, alleys or parks; and (3) the portion of the subdivided property sold by the Village is not zoned in a residential zoning district. Where this exception is applicable, a final plat of subdivision made in conformity with this Chapter shall be approved and recorded after the sale of the property pursuant to this Chapter prior to the issuance of any building permits for the property that is sold by the Village. (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 10-32, Sec. 1, 10-21-10)

Sec. 19-2. Planned unit development.

Editor's note-Ord. No. 79-06, Sec. 1, adopted Feb. 21, 1979, amended Ch. 19 in its entirety.

Cross references--Plan Commission, Sec. 2-233 et seq.; and building regulations, Ch. 6; standards for required improvements, Ch. 171/2; streets and sidewalks, Ch. 18; water and sewers, Ch. 23.
Any planned unit development approved by Fox River Grove involving the subdivision of land into lots or tracts, the dedication and acceptance of land for public purposes or the installation of any utilities, streets and other improvements to service such planned development, shall be in full compliance with these regulations, provided that the standards and specifications herein shall be construed as a guide to the installation of improvements in a planned development so that the regulations of the Zoning Ordinance provide flexibility in the design of improvements to be built and maintained by the owner or owners of the development.

No specification or standard shall be waived or reduced so as to endanger the health, safety, morals, or general welfare of the people of the Village or avoid the specific purposes of the regulations for planned developments set forth in the Zoning Ordinance. (Ord. No. 79-06, Sec. 1, 2-21-79)

**Sec. 19-3. Dedication of land.**

All lands offered to the Village for use as streets, highways, alleys, parks and other public uses, shall be referred to the Planning & Zoning Commission of Fox River Grove for review and recommendation before being accepted by the Village Board or by any other governing authority. (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 19-03, Sec. 8, 4-4-29)

**Secs. 19-4--19-10. Reserved.**

**ARTICLE II. GENERAL PROVISIONS**

**Sec. 19-11. Approval by the Village.**

No land shall, after the adoption of these regulations, be subdivided or filed for record in the County Recorder's office, or have any validity; nor any street laid out; nor any improvements made to the land, until the plan or plans of the layout and required improvements of the subdivision or planned unit development shall have been certified to and approved by action of the Planning & Zoning Commission and the Village Board of Fox River Grove. This approval must be in writing and placed on the original tracing of the final plans, according to the procedure outlined herein. No lot, tract, or parcel of land within any such subdivision shall be offered for sale nor shall any sale, contract for sale, or option be made or given until such subdivision plans have been properly reviewed by the Village Planning & Zoning Commission, officially approved by the Village Board of Fox River Grove and recorded in the office of the Recorder of McHenry County, Illinois, if the property is located in McHenry County, or in the office of the Recorder of Lake County, Illinois, if the property is located in Lake County. Improvements, such as sidewalks, water supply, storm water supply, storm water drainage, sewerage facilities, gas service, electric service, lighting, or grading, paving, or surfacing of streets, shall not be made within any subdivision or planned development by any owner, owners, or their agent, or by any public service corporation, at the request of such owner, owners, or their agent, until the plans for the subdivision and also the plans for improvements thereto have been formally recommended by the Planning & Zoning Commission and approved by the Village Board.
Sec. 19-12. Land outside the Village.

Subdivisions of land and planned unit developments lying outside the Village, but within the one and five-tenths (1.5) mile planning area, shall conform with the requirements of this Chapter, in accordance with the provisions of the Illinois Municipal Code (65 ILCS 5/11-12-6). (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 97-27, Sec. 11, 8-21-97)

Sec. 19-13. Interpretations.

All interpretations of these rules and regulations are reserved to the administrative bodies referred to herein. (Ord. No. 79-06, Sec. 1, 2-21-79)

Sec. 19-14. Exceptions.

The Planning & Zoning Commission may recommend to the Village Board exceptions in instances where there is sufficient evidence of hardship caused by topographic conditions, natural site features, or where other reasonable deterrents for development of property exist. (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 2019-03, Sec. 10, 4-4-19)


The Superintendent of Building and Zoning is appointed the enforcing officer of this Village, and it shall be his duty to enforce the provisions thereof. The enforcing officer may call upon any department or official of the Village, furnish him with such information and assistance as he may deem necessary for the observance or enforcement of this Chapter; and it shall be the duty of such department or officer to furnish such information and assistance whenever required. (Ord. No. 79-06, Sec. 1, 2-21-79)

Sec. 19-16. Compliance required for building permit issuance.

No building permit shall be issued for the construction of any building, structure, or improvement unless the owner of the land upon which said building, structure, or improvement is to be constructed has complied with the requirements of the Ordinances of the Village. (Ord. No. 79-06, Sec. 1, 2-21-79)

Sec. 19-17. Penalty.

Any person or corporation who shall violate any of the provisions of this Chapter shall be subject to punishment by a fine of not more than five hundred ($500.00) dollars for each violation and a
separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 79-06, Sec. 1, 2-21-79)

Sec. 19-18. Allocation of costs pertaining to development review and inspection.

1. In consideration of the expense in time and materials, which the Village of Fox River Grove must spend to properly facilitate orderly development the following fees and charges shall be paid to the Village:

   a. Fees and charges. In addition to any fees set forth in Section 2-228 of the Village Code, the Village may assess fees / charges for any expenses incurred by the Village associated with a development or project, including, but not limited to consultant work, reproduction of materials, administrative staff time plus overhead when deemed appropriate by the Village Administrator, expenses of advertising for public hearings, and recording fees, other such fees established specifically by Village Ordinance, such as annexation and donation fees, and such other fees for off-site or on-site public improvements as may exist by virtue of any rebate or recapture agreements to which the Village may be a party.

   b. Timing of work, billings and payments. All contacts with the Village staff made prior to the first pre-application conference (as defined herein) or any other "concept" general conference meeting between the developer or subdivider and Village staff, and one "concept" review after the said pre-application conference, shall be provided without charge where reasonable. All additional preliminary meetings and efforts extended beyond the above such meetings will be paid for as provided above.

   c. Each developer or subdivider of a planned unit development or subdivision may be required to make a deposit with the Village at the time of submission of any application for preliminary plat approval or preliminary planned unit development approval to secure prompt payment of the fees and charges set forth in subsection (a) (1) of this Section. A deposit may be required sooner if determined so by the Village Administrator. The amount of the required deposit shall be based on reasonably projected expenses as determined by the Village. In the event that the amount of the initial escrow is insufficient to cover the Village’s expenses associated with the project, the Village may require additional escrow deposits prior to proceeding further with any work pertaining to the project. Any funds deposited with the Village pursuant to this Subsection shall remain on deposit with the Village until sixty (60) days after either (i) all public improvements in the proposed project, subdivision or planned unit development are completed and accepted by the Village, (ii) approval of the proposed project, subdivision or planned unit development is denied by the Village's Board of Trustees or (iii) the Village receives written notice from the developer or subdivider that the proposed project, subdivision or planned unit development is being abandoned.
The Village shall have the right to stop all review and inspection procedures, including Planning & Zoning Commission review and compliance inspections, until all past due fees and charges are paid. (Ord. No. 92-02, Sec. 1, 1-15-92; Ord. No. 2019-03, Sec. 11, 4-4-19)


ARTICLE III. PROCEDURE

Sec. 19-31. Pre-application.

Prior to the filing of an application for the approval of a preliminary plat, the subdivider may consult with the Village Administrator or designee. In so doing both the subdivider and the Village can reach mutual conclusions regarding the general concept and objectives of the proposed development and possible effects on the neighborhood and the community.

A pre-application conference with the Village staff may be conducted at the discretion of the Village or upon the request of the developer. Similarly, once the Village feels sufficient material has been submitted, a concept review before the Planning & Zoning Commission or Village Board may be recommended. Any meeting of the Planning & Zoning Commission or Village Board shall be part of a regularly scheduled meeting, be open to the public and be in the agenda in advance of said meeting. Recommendations during pre-application meetings or concept reviews are advisory only for mutual benefit and do not require formal application or fee. (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 2019-03, Sec. 12, 4-4-19)


When any owner of land lying within the corporate limits of the Village or within the area of platting jurisdiction of the Village of Fox River Grove desires to subdivide such lands, the owner shall submit to the Village Board along with an application for development approval, a preliminary plat on tracing cloth, mylar or equivalent material with a minimum of one (1) hard copy, but up to thirty (30) hard copies (at the Village’s discretion) and one (1) electronic (pdf) copy thereof, at a scale of one hundred (100) feet to the inch and shall show on its face the following information:

1. Title under which the proposed subdivision is to be recorded;
2. Legal description of property platted and total acreage included;
3. Date, scale and north point;
4. Name and addresses of the owner, subdivider, engineer and land surveyor preparing the plat;
5. The location, widths and other dimensions of proposed streets, alleys, easements, parks, playgrounds and other open spaces proposed to be dedicated for public use;

6. The blocks and lots into which the project is proposed to be subdivided in sufficient detail to determine the character of the development;

7. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for multifamily housing, shopping centers, church sites or other nonpublic uses not requiring individual lots including dimensions and acreage;

8. The following information shall be provided as part of the preliminary plat submittal. This information should be presented in such a manner as to overlay the preliminary plat:

   a. The character of the immediately contiguous lands to the subdivision to a minimum distance of two hundred (200) feet showing the subdivision thereof, if subdivided, and the location and dimension of public streets, alleys, public utility easements, street pavements, sanitary sewer mains, storm water mains, retention and detention areas, water supply mains, if any, adjoining the proposed division;

   b. A large scale information map showing location of preliminary plat area;

   c. The zoning classification under the Village of Fox River Grove or McHenry County Zoning Ordinance, if the property is located in McHenry County, or Lake County Zoning Ordinance, if the property is located in Lake County. The zoning of all surrounding land indicating whether it is the Village of Fox River Grove or McHenry County zoning; or the zoning of another municipality. (Ord. No. 94-10, Sec. 4, 3-17-94)

   d. The location within the proposed subdivision of any existing public streets, alleys, public utility easements, street pavements, sanitary sewer mains, water supply mains, watercourses, bridges, culverts, and similar facilities, and the location of existing buildings, if any;

   e. Complete sidewalk plan or pedestrian access and circulation plan;

   f. Location of existing corporate boundary lines at or near the proposed subdivision;

   g. Ground elevations on the tract: for land that slopes less than one-half (1/2%) percent, show one (1) foot contours; show spot elevations at all breaks in grades, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than one-half (1/2%) percent show two (2) foot contours. Refer to USGC datum in compiling data.
h. Floodplain lines are to be delineated according to the applicable USGS flood quadrangle; or other documents adopted by the Village as part of the floodplain Zoning Ordinance.

9. Other information required at time of preliminary plat application:

a. Preliminary Engineering: Sufficient detail will be required to convey the general basis of design for the sewer, water, storm water runoff control and flood-control facilities;

b. Traffic and other impact studies;

c. Density: Provide information on the gross area of each land use subarea, i.e., single family, multi-family, commercial, etc. For residential subareas, the number of dwelling units and gross density contained therein, the subarea boundaries are to be clearly delineated. Floor area ratio should be provided for all units over thirty (30) feet in height;

d. Such other information or data that the subdivider feels the Planning & Zoning Commission may require for the full and complete consideration of the proposed plat of subdivision;

e. Summary of all restrictions intended to be imposed by the final plat or by deeds of conveyance as to the use of all property within the subdivision including area of buildings for residence use, if any, or other design limitations or planning schedules; and covenant for maintenance of all private open space or other land to be held in common by residents of the proposed subdivision.

f. Identification of all lots not meeting requirements of Section 19-46.

g. Geological and soils analysis examining the adequacy of the site for the development environment.

h. A soil erosion and sedimentation control plan as required by Section 19-121 of this Code. (Ord. No. 91-25, Sec. 1, 7-17-91)

i. Tree Survey as required by Section 19-134.

j. Tree Preservation Plan as required by Section 19-135. (Ord. No. 98-07, Sec. 1, 3-19-98)

All documents, plats, supporting data etc., and revisions thereof shall be dated and properly titled and the date utilized when referencing said articles. (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 19-3, Sec. 13, 4-4-19)
Sec. 19-33. Preliminary plat procedures.

1. *Developer action.* A preliminary plat shall be prepared in accordance with this Chapter and the subdivider shall file a minimum of one (1) hard copy, but up to thirty (30) hard copies (at the Village’s discretion) and one (1) electronic (pdf) copy and an application for development approval with the Superintendent of Building and Zoning twenty-one (21) days in advance of the Village Board meeting at which referral to the Planning & Zoning Commission is desired.

2. *Village Board action on preliminary plat.* The Village Board shall refer the preliminary plat to the Planning & Zoning Commission for review, analysis and recommendation. Immediately upon referring such plat, a copy of the plat shall be sent by the subdivider to each public school district in which the proposed subdivision is located. The Planning & Zoning Commission shall allow twenty-one (21) days from referral for written comment from the applicable school district(s) prior to adopting its final recommendation.

3. *School district action.* The school district will be requested to agree in writing to accept the school donation and student contribution or submit its objection to the Planning & Zoning Commission. The school district will be requested to agree to accept lands to be donated to the school district prior to Village Board approval of the preliminary plat.

4. *Planning & Zoning Commission Action on Preliminary Plat.* The Planning & Zoning Commission shall, after receiving the preliminary plat, hold such deliberations and request additional information as it deems necessary to show compliance with the Ordinances of the Village. All required material must be received at least twenty-one (21) days prior to the Planning & Zoning Commission session at which it is to be considered. If the proposed plat of subdivision is not satisfactory as presented, the Planning & Zoning Commission shall permit the subdivider to make changes and additions required by the Planning & Zoning Commission to meet the requirements of this Chapter. (Ord. No. 98-04, Sec. 2, 2-19-98)

5. *Planning & Zoning Commission recommendation.* The Planning & Zoning Commission shall make a recommendation of approval or disapproval of the plat. The Planning & Zoning Commission will forward the recommendation in writing to the Village Board including any conditions of approval or the reasons for disapproval and the roll call vote. A recommendation of Planning & Zoning Commission to disapprove a preliminary plat shall not prohibit the subdivider from seeking Village Board approval of the proposed plat.

6. *Village Board approval of preliminary plat.* After a recommendation on the preliminary plat by the Planning & Zoning Commission, it shall be returned to the Village Board for their action. After the Village Board has satisfied itself that the preliminary plat is in accordance with the requirements set forth in this Chapter, and that the Planning & Zoning Commission
has inspected all phases of the improvements, and made its recommendation, the Village Board may accept, modify or reject the recommendation of the Planning & Zoning Commission in its action upon the plat. The Village Board may require such special conditions in the approval of the preliminary plat as it may deem necessary to insure conformity with the intent of all comprehensive plan elements and requirements of Village Ordinances. Upon rejection of a preliminary plat, the said plat shall be returned to the subdivider by the Village Board with a written statement settings forth reasons for said disapproval. An approved preliminary plat shall remain on file with the Village Clerk. (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 2019-03, Sec. 14, 4-4-19)

Sec. 19-34. Final plat preparation.

A final plat shall be prepared on permanent material, tracing cloth, mylar or equivalent so as to be suitable for recording with the county recorder of deeds at a scale of one (1) inch equals one hundred (100) feet. All revision dates shall be shown as well as the following:

1. **Contents.**
   
   (a) The name and signature of the owner of record of the property;
   
   (b) The name, signature and seal of the registered land surveyor who prepared the plat and the date thereof;
   
   (c) The legal description of the property subdivided;
   
   (d) All measurements, dimensions, data, monuments, angular and linear dimensions, and certificates shall be in accordance with Chapter 109, Plats, of the Illinois Revised Statutes;
   
   (e) All easements required for the installation of utilities (electric, water, waste water, gas, telephone, etc.) along with a statement that dedicates the easements as approved by the Village of Fox River Grove.
   
   (f) All scenic or access easements along with a statement that dedicates the easements as approved by the Village of Fox River Grove.

2. **Supporting documents with final plat.** The following supporting documents and data, shall be submitted with said final plat:

   (a) A detailed statement of intent and agreement by the subdivider, setting forth the nature, kind, character and the extent of all the improvements that will be constructed in the subdivision, together with complete plans, detailed final engineering, profiles,
and specifications clearly describing the same, with agreement to construct the same in accordance therewith, at his own expense, within the time limit fixed by the Village Board;

(b) Any special studies or additional items required by the Village;

(c) Cost estimates of all public improvements and financing surety as required hereinafter;

(d) All covenants such as homeowners association covenants and agreements which are to be applied to the property;

(e) A calculation of population equivalents for residential developments;

(f) A description and justification for any variation from the preliminary plat and a description of any external factors which have changed since preliminary plat affecting the layout of the final plat. (Ord. No. 79-06, Sec. 1, 2-21-79)

(g) A detailed final Tree Survey and a detailed final Tree Preservation Plan. (Ord. No. 98-07, Sec. 2, 3-19-98)

Sec. 19-35. Final plat procedure.

1. **Developer action.** Application for final approval of a plat shall be made not later than one (1) year after preliminary approval has been granted for all parts of the area preliminary platted. If after one (1) year from preliminary plat, no submission of a final plat in conformance with the procedures contained herein has occurred, the preliminary plat may be declared void by the Village Board and returned to the subdivider with an explanation of the action. The preliminary and final plat may be filed and approved simultaneously if all requirements hereof are met. Provided, if desired by the subdivider, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop at that time, and provided further that if the development be staged, all staged final development plats shall conform substantially to the preliminary plat as approved. Approval for the final plat may be submitted in stages with each stage reflecting a portion of the approved preliminary plat which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations. The final plat shall be essentially in accord with the preliminary plat.

2. **Statement of intent and agreement.** The Village staff will review and recommend on all supporting documents, engineering and financial surety. A statement of intent and agreement (S.I.A.) shall be completed by the subdivider which summarizes and includes all agreements between the subdivider and the Village.
3. Approval of final plat by Village Board along with statement of intent and agreement. When and if the Village Board is satisfied with the final plat and S.I.A. along with all improvements, conditions, documents and financial surety hereinafter noted, pertaining to said subdivision, the Village Board shall by motion or resolution approve the said plat and S.I.A. and authorize and direct the Village President and the Village Clerk to sign the plat for, and in the name of the Village and the Clerk shall attach thereto the corporate seal.

4. Recording of final plat. The Village Clerk shall have the final plat and S.I.A. recorded in the office of the Recorder of McHenry County, Illinois if the property is located in McHenry County, or in the office of the Recorder of Lake County, Illinois, if the property is located in Lake County. Said final plat after recording shall be returned to the office of the Village Clerk and shall be maintained on file. (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 94-10, Sec. 4, 3-17-94; Ord. No. 2019-03, Sec. 15, 4-4-19)


ARTICLE IV. DESIGN STANDARDS*

Sec. 19-41. Street plan.

The subdivision of land and the design of planned developments, including the arrangement, character, extent, width, grade, and location of all streets, alleys or other land to be dedicated for public use, shall conform to the general development plan of Fox River Grove as approved and adopted by the Village Board and other responsible governmental bodies; and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. (Ord. No. 79-06, Sec. 1, 2-21-79)

Sec. 19-42. Standards for dedicated streets.

All streets required to be dedicated to the public shall be designed and constructed in compliance with the requirements of this Chapter. (Ord. No. 79-06, Sec. 1, 2-21-79)

Sec. 19-43. Minimum street standards.

1. All right-of-way widths shall conform to the dimensions shown in Article VI.

2. Minor streets shall be so laid out that their use by through traffic will be discouraged.

3. Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall be

*Cross reference- Standards for required improvements, Ch. 17 1/2.
avoided.

4. Clear visibility, measured along the center line of the street, shall be provided for at least three hundred (300) feet on all primary streets, two hundred (200) feet on secondary streets, and at least one hundred (100) feet on all other streets.

5. It must be evidenced that all street intersections and confluences encourage safe traffic flow. The intersection of more than two (2) streets shall be prohibited.

6. Alleys are discouraged, except where deemed necessary at the discretion of the Planning & Zoning Commission or the Village Board.

7. The maximum length cul-de-sac shall be eight hundred (800) feet measured along the center line from the intersection at origin through center of circle to end of right-of-way. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum diameter of one hundred twenty (120) feet right-of-way for residential streets and one hundred fifty (150) feet for industrial streets.

8. Half streets are prohibited. Where a half street exists adjacent to a tract to be subdivided, the existing half of the street shall be planned and improved within such tract.

9. No street names may be used which will duplicate or be confused with the names of existing streets. Existing street names must be protected wherever possible. Each name has to be approved by the Planning & Zoning Commission, Village Board and postmaster.

10. Tangents at least fifty (50) feet long shall be introduced between reverse curves on collector streets.

11. Where there is a deflection in the street alignment in excess of ten (10) degrees, a curve shall be inserted with a radius of not less than:

   • Collector streets-three hundred (300) feet;
   • Minor streets-one hundred fifty (150) feet.

12. Where there is a deflection in vertical center lines within a given block at any point in excess of six (6) degrees, a curve shall be inserted with a radius of not less than:

   • Collector streets-three hundred (300) feet;
   • Minor streets-one hundred fifty (150) feet.
Lots abutting a freeway or major highway shall be served by a marginal access street. Where a lot or tract backs upon a freeway or major street, earth mounds and screen plantings with a combined height of seven (7) feet shall be required to buffer residential uses. Plans shall be prepared by a landscape architect and approved by the Planning & Zoning Commission. (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 2019-03, Sec. 16, 4-4-19)

Sec. 19-44. 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 fifteen (15) feet wide.

(b) Where a subdivision is traversed by a watercourse, drainageway, a channel or stream, there shall be provided a thirty (30) foot storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width needed to straighten, or for maintenance access, or both. (Ord. No. 79-06, Sec. 1, 2-21-79)

Sec. 19-45. Block standards.

1. The maximum lengths of blocks shall be twelve hundred (1200) feet. Blocks over eight hundred (800) feet shall require cross-walkways. Crosswalk dedications of not less than ten (10) feet in width shall be provided where deemed necessary by the Planning & Zoning Commission at the approximate centers of the blocks. A concrete sidewalk shall be erected on the center line and full length of the cross-walkway. The use of additional cross-walkways in any instance to provide safe and convenient access to schools, parks, or other similar destinations will be specified by the Planning & Zoning Commission or the Village Board.

2. No specific rule concerning the shapes of blocks is made, but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public areas.

3. Blocks intended for commercial and industrial use must be designated as such and the plan must show adequate off-street areas suitably surfaced to provide for parking, loading docks, and such other facilities that may be required to accommodate motor vehicles. Such blocks adjacent to residential lots shall have mounds and screening to buffer residential property. (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 2019-03, Sec. 17, 4-4-19)

Sec. 19-46. Lot standards.

(a) The minimum lot dimensions shall conform to the requirement of the Fox River Grove Zoning Ordinance.
(b) Corner lots shall be sufficiently larger than interior lots in conformance with the requirements of the Fox River Grove Zoning Ordinance.

(c) Within the incorporated limits of Fox River Grove, building setback lines shall conform to the front yard provisions of the Zoning Ordinance. Building setback lines for territory outside the incorporated limits, but within the jurisdiction of this Chapter, shall conform to the provisions of the McHenry County Zoning Ordinance, if the territory is located in McHenry County or the provisions of the Lake County Zoning Ordinance, if the territory is located in Lake County, except that in no instance shall the building setback line be less than thirty (30) feet from the street line. (Ord. No. 94-10, Sec. 4, 3-17-94)

(d) All lots shall abut on public dedicated streets.

(e) Side lines of lots shall be at right angles or radial to the street line.

(f) Double frontage lots are forbidden, except where lots back upon a primary thoroughfare or freeway and in such instances, vehicular access between the lots and the thoroughfare is prohibited or where topography of the land might render subdividing otherwise unreasonable. Such lots shall have an additional depth of at least twenty (20) feet in order to allow for protective screen plantings and earth mounds.

(g) Lots abutting a watercourse, drainageway, channel or stream shall have the additional minimum width or depth as required to provide a conforming building site above the floodplain and afford the minimum usable area required in the Zoning Ordinance for front, rear and side yards.

(h) Whenever a parcel is divided into lots containing one to three (1-3) acres inclusive, and there are indications that such lots will eventually be re-subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots. (Ord. No. 79-06, Sec. 1, 2-21-79)

Sec. 19-47. Pedestrian circulation.

In all subdivisions zoned R-2, R-3, B-1, B-2, or B-3, there shall be concrete sidewalks installed on both sides of any street within the subdivision and on one side of any perimeter street in the areas so zoned. Such sidewalks shall be located one (1) foot inside the right-of-way of the street. In areas adjacent to schools within one thousand five hundred (1,500) feet, or collector streets, sidewalks are required.

In any planned development, the above requirement may be satisfied by a system of paved walkways either paralleling streets or designed to provide adequate pedestrian circulation throughout the
planned development, with safe and convenient pedestrian access to adjacent areas. The walkway system shall be approved by the Village in accordance with procedures established for planned developments in the Fox River Grove Zoning Ordinance. (Ord. No. 79-06, Sec. 1, 2-21-79)

Sec. 19-48. Alleys and cross-walkways in commercial areas.

(a) Alleys, at least twenty-two (22) feet wide, shall be provided in commercial areas where needed to afford access to off-street loading facilities as required by the Fox River Grove Zoning Ordinance.

(b) Cross-walkways in commercial areas shall be at least twelve (12) feet wide and a concrete sidewalk, six (6) feet in width, shall be installed its full length. A shrub or a tree hedge shall be installed at the side boundary lines. (Ord. No. 79-06, Sec. 1, 2-21-79)

ARTICLE V. REQUIRED SCHOOL AND LIBRARY CONTRIBUTIONS AND PARK LAND DEDICATIONS*

Sec. 19-49. School, library and park contributions generally.

(a) As a condition of approval of a final plat of subdivision or a final plat of a planned development, each subdivider or developer shall be required to make a cash contribution to each of the school districts and each of the library districts within which the subdivision or planned development is located or at the option of the Village, to dedicate land for school sites and library sites, or a combination of both. The cash contributions and/or land dedications shall be made in accordance with the criteria and formulas set forth in Sections 19-50 through 19-58 of this Code and are intended to assist the school districts and library districts to serve the immediate and future needs of the residents of the subdivision or planned development.

(b) As a condition of approval of a final plat of subdivision or a final plat of a planned development, each subdivider or developer shall be required to agree to dedicate land for park and recreational purposes or, at the option of the Village, to contribute cash in lieu of an actual dedication of land or a combination of both. The dedication of land or the cash contribution shall be made in accordance with the criteria and formulas set forth in Sections 19-51 through 19-57 of this Code. The purpose of the dedication and/or contribution is intended to provide recreational areas to serve the immediate and future needs of the residents of the subdivision or planned development.

(c) The acceptance by a school district or a library district of land or a cash contribution made by a developer pursuant to a requirement imposed by the Village shall constitute an agreement

*Editor's note-Ord 90-06, Sec.2, 3-21-90, amended Sections 19-49 to 19-57 and classified them as Article V.
by the school district or library district to indemnify and hold the Village of Fox River Grove entirely harmless from any judgment or claim of loss, damage or injury, including claims relating to the misapplication of funds, that arises directly or indirectly out of the receipt by the school district or library district of funds or land as a result of the requirements imposed on developers by Sections 19-49 through 19-58 of this Code. The indemnification obligation of school districts and library districts shall include payment of any and all expenses incurred by the Village, including court costs, legal fees, and expert witness fees. The Village shall promptly notify any school district or library district of any claim for which the school district or library district may be required to provide indemnification pursuant to this paragraph. The Village may require a school district or library district, as a condition of receiving land or a cash contribution pursuant to Sections 19-49 through 19-58 of this Code, to first enter into a written agreement, providing that the school district or library district agrees to indemnify the Village as provided in this subsection. (Ord. No. 93-04, Sec. 2, 2-17-93)

Sec. 19-50. Cash contributions to school districts.

(a) Requirement and Population Ratio: The ultimate number of students to be generated by a subdivision or planned unit development shall bear directly upon the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of: 1) estimated number of children to be served in each such school classification from the subdivision or PUD over the, 2) maximum recommended number of students to be served in each such school classification and then applying such ratio to the, 3) minimum recommended number of acres for a school site of each such school classification. The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increased children in each such school classification. The estimated number of children to be served in each school classification from the subdivision or PUD shall be calculated in accordance with Tables 1 and 2 in this Section.

<table>
<thead>
<tr>
<th>School Classification</th>
<th>Maximum Number of Students for Each School Classification</th>
<th>Minimum Number of Acres of Land for Each School Site of Such Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary schools</td>
<td>400 students</td>
<td>10 acres</td>
</tr>
<tr>
<td>Junior high schools</td>
<td>700 students</td>
<td>20 acres</td>
</tr>
<tr>
<td>High schools</td>
<td>1,000 students</td>
<td>55 acres</td>
</tr>
</tbody>
</table>

(b) Criteria for Requiring a Contribution in Lieu of School Sites: The Village shall require the subdivider or developer to pay a cash contribution in lieu of or in combination with the land dedication required when so determined by the public body that would be the recipient of the land. In all instances, the determination of the public body shall be subject to final Village
approval. The cash contributions in lieu of school sites shall be held in trust by the Village, or other public body designated by the Village, solely for use in the acquisition of land for a school site to serve the immediate or future needs of children from that subdivision or development or for the improvement to any existing school site which already serves such needs. Improvement under this Section shall be liberally construed and shall include, but shall not be limited to, the development of: parking lots; sidewalks; traffic signals; arterial streets; collector streets; internal roadways; connections with sewer, water and electrical lines; and streetlights, playgrounds; recreation grounds; and athletic fields. Improvement shall also include excavation and site preparation, and the purchase of any material, goods or equipment necessary to said development and construction. Improvement to the school site shall further include the construction of buildings; additions to existing school buildings; remodeled or renovated non-instructional spaces in classrooms and the purchase of prefabricated classroom units to be used at a school site. If any improvement shall require voter referendum approval under existing statutory authority before such funds may be lawfully expended, then and in those cases such approval shall be first obtained.

(c) Fair Market Value: The cash contributions in lieu of land shall be based on the fair market value of the acres of land in the area of development, that otherwise would have been dedicated school sites. It has been determined that the present fair market value of such land in and surrounding the Village is one hundred fifty thousand dollars ($150,000.00) per acre for school sites. This figure shall be used in making any calculation for a contribution in lieu of land, unless the subdivider or developer files a written objection. In the event of any such objection the developer shall submit an appraisal showing the developer’s opinion of the fair market value of such land in the area of development. A final determination of said fair market value per acre of such improved land shall be made by the Village Board based upon such information submitted by the subdivider or developer and from other sources which may be submitted to the Village Board.

(d) Density Formula

School Dedications and Contributions: The following table of population density represents current and short range trends in family size for a new construction and shall be used in calculating the amount of required dedication of acres of land for school sites or the cash contribution in lieu of unless a written objection is filed by the subdivider or developer. A written objection shall be submitted to the Village as soon as feasible.

Table 2: Population Per Unit (School Donation)

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Preschool 0-4 Years</th>
<th>Elementary Grades K-5 5-10 Years</th>
<th>Middle School Grades 6-8 11-13</th>
<th>Total Grades K-8 5-13 Years</th>
<th>High School Grades 9-12 14-17 Years</th>
<th>Adults 18 Years +</th>
<th>Total Per Dwelling Unit</th>
</tr>
</thead>
</table>

Chapter 19, Page 17 06/24/19
### Detached Single Family

<table>
<thead>
<tr>
<th>Years</th>
<th>2 bedroom</th>
<th>3 bedroom</th>
<th>4 bedroom</th>
<th>5 bedroom+</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.120</td>
<td>0.268</td>
<td>0.371</td>
<td>0.386</td>
<td></td>
</tr>
<tr>
<td>0.411</td>
<td>0.486</td>
<td>0.702</td>
<td>0.590</td>
<td></td>
</tr>
<tr>
<td>0.138</td>
<td>0.153</td>
<td>0.259</td>
<td>0.236</td>
<td></td>
</tr>
<tr>
<td>0.549</td>
<td>0.639</td>
<td>0.961</td>
<td>0.826</td>
<td></td>
</tr>
<tr>
<td>0.222</td>
<td>0.135</td>
<td>0.242</td>
<td>0.242</td>
<td></td>
</tr>
<tr>
<td>1.856</td>
<td>1.913</td>
<td>1.985</td>
<td>2.191</td>
<td></td>
</tr>
<tr>
<td>2.746</td>
<td>2.955</td>
<td>3.559</td>
<td>3.645</td>
<td></td>
</tr>
</tbody>
</table>

### Attached Single Family

<table>
<thead>
<tr>
<th>Years</th>
<th>2 bedroom</th>
<th>3 bedroom</th>
<th>4 bedroom+</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.206</td>
<td>0.214</td>
<td>0.183</td>
<td></td>
</tr>
<tr>
<td>0.084</td>
<td>0.104</td>
<td>0.183</td>
<td></td>
</tr>
<tr>
<td>0.057</td>
<td>0.039</td>
<td>0.271</td>
<td></td>
</tr>
<tr>
<td>0.141</td>
<td>0.143</td>
<td>0.106</td>
<td></td>
</tr>
<tr>
<td>0.030</td>
<td>0.050</td>
<td>0.377</td>
<td></td>
</tr>
<tr>
<td>1.318</td>
<td>1.966</td>
<td>2.102</td>
<td></td>
</tr>
<tr>
<td>1.697</td>
<td>2.374</td>
<td>2.767</td>
<td></td>
</tr>
</tbody>
</table>

### Apartments

<table>
<thead>
<tr>
<th>Years</th>
<th>Efficiency</th>
<th>1 bedroom</th>
<th>2 bedroom</th>
<th>3 bedroom+</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.058</td>
<td>0.032</td>
<td>0.012</td>
<td>0.073</td>
<td></td>
</tr>
<tr>
<td>0.064</td>
<td>0.031</td>
<td>0.095</td>
<td>0.188</td>
<td></td>
</tr>
<tr>
<td>0.012</td>
<td>0.044</td>
<td>0.013</td>
<td>0.083</td>
<td></td>
</tr>
<tr>
<td>1.400</td>
<td>1.653</td>
<td>1.744</td>
<td>2.005</td>
<td></td>
</tr>
<tr>
<td>1.400</td>
<td>1.710</td>
<td>2.007</td>
<td>2.475</td>
<td></td>
</tr>
</tbody>
</table>

Note: There are only three (3) significant categories provided in this chart. Because of the similarity of yields of all types of attached single-family, only one category is provided. The same is true with apartments. 1 bedroom single family dwelling is the same as a 2 bedroom single family.

(e) The Village Board may waive the requirement that a subdivider or developer make a cash contribution or dedicate land to the school districts in which the subdivision or planned development is located if the subdivision or land development is intended to provide housing only for persons aged 55 or older.

(f) Objection to Population Estimate: In the event a subdivider or developer files a written objection to the table of estimated ultimate population, the subdivider or developer shall submit its own demographic study showing the estimated population to be generated from the subdivision or planned unit development. This shall include a detailed explanation of the methodology used in developing an alternative generation table. Final determination of the density formula to be used in such calculations shall be made by the Village Board. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula for the dedication of land, or the payment of fees in lieu is subject to periodic review and amendment as necessary.

(g) Cash In Lieu Of Land Contributions: The amount of cash to be donated by the developer in lieu of donating land for school purposes shall be determined by applying the cash calculation set forth in this Section at the time the final plat is presented to the Village Board for approval. Contributions of cash in lieu of land must be deposited, prior to permit issuance. (Ord. No. 18-17, Sec. 1, 10-18-18)
Sec. 19-51. Criteria for requiring park and recreation land dedication.

(a) Requirement and population ratio. The ultimate population density of a proposed subdivision or planned development shall bear directly upon the amount of land required for dedication. The total requirement shall be five and five-tenths (5.5) acres of land per one thousand (1,000) of ultimate population in accordance with the following classifications:

<table>
<thead>
<tr>
<th>Types of Recreation Area</th>
<th>Minimum Size</th>
<th>Minimum Acres per 1,000 persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Play lot</td>
<td>20,000 square feet</td>
<td>-0-</td>
</tr>
<tr>
<td>Neighborhood playground</td>
<td></td>
<td>1.5</td>
</tr>
<tr>
<td>Elementary school adjoining</td>
<td>3 acres</td>
<td></td>
</tr>
<tr>
<td>Playfield</td>
<td></td>
<td>1.5</td>
</tr>
<tr>
<td>Adjoining junior high or high school</td>
<td>10 acres</td>
<td></td>
</tr>
<tr>
<td>All other locations</td>
<td>15 acres</td>
<td></td>
</tr>
<tr>
<td>Community-wide recreation facility or other areas including, but not limited to, the above listed facilities</td>
<td>2.5</td>
<td>5.5 acres/1,000 persons</td>
</tr>
</tbody>
</table>

Not more than twenty-five (25%) percent of said park and recreational area shall be located in the floodplain or wetland.

Additional standards for open space in planned developments are found in the Fox River Grove Zoning Ordinance and shall be adhered to in all planned developments.

(b) Location. The Comprehensive Plan adopted by the Village shall be used as a guideline in locating sites. A central location which will serve equally the entire subdivision or planned development is most desirable. In large subdivisions and planned developments these sites can be located throughout the subdivision or planned development according to established standards for park area distances.
(c) No credit shall be given for private open spaces and recreation areas. (Ord. No. 97-11, Sec. 1, 5-15-97)

Sec. 19-52. Criteria for requiring a contribution in lieu of park sites.

Where the subdivision or planned development is too small to include a park, or when the available land is inappropriate for park and recreational purposes, the Village shall require the subdivider or developer to pay a cash contribution in lieu of the land dedication required. The cash contributions in lieu of park and recreation land dedication shall be held in trust by the Village, or other public body designated by the Village, solely for the acquisition of park and recreational land as which will be available to serve the immediate or future needs of the residents of that subdivision or development, or for the improvement of other existing local park and recreation land which already serves such needs. The amount of the cash contribution which a subdivider or developer shall be required to make in lieu of dedicating land for park and recreational purposes shall be based on the fair market value of vacant land in the area of the development. It has been determined that the present fair market value of such vacant land in and surrounding the Village is fifty thousand dollars ($50,000.00) per acre for park sites. This figure shall be used in making any calculation herein unless the subdivider or developer files a written objection to this figure. In the event of any such objection the developer shall submit an appraisal showing the fair market value of such land in the area of development. The final determination of the fair market value per acre of such vacant land shall be made by the Village Board based upon such information submitted by the subdivider or developer and from other sources which may be submitted to the Village Board.

(a) Density Formula

Park Dedications and Contributions: The following table of population density represents current and short range trends in family size for a new construction and shall be used in calculating the amount of the cash contribution in lieu of unless a written objection is filed by the subdivider or developer. A written objection shall be submitted to the Village as soon as feasible.

Table 2: Population Per Unit (Park Donation)

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Total Per Dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached Single Family</td>
<td></td>
</tr>
<tr>
<td>2 bedroom</td>
<td>2.746</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>2.955</td>
</tr>
<tr>
<td>4 bedroom</td>
<td>3.559</td>
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<tr>
<td>5 bedroom+</td>
<td>3.645</td>
</tr>
<tr>
<td>Attached Single Family</td>
<td></td>
</tr>
</tbody>
</table>
Note: There are only three (3) significant categories provided in this chart. Because of the similarity of yields of all types of attached single-family, only one category is provided. The same is true with apartments. 2 bedroom single family includes 1 bedroom.

(b) Objection to Population Estimate: In the event a subdivider or developer files a written objection to the table of estimated ultimate population listed herein, the subdivider or developer shall submit its own demographic study showing the estimated population to be generated from the subdivision or planned unit development. This shall include a detailed explanation of the methodology used in developing an alternative generation table. Final determination of the density formula to be used in such calculations shall be made by the Village Board. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula for the dedication of land, or the payment of fees in lieu, as stated herein, is subject to periodic review and amendment as necessary.

(c) Cash In Lieu Of Land Contributions: The amount of cash to be donated by the developer in lieu of donating land for park purposes shall be determined by applying the cash calculation set forth in this Section at the time the final plat is presented to the Village Board for approval. Contributions of cash in lieu of land must be deposited, prior to permit issuance. (Ord. 01-13, Sec. 1, 3-15-01; Ord. No. 18-17, Sec. 2, 10-18-18)

Sec. 19-53. Criteria for requiring dedication and a fee.

There may be situations in subdivisions and planned developments when a combination of park land dedication and 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 or planned development 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 been required 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 subdivision or planned development to complete the site. The remaining portions shall be required by dedication and a cash contribution in lieu of the
remaining required park or recreation land. (Ord. No. 90-94, Sec. 1, 3-21-90)

Sec. 19-54. Reservation of additional land.

Where the Comprehensive Plan or the standards of the Village call for a larger amount of park and recreational land in a particular subdivision or planned development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchase by the Village or other public body designated by the Village, provided that such acquisition shall be made within one (1) year from the date of approval of the final plat. (Ord. No. 90-04, Sec. 1, 3-21-90)

Sec. 19-55. Combining with adjoining developments.

Where the subdivision or planned development is less than forty (40) acres, public open space which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable recreation areas without hardship on a particular developer. (Ord. No. 90-04, Sec. 1, 3-21-90)

Sec. 19-56. Topography and grading.

The slope, topography and geology of the dedicated site, as well as its surroundings, must be suitable for its intended purposes. Grading on sites dedicated for park and recreational uses shall not differ greatly from surrounding land. (Ord. No. 90-04, Sec. 1, 3-21-90)

Sec. 19-57. Improved sites.

All sites shall be dedicated in an improved condition and shall have all of the facilities and utilities appropriate to their intended uses.

The dedications of land, or cash contributions in lieu thereof, required by this Article shall also be required as a condition to the annexation of any land to the Village and provisions therefor shall be incorporated in any pre-annexation agreement governing such land.

Furthermore, the Village may require as part of a pre-annexation agreement that the developer make cash contributions to the Village, and to the Fire Protection District to assist the Fire District in providing necessary services to the subdivision or planned development during the period from initial occupancy of the subdivision or planned development until taxes, levied on the assessed valuation of the subdivision or planned development when substantially completed, have been collected. Such contributions shall be designed to place the burden of additional costs of servicing new subdivisions and planned developments upon said subdivisions and planned developments rather than upon existing developments, but shall not be in an amount that would place a disproportionate share of the cost of local government services on new subdivisions. (Ord. No. 94-14, Sec. 1, 3-17-94)
Sec. 19-58. Contributions to Library Districts.

The amount of the cash contribution which a subdivider or developer shall be required to make to a library district shall be based on the population density assumptions established below. The amount of the required cash contributions shall be one hundred five ($105.00) dollars per person.

(a) Density Formula

Library Dedications and Contributions: The following table of population density represents current and short range trends in family size for a new construction and shall be used in calculating the amount of the cash contribution in lieu of unless a written objection is filed thereto by the subdivider or developer. A written objection shall be submitted to the Village as soon as feasible.

Table 2: Population Per Unit (Library Donation)

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Total Per Dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached Single Family</td>
<td></td>
</tr>
<tr>
<td>2 bedroom</td>
<td>2.746</td>
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<tr>
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</tr>
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<td>Attached Single Family</td>
<td></td>
</tr>
<tr>
<td>2 bedroom</td>
<td>1.697</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>2.374</td>
</tr>
<tr>
<td>4 bedroom+</td>
<td>2.767</td>
</tr>
<tr>
<td>Apartments</td>
<td></td>
</tr>
<tr>
<td>Efficiency</td>
<td>1.400</td>
</tr>
<tr>
<td>1 bedroom</td>
<td>1.710</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>2.007</td>
</tr>
<tr>
<td>3 bedroom+</td>
<td>2.475</td>
</tr>
</tbody>
</table>

Note: There are only three (3) significant categories provided in this chart. Because of the similarity of yields of all types of attached single-family, only one category is provided. The same is true with apartments. 2 bedroom single family includes 1 bedroom.

(b) Objection to Population Estimate: In the event a subdivider or developer files a written objection to the table of estimated ultimate population listed herein, the subdivider or developer shall submit its own demographic study showing the estimated population to be generated from the subdivision or planned unit development. This shall include a detailed
explanation of the methodology used in developing an alternative generation table. Final determination of the density formula to be used in such calculations shall be made by the Village Board. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula for the payment of fees is subject to periodic review and amendment as necessary.

(c) Cash Contributions: The amount of cash to be donated by the developer shall be determined by applying the cash calculation set forth in this Section at the time the final plat is presented to the Village Board for approval. Contributions must be deposited prior to permit issuance. (Ord. No. 93-04, Sec. 3, 2-17-94; Ord. 18-17, Sec. 3, 10-18-18)

Secs. 19-59--19-70. Reserved.

**ARTICLE VI REQUIRED LAND IMPROVEMENTS**

Sec. 19-71. Generally.

No subdivision of land shall be approved by the Village of Fox River Grove Planning & Zoning Commission without first receiving a statement signed by the Village Engineer certifying that the improvement described in the subdivider's plans and specifications, together with agreements, meet the minimum requirements of all Ordinances of the Village and that they comply with the following sections. (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 2019-03, Sec. 18, 4-4-19)

Sec. 19-72. Sewers.

(a) A complete system of sanitary sewers shall be installed, including sewer stub terminals at the property line of each lot, to serve all lots in a subdivision or lot division. Said system of sewers shall be connected with the sanitary sewer system of the Village, otherwise to a specially constructed sanitary sewage disposal plant in accordance with plans acceptable to the Village. All connections to said sewer systems shall comply with existing Ordinances and shall be subject to the approval and inspection of the Village Engineer or any other party assigned by the Board to inspect same.

(b) All sanitary sewer systems shall be constructed in accordance with standards and specifications of the Village and other governmental authorities having jurisdiction. All sewer design, plans and specifications shall be submitted to the Village Clerk and the Village Engineer for approval and file. Each lot platted for the subdivision shall be served by the sanitary sewer system.

*Editor's note-Ord. 90-04, Sec. 3, 3-21,90, renumerated to Article VI.

Cross reference Standards for required improvements, Ch. 17 1/2.
(c) Where sanitary sewer mains of larger capacity than necessary are required, as directed by the Board to serve future growth in the vicinity of the subdivision, the subdivider shall be required to pay for the proportionate benefit of the installation of his subdivision, as established by the Board.

(d) A subdivision plat shall in no case be approved which shall be dependent upon individual septic tanks and private wells, except where lots therein contain not less than forty thousand (40,000) square feet each. If the subdivision is served with public water supply, the lots with septic tanks shall contain twenty thousand (20,000) square feet each.

(e) An adequate system of storm water drainage shall be constructed and installed, consisting of natural watercourses, storm sewers and other necessary facilities in accordance with Village ordinance. Open ditches shall be prohibited, except where they may be required in state or county rights-of-way. (Ord. No. 79-06, Sec. 1, 2-21-79)

Sec. 19-73. Street improvements.

(a) Grades. The minimum street gradient shall not be less than five-tenths (0.5%) percent. The maximum street gradient on major streets, collector streets, and business and industrial streets shall not exceed six (6%) percent. The maximum street gradient on minor residential streets shall not exceed ten (10%) percent. All gradient changes of more than one (1%) percent shall have a vertical curve. No gradient change shall exceed two and five-tenths (2.5%) percent in one hundred (100) feet.

(b) Street standards. All streets to be dedicated to the public shall be improved as follows:

(1) Right-of-way. For the street classification shown in Table 3, column 1, the right-of-way shall have a minimum width as shown in column 2.

(2) Pavement width. For the street classification shown in Table 3, column 1, the pavement shall have a minimum width measured back-to-back of curb as shown in column 3.

(3) Pavement type. For the street classification shown in Table 3, column 1, the pavement shall be improved to the standard of Illinois Highway Specification shown in column 4. The pavement specifications shown herein are based on subsoils having a support value (California Bearing Ratio (CBR)) of 3.0. In the design of pavements, special consideration shall be given to subsoil support values greater or less than CBR=3.0.

(4) Cul-de-sac terminus. The pavement in the terminus of a cul-de-sac shall have a
minimum diameter measured from the back of the outside curbs, of eighty (80) feet for residential streets and one hundred (100) feet for business and industrial streets. All cul-de-sacs shall be improved with curbed islands which shall meet the requirements of this Chapter. All curbed islands shall be designed to accommodate a street lighting fixture and a fire hydrant. All curbed islands within cul-de-sacs shall be approved by the Village Engineer. (Ord. No. 90-35, Sec. 1, 11-21-90).

(c) Acceleration and deceleration lanes. Additional right-of-way and pavement improvements are required, as shown in Table K.

(1) Major and collector street intersections shall be improved with acceleration and deceleration lanes, the design of which shall be approved by the Village Engineer and the Illinois Division of Highways.

(2) Special consideration shall be given to access control along primary and secondary thoroughfares and to channelization at major intersections.

(d) Where it is intended that the pavement shall provide for continuous on-street parking, the widths established herein shall be increased accordingly.

(e) Curbs and gutters.

(1) Concrete curbs and gutters shall be constructed along the outside edges of all street pavements, and shall be Illinois Division of Highways standard types required for the street classifications as follows:

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Curb and Gutter Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major streets</td>
<td>B-6.12</td>
</tr>
<tr>
<td>Collector streets</td>
<td>B-6.12</td>
</tr>
<tr>
<td>Residential streets</td>
<td>M-6.12</td>
</tr>
<tr>
<td>Business and industrial</td>
<td>B-6.12</td>
</tr>
</tbody>
</table>

(2) The outside edges of curbs and gutters shall be parallel to street lines, and radii at intersections shall not be less than twenty-five (25) feet.

(3) Depressed curbs for driveway entrances shall be provided for all barrier type (B-6.12) curbs and gutters.

(4) Storm water inlets shall be provided for all curbs and gutters at points required by the Village Engineer.

(f) Storm water inlets shall be provided within the roadway improvement at points approved by
the Village Engineer.

(g) All curb corners shall have radii of not less than fifteen (15) feet; at collector street intersections, not less than twenty-five (25) feet.

(h) In subdivisions outside of the corporate area, but in the one and five-tenths (1.5) mile planning area, street improvements shall conform to the same standards required of subdivisions within the corporate area.

(i) Paved access driveways shall be provided from the street right-of-way line to the edge of street pavement for all lots, and shall be constructed of either six (6) inch Portland cement concrete, or six (6) inch gravel or crushed stone base and two (2) inch bituminous concrete surface (MS/900).

(j) Street name signs and other signs required by the Village shall be provided in accordance with Village standards and specifications and installed at every intersection to identify all streets.

Table K.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Right-of-Way</th>
<th>Pavement Width</th>
<th>Pavement Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major street</td>
<td>80 ft</td>
<td>4&quot; gravel subbase, and 10&quot; stabilized base and 4&quot; gravel subbase, and 8&quot; Portland cement concrete</td>
<td></td>
</tr>
<tr>
<td>ADT=7,000 to 15,000</td>
<td>49 ft</td>
<td>10&quot; stabilized base and 4&quot; gravel subbase, and 8&quot; Portland cement concrete</td>
<td></td>
</tr>
<tr>
<td>ADT=over 15,000</td>
<td>57 ft</td>
<td>4&quot; bituminous concrete surface or 4&quot; gravel subbase, and 8&quot; Portland cement concrete</td>
<td></td>
</tr>
<tr>
<td>Collector street</td>
<td>70 ft</td>
<td>8&quot; stabilized base, and 3&quot; bituminous concrete surface (MS/1700) or 6&quot; Portland cement concrete</td>
<td></td>
</tr>
<tr>
<td>ADT=1,000 to 7,000</td>
<td>45 ft</td>
<td>8&quot; stabilized base, and 3&quot; bituminous concrete surface (MS/1700) or 6&quot; Portland cement concrete</td>
<td></td>
</tr>
<tr>
<td>Residential street</td>
<td>60 ft</td>
<td>8&quot; gravel or crushed stone base, and 21/2&quot; bituminous concrete surface (MS/1700)</td>
<td></td>
</tr>
<tr>
<td>Industrial street</td>
<td>70 ft</td>
<td>4&quot; gravel subbase, and 8&quot; stabilized base, and 3&quot; bituminous concrete surface or 7&quot; Portland cement concrete</td>
<td></td>
</tr>
<tr>
<td>Alley</td>
<td>30 ft</td>
<td>Same as residential</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>18 ft</td>
<td>Same as business and industrial</td>
<td></td>
</tr>
<tr>
<td>Business and industrial</td>
<td>24 ft</td>
<td>Same as business and industrial</td>
<td></td>
</tr>
</tbody>
</table>
Sec. 19-74.  Public Utilities.

All utility lines for telephone and electric services shall be placed underground in easements along the rear and side lot lines of the subdivision. The conduits and/or cables shall be placed within the easements or dedicated public ways, in a manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public. (Ord. No. 79-06, Sec. 1, 2-21-79)

Sec. 19-75.  Sidewalks.

Concrete sidewalks shall be provided in all residential and business subdivisions. Minimum widths of sidewalks shall be four (4) feet in residential subdivisions and six (6) feet in business subdivisions unless otherwise recommended by the Planning & Zoning Commission and required by the Board of Trustees. (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 2019-03, Sec. 19, 4-4-19)

Sec. 19-76.  Landscaping.

(a)  All parkways within dedicated street areas or other public use areas shall be graded, provided with topsoil, sodded or one hundred (100%) percent guaranteed germination, seeded or planted in a manner approved by the Village Planning & Zoning Commission.

(b)  Trees shall be planted along all streets where trees do not exist. Trees shall have a trunk diameter, measured twelve (12) inches above the ground, of not less than three (3) inches, and shall be spaced no more than fifty (50) feet apart. This requirement will be satisfied if an equivalent number of trees of the same size or larger are planted in a naturalistic manner in the front yards of the adjoining lots. The plantings shall be restricted to thornless honey locusts, sugar maples, hackberries, pin oaks, sycamores, gingkoes, and/or any other trees approved by the Board. Chinese elm, box elder, willow, poplar and similar fast-growing brittle-wood species are prohibited. Trees shall be maintained and dead trees replaced by the subdivider for a period of two (2) years after initial planting. (Ord. No. 97-11, Sec.2, 5-15-97; Ord. No. 2019-03, Sec. 20, 4-4-19)

Sec. 19-77.  Street and parking lot lighting.

(a)  Provisions shall be made for the adequate illumination, standards and fixtures on public streets within the proposed subdivision in accordance with the standards and requirements established by the governing authorities. The installation shall be completed prior to the acceptance of all street improvements by the Village of Fox River Grove.

(b)  All required open off-street parking areas, other than parking for single-family homes, shall
be lighted. An average illumination of five (5) foot candles shall be required with lighting fixture arranged to reflect light away from residential properties and public streets. All lighting cable shall be placed underground and shall be installed in steel conduit and buried at a depth of two (2) feet. (Ord. No. 79-06, Sec. 1, 2-21-79)

(c) All cul-de-sacs shall have a street light fixture located within the island of the cul-de-sac provided for under Section 19-73(b)(4). (Ord. No. 90-35, Sec. 2, 11-21-90)

Sec. 19-78. Public water supply

(a) The water system of the Village shall be extended throughout the entire subdivision in such a manner that every lot in such subdivision may be serviced by means of a connection within its own frontage. All construction shall be in accordance with standards approved by the State of Illinois and the Village, and connections to water mains shall comply with existing Ordinances and shall be subject to the approval and inspection of the Village Engineer.

(b) Water mains shall be a minimum of six (6) inches in diameter, shall include installation of shut-off valves and fire hydrants, and shall be free from dead-end mains wherever possible.

(c) Fire hydrants shall be installed in all subdivisions with a maximum spacing of four hundred (400) feet; hydrants shall be of a type approved by the Village Engineer and with valve openings and hose connections in accordance with standards and hose thread in use in the Village. (Ord. No. 79-06, Sec. 1, 2-21-79)

(d) All cul-de-sacs shall have a fire hydrant located within the cul-de-sac island provided for under Section 19-73(b)(4) of this Code. (Ord. No. 90-35, Sec. 3, 11-21-90)

Secs. 19-79--19-90. Reserved.

ARTICLE VII. REQUIRED DEDICATIONS, EASEMENTS AND RESERVATIONS*

Sec. 19-91. Land dedications.

The following land areas and facilities shall be dedicated to the public:

(1) In all subdivisions and planned developments, all new streets created by such subdivisions and planned developments shall be shown and dedicated on the plat as public streets.

(2) Where a subdivision or planned development abuts an existing public street and where the regulations of this Chapter require additional width of right-of-way, such additional width

*Editor's note-Ord. 90-04, Sec. 4, 3-21-90, renumerated to Article VII.
shall be shown and dedicated on the plat as a public street or portion thereof.

(3) In all subdivisions and planned developments, park and school sites required in Article IV shall be shown on the plat as public dedications.

(4) In all planned developments, all parks and other open areas not approved by the Village as private parks or recreation areas shall be shown on the plat as dedicated to the public.

(5) Nothing herein shall prohibit the payment of cash in lieu of a required land dedication where such cash payment has been approved by the Village. (Ord. No. 79-06, Sec. 1, 2-21-79)

Sec. 19-92. Easements.

Any public utilities and associated facilities and installations shall be located in an easement which shall be clearly identified on the plat. Any drainage structure or floodway shall be located on an easement clearly identified as a "drainage easement" on the preliminary and final plat. Any other easement, for whatever purposes, shall be shown on the preliminary and final plat and its purpose clearly labeled. (Ord. No. 79-06, Sec. 1, 2-21-79)

Sec. 19-93. Designations.

When lots are platted on lands in the floodplain, on filled land, such lots shall be designated to show they are filled land and are located in the former floodplain area. (Ord. No. 79-06, Sec. 1, 2-21-79)

Sec. 19-94. Reservations.

Where practicable, no final plat shall show an area required to be reserved as provided in Article IV. Where final plats must include reserved areas, they shall be clearly identified on the plat as reserved for their intended purposes for a period of time not less than one year from the date of recording. (This will occur only if designated open space areas for school or park use are to be purchased at a future date).

Final plats may be submitted for reserved areas not required by the appropriate public agency at the close of one (1) year from the date of recording. Such plats will be considered as additional units of the subdivision or planned development for which the initial final plat was recorded. Such submittal shall be considered an amendment to the plat and final plat procedures shall be followed (Ord. No. 79-06, Sec. 1, 2-21-79)

Secs. 19-95--19-100. Reserved.
ARTICLE VIII. OFF-SITE IMPROVEMENTS*


It shall be the responsibility of the developer and subdivider to construct and finance (including the cost of any land to be acquired) off-site improvements necessary to service any subdivision or planned unit development. The Planning & Zoning Commission shall recommend, and the Village Board shall determine when off-site water, sanitary sewer or storm sewer lines, and off-site roads, pavements, sidewalks, street lights, traffic signals, storm water detention/retention ponds, and other storm water facilities are necessary to serve the subdivision or planned unit development in a manner necessary to protect the public health, welfare and safety. (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 2019-03, Sec. 21, 4-4-19)

Sec. 19-102. Financing of off-site improvements.

The Village shall not be required to finance any improvements in order to serve a subdivision or planned unit development or to provide adequate roads thereto. The subdivider or developer of any subdivision or planned unit development required to make off-site improvements shall include plans for such improvements (in accordance with Village standards) with his final subdivision or planned unit development plat, and shall provide the commitment to construct such improvements, and financial surety for such construction, with the statement of intent and agreement in the same manner as for on-site improvements. To the extent such off-site improvements benefit other properties, the subdivider may recapture a portion of the costs of off-site facilities in the manner provided in 65 ILCS 5/9-5-1, as amended, however, the final determination of the benefit from an off-site improvement to other properties shall be made by the Village Board. (Ord. No. 79-06, Sec. 1, 2-21-79; Ord. No. 97-27, Sec. 12, 8-21-97)

Secs. 19-103--110. Reserved.

ARTICLE IX. DEFINITIONS**

Sec. 19-111. Words, terms, phrases defined.

As used in this Chapter, the following words, terms and phrases shall have the meanings ascribed to them in this Section:

(1) Building Permit means a permit issued by the Village for the construction, erection or alteration of a structure or building as provided in Article III of Chapter 6 of this Code.

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* Editor's Note-Ord. 90-04, Sec. 5, 3-21-90, renumerated to Article VIII.

** Editor's note-Ord. 90-04, Sec. 6, 3-21-90, renumerated to Article IX.
(2) **Building setback line** means a line within a lot or other parcel of land designated on the plat of proposed subdivision as the nearest place to the adjacent street where a building, structure or auxiliary building may be erected.

(3) **Certify or Certification** means formally attesting that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this Chapter.

(4) **Cross-walkway** means a strip of land dedicated to public use which is reserved across a block to provide pedestrian access to adjacent areas.

(5) **Cubic Yards** means the amount of material in excavation and/or fill measured by the method of "average end areas."

(6) **Easement** means a grant by a property owner for the use of a strip of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

(7) **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 conditions resulting therefrom.

(8) **Existing Grade** means the vertical location of the existing ground surface prior to excavation or filling.

(9) **Fill** means any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

(10) **Final Grade** means the vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

(11) **Grading** means excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

(12) **Lot** means a portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.

(13) **Natural Drainage** means channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

(14) **Parcel** means all contiguous land in one ownership.
(15) *Permittee* means any person to whom a site development permit is issued.

(16) *Removal* when used in the context of the removal of plant growth means cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.

(17) *Site* means a lot or parcel of land, or a contiguous combination thereof. For purposes of soil erosion and sedimentation control a "site" is a lot or parcel of land or a contiguous combination thereof where grading work is performed as a single unified operation.

(18) *Site Development* means altering terrain and/or vegetation and constructing improvements.

(19) *Street* means an area which serves or is intended to serve as a vehicular and pedestrian access to abutting lands or to other streets.

(a) *Alley:* A strip of land, not less than twenty (20) feet along the side or in the rear of properties, intended to provide access to these properties.

(b) *Cul-de-sac:* A minor street having one end open and the other end permanently terminated by a vehicle turnaround.

(c) *Collector street:* A principal street within a subdivision or planned development which provides for internal circulation including all primary entrance streets.

(d) *Freeway:* Any freeway, expressway, tollway, which is a part of the Federal Interstate System, or the Illinois Tollway System, or any similar road which has controlled or limited access.

(e) *Marginal access street:* A frontage road which provides access to lots abutting a freeway or major highway.

(f) *Minor street:* A local street, the primary function of which is to provide access to abutting properties including residential streets and cul-de-sacs, business and industrial access streets.

(20) *Street width* means the shortest distance between lines of lots delineating the public street.

(21) *Stripping* means any activity which removes the vegetative surface cover including tree removal, clearing, and storage or removal of top soil.

(22) *Subdivision* means the division of a lot, tract, or parcel of land into two (2) or more lots, tracts, or parcels, or a re-subdivision of a lot into two (2) or more lots for the purpose of
transfer of ownership or building development including all changes in street or lot lines provided that a division of land for agricultural purposes, in parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted. (Ord. No. 79-06, Sec. 1, 2-21-79).

(23) *Vacant* means land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself. (Ord. No. 91-25, Sec. 2, 7-17-91)

Secs. 19-112---119. Reserved.

**ARTICLE X. SOIL EROSION AND SEDIMENTATION CONTROL**

**Sec. 19-120 Principles and standards.**

Except as provided below, no plat of subdivision shall be approved unless the preliminary plat and accompanying materials indicate that measures to be taken to control soil erosion and sedimentation will be adequate to assure that sediment is not transported from the site by a storm event of ten (10) year frequency or less, and that the following principles will be followed with respect to all development activities in the area to be subdivided:

(1) Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible and natural contours should be followed as closely as possible.

(2) Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural watercourses should be left undisturbed wherever possible.

(3) The smallest practical area of land should be exposed for the shortest practical time during development.

(4) Sediment basins, debris basins, desilting basins, or silt traps or filters should be installed and maintained to remove sediment from run-off waters from land undergoing development.

(5) The selection of erosion and sedimentation control measures should be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs and benefits involved.

(6) In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance should be considered.

(7) Provision should be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Drainageways should be designed so that their final gradients and the resultant velocities of discharges will not create additional
erosion, and should be protected against erosion and sedimentation during development.

(8) Permanent vegetation and structures should be installed as soon as practical during development.

Sec. 19-121. Soil erosion and sedimentation control plans.

Each person seeking preliminary plat approval shall submit the following documents and information at the time of application for preliminary plat approval:

(1) A plan of the site showing:

   (a) Existing topography of the site and adjacent land within one hundred (100) feet of the boundaries, drawn at no greater than two (2) foot contour intervals and clearly portraying the conformation and drainage pattern of the area.

   (b) A general description of the predominant soil types on the site, their location and their limitations for the proposed use.

   (c) The proposed use of the site, including planned utilization; areas of excavation, grading and filling; proposed contours, finished grades and street profiles; provisions for storm drainage, including the control of accelerated runoff, with a drainage area map and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized or left undisturbed.

(2) An erosion and sedimentation control plan showing:

   (a) All erosion and sedimentation control measures necessary to meet the objectives of this Article throughout all phases of construction and permanently after completion of development of the site.

   (b) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quality of mulching for both temporary and permanent vegetative control measures.

   (c) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

   (d) Identification of the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures after development is completed.
The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas and the sequence of clearing, installation of temporary sediment control measures, installation of storm drainage, paving streets and parking areas, and establishment of permanent vegetative cover.

The Board of Trustees may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the development of the proposed subdivision will comply with the objectives and principles of this Article. (Ord. No. 91-25, Sec. 3, 7-17-91).

ARTICLE XI. TREE REMOVAL AND PRESERVATION

Section 19-130. Statement of Intent and Purpose

The intent and purpose of this Article is to promote the public welfare by providing for the protection and preservation of trees within new subdivisions within the Village of Fox River Grove.


The following definitions shall apply to Article XI (Section 19-130 through Section 19-138).

Construction Area: The portion of tract of land on which grading, construction or compaction of the soil will or is likely to occur including those areas where septic fields and driveways will be located.

Critical Root Zone: A circle around the tree with a radius equal to one (1) foot per inch of the tree’s diameter. This is used to establish the tree preservation limits.

Diameter at Breast Height or “DBH”: A measurement of the diameter of a tree taken four and one half (4.5) feet above grade.

Tree Survey: A scaled map clearly depicting the location of existing trees and identifying the trees by size, species and condition. A Tree Survey must meet the requirements set forth in Section 19-134.

Tree Preservation Plan: A scaled map which combines a Tree Survey and site plan together with text identifying trees to be preserved and the measures being taken to preserve such trees. A Tree Preservation Plan shall also identify the trees to be removed and set forth the plans for replacing these trees. A Tree Preservation Plan must comply with the provisions of Sections 19-135 through 19-137. (Ord. No. 09-23, Section 1, 9-17-09)
Section 19-132. Restrictions of Tree Removal.

(a) Except as otherwise provided by Section 19-131(D), it shall be unlawful for any person to remove, move, cut down, destroy or damage any tree having a DBH of eight (8) inches or greater unless a tree removal permit has been issued authorizing the tree to be removed, moved, cut down, destroyed or damaged.

(b) Except as otherwise provided by Section 19-131(E) a tree removal permit shall not be issued unless a Tree Survey and Tree Preservation Plan have been submitted to the Village in accordance with Sections 19-32(9)(i)& (j) and Section 19-34(2)(g) of this Chapter and have been approved by the Village’s Superintendent of Streets and Parks.

(c) Even where no tree with a DBH of eight (8) inches or greater is to be removed, no work involving grading, building or other construction including septic field and driveway installation that requires a building permit or other type of permit may be undertaken and no Village permit required in connection with such work shall be issued unless a Tree Survey and Tree Preservation Plan have been submitted to the Village in accordance with Sections 19-32(9)(i)& (j) and Section 19-34(2)(g) of this Chapter and have been approved by the Village’s Superintendent of Streets and Parks.

(d) The Tree Removal Permit requirements contained in this Article shall not apply to the following:

1. Subdivisions for which a landscaping or tree preservation plan was approved by the Village prior to June 1, 1998 pursuant to the terms of an annexation agreement or a statement of intent and agreement.

2. Removal of any tree listed on the following table or any other tree which has been designated by the state as a “nuisance” tree:

   **TABLE 1: PROHIBITED TREE SPECIES**

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer negundo</td>
<td>Box Elder</td>
</tr>
<tr>
<td>Acer saccharinum</td>
<td>Silver Maple</td>
</tr>
<tr>
<td>Ailanthus glandulosa</td>
<td>Tree-of-Heaven</td>
</tr>
<tr>
<td>Catalpa spp.</td>
<td>Catalpa species</td>
</tr>
<tr>
<td>Elaeagnus angustifolia</td>
<td>Russian Olive</td>
</tr>
<tr>
<td>Fraxinus spp.</td>
<td>Ash species</td>
</tr>
<tr>
<td>Ginko biloba –Female</td>
<td>Female Ginko Tree</td>
</tr>
<tr>
<td>Gleditsia triacanthos</td>
<td>Thorne Honeylocust</td>
</tr>
</tbody>
</table>
Juglans nigra      Black Walnut
Maclura pomifera     Osage-Orange
Morus spp.      Mulberry species
Picea glauca densata     Black Hills Spruce
Poplar spp.      Populus species
Populus nigra      Lombardy Poplar
Rhamnus cathartica     Buckthorn
Robinia pseudoacacia    Black Locust
Salix spp.      Willow species
Ulmus Americana     American Elm
Ulmus chinesensis     Chinese Elm
Ulmus pumila      Siberian Elm

Items in bold = prohibited in right-of-ways.

(e) A Tree Removal Permit may be issued for a tree which constitutes a hazard to persons or property without the submission of a Tree Survey and a Tree Preservation Plan. (Ord. No. 09-23, Section 1, 9-17-09)

Section 19-133. Tree Removal Permits.

1. Applications for Tree Removal Permits

Where a Tree Removal Permit is required, the person seeking the permit must file a written application for a Tree Removal Permit with the Village. The Tree Removal Permit shall not be considered and approved as provided in Section 19-133(b) until such time as the final plat of subdivision has been approved by the Village Board and recorded in the appropriate office of the Recorder of Deeds. All applications for a Tree Removal Permit must contain the following information:

a. The location of the property for which the permit is requested, including the street address and a legal description.

b. The applicant’s name, address and telephone number.

c. The quantity, species, DBH and description of the physical condition of all trees for which the applicant seeks a Tree Removal Permit.

2. Consideration of Tree Removal Permit Applications

The Village may, issue a Tree Removal Permit where (1) the tree or trees to be removed are found to be dead, diseased or disfigured due to natural causes such as wind, insects, viruses and lightenin; or
(2) the tree or trees to be removed constitute a hazard to persons or property.

All other applications for a Tree Removal Permit shall be approved by the Village subject to the Village’s approval of the applicant’s Tree Survey and Tree Preservation Plan and approval by the Village Board of the final plat of subdivision for the subject property. The application shall be approved subject to any recommendations and/or imposition of conditions made by the Planning & Zoning Commission and approved by the Village Board on the applicant’s submitted Tree Preservation Plan during the preliminary plat and final plat approval procedures.

3. Fees, Escrow and Letter of Credit

a. All applications for a Tree Removal Permit shall be accompanied by an application fee of fifty ($50.00) dollars for each tree that is to be removed. No fee for removal of trees on prohibited list or trees determined to be unhealthy by the Village.

b. In addition, where the provisions of this Article XI require the applicant for a Tree Removal Permit to relocate or replace the tree or trees to be removed, and the cost of such removal and replacement is estimated by the Village to exceed five thousand ($5,000.00) dollars, the applicant shall provide a letter of credit or other security in an amount equal to one hundred ten (110%) percent of the estimated cost of relocating or replacing the trees to be removed. The letter of credit or other security shall be in a form approved by the Village Attorney and shall be maintained until the tree relocation and tree replacement work has been completed. (Ord. No. 09-23, Section 1, 9-17-09; Ord. No. 2019-03, Sec. 22, 4-4-19)

Section 19-134. Tree Surveys.

Whenever a Tree Survey is required, the Tree Survey shall include the following:

(1) A list of all trees on the property covered by the survey which have a DBH of eight (8) inches or greater. The list shall include the location, size, species and conditions, including the common and botanical name.

(2) A site plan or survey showing the location of all trees with a DBH of eight (8) inches or greater on the property in a manner that will allow the site plan or survey to be cross-referenced with a tree list prepared for the property.

(3) The qualifications of the individual who prepared the Tree Survey.

The Village’s Superintendent of Streets and Parks may limit the area required to be covered by a Tree Survey to less than the entire property for which a Tree Removal Permit is being sought where the property is a tract of land under single ownership which has an area greater than one (1) acre and
where either the construction area is less than the whole tract or the Superintendent determines that the tree removal for which approval is being sought will not impact the entire tract. (Ord. No. 09-23, Section 1, 9-17-09)

Section 19-135. Tree Preservation Plans

Whenever a Tree Preservation Plan is required, the Tree Preservation Plan shall be drawn as part of the engineering plan. The Tree Preservation Plan shall contain the following information:

1. A description of the condition of the trees which are to be removed.

2. A Site Plan or Survey which clearly identifies both the common and scientific name of each tree to be removed and the DBH of each tree to be removed.

3. A note stating that all trees proposed to be removed or destroyed shall be clearly marked in the field.

4. A designation of those trees which might be damaged or destroyed by construction activity. The following criteria shall be applied to determine whether a tree may be destroyed or damaged by construction activity:
   (a) Storage of material, parking or operation of construction equipment within the critical root zone of a tree.
   (b) The excavation of earth by cut or fill.
   (c) Alteration of grades around the perimeter of a tree which results in a directional change to surface water.
   (d) Removal of existing natural ground cover of forested environments without compensation and replacement with similar ground cover.

5. A description of the measures that will be taken to protect trees during construction including:
   (a) A delineation of the tree preservation limits.
   (b) A notation that tree protective fencing must be staked and placed securely along the tree preservation limits.
   (c) A notation providing for the pruning, fertilizing and watering of trees with a canopy extending into the construction zone as necessary given field conditions.
(d) The imposition of a restriction prohibiting the placing of a limestone product or other building materials within the critical root zone of any tree which extends into a construction zone and which is not to be removed.


7. The location and dimensions of existing and proposed buildings, paved areas, utility and access easements on and within fifteen (15) feet of the property to which the Tree Preservation Plan pertains.

8. A survey, map or diagram showing the topography of the property at two (2) foot contour intervals and existing flood plain areas and wetlands. This survey map or diagram shall also describe the direction of surface drainage on the property.

9. A plan that shows the location, species and size of all trees which will exist after trees are removed and the location, species and size of all replacement trees and any trees that are to be relocated.

10. Such other data and information as the Superintendent of Streets and Parks may reasonably deem necessary in order to determine whether the granting of a Tree Removal Permit will be consistent with the intent and purpose of this Article. (Ord. No. 09-23, Section 1, 9-17-09)

Section 19-136. Replacement of Removed Trees.

(a) Whenever a Tree Removal Permit is sought for the removal of one (1) or more healthy trees with a DBH greater than eight (8) inches which are of a species listed below in Table 2, if the applicant for the permit is required to submit a Tree Preservation Plan, then the Tree Preservation Plan must provide for the relocation or replacement of all such trees which have a DBH of greater than eight (8) inches which the applicant seeks to have removed, unless the trees are being removed in order to restore an area to a natural marsh or prairie condition. The replacement trees must be in a location approved by the Village’s Superintendent of Streets and Parks, of a species listed in Table 2 or equivalent plantings per Table 3 with preference given to native trees wherever possible, or of another other species which is approved by the Village’s Superintendent of Streets and Parks.

TABLE 2: APPROVED TREE LIST

A. SHADE/CANOPY TREES
<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer nigrum</td>
<td>Black Maple</td>
</tr>
<tr>
<td>Acer platanoides</td>
<td>Norway Maple</td>
</tr>
<tr>
<td>Acer rubrum</td>
<td>Red Maple</td>
</tr>
<tr>
<td>Acer saccharum*</td>
<td>Sugar Maple*</td>
</tr>
<tr>
<td>Aesculus glabra</td>
<td>Ohio Buckeye</td>
</tr>
<tr>
<td>Betula nigra</td>
<td>River Birch</td>
</tr>
<tr>
<td>Betula papyrifera</td>
<td>Paper Birch</td>
</tr>
<tr>
<td>Carya cordiformis*</td>
<td>BITternut Hickory*</td>
</tr>
<tr>
<td>Carya ovate*</td>
<td>Shagbark Hickory*</td>
</tr>
<tr>
<td>Catalpa speciosa</td>
<td>Catalpa</td>
</tr>
<tr>
<td>Celtis occidentalis*</td>
<td>Common Hackberry*</td>
</tr>
<tr>
<td>Corylus columna</td>
<td>Turkish Filbert</td>
</tr>
<tr>
<td>Fagus grandifolia</td>
<td>American Beech</td>
</tr>
<tr>
<td>Fagus sylvatica</td>
<td>European Beech</td>
</tr>
<tr>
<td>Ginkgo biloba</td>
<td>Ginkgo</td>
</tr>
<tr>
<td>Gleditsia triacanthos f. inermis</td>
<td>Thornless Honeylocust</td>
</tr>
<tr>
<td>Gymnocladus dioicus</td>
<td>Kentucky Coffeetree</td>
</tr>
<tr>
<td><strong>Juglans nigra</strong></td>
<td><strong>Black Walnut</strong></td>
</tr>
<tr>
<td>Metasequoia glyptostroboide</td>
<td>Dawn Redwood</td>
</tr>
<tr>
<td>Picea glauca</td>
<td>White Spruce</td>
</tr>
<tr>
<td>Pinus resinosa</td>
<td>Red Pine</td>
</tr>
<tr>
<td>Platanus occidentalis</td>
<td>Sycamore</td>
</tr>
<tr>
<td>Platanus x acerifolia</td>
<td>London Planetree</td>
</tr>
<tr>
<td>Prunus serotina</td>
<td>Black Cherry</td>
</tr>
<tr>
<td>Quercus alba*</td>
<td>White Oak*</td>
</tr>
<tr>
<td>Quercus bicolor*</td>
<td>Swamp White Oak</td>
</tr>
<tr>
<td>Quercus coccinea*</td>
<td>Scarlet Oak*</td>
</tr>
<tr>
<td>Quercus ellipsoidalis</td>
<td>Hill’s Oak</td>
</tr>
<tr>
<td>Quercus imbricaria*</td>
<td>Shingle Oak*</td>
</tr>
<tr>
<td>Quercus macrocarpa*</td>
<td>Bur Oak*</td>
</tr>
<tr>
<td>Quercus muehlenbergii</td>
<td>Chinquapin Oak</td>
</tr>
<tr>
<td>Quercus prinus</td>
<td>Chestnut Oak</td>
</tr>
<tr>
<td>Quercus robur</td>
<td>English Oak</td>
</tr>
<tr>
<td>Quercus rubra*</td>
<td>Red Oak*</td>
</tr>
<tr>
<td>Robinia pseudoacacia</td>
<td>Black Locust</td>
</tr>
<tr>
<td>Taxodium distichum</td>
<td>Baldcypress</td>
</tr>
<tr>
<td>Tilia Americana</td>
<td>American Linden (Basswood)</td>
</tr>
<tr>
<td>Tilia cordata</td>
<td>Littleleaf Linden</td>
</tr>
<tr>
<td>Tilia x euchlora ‘Redmond’</td>
<td>Redmond Linden</td>
</tr>
</tbody>
</table>
Ulmus x  
(suitable cultivars i.s. “Accolode’, ‘Frontier’, ‘Homestead’)
Zelkova serrata

Asterisk = native species.

Bold = allowed in parks and private property but not allowed in right-of-ways.

B. SMALL TREES

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer canoestre</td>
<td>Hedge Maple</td>
</tr>
<tr>
<td>Acer ginnala</td>
<td>Amur Maple</td>
</tr>
<tr>
<td>Amelanchier</td>
<td>Serviceberry</td>
</tr>
<tr>
<td>Carpinus caroliniana*</td>
<td>American Hornbeam (blue beech)*</td>
</tr>
<tr>
<td>Cercis Canadensis</td>
<td>Redbud</td>
</tr>
<tr>
<td>Cornus alternifolia</td>
<td>Pagoda Dogwood</td>
</tr>
<tr>
<td>Crataegus crus-galli</td>
<td>Cockspur Hawthorn</td>
</tr>
<tr>
<td>Crataegus laevigata</td>
<td>English Hawthorn</td>
</tr>
<tr>
<td>Crataegus mollis</td>
<td>Downy Hawthorn</td>
</tr>
<tr>
<td>Crataegus phaenopyrum*</td>
<td>Washington Hawthorn*</td>
</tr>
<tr>
<td>Magnolia x soulangiana</td>
<td>Saucer Magnolia</td>
</tr>
<tr>
<td>Malus spp.</td>
<td>Crabapple</td>
</tr>
<tr>
<td>Ostrya virginiana*</td>
<td>Ironwood*</td>
</tr>
<tr>
<td>Prunus serrulata</td>
<td>Japanese Flowering Cherry</td>
</tr>
<tr>
<td>Prunus virginiana</td>
<td>Chokecherry</td>
</tr>
<tr>
<td>Pyrus calleryana</td>
<td>Callery Pear</td>
</tr>
<tr>
<td>Syringa reticulate</td>
<td>Japanese Tree Lilac</td>
</tr>
<tr>
<td>Thuja occidentalis</td>
<td>Eastern White-cedar</td>
</tr>
</tbody>
</table>

Asterisk = native species

C. APPROVED REPLACEMENT EVERGREEN TREES

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abies concolor</td>
<td>White Fir</td>
</tr>
<tr>
<td>Picea abies</td>
<td>Norway Spruce</td>
</tr>
<tr>
<td>Picea glauca densata</td>
<td>Black Hills Spruce</td>
</tr>
<tr>
<td>Picea pungens</td>
<td>Colorado Green Spruce</td>
</tr>
<tr>
<td>Picea pungens glauca</td>
<td>Colorado Blue Spruce</td>
</tr>
<tr>
<td>Pinus nigra</td>
<td>Austrian Pine</td>
</tr>
</tbody>
</table>
(b) The Tree Preservation Plan may provide that replacement trees are to have a DBH less than the DBH of the removed trees, provided that the total DBH of all replacement trees is equal to or greater than the total DBH of all trees which are to be removed and provided that all replacement trees shall have a DBH of not less than two (2) inches unless approved by the Superintendent of Streets and Parks.

(c) At least fifty (50%) percent of the replacement trees shall be the trees native to the region wherever the site and soils permit as determined by the Superintendent of Streets and Parks. All replacement trees shall have size and species diversity as approved by the Superintendent of Streets and Parks.

(d) Substitution of required replacement trees may be made with the approval of the Village’s Superintendent of Streets and Parks or the Village’s Board of Trustees in accordance with the following table:

<table>
<thead>
<tr>
<th>Table 3: Substitution Equivalencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number Type</td>
</tr>
<tr>
<td>1 Shade/Canopy Tree = 2 Ornamental/or Small Trees</td>
</tr>
<tr>
<td>1 Shade/Canopy Tree = 2 Evergreen Trees</td>
</tr>
<tr>
<td>1 Shade/Canopy Tree = 1 Evergreen Tree greater than 8 feet in height</td>
</tr>
<tr>
<td>1 Shade/Canopy Tree = 8 Evergreen Shrubs</td>
</tr>
<tr>
<td>1 Shade/Canopy Tree = 15 Deciduous or Flowering Shrubs</td>
</tr>
<tr>
<td>1 Shade/Canopy Tree = 500 Square Feet of Ground Cover</td>
</tr>
</tbody>
</table>

(e) If an applicant for a Tree Removal Permit seeks to relocate a tree to another location of the property covered by the Tree Removal Permit and the Village agrees to permit such relocation, the applicant shall not be required to provide a replacement tree for the relocated tree provided that the relocated tree survives for a period of three (3) years after it is relocated. If the relocated tree does not survive for a period of three (3) years after it is relocated, then the applicant will be required to replace the tree as provided in this Section.

(f) If, in keeping with good forestry practices as determined by the Village’s Superintendent of...
Streets and Parks, sufficient space is not available on the property for which a Tree Removal Permit is sought to plant the number of replacement trees required by this Section 19-136, then the Village shall authorize the applicant to plant fewer trees on the property than is required by the tree replacement schedule set forth in Section 19-136(a) and to either plant trees elsewhere in the Village, such as in a public park, or to donate cash in lieu of tree plantings. Where cash in lieu of tree plantings is to be donated to a Village tree planting program, the donation shall be equal to the value of the tree plus installation costs. However, not more than fifteen thousand ($15,000.00) dollars per acre shall be required no matter how many trees are removed from that acre of property. Annual adjustments shall be made to increase the per acre maximum amount of fifteen thousand ($15,000.00) dollars at a rate equal to the rate of increase in the Consumer Price Index for all Urban Consumers in the Chicago Metropolitan Area as published by the United States Department of Labor - Bureau of Labor Statistics. (Ord. No. 09-23, Section 1, 9-17-09)

Section 19-137. Criteria for Approval of Tree Preservation Plans.

In addition to determining whether there has been compliance with the requirements of Sections 19-135 and 19-136, when deciding whether to approve a Tree Preservation Plan and issue a Tree Removal Permit, the Village’s Board of Trustees and the Village’s Superintendent of Streets and Parks shall also consider the following:

a. The general design of the proposed Tree Preservation Plan and any associated landscape plan.

b. Planting specifications, such as the appropriateness of the species of any trees which are proposed to be relocated or any new trees that are proposed to be planted.

c. General and environmental conditions such as whether the trees to be removed are located in a flood plain or wetland and whether the plan calls for the relocation or the cutting of replacement trees in flood plains and wetlands.

d. The extent that the proposed Tree Preservation Plan will preserve existing forested land in its natural state and utilize native species and whether the applicant for the Tree Removal Permit is making reasonable efforts to retain existing trees on property covered by the Tree Removal Permit Application, taking into account the development which is proposed for the property.

e. The appropriateness and adequacy of the techniques proposed for the preservation and protection of the existing trees during construction.

f. The nature and proposed use of the property and surrounding property, and the economic feasibility of using or developing property if the existing trees are preserved. (Ord. No. 09-

a. Where submission of a Tree Preservation Plan is required by this Article XI, the Tree Preservation Plan must be implemented and all trees replaced or relocated as provided in the Tree Preservation Plan and in accordance with the requirements of this Article within not more than ninety (90) days after the date the Tree Removal Permit is issued, unless the Tree Removal Permit specifies a longer period of time.

b. The Superintendent of Streets and Parks or such persons who may be designated by the Superintendent of Streets and Parks shall, as necessary, conduct inspections and surveys to determine whether there has been compliance with the provisions of this Article. A copy of the Tree Removal Permit, along with the approved Tree Preservation Plan shall be kept at the site for which the Tree Removal Permit is issued during the period that work is being done pursuant to the Tree Removal Permit. Where the Superintendent of Streets and Parks determines that work has occurred or is occurring which violates the provisions of a Tree Removal Permit or a Tree Preservation Plan, the Superintendent of Streets and Parks may issue a stop work order.

c. The Village President may, after conducting a hearing, revoke a Tree Removal Permit if it is determined that the terms and conditions of this Article, the Tree Removal Permit or a Tree Preservation Plan has been violated. (Ord. No. 98-07, Sec. 3, 3-19-98; Ord. No. 09-23, Section 1, 9-17-09)
ARTICLE I. IN GENERAL

Sec. 20-1. Special tax for police protection.

A special tax is hereby imposed for the purpose of police protection in this Village at the rate of .05 percent of the value, as equalized or assessed by the Department of Revenue of all the taxable property therein for the first year in which this tax is levied, and at a rate of .075 percent of the value as equalized or assessed by the Department of Revenue for all taxable property therein, in all succeeding years, all in accordance with the provisions of State law. (Ord. of 8-25-69, Sec. 1)

State law reference--Special tax for police protection authorized, 65 ILCS 5/11-1-3

Sec. 20-2. School crossing guards tax.

A special tax is hereby imposed for the purpose of employing and compensating school crossing guards in this Village at a rate not to exceed .02 percent of the full, fair cash value, as equalized or assessed by the Department of Revenue, of all taxable property therein, all in accordance with the provisions of State law. (Ord. of 8-25-69, Sec. 1)

State law reference--School crossing guards tax authorized, 65 ILCS 5/11-80-23

Sec. 20-3. Reserved (Ord. No. 94-11, Sec. 1, 3-17-94)

Sec. 20-4. Municipal auditing tax.

(a) A special tax is hereby imposed for the purpose of the auditing and investigating of public accounts upon all of the taxable property in the Village at the rate on the dollar which will produce an amount which will equal a sum sufficient to meet the cost of all auditing and reports, all in accordance with the provisions of State law.

(b) The municipal auditing tax shall be held in a special fund and used for no other purpose than payment of expenses occasioned by such auditing and investigation expense. (Ord. of 8-25-69, Sec. 1, 2)

State law reference--Municipal auditing tax authorized, 65 ILCS 5/8-8-8

Sec. 20-5. Appropriations and tax for civil defense purposes.
The Village Board of Trustees may make an appropriation for civil defense purposes in the manner provided by law, and may levy in addition for civil defense purposes only, a tax not to exceed five ($0.05) cents per one hundred ($100.00) dollars of the assessed value of all taxable property in addition to all other taxes, as provided by the Illinois Emergency Management Agency Act, as amended. (Ord. of 7-1-69, Sec. 12; Ord. No. 97-27, Sec. 13, 8-21-97)

Cross reference--Civil defense, Ch. 7.
State law reference--For similar provisions, see 65 ILCS 5/8-3-16

Sects. 20-6--20-15. Reserved.

ARTICLE II. MUNICIPAL RETAILERS OCCUPATION TAX*

Sec. 20-16. Imposed; taxable basis; rate.

A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in the Village at the rate of one (1%) percent of the gross receipts from such sales made in the course of such business. (Ord. of 9-8-69, Sec. 1)

Sec. 20-17. Tax returns to be made to state; due date.

Every person engaged in the business of selling tangible personal property 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 State law. (Ord. of 9-8-69, Sec.2)

State law reference--Retailer's tax returns, 35 ILCS 120/3

Sec. 20-18. Remittance of taxes to state.

At the time the monthly report is filed, there shall be paid to the State Department of Revenue the amount of tax imposed by the Village on account of the receipts from sales of tangible personal property during the preceding month. (Ord. of 9-8-69, Sec. 3)

Sects. 20-19--20-29. Reserved.

ARTICLE III. MUNICIPAL SERVICE OCCUPATION TAX**

Sec. 20-30. Imposed; basis; rate.

A tax is hereby imposed upon all persons engaged in the Village in the business of making sales of

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* State law references - Authority of village to impose retailer's occupation tax and procedure for collection generally, 65 ILCS 5/8-11-1.3 Retailer's Occupation Tax Act, 35 ILCS 120/1 et seq.

** State law references - Authority of village to impose service occupation tax and procedure generally, 65 ILCS 5/8-11-1.4; Service Occupation Tax Act, 35 ILCS 115/1 et seq.
service at the rate of one (1%) percent of the cost price of all tangible personal property transferred by said servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. (Ord. of 9-8-69, Sec. 1)

Sec. 20-31. Monthly return to be made to state; due date.

Every supplier or serviceman required to account for municipal service occupation tax for the benefit of the Village shall file, on or before the last day of each calendar month, the report to the State Department of Revenue required by State law. (Ord. of 9-8-69, Sec. 2)

State law reference--Reporting requirements generally, 35 ILCS 115/9

Sec. 20-32. Payment of tax to state.

At the time such report required by this Article is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed. (Ord. of 9-8-69, Sec. 3)


ARTICLE IV. MUNICIPAL UTILITIES TAX

Sec. 20-40. Tax imposed; amount.

A tax is imposed on all persons engaged in the following occupations or privileges:

(a) Persons engaged in the business of transmitting messages by means of electricity or radio magnetic waves, or fiber optics at a rate not to exceed five (5%) percent of the gross receipts from such business originating within the corporate limits of Fox River Grove, Illinois. (Ord. No. 97-07, 3-20-97)

(b) Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of Fox River Grove, Illinois, and not for resale, at the rate of five (5%) percent of the gross receipts therefrom.

(c) Persons engaged in the business of distributing, supplying, furnishing, or selling electricity for use or consumption within the corporate limits of Fox River Grove, Illinois, and not for resale, at the rate of five (5%) percent of the gross receipts therefrom, provided that the tax imposed pursuant to this Subsection (c) shall not apply with respect to gross receipts from the distribution, supply, furnishing or sale of electricity where the use of consumption of the electricity is subject to the tax imposed pursuant to Article V “Municipal Electric Utility Tax” of this Chapter 20. (Ord. No. 76-07, Sec. 1, 5-24-76; Ord. No. 78-10, Sec. 1, 7-19-78; Ord. No. 82-20, Sec. 1, 11-17-82, Ord. No. 98-25, Sec. 1, 6-18-98)

Sec. 20-41. Exemptions.

No tax is imposed by this Article with respect to any transaction in interstate commerce or otherwise
to the extent to which such business may not, under the Constitution and Statutes of the United States, be made subject to taxation by this State or any political subdivision thereof; nor shall any person engaged in the business of distributing, supplying, furnishing or selling gas, or electricity, or engaged in the business of transmitting messages be subject to taxation under the provisions of this Article for such transactions as are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by 65 ILCS 5/8-11-1.3, as amended. Further, no tax is imposed by this Article with respect to any transaction with or sale to the Village of Fox River Grove, Illinois, a municipal corporation. (Ord. No. 76-07, Sec. 1, 5-24-76; Ord. No. 78-04, Sec. 1, 2-15-78; Ord. No. 97-27, Sec. 14, 8-21-97)

Sec. 20-42. Tax additional to other charges.

Such tax shall be in addition to the payment of money, or value of products or services furnished to this municipality by the taxpayer as compensation for use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business. (Ord. No. 76-07, Sec. 1, 5-24-76)

Sec. 20-43. Definitions.

For the purposes of this Article the following definitions shall apply:

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

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

3. **Person** means natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, municipal corporation or political subdivision of this State, or receiver trustee, conservator or other representative appointed by order of any court. (Ord. No. 76-07, Sec. 1, 5-24-76)
Sec. 20-44. Period of taxation.

This Article shall be in effect upon date of passage and the tax provided herein shall be based on the gross receipts, as herein defined, actually paid to the taxpayer for services billed on or after the 1st day of August, 1976. (Ord. No. 76-07, Sec. 1, 5-24-76)

Sec. 20-45. Return to taxpayer.

(a) On or before the last day of June 1997, each taxpayer shall prepare and transmit to the Collector of the Village of Fox River Grove a report or return covering the month of April, 1997, stating the following:

(1) Name of taxpayer;

(2) Principal place of business of taxpayer;

(3) Gross receipts of taxpayer during the month covered by the report or return, upon which tax imposed hereunder is based;

(4) Amount of tax;

(5) Such other reasonable and related information as the Village may require.

(b) Thereafter, for each month, beginning with May, 1997, each taxpayer shall make a like return covering the month. The return or report shall be transmitted to the Collector of the Village of Fox River Grove not more than sixty (60) days after the last day of such month.

(c) The taxpayer making the return or report shall at the time of transmitting such return or report to the Village Collector, pay to the Village Collector of the Village of Fox River Grove, the amount of tax imposed hereunder; provided that in connection with any return the taxpayer may, at the taxpayer's election, report and pay an amount based upon the total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such bills and the taxable receipts. (Ord. No. 97-07, 3-20-97)

Sec. 20-46. Overpayment.

If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefor shall be so credited. (Ord. No. 76-07, Sec. 1, 5-24-76)

Sec. 20-47. Limitation on actions to collect tax.
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. (Ord. No. 76-07, Sec. 1, 5-24-76)

Sec. 20-48. Penalty.

Any taxpayer who fails to make a return as herein required, or who makes a fraudulent return, or who willfully violates any other provision of this Article, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than two hundred ($200.00) dollars nor more than five hundred ($500.00) dollars for each offense, and in addition thereto shall be liable in a civil action for the amount of the tax due. (Ord. No. 76-07, Sec. 1, 5-24-76)

Sec. 20-49. Application of the Village of Fox River Grove Telecommunications Tax to this Article.

The tax imposed pursuant to Section 20-40 (a) upon persons engaged in the business of transmitting messages by means of electricity at the rate of five (5%) percent of the gross receipts from such business originating within the corporate limits of the Village, shall not be imposed during such time as Article V “Municipal Telecommunications Tax” of Chapter 20 of this Code and the tax imposed pursuant to Article V of Chapter 20 of this Code are in full force and effect. (Ord. No. 97-42. Sec. 1, 11-20-97)

ARTICLE V. MUNICIPAL TELECOMMUNICATIONS TAX

Sec. 20-55.

The tax imposed by this Ordinance shall be known as the “Village of Fox River Grove Telecommunications Tax” and is imposed in addition to all other taxes imposed by the Village of Fox River Grove, the State of Illinois or any other municipal corporation or political subdivision thereof. (Ord. No. 97-41, Sec. 1, 11-20-97)

Sec. 20-56 Definitions.

For the purposes of this Article:

*Village* means the Village of Fox River Grove, Illinois.

*Village Finance Director* means the Village Finance Director.

*Amount paid* means the amount charged to the taxpayer’s service address located in the Village regardless of where such amount is billed or paid.

*Gross charge* means the amount paid for the act or privilege of originating or receiving telecommunications in the Village and for all services rendered in connection therewith, valued 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 charge” shall not include:

(a) any amounts added to a purchaser’s bill because of a charge made pursuant to:

(1) the tax imposed by this Article;

(2) additional charges added to a purchaser’s bill pursuant to Section 9-222 of the
Illinois Public Utilities Act, 220 ILCS §5/9-222;

(3) the tax imposed by the Illinois Telecommunications Excise Tax Act, 35 ILCS
§630/1 et seq., or

(4) the tax imposed by Section 4251 of the U.S. Internal Revenue Code, 26 USC
§4251;

(b) charges for a sent collect telecommunication received outside of the Village;

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

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

(e) charges to business enterprises certified under Section 9-222.1 of the Illinois Public Utilities
Act, 220 ILCS 5/9-222.1, to the extent of such exemption and during the period of time
specified by the Illinois Department of Commerce and Community Affairs;

(f) charges for telecommunications and all services and equipment provided in connection
therewith between a parent corporation and its wholly owned subsidiaries, or between wholly
owned subsidiaries when the tax imposed under this Ordinance has already been paid to a
retailer and only to the extent that the charges between the parent corporation and wholly
owned subsidiaries, or between wholly owned subsidiaries represent expense allocation
between the corporations and not the generation of profit for the corporation rendering such
service;

(g) bad debts; provided however, that if any portion of a debt deemed to be bad is subsequently
paid, the retailer shall report and pay the tax on that portion of the debt paid during the
reporting period; or

(h) charges paid by inserting coins in coin-operated telecommunication devices.

_Bad debt_ means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible as determined by applicable Federal Income Tax Standards.

_Interstate telecommunications_ means all telecommunications that either originate or terminate outside the State of Illinois.

_Intrastate telecommunications_ means all telecommunications that originate and terminate within the State of Illinois.

_Person_ means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, any receiver, trustee, guardian or other representative appointed by order of any court, the Federal government, State governments, state universities created by statute, or any city, town, county or other political subdivision of the State of Illinois.

_Purchase at retail_ means the acquisition, consumption or use of telecommunications through a sale at retail.

_Retailer_ means and includes every person engaged in the business of making sales at retail as defined in this Article.

_Retailer maintaining a place of business in this state_, or any like designation, 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 the State of Illinois 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 the State of Illinois.

_Sale at retail_ means the transmitting, supplying or furnishing of telecommunications and all services rendered in connection therewith for a consideration:

(a) to persons other than the Federal and State governments, and State universities created by statute; and

(b) other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the tax has already been paid to a retailer and 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 resale.
Service address means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. If this is not a defined location, as in the case of mobile phones, paging systems, maritime systems, air-to-ground systems and the like, “service address” shall mean the location of a taxpayer’s primary use of the telecommunication equipment as defined by telephone number, authorization code or location in Illinois where bills are sent.

Taxpayer means a person who individually or through his agents, employees or permittees, engages in the act or privilege of originating or receiving telecommunications in the Village and that incurs a tax liability under this Article.

Telecommunications, in addition to the usual and popular meaning, 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 services, computer exchange services, cellular mobile telecommunications service, specialized mobile radio services, paging service, or any other form of mobile and portable one-way or two-way communications, 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. The definition of “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 the purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by it to the ultimate retail consumer who originates or terminates the taxable end-to-end charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. (Ord. No. 97-41, Sec. 1, 11-20-97)

Sec. 20-57. Tax imposed.

(a) Effective on and after January 1, 1998, a tax is hereby imposed upon:

(1) The act or privilege of originating in the Village or receiving in the Village intrastate telecommunications by a person at a rate of five (5%) percent of the gross charge for such telecommunications purchased at retail from a retailer by such person; and

(2) The act or privilege of originating in the Village or receiving in the Village interstate telecommunications by a person at a rate of five (5%) percent of the gross charge for such telecommunications purchased at retail from a retailer by such person.

(b) To prevent actual multi-state taxation of the act or privilege that is subject to taxation under Subsection (a)(2) of this Section, any taxpayer, upon proof that the taxpayer has paid a tax in another state on such event, shall be allowed a credit against the tax authorized by Subsection (a)(2) to the extent of the amount of such tax properly due and paid in such other state which was not previously allowed as a credit against any other state or local tax in Illinois.
(c) The tax imposed by this Section 20-57 is not imposed on any act or privilege to the extent that such act or privilege may not, under the Constitution or Statutes of the United States, be made the subject of taxation by the Village.

(d) Carrier access charges, right of access charges, charges for use of inter-company facilities and all telecommunications resold in the subsequent provision used as a component of, or integrated into end-to-end telecommunications service are sales for resale and are not subject to the tax imposed by this section. (Ord. No. 97-41, Sec. 1, 11-20-97)

Sec. 20-58. Collection of tax by retailers.

(a) (1) Any retailer maintaining a place of business in Illinois and making or effecting a sale at retail shall collect the tax imposed by this Article from the taxpayer and remit it to the Village Finance Director as provided by Section 20-59 of this Code.

(2) Any tax required to be collected pursuant to this Article and any tax collected by the retailer shall constitute a debt owed by the retailer to the Village.

(3) The retailer shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use in the manner prescribed by this Article.

(4) The tax authorized by this Article shall constitute a debt of the purchaser to the retailer providing taxable services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for taxable services.

(5) If the retailer fails to collect the tax from a taxpayer, the taxpayer shall pay the tax directly to the Village as provided in Section 20-61 of this Code.

(b) The Village Finance Director shall, upon application, authorize the collection of this tax by any retailer not maintaining a place of business in Illinois who, to the satisfaction of the Village Finance Director, furnishes adequate security to ensure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect the tax imposed by this Article. When so authorized, it shall be the duty of the retailer to collect the tax upon all of the gross charges for telecommunications originated or received in the Village in the same manner, and subject to the same requirements, as a retailer maintaining a place of business in Illinois.

(c) Whenever possible, the tax authorized by this Article shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications. (Ord. No. 97-41, Sec. 1, 11-20-97)
Sec. 20-59. Filing returns and remittance by retailers.

On or before the last day of each calendar month, every retailer maintaining a place of business in the State of Illinois and every retailer authorized by the Village Finance Director to collect the tax imposed by this Article shall file with the Village Finance Director a remittance return and remit all applicable tax for the preceding calendar month. The return shall be filed on a form prescribed by the Village Finance Director, containing such information as he may reasonably require. (Ord. No. 97-41, Sec. 1, 11-20-97)

Sec. 20-60. Registration.

Every retailer maintaining a place of business in Illinois shall register with the Village Finance Director within thirty (30) days after the effective date of this Article or the date of becoming such a retailer, whichever is later. (Ord. No. 97-41, Sec. 1, 11-20-97)

Sec. 20-61. Obligation of taxpayers to file returns and pay tax.

(a) If a retailer fails to collect the tax imposed by this Article from a taxpayer, as required by Section 20-59, then the taxpayer shall pay the tax directly to the Village Finance Director.

(b) On or before the last day of each calendar month, every taxpayer that has not paid the tax imposed by this Article to a retailer, shall file with the Village Finance Director a tax return and pay the tax upon the gross charges the taxpayer paid to the retailer during the preceding calendar month. The return shall be filed on a form prescribed by the Village Finance Director, containing such information as he or she may reasonably require. (Ord. No. 97-41, Sec. 1, 11-20-97)

Sec. 20-62. Resale numbers.

(a) If a person who originates or receives telecommunications in the Village claims to be a reseller of telecommunications, that person shall apply to the Village Finance Director for a resale number. The applicant shall state facts showing why it is not liable for the tax imposed by this Article on any purchases of telecommunications and shall furnish such additional information as the Village Finance Director may reasonably require.

(b) Upon approval of the application, the Village Finance Director shall assign a resale number to the applicant and shall certify the number to the applicant.

(c) The Village Finance Director may cancel the resale number of any person if the number:

(1) was obtained through misrepresentation;

(2) is used to originate or receive telecommunications tax-free when such telecommunications are not for resale; and
(3) is no longer necessary because the person has discontinued making resales.

(d) The act or privilege of originating or receiving telecommunications in the Village shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number issued by the Village Finance Director and furnishes that number to the retailer in connection with certifying to the retailer that a sale is nontaxable as a sale for resale. (Ord. No. 97-41, Sec. 1, 11-20-97)

Sec. 20-63. Maintaining books and records.

Every retailer maintaining a place of business in Illinois, every retailer authorized by the Village Finance Director to collect the tax imposed by this Article and every taxpayer required by Section 20-61 of this Code to pay the tax directly to the Village Finance Director shall keep accurate books and records of its business or activity, including original source documents and books of entry denoting the transactions that gave rise, or may have given rise, to any tax liability or exemption. All such books and records shall be kept in the English language and, at all times during business hours of the day, shall be subject to and available for inspection by the Village Finance Director or his duly designated agent. (Ord. No. 97-41, Sec. 1, 11-20-97)

Sec. 20-64. Status of Illinois Municipal Code, Section 8-11-17.

In the event that Section 8-11-17 of the Illinois Municipal Code, 65 ILCS 5/8-11-17, is repealed, or becomes ineffective for any reason, Section 20-40(a) of this Code, declared to be ineffective in favor of this Article, shall be deemed to be in full force and effect as of the date Section 8-11-17 is repealed or otherwise becomes ineffective. (Ord. No. 97-41, Sec. 1, 11-20-97)

Sec. 20-65: Liability for cost of collection.

In addition to any tax or penalty that may be owed, a taxpayer who fails to pay the tax imposed by Section 20-57 of this Code as provided in this Article and a retailer who fails to remit funds collected pursuant to the tax imposed by Section 20-58 of this Code as provided in this Article, shall also be liable for and shall pay to the Village any costs, including, but not limited to attorneys fees, incurred by or on behalf of the Village in collecting any amounts due to the Village. (Ord. No. 97-41, Sec. 1, 11-20-97)

ARTICLE VI. MUNICIPAL ELECTRICAL UTILITY TAX

Sec. 20-66. Definitions

As used in this Article, unless the context otherwise requires:

(a) Person means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, municipal corporation, the
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State or any of its political subdivisions, any State University created by statute or a receiver, trustee, conservator or other representative appointed by order of any court;

(b) *Persons maintaining a place of business in this State* means any person having or maintaining within the State of Illinois, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent, or other representative operating within the State of Illinois under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in the State of Illinois permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in the State of Illinois.

(c) *Purchase at retail* means any acquisition of electricity by a purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a public utility, as defined in Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2), directly in the generation, production, transmission, delivery or sale of electricity.

(d) *Purchaser* means any person who uses or consumes, within the corporate limits of the Village, electricity acquired in a purchase at retail.

(e) *Tax collector* means the person delivering electricity to the purchaser. (Ord. No. 98-25, Sec. 2, 6-18-98)

Sec. 20-67. Tax Imposed.

(a) Pursuant to Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2) and any and all other applicable authority, and subject to the provisions of this Section 20-67, a tax is imposed upon the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Village at the following rates, calculated on a monthly basis for each purchaser:

(i) For the first 2,000 kilowatt-hours used or consumed in a month; 0.562 cents per kilowatt-hour;

(ii) For the next 48,000 kilowatt-hours used or consumed in a month; 0.369 cents per kilowatt-hour.

(iii) For the next 50,000 kilowatt-hours used or consumed in a month; 0.332 cents per kilowatt-hour;

(iv) For the next 400,000 kilowatt-hours used or consumed in a month; 0.323 cents per kilowatt-hour;
(v) For the next 500,000 kilowatt-hours used or consumed in a month; 0.313 cents per kilowatt-hour;

(vi) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.295 cents per kilowatt-hour;

(vii) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.290 cents per kilowatt-hour;

(viii) For the next 5,000,000 kilowatt-hours used or consumed in a month; 0.286 cents per kilowatt-hour;

(ix) For the next 10,000,000 kilowatt-hours used or consumed in a month; 0.281 cents per kilowatt-hour; and

(x) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month; 0.276 cents per kilowatt-hour.

The tax rates set forth in this Section 20-67 (a) are proportional to the rates enumerated in Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2) as modified by Public Act 90-561 and do not exceed the rates which the Village is authorized to impose pursuant to Section 8-11-2 of the Illinois Municipal Code as modified by Public Act 90-561.

(b) Pursuant to Section 8-11-2 of the Illinois Municipal Code, the rates set forth in Section 20-67(a) shall be effective: (1) on August 1, 1998 for residential customers; and (2) for nonresidential customers, on the earlier of (a) the last bill issued on or after January 1, 2001, or (b) the date of the first bill issued pursuant to Section 16-104 of the Illinois Public Utilities Act (200 ILCS 5/16-104). (Ord. No. 98-33, Sec. 1, 8-20-98)

(c) The tax imposed pursuant to Section 20-67(a) is in addition to all taxes, fees and other revenue measures imposed by the Village, the State of Illinois or any other political subdivision of the State of Illinois.

(d) Notwithstanding any other provisions of this Article, the tax imposed by Section 20-67(a) shall not be imposed if and to the extent that imposition or collection of the tax would violate the Constitution or Statutes of the United States or the constitution or an applicable Statute of the State of Illinois.

(e) The tax imposed by Section 20-67(a) shall not be imposed with respect to any purchase at retail of electricity by the Village. (Ord. No. 98-25, Sec. 2, 6-18-98)

Sec. 20-68. Collection of Tax

(a) Subject to the provisions of Section 20-69 regarding the delivery of electricity to resellers, the
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Tax imposed under this Article shall be collected from purchasers by the person maintaining a place of business in the State of Illinois who delivers electricity to such purchasers. The tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and is recoverable at the same time and in the same manner as the original charge for delivering the electricity.

(b) Any tax required to be collected by this Article, and any tax in fact collected, shall constitute a debt owed to the Village by the person delivering the electricity, provide that the person delivering electricity shall be allowed credit for such tax related to deliveries of electricity the charges for which are written off as uncollectible, and provided further, that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax as provided in Section 20-70.

(c) Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized as provided in Section 8-11-2(c) of the Illinois Municipal Code (65 ILCS 5/8-11-2 (c)) to add to such gross charge an amount equal to three (3%) percent of the tax they collect to reimburse person delivery electricity for the expenses incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the Village upon request. For purposes of this Article, any partial payment of a billed amount not specifically identified by the purchaser shall be deemed to be for the delivery of electricity. (Ord. No. 98-25, Sec. 2, 6-18-98)

Sec. 20-69. Resales.

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

(b) If a person who receives electricity in the Village claims to be an authorized reseller of electricity, that person shall apply to the Village for a resale number. The applicant shall state facts showing why it is not liable for the tax imposed by this Article on any purchases of electricity and shall furnish such additional information as the village may reasonably require.

(c) Upon approval of the application the Village shall assign a resale number to the applicant and shall certify the number to the applicant.

(d) The Village may cancel the resale number of any person if the person fails to pay any tax payable under this Article for electricity used or consumed by the person, or if the number: (1) was obtained through misrepresentation, or (2) is no longer necessary because the person has discontinued making resales.
(e) (1) If a reseller has acquired electricity partly for use or consumption and partly for resale, the reseller shall pay the tax imposed by this Article directly to the Village pursuant to this Article on the amount of electricity that the reseller uses or consumes, and shall collect and remit the tax pursuant to this Article on the amount of electricity delivered by the reseller to a purchaser.

(2) Any person who delivers electricity to a reseller having an active resale number and complying with all other conditions of the section shall be excused from collecting and remitting the tax in any portion of the electricity delivered to the reseller, provided that the person reports to the Village the total amount of electricity delivered to the reseller, and such other information that the Village may reasonably require. (Ord. No. 98-25, Sec. 2, 6-18-98)

Sec. 20-70. Returns and remittance of the tax to Village.

(a) Each person required by Section 20-68 to collect the tax imposed pursuant to Section 20-67(a) shall file a return with the Village on the last day of the month following each month covered during which the tax imposed by Section 20-67(a) is collected or is required to be collected under this Article. The return shall state:

(i) The person’s name.

(ii) The address of the person’s principal place of business in the State of Illinois or residence if the person filing the return is a natural person.

(iii) The month for which the return is being filed.

(iv) The total number of kilowatt-hours of electricity used or consumed in each of the categories set forth in Section 20-67(a) (i) - (x), inclusive, for which the person was required to collect payment of the imposed by Section 20-67(a) from purchasers during the month covered by the return, and if different, the total number of kilowatt-hours of electricity used or consumed in each of the categories set forth in Section 20-67(a) for which the person in fact collected payment from purchasers of the tax imposed by Section 20-67(a).

(v) The amount of the tax imposed by Section 20-67(a) which was collected and the amount of the tax being remitted to the Village with the return.

(vi) Such other reasonable and related information as the Village may require.

(b) Each person filing a return provided for in this Section 20-70 shall, at the time the return is filed, remit and pay over to the Village the amount of the tax imposed pursuant to Section 20-67(a) which such person collected during the month for which the return is being filed. Such
person shall also remit and pay over to the Village, at the time the return is filed, any other amounts of the tax imposed pursuant to Section 20-67(a) which, as of the end of the month for which the return is being filed, otherwise constituted a debt owed to the Village by the person pursuant to Section 20-68 (b).

(d) The Village Administrator may prescribe the form of the return or authorize the use of a form for the return required to be filed by this Section 20-70.

(d) If the person delivering electricity to a purchaser fails to collect the tax imposed pursuant to Section 20-67(a) from the purchaser, the purchaser shall file a purchaser’s tax return with the Village containing the information set forth in Section 20-70(a)(i)(ii) and (iii). The purchaser’s tax return shall also state the amount of electricity used or consumed during the month for which the return is being filed according to the categories set forth in Section 20-67 (a)(i) - (x), inclusive and the amount of the tax imposed on the electricity used or consumed by the purchaser during the month for which the return is being filed. Payment of the amount of the tax imposed shall be made to the Village at the time the purchaser’s tax return is filed. The purchaser’s tax return shall be filed no later than the last day of the month following the month for which the return is being made. (Ord. No. 98-25, Sec. 2, 6-18-98)

Sec. 20-71. Books and records.

Every person required by Section 20-68 to collect the tax imposed by Section 20-70(d) to file a purchaser’s tax return shall keep accurate books and records of its business or activity, including contemporaneous books and records denoting the transactions that gave rise, or may have given rise, to any tax liability under this Article. The books and records shall be subject to and available for inspection at all times during business hours of the day. (Ord. No. 98-25, Sec. 2, 6-18-98)

Sec. 20-72. Credits and overpayment refunds.

Notwithstanding any other provision in this Article, in order to permit sound fiscal planning and budgeting by the Village, no person shall be entitled to a refund of, or overpayment credit for, a tax imposed under this Article unless the person files a claim for refund or credit within one (1) year. (Ord. No. 98-25, Sec. 2, 6-18-98)

Sec. 20-73. Penalty

Any person who fails to file a return and remit payment of the tax imposed pursuant to Section 20-67(a) as required by Section 20-70, or who makes a fraudulent return, or who willfully violates any other provisions of this Article, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than two hundred ($200.00) dollars nor more than five hundred ($500.00) dollars for each offense and in addition thereto shall be liable in a civil action for the amount of the tax due. Each day that a violation continues to exist or occur shall constitute a separate offense for which a separate fine may be imposed. (Ord. No. No. 98-25, Sec. 2, 6-18-98)
ARTICLE VII. LOCALLY IMPOSED AND ADMINISTERED TAXES
TAXPAYERS’ RIGHTS AND RESPONSIBILITIES

Sec. 20-75. Scope.

The provisions of this Article VII shall apply to the Village’s procedures in connection with all of the Village’s locally imposed and administered taxes. (Ord. No. 00-58, Section 1, 12-21-2000)

Sec. 20-76. Definitions.

Certain words or terms contained in this Article VII shall have the meaning ascribed to them as follows:

"Act" means the “Local Government Taxpayers’ Bill of Rights Act.” (50 ILCS 45/1 et.seq.)

"Corporate Authorities" means the Village's President and Board of Trustees.

"Locally imposed and administered tax" or “tax” means each tax imposed by the Village that is collected or administered by the Village, itself, rather than an agency or department of the State of Illinois. "Locally imposed and administered tax" or “tax” 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" means the Village’s Administrator. The local tax 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 Article VII so as to give full effect to this Article VII. The manner of the exercise of such authority by the local tax administrator shall not be inconsistent with the provisions of this Article VII or the provisions of the Act.

"Village” means the Village of Fox River Grove, 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 or provision of this Code that imposes a locally imposed and administered tax. “Controlling Tax Ordinance” means the Village Ordinance or provision of this Code that imposes a particular 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 or privilege taxes includes a business or entity required to collect and pay or remit the locally imposed and administered tax to the Village. (Ord. No. 00-58, Section 1, 12-21-2000)

Sec. 20-77. Notices.

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

   (1)   First class or express U.S. Mail, or by an overnight delivery service, addressed to the persons concerned at the persons’ last known address, or

   (2)   Personal service or delivery.

(Ord. No. 00-58, Section 1, 12-21-2000)

Sec. 20-78. 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. Mail postmark dated on or before the due date, properly addressed to the Village, with adequate postage prepaid. (Ord. No. 00-58, Section 1, 12-21-2000)

Sec. 20-79. Payment.

Any payment or remittance received for a tax period shall be applied in the following order: (1) first, to the interest due, if any, for the applicable period; (2) second, to the tax due for the applicable period; and (3) third, to the penalty for the applicable period. (Ord. No. 00-58, Section 1, 12-21-2000)

Sec. 20-80. Certain Credits and Refunds.

(a) In the event that a locally imposed and administered tax is declared to have been invalidly enacted or is declared to be unconstitutional by a court of competent jurisdiction, the Village shall not refund or credit any taxes voluntarily paid unless a written protest is made at the time of payment. 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 payment of a tax at the time of payment or if the taxpayer paid the tax under duress.

(b) Any claim made by a taxpayer for a credit or refund arising from the payment to the Village of a tax, must be received by the Village not more than two (2) 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 acted only...
as a collector of the tax, unless there is in place a procedure that provides reasonable assurance that the amount of the credit or refund shall be paid over to the person or persons who actually paid the tax. The Village shall not grant a credit or refund of a tax to a person who has not paid or remitted 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:

(i) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:

(a) the name of the locally imposed and administered tax subject to the claim;

(b) the tax period for the locally imposed and administered tax subject to the claim;

(c) the date of the tax payment subject to the claim and a canceled check or receipt for the payment or other proof of payment;

(d) if applicable, the taxpayer’s recalculation, accompanied by an amended or revised tax return, in connection with the claim; and

(e) a request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the Village.

(ii) Within twenty-one (21) days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:

(a) grant the claim; or

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

(iii) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of six (6%) percent per annum, based on a year of three hundred sixty-five (365) days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit. (Ord. No. 00-58, Section 1, 12-21-2000)

Sec. 20-81. Audit Procedure.
Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this Article VII.

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

(i) the tax;

(ii) the time period of the audit;

(iii) a brief description of the books and records to be made available for the auditor; and

(iv) a date and time not less than twenty-one (21) days from the date of the notice of audit on which the audit will begin to be conducted.

(b) Any audit shall be conducted during normal business hours. 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. Such request shall be made not more than fourteen (14) days after the date of the notice of the audit. The taxpayer may request that the audit be conducted on certain dates and at certain times, provided that such dates are not more than sixty (60) days from the date of the notice of audit. The Village shall conduct the audit on a date and at a time requested by the taxpayer, if such date and time are reasonably convenient to both the Village and any persons retained by the Village to conduct the audit. A date and time shall not be considered to be reasonably convenient if conducting an audit on a particular date or at a particular time will interfere with the ability of Village officers, employees and agents to perform any other duties which they may have as a result of their employment.

(c) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than twenty-one (21) days nor more than sixty (60) days from the date of the notice of audit, unless the taxpayer and the local tax administrator agree to some other convenient time.

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

(e) It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the Village. If the taxpayer fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator’s determination of the best estimate of the taxpayer’s tax liability.
(f) If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within fourteen (14) days after the Village’s determination of the amount of overpayment.

(g) In the event a tax payment was incorrectly submitted to the Village, the local tax administrator shall notify the local governmental entity imposing such tax. (Ord. No. 00-58, Section 1, 12-21-2000)

Sec. 20-82. Appeal.

(a) A protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax issued by the local tax administrator 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 and petition for hearing shall include any written documents or other documentary evidence that indicate that the Village’s determination or assessment of tax due is unauthorized or otherwise erroneous. The written protest and petition for hearing must be filed with the local tax administrator within forty-five (45) days of receipt after the date the written notice of the tax determination or tax liability was served on the taxpayer.

(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 that is not more than (30) thirty days after receipt by the local tax administrator of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

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

(e) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing after the
forty-five (45) day period specified in Subsection (b) of this Section has expired. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than one hundred twenty (120) days after the expiration of the forty-five (45) day period. (Ord. No. 00-58, Section 1, 12-21-2000)

Sec. 20-83. Hearing.

(a) Whenever a taxpayer has filed a timely written protest and petition for hearing under Section 20-82, above, the local tax administrator shall conduct a hearing regarding any appeal.

(b) No continuances shall be granted except for good cause. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed forty-five (45) days. The local tax administrator shall have the authority to determine whether and when to grant a continuance in the reasonable exercise of the local tax administrator’s discretion.

(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) At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision. (Ord. No. 00-58, Section 1, 12-21-2000)

Sec. 20-84. 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 one and one-half (1.5%) percent per month or part thereof.

ARTICLE VIII. CABLE TELEVISION OPERATOR TAX
(b) Late Filing and Payment Penalties. If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty of five (5%) percent of the amount of tax required to be shown as due on a return shall be imposed if the tax return is filed and payment is made within thirty (30) days after the date the tax return was due to be filed. If payment of a tax is not made within the time and manner provided by the controlling tax ordinance, a late payment penalty of five (5%) percent of the tax due shall be imposed. If no return is filed in the manner provided by the controlling tax ordinance within thirty (30) days after a tax return is due under the controlling tax ordinance, and the Village has not issued a notice of tax delinquency or notice of tax liability to the taxpayer, then a failure to file penalty shall be assessed equal to twenty-five (25%) percent of the total tax due for the applicable reporting period for which the return was required to be filed. If no return is filed after the issuance of a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to thirty-five (35%) 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. (Ord. No. 00-58, Section 1, 12-21-2000)

Sec. 20-85. Abatement.

The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing. (Ord. No. 00-58, Section 1, 12-21-2000)

Sec. 20-86. Installment Contracts.

The local tax administrator shall have the authority to enter into an installment contract on behalf of the Village 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) days to cure any delinquency. If the taxpayer fails to cure the delinquency within the fourteen (14) day period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer. (Ord. No. 00-58, Section 1, 12-21-2000)

Sec. 20-87. Period for Requesting Refund or Making Payment of Remaining Tax Due.

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. (Ord. No. 00-58, Section 1, 12-21-2000)

Sec. 20-88. Limitations Period.
(a) No determination of tax due and owing may be issued more than four (4) 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.

(b) If any tax return is not filed or if during any four (4) year period for which a notice of tax determination or assessment may be issued by the Village, the tax paid was less than seventy-five (75%) percent of the tax due, then the period within which a notice of tax determination or assessment may be issued by the Village shall be six (6) years 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.

(c) If a fraudulent tax return was filed by the taxpayer, there shall be no limit on the time within which the Village can issue a notice of tax determination or assessment for the period covered by the fraudulent return. (Ord. No. 00-58, Section 1, 12-21-2000)

Sec. 20-89. Voluntary Disclosure.

For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of one (1%) percent per month, for all periods prior to the filing of the application, but not more than four (4) years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than ninety (90) days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within ninety (90) days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer. (Ord. No. 00-58, Section 1, 12-21-2000)

Sec. 20-90. Publication of Tax Ordinances.

Any locally administered tax ordinance shall be published via normal or standard publishing requirements, including, but not limited to, publication in pamphlet form. Copies of all tax ordinances shall be made available to the public upon request at the Village Clerk's office. (Ord. No. 00-58, Section 1, 12-21-2000)
Sec. 20-91. Liens.

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:

(i) timely remove the lien at the Village’s expense;

(ii) correct the taxpayer’s credit record; and

(iii) correct any public disclosure of the improperly imposed lien.

(Ord. No. 00-58, Section 1, 12-21-2000)

Sec. 20-92. Application.

This Article VII 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 a provision in this Article VII, the provision in this Article VII shall govern and control. (Ord. No. 00-58, Sec. 1, 12-21-2000)

ARTICLE VIII. CABLE TELEVISION OPERATOR TAX

Sec. 20-100. Definitions

(a) “Cable operator” is defined as that term is defined under Section 602(9) of the Cable Communications Policy Act of 1984, Public Law 98-549.

(b) “Cable service” means that term as defined in 47 U.S.C. § 522(6).

(c) “Gross revenues” means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by a cable operator from the provision of cable service within the Village of Fox River Grove.

(1) Gross revenues shall include the following:

(i) Recurring charges for cable service.

(ii) Event-based charges for cable service, including, but not limited to, pay-per-view and video-on-demand charges;
Rental of set top boxes and other cable service equipment.

Service charges related to the provision of cable service, including, but not limited to, activation, installation and repair charges.

Administrative charges related to the provision of cable service, including but not limited to service order and service termination charges.

Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.

A pro rata portion of all revenue derived by the cable operator or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the cable operator’s network that provides cable service within the Village of Fox River Grove. The allocation shall be based on the number of subscribers in the Village of Fox River Grove divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.

Compensation received by the cable operator derived from the operation of the cable operator’s network that provides cable service with respect to commissions that are received by the cable operator as compensation for promotion or exhibition of any products or services on the cable operator’s network, such as a “home shopping” or similar channel, subject to subsection (ix).

In the case of cable service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the cable operator’s revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the cable operator can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.

Gross revenues do not include any of the following:

Revenues not actually received, even if billed, such as bad debt.

Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the cable operator to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.

Regardless of whether the services are bundled, packaged, or functionally
integrated with cable service, any revenues received from services not classified as cable service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the cable operator to non-cable service in accordance with the cable operator’s books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.

(iv) The sale of cable services for resale in which the purchases is required to pay the cable television operator tax, if applicable, to the extent the purchases certifies in writing that it will resell the service within the Village of Fox River Grove.

(v) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, State, federal, or any other governmental entity and collected by the cable operator and required to be remitted to the taxing entity, including sales and use taxes.

(vi) Security deposits collected from subscribers.

(vii) Amounts paid by subscribers to “home shopping” or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service.

(3) Revenue of an affiliate of a cable operator shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the cable operator has the effect of evading the payment of the tax imposed by Section 20-101 of this code which would otherwise be paid by the cable operator.

Sec. 20-101. Tax on Cable Operators Imposed.

A tax in the amount of five (5%) percent of gross revenues is imposed on any cable operator, other than a cable operator who is providing cable service in the Village either pursuant to the authority of a franchise issued by the Illinois Commerce Commission pursuant to the Cable and Video Competition Law of 2007 or pursuant to a franchise with the Village which provides for the cable operator to pay an amount to the Village equal to five (5%) percent of gross revenues, provided that if a cable operator is paying an amount to the Village pursuant to a franchise that is less than five (5%) percent of gross revenues, then the amount of the tax imposed by this Section shall be the difference between five (5%) percent of gross revenues and the amount which is otherwise being paid to the Village.
Sec. 20-102. Remittance of Tax.

The payment of the cable operator tax shall be due on a quarterly basis, forty-five (45) days after the close of the calendar quarter. If mailed, the tax is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the amount of tax due.

Sec. 20-103. Applicable Principles.

All determinations and calculations under this Article shall be made pursuant to generally accepted accounting principles.

Sec. 20-104. No Impact on Other Taxes and Fees Due from Cable Operator.

Nothing contained in this Article shall be construed to exempt a cable operator from any other tax or fee that is or may later be imposed by the Village of Fox River Grove, including any tax or fee that is or may later be required to be paid by or through the cable operator with respect to cable service.

Sec. 20-105. Audits of Cable/Video Service Provider.

(a) Audit Requirement. The Village of Fox River Grove will notify the cable operator of the requirements it imposes on other cable operators to submit to an audit of its books and records. The cable operator shall comply with the same requirements the Village of Fox River Grove imposes on other cable service providers in its jurisdiction to audit the cable operator’s books and records and to recomputed any amounts determined to be payable under the requirements of the Village of Fox River Grove. If all local franchises between the Village of Fox River Grove and cable operator terminate, the audit requirements shall be those adopted by the Village of Fox River Grove pursuant to the Local Government Taxpayers’ Bill of Rights Act, 50 ILCS 45/1 et seq. No acceptance of amounts remitted should be construed as an accord that the amounts are correct.

(b) Additional Payments. Any additional amount due after an audit shall be paid within thirty (30) days after the municipality’s submission of an invoice for the sum.

Sec. 20-106. Late Fees/Payments.

All fees and payments which are past due shall be governed by Article VII of Chapter 20 of this Code and such other ordinances as may be adopted by the Village of Fox River Grove pursuant to the Local Government Taxpayers’ Bill of Rights Act, 50 ILCS 45/1 et seq. (Ord. No. 08-14, Sec. 2, 7-17-08)
Chapter 21

VEGETATION*

Art. I.  In General, Sec. 21-1--21-15
Art. II. Vegetation, Sec. 21-16--21-42
  Div. 1.  Generally, Sec. 21-16--21-39
  Div. 2. Diseased Trees, Sec. 21-40--21-42
Art. III. Fertilizer Containing Phosphorus, Sec. 21-53-56

ARTICLE I. IN GENERAL

Sec. 21-1. Nuisance vegetation and weeds.

The Village hereby declares the following to be a nuisance: jimson, burdock, ragweed, thistle, cockleburr, or other weeds of a like kind, and grass or plants, weeds other than trees, bushes, flowers, or other ornamental plants which have grown to a height exceeding one (1) foot. However, properly maintained native plantings, like prairies, rain gardens, etc. can be allowed by permit. (Code 1958, Sec. 28.201, (Ord. No. 12-04, Sec. 1, 1-19-2012) Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 21-2. Notice and Abatement.

It shall be the duty of the Superintendent of Streets and Parks to serve or cause to be served, by regular United States Mail or personal service on the owner, occupant or last taxpayer of record of any premises on which weeds or plants are permitted to grow in violation of this Article, a notice demanding that the weeds or plants be cut or otherwise removed within five (5) days from the date of the notice so that the weeds or plants no longer constitute a nuisance under the provisions of this Article.

If the weeds or plants are not cut or otherwise removed, the Superintendent of Public Works may proceed to cut or otherwise remove the weeds or plants so that the weeds and plants no longer constitute a nuisance under the provisions of this Article. The Superintendent of Streets and Parks or another Village official designated by the Village Administrator shall keep a record of the costs incurred by the Village in cutting or otherwise removing the weeds or plants, and such costs shall be charged to the person to whom was sent the tax bill for general taxes for the last preceding year on the property where the weeds or plants were cut or otherwise removed, and while unpaid, such cutting or removal costs shall constitute a lien against the property. - Notice of the costs and lien shall be personally served or served by certified mail on the person to whom was sent the tax bill for general taxes for the last preceding year for the property. The Superintendent of Streets and Parks, or such other person as may be designated by the Village Administrator, shall cause notice of the lien to be filed in the Office of the Recorder of the county on which the property where the weeds or plants

* Cross reference - Roots of trees and shrubs not to be injured during excavation operations, Sec. 18-52.
were cut or otherwise removed within sixty (60) days after the date the weeds or plants were cut or otherwise removed. (Code 1958, Sec. 28.204, Ord. No. 94-15, Sec. 3, 3-17-94, Ord. No. 2003-24, Sec. 1 & 2, 7-17-2003; Ord. No. 12-04, Sec. 1, 1-19-12) State law reference--Authority of village to provide for destruction of weeds at expense of owner of property upon which the weeds are growing, 65 ILCS 5/11-20-7

**ARTICLE II. VEGETATION**

**DIVISION 1. GENERALLY**

**Sec. 21-16. Improvements to Park and Right-of-Way Vegetation--Permit required; application; approval.**

Other than by the Village or its agents, it shall be unlawful to plant, restore, maintain, remove, trim or cut down any tree, plant, shrub or other vegetation in any park right-of-way or other public place without having first secured a permit therefor. However, maintenance of right-of-way lawns which are adjacent or near to private lawns are exempt. Applications for such permits shall be made to the Public Works Superintendent. Any appeals shall be referred to the Parks Commission (if park property included), Public Works Committee and Village Board of Trustees for approval, modification or rejection. (Code 1958, Sec. 9.301, 9.302; Ord. No. 94-15, Sec. 3, 3-17-94; Ord. No. 09-02, Sec. 2, 1-15-09; Ord. No. 09-22, Sec. 2, 9-17-09)

**Sec. 21-17. Approved vegetation for planting in public places.**

Trees, shrubs, and plants to be planted in Village right-of-ways, parks and other public places shall be selected from the following authorized species with a preference for native species and are subject to the approval of the Superintendent of Streets and Parks:

### LARGE TREES

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<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
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<tr>
<td>Abies concolor</td>
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<tr>
<td>Acer nigrum</td>
<td>Black Maple</td>
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<td>Acer platanoides</td>
<td>Norway Maple</td>
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<td>Acer rubrum</td>
<td>Red Maple</td>
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<tr>
<td>Acer saccharum*</td>
<td>Sugar Maple*</td>
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<tr>
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<td><strong>River Birch</strong></td>
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<tr>
<td><strong>Betula papyrifera</strong></td>
<td><strong>Paper Birch</strong></td>
</tr>
<tr>
<td>Carya cordiformis*</td>
<td>Bitternut Hickory*</td>
</tr>
</tbody>
</table>

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Carya ovate*

*Catalpa speciosa*

*Celtis occidentalis*

*Corylus colurna*

*Fagus grandifolia*

*Fagus sylvatica*

*Ginkgo biloba*

*Gleditsia triacanthos f. inermis*

*Gymnocladus dioicus*

*Juglans nigra*

*Metasequoia glyptostroboides*

*Picea abies*

*Picea glauca*

*Picea pungens*

*Pinus resinosa*

*Pinus strobes*

*Platanus occidentalis*

*Platanus x acerifolia*

*Prunus serotina*

*Pseudotsuga menziesii*

*Quercus alba*  *Quercus bicolor*  *Quercus coccinea*  *Quercus ellipsoidalis*  *Quercus imbricaria*  *Quercus macrocarpa*  *Quercus muehlenbergii*  *Quercus prinus*  *Quercus robur*  *Quercus rubra*  *

*Robinia pseudoacacia*

*Taxodium distichum*

*Tilia Americana*

*Tilia cordata*

*Tilia x euchlora ‘Redmond’*

*Tsuga Canadensis*

*Ulmus x*

(suitable cultivars i.s. “Accolode’, ‘Frontier’, ‘Homestead’)

*Zelkova serrata*

*Shagbark Hickory*  

*Catalpa*

*Common Hackberry*  

*Turkish Filbert*

*American Beech*  

*European Beech*  

*Ginkgo*  

*Thornless Honeylocust*  

*Kentucky Coffeetree*

*Black Walnut*  

*Dawn Redwood*  

*Norway Spruce*  

*White Spruce*  

*Colorado Blue Spruce*  

*Red Pine*  

*Eastern White Pine*  

*Sycamore*  

*London Planetree*  

*Black Cherry*  

*Douglas Fir*  

*White Oak*  

*Swamp White Oak*  

*Scarlet Oak*  

*Hill’s Oak*  

*Shingle Oak*  

*Bur Oak*  

*Chinquapin Oak*  

*Chestnut Oak*  

*English Oak*  

*Red Oak*  

*Black Locust*  

*Baldcypress*  

*American Linden (Basswood)*  

*Littleleaf Linden*  

*Redmond Linden*  

*Hemlock*  

*Elm hybrid*  

*Zelkova*

**Bold type = parks only**

**Asterisk = native species**
### SMALL TREES

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
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</thead>
<tbody>
<tr>
<td>Acer canoestre</td>
<td>Hedge Maple</td>
</tr>
<tr>
<td>Acer ginnala</td>
<td>Amur Maple</td>
</tr>
<tr>
<td>Amelanchier</td>
<td>Serviceberry (tree form only for parkway)</td>
</tr>
<tr>
<td>Carpinus caroliniana*</td>
<td>American Hornbeam (blue beech)*</td>
</tr>
<tr>
<td>Cercis Canadensis</td>
<td>Redbud</td>
</tr>
<tr>
<td>Cornus alternifolia</td>
<td>Pagoda Dogwood</td>
</tr>
<tr>
<td>Crataegus crus-galli</td>
<td>Cockspur Hawthorn</td>
</tr>
<tr>
<td>Crataegus laevigata</td>
<td>English Hawthorn</td>
</tr>
<tr>
<td>Crataegus mollis</td>
<td>Downy Hawthorn</td>
</tr>
<tr>
<td>Crataegus phaenopyrum*</td>
<td>Washington Hawthorn*</td>
</tr>
<tr>
<td>Magnolia x soulangiana</td>
<td>Saucer Magnolia</td>
</tr>
<tr>
<td>Malus spp.</td>
<td>Crabapple (tree form only for parkway)</td>
</tr>
<tr>
<td>Ostryya virginiana*</td>
<td>Ironwood*</td>
</tr>
<tr>
<td>Prunus serrulata</td>
<td>Japanese Flowering Cherry</td>
</tr>
<tr>
<td>Prunus virginiana</td>
<td>Chokecherry</td>
</tr>
<tr>
<td>Pyrus calleryana</td>
<td>Callery Pear</td>
</tr>
<tr>
<td>Syringa reticulate</td>
<td>Japanese Tree Lilac</td>
</tr>
<tr>
<td>Thuja occidentalis</td>
<td>Eastern White-cedar</td>
</tr>
</tbody>
</table>

**Bold type = park only**  
**Asterisk = native species**

### OTHER SHRUBS AND PLANTS

The following may be used in public parks and conservation easements per approval of the Superintendent of Streets and Parks.

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actaea pachypoda</td>
<td>Baneberry, White</td>
</tr>
<tr>
<td>Allium canadense</td>
<td>Onion, Wild</td>
</tr>
<tr>
<td>Allium cernuum</td>
<td>Onion, Nodding Wild</td>
</tr>
<tr>
<td>Allium tricoccum</td>
<td>Leek, Wild</td>
</tr>
<tr>
<td>Amphicarpaea bracteata</td>
<td>Hog Peanut, Upland</td>
</tr>
<tr>
<td>Andropogon scoparius</td>
<td>Grass, Little Bluestem</td>
</tr>
<tr>
<td>Anemone quinquefolia</td>
<td>Anemone, Tall (Thimbleweed)</td>
</tr>
<tr>
<td>Anemonella thalictroides</td>
<td>Rue Annemone</td>
</tr>
<tr>
<td>Apocynum androsaemifolium</td>
<td>Dogbane, Spreading</td>
</tr>
<tr>
<td>Aquilegia Canadensis</td>
<td>Columbine, Wild</td>
</tr>
</tbody>
</table>
Arisaema triphyllum  Arisaema triphyllum  Jack-in-the-Pulpit
Asarum canadense  Asarum canadense  Ginger, Wild
Aster lateriflorus  Aster lateriflorus  Aster, Side-Flowering
Aster sagittifolius  Aster sagittifolius  Aster, Arrow-Leaved
Botrychium virginianum  Botrychium virginianum  Fern, Rattlesnake
Bouteloua curtipendula  Bouteloua curtipendula  Grama, Side-Oats Prairie Grass
Carex pensylvanica  Carex pensylvanica  Sedge, Common Oak (Penn)
Carex stricta  Carex stricta  Sedge, Common Tussock
Caulophyllum thalictroides  Caulophyllum thalictroides  Blue Cohosh
Cypripedium acaule  Cypripedium acaule  Lady’s Slipper, Stemless (Moccasin Flower)
Cypripedium calceolus var. parviflorum  Cypripedium calceolus var. parviflorum  Lady’s Slipper, Small Yellow
Dicentra cucullaria  Dicentra cucullaria  Dutchman’s Breeches
Dioscorea villosa  Dioscorea villosa  Yam, Wild
Dodecatheon meadia  Dodecatheon meadia  Shooting Star
Dryopteris spinulosa  Dryopteris spinulosa  Fern, Spinulose Shield
Elymus villosus  Elymus villosus  Rye, Silky Wild
Erythronium albidum  Erythronium albidum  Trout Lily, White
Eupatorium purpureum  Eupatorium purpureum  Joe Pye Weed, Purple
Galium concinnum  Galium concinnum  Bedstraw, Shining
Galium triflorum  Galium triflorum  Bedstraw, Sweet-Scented
Geranium maculatum  Geranium maculatum  Geranium, Wild
Hamamelis virginiana  Hamamelis virginiana  Witch Hazel
Helianthus divaricatus  Helianthus divaricatus  Sunflower, Woodland
Heliopsis helianthoides  Heliopsis helianthoides  Sunflower, False
Hepatica acutiloba  Hepatica acutiloba  Hepatica, Sharp-Lobed
Hepatica americana  Hepatica americana  Hepatica, Round-Lobed
Hydrophyllum virginianum  Hydrophyllum virginianum  Waterleaf, Virginia
Isopyrum biternatum  Isopyrum biternatum  Anemone, False Rue
Kuhnia eupatiorioides var. corymbulosa  Kuhnia eupatiorioides var. corymbulosa  Boneset, False
Lathyrus ochroleucus  Lathyrus ochroleucus  Vetchling, Pale
Lobelia siphilitica  Lobelia siphilitica  Lobelia, Great Blue
Lycopus americanus  Lycopus americanus  Water Horehound, Common
Lycopus virginicus  Lycopus virginicus  Bugle weed
Mertensia virginica  Mertensia virginica  Bluebells, Virginia
Mitella diphylla  Mitella diphylla  Bishop’s Cap (Mitrewort)
Orchis spectabilis  Orchis spectabilis  Showy Orchis
Panicum virgatum  Panicum virgatum  Grass, Switch
Penthorum sedoides  Penthorum sedoides  Stonecrop, Ditch
Phlox divaricata  Phlox divaricata  Phlox, Blue (Phlox, Woodland)
Pilea pumila  Pilea pumila  Clearweed

Chapter 21, Page 5 07/10/14
Podophyllum peltatum  
Jacob’s Ladder

Polemonium reptans  
Solomon’s Seal, Smooth

Polygonatum canaliculatum  
Water Pepper, Mild

Polygonum hydropiperoides  
Buttercup, Early

Potentilla simplex  
Cinquefoil, Common

Ranunculus fascicularis  
Buttercup, Hooked

Ranunculus septentrionalis  
Buttercup, Swamp

Ratibida pinnata  
Coneflower, Yellow

Ribes americanum  
Currant, Wild Black

Sanguinaria canadensis  
Bloodroot

Scirpus atrovirens  
Skullcap, Marsh

Scutellaria epilobiifolia  
Ragwort, Balsam

Senecio pauperculus  
Prarie Dock

Silphium terebinthinaceum  
Solomon’s Seal, Feathery False

Silphium laciniatum  
Solomon’s Seal, Starry False

Smilacina racemosa  
Carion Flower, Upright

Smilax lasioneura  
Carion Flower, Common

Solidago gigantea  
Goldenrod, Late

Solidago graminifolia  
Goldenrod, Common Grass-Leaved

Solidago nemoralis  
Goldenrod, Old-Filed

Solidago rigida  
Goldenrod, Stiff

Solidago ulmifolia  
Goldenrod, Elm-Leaved

Spiranthes cernuas  
Ladies’ Tresses, Nodding

Stachys tenuifolia var. hispida  
Hedgenettle, Rough

Tilia americana  
Basswood, American

Trillium erectum  
Trillium, Wake-Robin

Trillium recurvatum  
Trillium Red (Prairie)

Triosteum aurantiacum  
Horse Gentain, Early

Uvularia grandiflora  
Bellwort

Verbena urticifolia  
Vervain, Hairy White

Veronicastrum virginicum  
Culver’s Root

Viburnum lentago  
Nannyberry

Viburnum rafinesquianum  
Arrow-wood, Downy

Vicia americana  
Vetch, American

Vicia caroliniana  
Vetch, Wood

Viola affinis  
Violet, Leconte’s

Viola sororia  
Violet, Common Blue

(Ord. No. 09-02, Sec. 3, 1-15-09; Ord. No. 09-22, Sec. 2, 9-17-09)
Sec. 21-18. Prohibited trees enumerated.

The following trees shall not be planted on Village right-of-ways, parks or other public property:

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer negundo</td>
<td>Box Elder</td>
</tr>
<tr>
<td>Acer saccharinum</td>
<td>Silver Maple</td>
</tr>
<tr>
<td>Ailanthus altissima</td>
<td>Tree-of-Heaven</td>
</tr>
<tr>
<td>Ailanthus glandulosa</td>
<td>Tree-of-Heaven/Chinese Sumac</td>
</tr>
<tr>
<td>Catalpa speciosa</td>
<td>Catalpa-all species</td>
</tr>
<tr>
<td>Elaeagnus angustifolia</td>
<td>Russian Olive</td>
</tr>
<tr>
<td>Fraxinus spp.</td>
<td>Ash species</td>
</tr>
<tr>
<td>Ginko biloba –Female</td>
<td>Female Ginko Tree</td>
</tr>
<tr>
<td>Gleditsia triacanthos</td>
<td>Thorned Honeylocust</td>
</tr>
<tr>
<td>Juglans nigra</td>
<td>Black Walnut</td>
</tr>
<tr>
<td>Maclura pomifera</td>
<td>Osage Orange</td>
</tr>
<tr>
<td>Morus spp.</td>
<td>Mulberry species</td>
</tr>
<tr>
<td>Populus spp.</td>
<td>Poplar specials</td>
</tr>
<tr>
<td>Populus nigra</td>
<td>Lombardy Poplar</td>
</tr>
<tr>
<td>Rhamnus cathartica</td>
<td>Buckthorn</td>
</tr>
<tr>
<td>Salix spp.</td>
<td>Willow species</td>
</tr>
<tr>
<td>Ulmus Americana</td>
<td>American Elm</td>
</tr>
<tr>
<td>Ulmus chinensis</td>
<td>Chinese Elm</td>
</tr>
<tr>
<td>Ulmus pumila</td>
<td>Siberian Elm</td>
</tr>
<tr>
<td></td>
<td>All types of fruit trees</td>
</tr>
</tbody>
</table>

(Ord. No. 09-22, Sec. 2, 9-17-09)

Sec. 21-19. Certain trees to be removed or replaced.

(a) Where the above trees prohibited by Section 21-18 have been planted and are growing on city parkways, they shall gradually be removed and, if appropriate, replaced with approved trees.

(b) All crippled, deformed and physically damaged trees, regardless of species, if professional opinion indicates recovery and normal development cannot be expected, shall be removed and replaced.

(c) All trees infected with non-curable disease that will result in deformation, death or infection of other trees, shall be replaced.
Sec. 21-20. Manner of planting trees in right-of-ways and parks.

(a) Trees shall have a minimum diameter of two (2) inches at a distance of four (4) feet above the ground, shall have a continuous single ten (10) to twelve (12) foot trunk for large trees and six (6) to eight (8) foot trunk for small trees before pruning and shall be free from deformity, infectious disease or insect infestation and any indication of undesirable growth characteristics.

(b) Trees and shrubs may not be located where they might interfere with existing underground or overhead utility lines.

(c) Planting sites shall be approved by the Superintendent of Streets and Parks. (Ord. No. 09-02, Sec. 4, 1-15-09; Ord. No. 09-22, Sec. 2, 9-17-09)

Sec. 21-21. Injuring trees and shrubs in public places.

It shall be unlawful to injure any tree or shrub planted in any public place. (Code 1958, Sec. 9.303)

Sec. 21-22. Placing signs and notices on trees and shrubs located in public places.

It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, park, right-of-way or other public place. (Code 1958, Sec. 9.304; Ord. No. 09-02, Sec. 5, 1-15-09)

Sec. 21-23. Materials around base of park and right-of-way trees.

No person shall place or maintain upon the ground around a park or right-of-way tree any surfacing or material which will impede free passage of water and air to the roots without leaving an open space of not less than two (2) feet in width all around the tree. (Ord. No. 09-02, Sec. 6, 1-15-09)

Sec. 21-24. Protecting trees during construction operations.

During any type of construction work, the owner or contractor shall place such guards around all nearby public trees to prevent injury to such trees. (Ord. No. 09-22, Sec. 3, 9-17-09)

Sec. 21-25. Wires, ropes, etc., on trees located in public places; duties of utility companies.

(a) It shall be unlawful to attach any wire or rope to any public tree without permission of the Superintendent of Streets and Parks. (Ord. No. 09-22, Sec. 3, 9-17-09)

(b) Any person given the right to maintain poles and wires in the streets, alleys or other public places in the Village shall, in the absence of a provision in the franchise concerning the subject, keep wires and poles free from and away from trees or shrubs in public places so far
as may be possible and shall keep all such trees and shrubs properly trimmed and subject to the supervision of the Superintendent of Streets and Parks, so that no injury shall be done to the poles or wires or shrubs and trees by contact with wires or poles. (Code 1958, Sec. 9.306; Ord. No. 94-15, Sec. 3, 3-17-94)

Sec. 21-26. Duty to trim or remove dangerous trees; trimming and removal by Village; lien.

(a) Any tree or shrub which overhangs any sidewalk, street or other public place in the Village in such a way as to impede or interfere with traffic or travel shall be trimmed by the owner of the abutting premises or of the premises on which such tree or shrub grows so that the obstruction shall cease.

(b) Any tree or limb of a tree which has become likely to fall on or across any public place or way by reason of disease, age or any other reason shall be removed by the owner of the premises on which such tree grows or stands.

(c) Upon failure of the occupant and taxpayer of record of any property to comply with this Section within five (5) days after the date written notice is mailed by regular United States Mail or personally delivered to the occupant and the person to whom was sent the tax bill for the property for the last preceding year informing the occupant and taxpayer that there is a violation of this Section, the Superintendent of Streets and Parks or such other person as may be designated by the Village Administrator, may cause any such tree or shrub to be trimmed or removed so that the obstruction or danger to traffic or travel shall be eliminated, provided that if the Superintendent of Streets and Parks determines that there is an imminent danger to the safety of persons or property unless a tree or shrub is promptly trimmed or removed, then the tree or shrub may be trimmed or removed without prior notice being given to the owner or occupant of the property. The Superintendent of Streets and Parks, or another Village official designated by the Village Administrator, shall keep a record of the costs incurred by the Village in trimming or removing a tree or shrub and such costs shall be charged to the person to whom was sent the tax bill for general taxes for the last preceding year for the property where the tree or shrub that was trimmed or removed was growing, and while unpaid such costs shall constitute a lien against such property. The Superintendent of Streets and Parks, or such other person as may be designated by the Village Administrator, shall cause notice of such costs to be sent to the person to whom was sent the tax bill for general taxes for the last preceding year for such property and shall also cause notice of the lien to be filed in the Office of the Recorder of the county in which the property is located. (Code 1958, Sec. 9.305, Ord. No. 2003-25, Sec. 1, 7-17-03)

Sec. 21-27. Notice to remove trees constituting nuisance.

The Superintendent of Streets and Parks or such other person as may be designated by the Village Administrator shall give to the occupant and taxpayer of record of any property where any public
nuisance described in this Article shall be found, a written notice of the existence of such nuisance, which notice shall require the removal or abatement of the condition which constitutes the public nuisance within five (5) days following the date on which such notice is personally delivered or mailed by regular United States Mail to the occupant and the person to whom was sent the tax bill for the property for the last preceding year, with such removal or abatement to occur under the direction and supervision of the Superintendent of Streets and Parks or such other person as may be designated by the Village Administrator. The notice shall also notify the occupant and taxpayer of record that unless such nuisance is removed or abated in compliance with the notice, the Village will proceed with the removal or abatement of the nuisance and that the taxpayer of record shall be liable to pay to the Village any and all costs incurred by the Village in removing or abating the nuisance. (Ord. No. 94-15, Sec. 3, 3-17-94; Ord. No. 94-25, Sec. 1, 9-15-94, Ord. No. 03-25, Sec. 2, 7-17-03)

Sec. 21-28. Removal of trees constituting nuisance; costs; lien.

If the occupant or taxpayer of record fails to remove or abate a public nuisance after receiving the notice provided for in Section 21-27 within five (5) days following the date on which such notice was personally delivered or mailed by regular United States Mail, then the Superintendent of Streets and Parks or such other person as may by designated by the Village Administrator, may cause any such condition to be removed or abated so that the nuisance shall be eliminated. The Superintendent of Streets and Parks or another Village official designated by the Village Administrator shall keep a record of the costs incurred by the Village in removing or abating the nuisance, and while unpaid such costs shall constitute a lien against the property on which the nuisance was located. The Superintendent of Streets and Parks or such other person as may be designated by the Village Administrator, shall cause notice of such costs to be sent to the person to whom was sent the tax bill for general taxes for the last preceding year for the property on which the nuisance was located and shall also cause notice of the lien to be filed in the Office of the Recorder of the county in which such property is located. (Code 1958, Sec. 28.329, Ord. No. 2003-25, Sec. 3, 7-17-03)


DIVISION 2. DISEASED TREES

Sec. 21-40. Authority of Village to enter premises for purposes of inspections.

The officers, agents, servants, and employees of the Village are hereby authorized to enter on and upon private property whereon there is located any tree having the appearance of or suspected of having an infectious disease or parasite certified to be a significant danger to the community by a certified arborist for the purpose of inspecting said suspected tree to establish whether said tree is in fact diseased or infected. The officers, agents and employees of the Village are also authorized to enter on and upon private property whereon there is located any tree having the appearance of or suspected of having an infectious disease or parasite determined to be a significant danger to the community by a certified arborist for the purpose of taking and removing therefrom samples or
portions thereof to be tested. If the tree having the appearance of or suspected of having the infectious disease or parasite is not visible from a public right of way or from public property or is otherwise not in plain view of the Village officer, agent or employee, then, the officer, agent or employee of the Village shall obtain the appropriate court authorization to enter onto the private property prior to entering upon the property unless the owner or occupant of the property voluntarily consents to the inspection. (Code 1958, Sec. 28.329, Ord. No. 2006-43, Sec. 1, 10-19-06; Ord. No. 09-22, Sec. 4, 9-17-09)

Sec. 21-41. Diseased trees declared a nuisance.

In the event that it is determined that any tree which has been inspected or from which samples have been taken, is in fact infected with a disease, according to a certified arborist to be a significant danger to the community, the tree shall forthwith be and it is hereby declared to be a nuisance. Any tree which is of a species that the State of Illinois or another unit of government having jurisdiction has ordered to be destroyed or removed in order to prevent or inhibit the spread of disease, is hereby declared to be a nuisance. (Code 1958, Sec. 28.329, Ord. No. 2006-43, Sec. 2, 10-19-06; Ord. No. 09-22, Section 4, 9-17-09)

Sec. 21-42. Diseased and infected trees not to remain on premises.

It shall be unlawful for the owner of any premises in the Village to permit any tree or portion thereof infected with a disease which is determined by a certified arborist to be a significant danger to the community to remain on such premises. If a tree is of a species covered by an order or directive issued by the State of Illinois or another unit of government having jurisdiction which requires that trees of such species be destroyed or removed in order to prevent or inhibit the spread of disease, then it shall be unlawful for the owner of any premises in the Village to permit the tree or portion thereof to remain on such premises. (Code 1958, Sec. 28.329, Ord. No. 2006-43, Sec. 3, 10-19-06; Ord. No. 09-22, Section 4, 9-17-09)

Secs. 21-43--21-52. Reserved.

ARTICLE III. FERTILIZER CONTAINING PHOSPHORUS

Section 21-53. Definitions.

For purposes of this Article, the following words and phrases shall have the meaning ascribed to them:

(1) Commercial Applicator. A person who is engaged in the business of applying fertilizer for hire.
(2) *Fertilize.* A substance containing nitrogen, phosphorus, potash or any other recognized plant nutrient element or compound which is used primarily for its plant nutrient content. Fertilizer shall not include the following natural products: agricultural limestone, sea solids, and unprocessed manure, which have not been manipulated so as to alter or change them chemically, burnt or hydrated lime, and sewage sludge produced by any sanitary treatment facility and shall not be subject to the provisions of this Ordinance.

(3) *Non-Commercial Applicator.* A person who applies fertilizer but who is not a Commercial Applicator.

**Section 21-54. Prohibition.**

No Commercial or Non-Commercial Applicator, including homeowners and renters, shall apply to any area within the Village any fertilizer, whether liquid, granular, or solid, which contains any amount of phosphorus or other compound containing phosphorus, such as phosphate, except:

(a) The naturally occurring phosphorus in unadulterated natural or organic fertilizing products such as yard waste or compost.

**Section 21-55. Impervious Surfaces, Drainage Ways, and Buffer Zones.**

No Commercial or Non-Commercial Applicator shall apply any fertilizer to:

(a) Impervious surfaces

(b) Areas within drainage ditches

(c) Waterways or within twenty (20) feet thereof; and

(d) Any delineated wetland and any area established as a natural buffer zone therefore.

**Section 21-56. Exemptions.**

The following are exemptions to the prohibitions described in this Article:

(a) The prohibition against the use of fertilizer containing phosphorus shall not apply to turf and lawn areas for which soil tests confirm the ambient phosphorus content is below median phosphorus levels for typical area soils. The scope of this exemption shall only be for such volume or concentration of phosphorus necessary to permit such turf or lawn area to contain phosphorus levels equal to the median phosphorus levels for typical area soils. Phosphorus applied as fertilizer pursuant to this exemption shall be integrated into the soil where it is immobilized and generally protected from loss by stormwater runoff.
VEGETATION

(b) The prohibition against the use of fertilizer containing phosphorus shall not apply to flower beds and vegetable gardens.

(c) The prohibition contained in Section 21-54 shall not apply to any farming or agricultural business, provided the use of fertilizers is related to the growth of a product or maintenance of growing fields. Appropriate steps shall be taken to integrate the fertilizer into the soil where it is immobilized and generally protected from loss by stormwater runoff. This exemption shall not apply to the standard lawn area of said farm or agricultural business. (Ord. No. 14-13, Sec. 1, 7-2-14)
Chapter 22

VEHICLES FOR HIRE*

Art. I.  Reserved, Sec. 22-1--22-15
Art.II.  Taxicabs, Sec. 22-16--22-55
  Div. 1.  Generally, Sec. 22-16--22-29
  Div. 2.  Business License, Sec. 22-30--22-47
  Div. 3.  Drivers, Sec. 22-48--22-55

ARTICLE 1. RESERVED

Secs. 22-1--22-15.  Reserved.

ARTICLE 11. TAXICABS**

DIVISION 1. GENERALLY

Sec. 22-16.  Defined.

The term "taxicab" as used in this Article shall mean and include any vehicle used to carry
passengers for hire but not operating on a fixed route.

Sec. 22-17.  State license required.

No taxicab shall be operated in the Village unless it bears a duly issued State license.

Sec. 22-18.  Required equipment.

No taxicab shall be operated in the Village unless it is equipped with proper brakes, lights, tires,
horn, muffler, rear vision mirror, and windshield wipers in good condition.

Sec. 22-19.  Inspections.

It shall be the duty of the Chief of Police to inspect every taxicab so often as may be necessary to see
to the enforcement of the provisions of this Article.

*  Cross reference - Motor vehicles and traffic, Sec. 15-1 et seq.
** State law reference - Authority of city to license, tax and regulate taxicab drivers and similar occupations, 65 ILCS
5/11-24-6
Sec. 22-20. Name of owner and identification number to be affixed to taxicabs.

Each taxicab, while operated in the Village, shall have on each side, in letters readable from a distance of twenty (20) feet, the name of the licensee operating it. If more than one (1) taxicab is operated by a licensee, each taxicab shall be designated by a different number and such number also shall appear on each side of the taxicab, readable from a distance of twenty (20) feet.

Sec. 22-21. Bond or liability insurance required.

No taxicab shall be operated in the Village unless it is covered by a bond or public liability policy as required by State law.

Sec. 22-22. Unlawful use of taxicabs.

It shall be unlawful for any person to knowingly permit any taxicab to be used in the perpetration of a crime or misdemeanor.

Sec. 22-23. Revocation of licenses.

In addition to the penalty imposed by Section 1-8, the Village President and Board of Trustees may revoke any license issued under this Article for repeated violation of traffic laws or Ordinances or for violation of any of the provisions of this Article.

Sec. 22-24--22-29. Reserved.

DIVISION 2. BUSINESS LICENSE*

Sec. 22-30. Required.

It shall be unlawful to engage in the business of operating a taxicab in the Village without first having secured a license therefor.

Sec. 22-31. Application for license; contents.

Applications for a license required by this division shall be made in writing to the Village Clerk, and shall state thereon the name of the applicant, the intended place of business and the number of taxicabs to be operated.

* Cross reference - Licenses generally, Sec. 12-1 et seq.
Sec. 22-32. Persons ineligible for license.

No license required by this division shall be issued to or held by any person who is not a person of good character or who has been convicted of a felony, unless the Chief of Police shall determine, after investigation, that such person has been sufficiently rehabilitated to warrant public trust; nor shall such license be issued to or held by any corporation if any officer thereof would be ineligible for a license under the foregoing conditions.

Sec. 22-33. Reserved.

Editor's note--Section 22-33, specifying the fee for a license to engage in the business of operating a taxicab, was repealed by Ord. No. 82-15, Sec. 3, enacted Sept., 15, 1982.

Sec. 22-34. Disposition of license fees.

In the event that a license required by this division is applied for and denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the General Corporate Fund or such other fund as shall have been designated by the Board of Trustees by proper action.

Sec. 22-35. Increase in fee when numbered taxicabs increased.

Whenever the number of taxicabs operated by a person licensed under this division shall be increased during the license year the licensee shall notify the Village Clerk of such change and shall pay the required fee for the additional taxicabs.

Sec. 22-36. License not transferable.

No license issued under this division shall be transferable or assignable.

Sec. 22-37. License year.

The annual license period for licenses issued pursuant to this division shall be the fiscal year of the Village.

Sec. 22-38. Tags or stickers to be issued, affixed to vehicle; replacements.

The Village Clerk shall issue suitable tags or stickers for the number of taxicabs covered by each license issued pursuant to this division. The tag or sticker shall be displayed in a prominent place on each taxicab while it is in use. If a taxicab is withdrawn from service and another taxicab replaces the one withdrawn, the licensee shall notify the Village Clerk who shall issue a tag or sticker for such replacement taxicab without additional charge to the licensee. The licensee shall notify the Village Clerk of the motor number and of the license number of each taxicab operated and of the corresponding Village tag or sticker number.
Sec. 22-39. Payment of license fee establishes right to use taxicab stand; use.

The annual license fee established by this division shall include the right to use one (1) or more of the designated parking places for taxicabs in each of the various locations throughout the Village, known as “taxicab stands". Said parking places shall be assigned by the Chief of Police and no other licensee shall use that parking place or places. Each taxicab stand shall be appropriately marked by signs erected under the supervision of the Chief of Police. A licensed taxicab may be parked in any taxicab stand while such taxicab is in charge of its driver on duty awaiting a fare.

Sec. 22-40. Licensees to give Village Clerk information relative to drivers.

Semiannually each licensee under this division shall submit a list to the Village Clerk, giving thereon, the name, address and telephone number of all of its taxicab drivers.

Secs. 22-41--22-47. Reserved.

DIVISION 3. DRIVERS

Sec. 22-48. Chauffeur's license required.

No person shall operate a taxicab in the Village unless he shall have secured a chauffeur's license therefor.

Sec. 22-49. Qualifications for chauffeur's license; examination.

No such chauffeur's license shall be issued to any person who is not competent to operate a motor vehicle or who is not familiar with the traffic laws of the State and Ordinances of the Village relative to traffic. The Chief of Police shall examine each applicant for a chauffeur's driver's license to determine the competency of the applicant, and no such license shall be issued except upon issuance of a certificate by the Chief of Police that the applicant has demonstrated his ability to operate a motor vehicle as required herein. No license shall be issued to any person who has been convicted of a felony.

Sec. 22-50. Revocation of chauffeur's license.

In addition to the penalty prescribed by Section 1-8, the Village President may revoke any chauffeur's license for repeated violations of traffic laws or Ordinances; or of any provision of this division regulating the conduct of taxicab drivers.
Sec. 22-51. State license required.

No person shall drive a taxicab in the Village unless he shall have secured a license therefor, as provided by State law. No person shall drive a taxicab until he has exhibited such license to the Chief of Police who will issue a certificate that the applicant has complied with the provisions of this Section.

Sec. 22-52. Prohibited conduct while operating taxicab.

It shall be unlawful for any driver of a taxicab while on duty to drink any intoxicating liquor, to be intoxicated or to use any profane or obscene language, to shout or call to prospective passengers, to disturb the peace in any way, to use drugs or to be under the influence of drugs.

Sec. 22-53. Duty to observe traffic rules.

It shall be the duty of every driver of a taxicab to obey all traffic rules established by Statute or Ordinance.

Sec. 22-54. Duty to accept passengers; acceptance of additional passengers.

It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to so use the taxicab, provided such person is not intoxicated and conducts himself in an orderly manner. No person shall be admitted to a taxicab occupied by a passenger without the consent of the passenger.

Sec. 22-55. Duty to use shortest route.

The driver of any taxicab shall take his passenger to his destination by the most direct available route from the place where the passenger enters the taxicab.
 Chapter 23

WATER AND SEWERS

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ARTICLE I. IN GENERAL

Sec. 23-1. Position of Superintendent of Water and Sewers created; appointment.

There is hereby created the position of Superintendent of Water and Sewers, who shall be appointed by the President with the advice and consent of the Village Board of Trustees.

Sec. 23-2. Mandatory use of Village water and sewer service for new construction.

All new single-family dwelling units within the Village must use the Village water and sewer system if such service mains are already in the street fronting the property or are located not more than four hundred (400) feet from the lot boundary. If only water or sewer mains are so located, then that service must be used. All uses other than single-family dwelling units must use both Village water and sewer service. When making new water and/or sewer service connections to serve a property, the public water main and/or public sanitary sewer shall be extended across the full frontage of the property at a depth sufficient to allow the future connection of additional properties to the public water and sewer systems as may be determined to be appropriate by the Superintendent. This work shall be completed at the property owner’s expense inclusive of construction, engineering and permitting costs. (Ord. No. 09-18, Sec. 1, 7-15-09)

Sec. 23-3. Application for water and sewer service; conditions of service.

Application to have water turned on shall be made to the Village Clerk. The applicant must abide by and accept all of the provisions of this Chapter and other Village Ordinances relating to the water and sewer system as a condition governing the use of the system, or either part thereof, by the
applicant or his assigns. Failure to so abide is sufficient reason for the Village to terminate water and/or sewer service.

Sec. 23-4. General powers and duties of the Superintendent of Water and Sewers.

(a) Waterworks. The Superintendent of Water and Sewers shall have charge of the operation and maintenance of the municipal water pumping, treatment and distribution system.

(b) Sewers. The Superintendent of Water and Sewers shall have charge of the operation and maintenance of all public sewers in the Village and the wastewater treatment plant.

(c) Other Duties. The Superintendent of Water and Sewers shall have such other duties and responsibilities as may be provided for in Chapter 23, Water and Sewers, of this Code, and such other duties as may be assigned by the Village President or Board of Trustees.

Sec. 23-5. Conflicting laws repealed.

Any and all Ordinances and Codes which conflict with the provisions of this Chapter shall be and hereby are repealed to the extent of such conflict.

Any and all Federal, State and local statutes, codes, rules and regulations and any and all handbooks, manuals, etc. that are referenced herein include any and all subsequent laws, codes, rules, regulations, revisions and editions that are amendatory and supplemental thereto.

Sec. 23-6. Lake Barrington Business and Industrial Park Sanitary Sewer System.

The Lake Barrington Business and Industrial Park Sanitary Sewer System ("LBBIP Sanitary Sewer System") shall be governed by the provisions of this Chapter and the Intergovernmental Agreement for Wastewater Treatment Services by and between the Village of Fox River Grove and the Village of Lake Barrington. In case of conflict the terms of the Intergovernmental Agreement shall prevail.

Sec. 23-7. Definitions.

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

(1) A: As in cyanide-A, means amenable to alkaline chlorination.

(2) Ammonia-Nitrogen: The summed weight of nitrogen in both the ionized (ammonium, NH4 +) and molecular (NH3) forms of dissolved ammonia (NH4 – N plus NH3 – N). Ammonia values are reported as N (the hydrogen being ignored in analyses). (Ord. No. 08-11, Sec. 1, 6-19-08)
(3) **Approved**: Backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation or their equivalent.

(4) **Authorized representative of industrial user** is a:

(a) Principal executive officer of at least the level of vice president, if the industrial user is a corporation;

(b) General partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;

(c) Duly authorized representative of the individual designated above. A person is a duly authorized representative only if the authorization is made in writing to the Village by a person described above.

(5) **Auxiliary water system**: Any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams, or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the Village does not have control.

(6) **Backflow**: The flow of water or other liquids, mixtures, or substances into the distribution pipes of the public water supply system or other potable water system from any source other than the intended source of the potable water supply.

(7) **Backflow prevention device**: Any device, method, or type of construction intended to prevent backflow into a potable water system.

(8) **Baseline monitoring report**: The report required by 40 CFR Section 403.12(b)(1--7).

(9) **BOD**: Biochemical oxygen demand which is defined as the quantity of oxygen used in the biochemical oxidation of organic matter in five (5) days at twenty (20) degrees Centigrade, determined by standard laboratory test procedures and expressed in mg/l.

(10) **Building drain**: That part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a 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.
(11) **Building sewer**: The extension from the building drain to the public sewer or other place of disposal.

(12) **Chemical oxygen demand (COD)**: The quantity of oxygen consumed from a chemical oxidant (standard potassium dichromate solution) under standard laboratory procedures, as described in standard methods.

(13) **Combined waste stream formula**: The formula as found in 40 CFR Section 403.6(e).

(14) **Commercial establishment**: A building or building complex which contains stores, offices, or businesses engaged in trade, sales, and services.

(15) **Compatible pollutant**: The biochemical oxygen demand, chemical oxygen demand, suspended solids, fecal coliform bacteria and fats, oil or grease.

(16) **Composite sample**: A sample of wastewater based on a flow proportional or time proportional method.

(17) **Consistent POTW treatment works removal, pollutant removal or removal**: The reduction in the amount of a pollutant or alteration of the nature or concentration of a pollutant in the influent of the POTW to a less incompatible or concentrated state in the effluent. Consistent POTW removal efficiency shall be the difference between the average concentration of the pollutant in the influent of the treatment plant and the average concentration of the pollutant in the effluent of the treatment plant divided by the average concentration of pollutant in the influent.

(18) **Consumer or Customer**: The owner, official custodian or person in control of any premises supplied by or in any manner connected to the public water supply system.

(19) **Consumer's water system**: Any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

(20) **Contaminant**: Any solid, liquid, or gaseous matter, any odor or any form of energy which, when present in the public water supply system, may cause the water to degrade so that the applicable water quality standards are not met or physical illness or injury to persons consuming the water could result.

(21) **Contamination**: An impairment of the quality of water by entrance of any substance to a degree which could create a health hazard.

(22) **Control manhole**: A structure specifically designed and constructed for sampling and metering industrial wastes discharged to a public sewer.
(23) **Cooling water**: The water discharged from any use, such as air-conditioning, cooling or refrigeration, to which the only pollutant added is heat.

(24) **Cross-connection control device inspector or CCCDI**: A person who has successfully completed IEPA sponsored training and certification to install and test backflow devices.

(25) **Director**: The director of the IEPA.

(26) **Double check valve assembly**: An assembly composed of single, independently acting check valves approved under or meeting the requirements of ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.

(27) **Easement**: An acquired legal right for the specific use of land owned by others.

(28) **Existing source**: Any building, structure, facility or installation from which there is or may be a discharge which is not a new source.

(29) **Fats, oil or grease**: Any hydrocarbons, fatty acids, soaps, fats, waxes, oils and any other material that is analyzed in compliance with an USEPA recognized analytical method. (Ord. No. 08-11, Sec. 1, 6-19-08)

(30) **Fecal coliform**: Any number of organisms common to the intestinal tract of man and animals whose presence in water is an indicator of pollution.

(31) **Federal Act or Act**: The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (Public Law 92-500 and Public Law 93-243) and the Clean Water Act of 1977 (Public Law 95-217).

(32) **Fixed proper air gap or air gap**: The unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle. Flexible couplings or spring hoses do not constitute an air gap.

(33) **Flow**: The volume of wastewater per unit of time.

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

(35) **Grab sample**: A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

(36) **Health hazard**: Any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and wellbeing of consumers. The word "severe"
as used to qualify "health hazard" means a hazard to the health of the user that can be expected to result in death or significant injury, illness or physical impairment.

(37) **IEPA**: Illinois Environmental Protection Agency.

(38) **Incompatible pollutant**: All pollutants other than compatible pollutants, as defined in this section.

(39) **Indirect discharge or discharge**: The introduction of pollutants into the POTW from any non-domestic source, regulated under Section 307(b), (c) or (d) of the Federal Act.

(40) **Industrial establishment**: A building or building complex which houses mechanical, trade and/or manufacturing activities.

(41) **Industrial user**: For the purpose of user charges, industrial users shall include manufacturing activities involving the mechanical or chemical transformation of materials or substances into other products. These activities occur in establishments usually described as plants, factories or mills, and characteristically use power-driven machines and material-handling equipment.

(42) **Industrial waste**: The wastewater 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 other than human wastes, or wastewater from sanitary conveniences.

(43) **Institutional establishment**: A building or building complex which houses activities for social, health, educational, or religious purposes such as hospitals, sanitariums, correctional facilities, schools, churches, or charitable organizations or agencies.

(44) **Interference**: An inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirements of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act and the Toxic Substances Control Act.

An industrial user significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with the above-cited authorities whenever such user:
(a) Discharges a daily pollutant loading in excess of that allowed by a permit for the POTW or by Federal, State or local law;

(b) Discharges wastewater which substantially differs in nature or constituents from the user's average discharge;

(c) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the Village's selected method of sludge management.

(45) Intergovernmental Agreement: The Intergovernmental Agreement for Wastewater Treatment Services by and between the Village of Fox River Grove and the Village of Lake Barrington authorized to be entered into by Resolution No. 91-17.

(46) LBBIP Sanitary Sewer System: The Lake Barrington Business and Industrial Park Sanitary Sewer System as described in the Intergovernmental Agreement for Wastewater Treatment Services by and between the Village of Fox River Grove and the Village of Lake Barrington.

(47) mg/l: Milligrams per liter.

(48) National categorical pretreatment standard: Any pretreatment standard specifying quantities or concentrations of pollutants which may be discharged to a POTW by industrial users in specific industrial subcategories as established in regulations promulgated from time to time by the USEPA in 40 CFR Chapter I, Subchapter N.

(49) Natural outlet: Any outlet into a watercourse, pond, ditch, lake or other body of surface water.

(50) New source: Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Federal Act which will be applicable to such source, if such standards are thereafter promulgated in accordance with that section.

(51) Non-potable water: Water not safe for drinking, personal, or culinary use as determined by the applicable State law and regulations.

(52) NPDES permit: Any permit or equivalent document to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

(53) Pass through: The discharge of pollutants through the POTW into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES permit (including an increase in magnitude or
duration of a violation). An industrial user significantly contributes to such permit violation where it:

(a) Discharges a daily pollutant loading in excess of that allowed by permit with the POTW or by federal, state or local law;
(b) Discharges wastewater which substantially differs in nature and constituents from the user's average discharge;
(c) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation;
(d) Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its permit and that such industrial user's discharge, either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's violations.

(54) *Permitted wastewater hauler vehicle:* A vehicle used for hauling wastewater, which has been granted a permit under the requirements of this Chapter and has been issued all other permits required under applicable Federal, State and local laws, rules and regulations.

(55) *Person:* Any and all persons, natural or artificial, including any individual, firm, company, public or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(56) *pH:* The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed in gram molecular weight (moles) per liter.

(57) *Plumbing:* The actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation, lawn sprinkler systems, from the source of a private water supply on the premises or from a main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five (5) feet beyond the foundation walls.

(58) *Pollutant:* Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or industrial, municipal and agricultural...
waste discharged into water or any other material defined as a pollutant or equivalent under any applicable Federal or State law, rule or regulation.

(59) **Pollution:** The presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the potability of the water.

(60) **Population equivalent:** A term used to evaluate the impact of industrial or other wastes on a treatment works or stream. One population equivalent is one hundred (100) gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

(61) **Potable water:** Water which meets the requirements of applicable State law and regulations for drinking, culinary, and domestic purposes.

(62) **Potential Cross-Connection:** A fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of a water supply line beyond its termination point.

(63) **POTW:** The publicly owned treatment works of the Village.

(64) **POTW treatment plant:** That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of the municipal sewage and industrial waste.

(65) **Pretreatment:** The treatment of wastewater from sources before discharge into the public sewer.

(66) **Pretreatment requirements:** Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

(67) **Pretreatment standards:** Any specified pollutant, prohibitive discharge standards, as set forth in Section 300.105 of the Federal Act; specific limitations on discharge, as set forth in Section 300.110 of the Federal Act; the State of Illinois Pretreatment Standards or the applicable National Categorical Pretreatment Standards, whichever standard is most stringent.

(68) **Process fluids:** Any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollution, or a system hazard if introduced into the public or a consumer's potable water system. Process fluids include but are not limited to:

(a) polluted or contaminated waters;
(b) process waters;
(c) used waters originating from the public water system which may have deteriorated in sanitary quality;
(d) cooling waters;
(e) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
(f) chemicals in solution or suspension;
(g) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

(69) Properly shredded garbage: Garbage that has 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 (1/2) inch (1.27 centimeters) in any dimension.

(70) Public sewer: A sewer in which all owners of abutting properties have equal rights of connection and use, and is operated, maintained and controlled by the Village or other public agency.

(71) Public water supply: All mains, pipes and structures through which water is obtained and distributed to the public by the Village, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use.

(72) Publicly owned treatment works (POTW): A treatment works, as defined by Section 212 of the Federal Act, owned by the Village. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature that convey wastewater to the POTW treatment plant, regardless of ownership, but does not include sewers, pipes and other conveyances not connected to the POTW treatment plant.

(73) Reduced pressure principle backflow prevention device: A device containing a minimum of two (2) independently acting check valves together with an automatically operated pressure differential relief valve located between the two (2) check valves and approved under or meeting the requirements of ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

(74) Replacement costs: Expenditures for purchasing and installing equipment, accessories or appurtenances which are necessary during the useful life of the sewerage works to maintain
the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(75) **Residential or commercial or non-industrial user:** Any user of the sewerage works not classified as an industrial user or excluded as an industrial user. Each dwelling unit of a residential building having two (2) or more dwelling units shall be considered a separate and individual single-family residential user.

(76) **Residential customer equivalent:** A term used as a basis of billing for sewage collection and treatment service which is equivalent to a single-family residential user with an average sewage load of two and one-half (2.5) times that of a "population equivalent". The residential customer equivalent of residential buildings having two (2) or more dwelling units shall be the total number of dwelling units.

(77) **Sanitary sewer:** A sewer that conveys sewage and polluted industrial wastes and to which stormwater, surface drainage, groundwater or unpolluted wastewater are not intentionally admitted.

(78) **Service connection:** The opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

(79) **Sewage:** A combination of the wastewater from residential, commercial, industrial and institutional buildings together with such groundwater infiltration and surface water inflow that may be in the sanitary sewers.

(80) **Sewage treatment plant:** An arrangement of devices, structures and processes for the treating and disposing of sewage.

(81) **Sewer:** A pipe or conduit for conveying sewage or any other wastewater, including stormwater, surface water and groundwater drainage.

(82) **Sewer user service charge:** The total amount to be paid each billing period by public sewer users including the basic user charge, the debt service charge, and a surcharge, if applicable.

(83) **Sewerage works:** All facilities of the Village for collecting, pumping, treating and disposing of sewage and industrial wastes.

(84) **Significant industrial user** shall apply to: (a) industrial users subject to categorical pretreatment standards; and (b) any other industrial user that (i) discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater calculated on a weekly basis, (ii) contributes a process wastestream which makes up five (5%) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or, (iii) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a)
of the Federal Act, or is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, for adversely affecting the POTW's operation or upon the quality of effluent from the treatment works or for violating any pretreatment standard or requirement.

(85) **Significant violation:** A violation of Article VI which remains uncorrected forty-five (45) days after notification of such noncompliance; which is part of a pattern of noncompliance over a twelve (12) month period; which involves failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under Sections 500.115, 500.120 or 500.130 of the Federal Act.

(86) *Shall* means mandatory; "may" means permissive.

(87) **Sludge:** The settleable solids separated from the liquids during the wastewater treatment processes.

(88) **Slug:** Any discharge of sewage, industrial waste or other wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(89) **Standard methods:** The laboratory procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater," prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation, and any other procedures recognized by the USEPA and IEPA.

(90) **State act:** The Illinois Environmental Protection Act, effective July 1, 1970 (415 ILCS 5/1 et seq.) (Ord. No. 97-27, Sec. 15, 8-21-97)

(91) **Storm sewer or storm drain:** A sewer that conveys stormwater runoff and surface water drainage, but excludes sewage and polluted industrial wastes.

(92) **Stormwater runoff:** That portion of precipitation which is not absorbed into the ground and which is drained from the ground surface to a natural outlet or watercourse.

(93) **Superintendent:** The Superintendent of Water and Sewers of the Village or his duly authorized deputy or representative.

(94) **Superintendent of Building and Zoning:** The Superintendent of Building and Zoning of the Village or his duly authorized deputy or representative.
Surcharge: The amount to be paid each billing period by certain public sewer users.

Suspended solids: Solids that either float on the surface of, or are in suspension of water, sewage, industrial wastes or other wastewater, the quantity of which is determined by standard laboratory filtering test procedures and referred to as non-filterable residue expressed in mg/1.

System hazard: A condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

$T$, as in cyanide-$T$, means total.

Total solids: The sum of suspended and dissolved solids.

Total toxic organics: The summation of all quantified values greater than one-hundredth (0.01) milligram per liter for the toxic organics, as specified in the applicable regulation.

Unpolluted wastewater: Wastewater that would not cause any violation of water quality standards of the water pollution regulations of the Federal government or Illinois when discharged to a natural outlet or watercourse.

Upset: An exceptional incident in which there is unintentional and temporary noncompliance with applicable pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless or improper operation.

USEPA means the United States Environmental Protection Agency.

User class: The type of user either residential or commercial (non-industrial) or industrial as defined herein.


Wastewater: The wastewater from any domestic, commercial, industrial and institutional uses.

Wastewater discharge permit: The document or documents issued in accordance with the terms of this Chapter.

Wastewater hauler: Any person, partnership or corporation engaged in transporting sanitary wastewater as a commercial venture.
Watercourse: Any stream, creek, brook, branch, natural or artificial depression, slough, gulch, ditch, reservoir, lake, pond or other natural or man-made drainageway in or into which stormwater runoff and surface water drainage flow either continuously or intermittently.

Waterworks and Sewerage Fund: The principal accounting designation for all revenues received in the operation of the sewerage works and the operation of the waterworks.

Waters of the State of Illinois: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State of Illinois or any portion thereof. (Ord. No. 08-11, Sec. 1, 6-19-08)

ARTICLE II. WATER
DIVISION 1. GENERALLY

Sec. 23-18. Only authorized persons to turn water on.

No water from the Village supply shall be turned on for service to any premises by any person except the Superintendent of Water and Sewers or his authorized representative, and then only after he has determined that the proper permits have been obtained, and that the provisions of this chapter and other Ordinances relating to water and sewers are complied with. The occupant or his agent must be on the premises when the water is turned on.

Sec. 23-19. Use of fire hydrants and other unmetered water.

It shall be unlawful for any person other than the Superintendent of Water and Sewers or his authorized representative, or any member of the Fire Protection District, acting only in his official capacity for fire prevention or control, to draw water from any fire hydrant or other unmetered water source, except upon written permission of the Superintendent of Water and Sewers and then only with provision for adequate compensation to the Village for the quantity of water used.

Sec. 23-20. Resale of water.

No water shall be resold or distributed by the recipient thereof from the Village supply to any person or premises other than the one for which application was made and the permit issued, except as may be provided in the Intergovernmental Agreement or any similar agreement.

Sec. 23-21. Tampering with water and sewer system.
It shall be unlawful for any person, not specifically authorized by the Village, to tamper with, alter, or damage any part of the Village water and sewer system, or any water meter, wherever located.

Sec. 23-22. Polluting or obstructing watercourses prohibited, declared a nuisance.

It shall be unlawful and is hereby declared a nuisance for any person to obstruct or pollute any watercourse or source of water supply in the Village.

Sec. 23-23. Stagnant pools prohibited, declared a nuisance.

Any stagnant pool of water in the Village which is not part of a Jurisdictional Wetland as defined by the latest edition of the Federal Manual for Wetlands Delineation, or by any other applicable law, rule or regulation which confers jurisdiction over the elimination or modification of a standing pool of water to an agency or department of the Federal or State government, is hereby declared to be a nuisance. It shall be unlawful for any person to permit any such nuisance to remain or exist on property under his control.

Sec. 23-24. Water use restrictions and penalty:

(a) The Superintendent of Water and Sewers shall have the authority to restrict the use of water in the Village in order to ensure adequate water pressures during certain months of the year. When lawn watering restrictions are in force, lawn watering shall be limited to two (2) lawn watering devices. Specifically exempt from the requirements set forth below are handheld hoses or sprinkling cans. Such restriction of water usage shall be enforced as follows:

(1) All residential, commercial, industrial and institutional properties designated by a street address with an even number shall be permitted to use water for lawn purposes on even numbered days of the month only.

(2) All residential, commercial, industrial and institutional properties designated by a street address with an odd number shall be permitted to use water for lawn purposes on odd numbered days of the month only.

(3) Any exceptions to the above restrictions shall require a special Village permit. Such exceptions shall only be authorized by the Superintendent of Water and Sewers.

Signage announcing the watering restrictions shall have the following meanings:

(1) **Blue:** Unrestricted watering.

(2) **Yellow:** The above described even/odd days restrictions apply. There are no restrictions as to hours of watering.
(3) **Orange:** The above described even/odd days restrictions apply. Watering is limited to the hours of 7:00 p.m. to 9:00 p.m.

(4) **Red:** Watering of any lawn is strictly prohibited.

Signage for watering shall be double-sided signs and shall be posted at the following major intersections:

1. North River Road and Illinois Route 14
2. Opatrny Drive and Lincoln Avenue
3. School Drive and Illinois Route 14
4. Gardner Drive and Victoria Drive
5. Primrose Drive and Illinois Route 22
6. Foxmoor Road and Illinois Route 14
7. Lexington Avenue and Hunters Way
8. Lexington Avenue and Algonquin Road
9. Algonquin Road and Grove Avenue
10. Beachway Avenue and Lincoln Avenue
11. Old Hunt Road and Algonquin Road
12. Morgan Lane and Illinois Route 22
13. Bridle Path and Illinois Route 22
14. Norge Parkway and Ski Hill Road
15. Birch Lane and Windsor Circle

(b) **Penalty:** Any person, firm or corporation violating any of the above provisions of this Section shall be subject to a fine not less than fifty ($50.00) dollars nor more than five hundred ($500.00) dollars for each such offense. Each day that such a violation exists shall constitute a separate offense.

(Ord. No. 12-18, Sec. 1, 7-19-12)

**Secs. 23-25 -- 23-29. Reserved.**

**DIVISION 2. SERVICE PIPES**

**Sec. 23-30. Installations to be made by and at cost of owner/applicant; supervision of installation.**

All connections from the main to the premises shall be installed and all materials furnished by, and at the cost of the owner of the property to be served or the applicant for service. Such installations shall be under the supervision of the Superintendent of Water and Sewers. At least two (2) business days notice must be given the Superintendent by the owner or applicant before the Superintendent will inspect such installations.
Sec. 23-31. Reserved.

Sec. 23-32. Specifications for pipe, fittings and connections.

All water service pipes from the main to the meter shall be not less than one (1) inch in size. Only type "K" soft temper copper pipes or tubing shall be used to connect the meter with the mains. All fittings and connections shall be uniform in size and comply with specifications established by the Plumbing Code adopted by the Village. Water meters are required as a condition of service.

Sec. 23-33. Depth of service pipes.

All service pipes shall be buried at least five (5) feet deep in the ground.

Sec. 23-34. Shutoff or service boxes required; location; protection from frost.

Shutoff or service boxes shall be placed on every service pipe, and shall be located between the curbline and the sidewalk line where this is practicable and shall not be installed within five (5) feet of a tree or in the driveway pavement unless such installation in a driveway pavement is approved by the Village. Property owners shall be required to keep shutoff or service boxes accessible and visible at all times to Village personnel. (Ord. No. 19-17, Sec. 1, 8-15-19)

Sec. 23-35. Excavations; backfilling and resurfacing.

Excavations for installing service pipes or repairing the same shall be made in compliance with the provisions of this Code relating to excavations in streets. The owner of the property or the applicant for the service shall backfill and resurface the street after the completed work is approved.

Sec. 23-36. Duty of owners/applicants to repair service pipes; emergency repairs by Village.

(a) Any leak or other defect on the portion of service pipes from the shutoff box to the building shall be promptly repaired by and at the expense of the owners of the premises served or the applicants for the service.

(b) In the event an owner fails to repair a portion of the service pipe from the shutoff box to the building within ten (10) days from the date the Village notifies the owner that such repairs are necessary, the Village may turn off water / sewer service, or perform such repair work and charge the owner of the premises served for the costs expended. In addition, in the event of an emergency, the Village may repair any service pipes and charge the owner of the premises served for the costs expended.

(c) Payment of the above costs are subject to the penalty, delinquency notice, and service disconnection provisions in Sections 23-141 and 23-144 of this title, and a lien against the premises for nonpayment of such costs may be served to the same extent and with the same
effect as for delinquencies pursuant to Sections 23-142 and 23-143 of this title.

(d) The Village shall not be responsible for any damage or necessary repairs that may result from the Village's attempts to locate, inspect or utilize a water service pipe or water shutoff box.

(e) In the sole discretion of the Village, the costs expended for all repairs performed by the Village may be billed in up to six (6) equal installments as part of the regular utility bill. (Ord. No. 19-17, Sec. 2, 8-15-19).

Sec. 23-37 -- 23-42. Reserved.

ARTICLE III. SEWERS

Sec. 23-43. Use of public sewers required; prohibited activities.

(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 any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet or watercourse within any area under the jurisdiction of the Village, any sewage, pollutant or polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

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

(d) If the property line of an existing structure, including, but not limited to a house or building, within the Village used as a residence, business or any other purpose is located within two hundred feet (200’) of the public sanitary sewer of the Village, the owner or occupant of the structure may be required at the owner’s or occupant’s expense to connect the structure to the public sanitary sewer, if the Village or an agency or department of McHenry County or the State of Illinois determines that the continued failure to have the structure connected to the public sanitary sewer will endanger, or create a hazard to, the health of the occupants of the structure or will otherwise endanger, or create a hazard to, the health of other persons or the public in general. Such connection of the structure to the public sanitary sewer shall be made within ninety (90) days after the Village issues a notice to the owner or occupant of the structure informing the owner or occupant of the need to connect the structure to the public sanitary sewer. The obligation of the owner or occupant of a structure to connect to the public sanitary sewer as provided in this Subsection shall be a joint and several obligation of the owner and the occupants of the structure. When making a sewer service connection to serve a property, the public sanitary sewer shall be extended across the full frontage of the property at a depth sufficient to allow the future connection of additional properties to the
public sewer system as may be determined to be appropriate by the Superintendent. This work shall be completed at the property owner’s expense inclusive of construction, engineering, and permitting costs. (Ord. No. 2003-16, Sec. 1, 6-26-03; Ord. No. 2004-13, Sec. 1, 4-15-04, Ord. No. 2009-18, Sec. 2, 7-16-09)

Sec. 23-44. Private sewage disposal.

(a) Where a public sanitary sewer is not available under the provisions of Section 23-43(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.

(b) Before commencement of construction of a private sewage disposal system, the owner or applicant shall first obtain a written permit signed by the Superintendent of Building and Zoning. The application for such permit shall be made on a form furnished by the Village which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent of Building and Zoning. A permit and inspection fee as required by the Village shall be paid 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 Superintendent of Building and Zoning. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent of Building and Zoning when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of written notice by the Superintendent of Building and Zoning.

(d) The type, capacities, location and layout of a private sewage disposal system shall comply with the requirements of the State of Illinois Private Sewage Disposal Licensing Act and Code, the State of Illinois Environmental Protection Agency and the McHenry County Department of Public Health. 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 twenty-two thousand (22,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet or watercourse.

(e) The owner or applicant shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times and at no expense to the Village.

(f) At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in Section 23-43(d), the building sewer shall be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and abandoned in accordance with the county health authority. When making a sewer service connection to serve a property, the public sanitary sewer shall be extended across the full frontage of the property at a depth sufficient to allow the future
connection of additional properties to the public sewer system as may be determined to be appropriate by the Superintendent. This work shall be completed at the property owner’s expense inclusive of construction, engineering, and permitting costs. (Ord. No. 09-18, Sec. 3, 7-16-09)

(g) **Low Pressure Sanitary Sewer.** Wherever a gravity fed sanitary sewer cannot be constructed due to extreme elevation difference as determined by Superintendent of Public Works and the Village Engineer, a low pressure sanitary sewer system may be approved. Construction of a low pressure sanitary sewer main serving any single family dwelling unit within the Village’s limits must be in compliance with all Village Ordinances and good engineering practice pursuant to engineering plans as approved by the Village Engineer and Superintendent. The sanitary sewer lines from the single family dwelling, storage tanks, grinders, and pumps for each unit shall be owned, maintained, operated, and replaced as necessary at the cost of the owner of the dwelling and not by the Village. When repairing, modifying or replacing any of the pumping equipment on the user’s premises, the owner or applicant shall first obtain a written permit from the Village. The application for such permit shall be made on a form furnished by the Village in which the applicant shall submit plans, specifications and other information as deemed necessary by the Building and Zoning Office. Construction and repair inspections will be provided by Building and Zoning Office. (Ord. No. 13-30, Sec. 1, 12-19-13)

(h) No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Building or Zoning Authority having jurisdiction over said property. (Ord. 13-30, Sec. 2, 12-19-13)

**Sec. 23-45. Building sewers and connections.**

(a) No unauthorized person shall uncover, make any connections with, or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent of Water and Sewers as provided in Section 23-111 of this Chapter.

(b) It shall be unlawful to discharge wastewater to any public sanitary sewer except those wastewaters in compliance with standards promulgated pursuant to the Federal Act or the State Act or any rules, regulations, ordinances or standards of the Village.

(c) There shall be two (2) separate classes of building sewer permits:

(1) For residential or commercial service, and

(2) For service to establishments producing industrial wastes.

In either case, the owner or applicant or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans,
specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of one hundred ($100.00) dollars for a building sewer permit shall be paid to the Village at the time the application is filed. Said permit and inspection fee is in addition to the connection fees set forth in Section 23-117 of this Chapter. Each industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

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

(e) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner or applicant. The person installing the building sewer for said owner or applicant shall be a plumber or sewer contractor and he shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by said installation. Before a building sewer permit is issued, the plumber or sewer contractor shall file with the Village Clerk an indemnity bond in the amount of twenty thousand ($20,000.00) dollars, with a corporate surety licensed to do business in the State of Illinois on bond form supplied by the Village. In addition thereto, the plumber or sewer contractor shall file with the Village Clerk a certificate of insurance showing that the contractor is insured under a public liability insurance policy per occurrence in the amount of one million ($1,000,000) dollars or bodily injury and one hundred thousand ($100,000.00) dollars for property damage.

(f) A separate and independent building sewer shall be provided for every building; except 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 Superintendent to meet all requirements of this Article.

(h) Building sewers shall not be less than six (6) inch diameter size pipe installed at a minimum invert slope of 0.125 (1/8) inch per foot, or not less than four (4) inch diameter size pipe in lengths of not less than ten (10) feet installed at a minimum invert slope of 0.25 (1/4) inch per foot. Building sewers shall be constructed in accordance with the requirements of the Superintendent as to trench excavation and backfilling, installation of pipe and fittings and testing.

(i) Building sewers shall be constructed using one of the following listed materials:
(1) Polyvinyl chloride (PVC) sewer pipe conforming to the latest revised specification requirements of ASTM D3034, Type PSM. The pipe and fittings shall have a minimum wall thickness SDR 35. The joints shall be either the solvent weld type conforming to the latest revised specification requirements of ASTM D2564 and ASTM D2855, or elastomeric gasket type conforming to the latest revised specification requirements of ASTM D3212. A thicker walled pipe, SDR 26, may be required by the Superintendent or the Village Engineer if a thicker walled pipe is determined to be necessary to protect the public health because of design and/or field conditions. The Superintendent or the Village Engineer shall state in writing the reason why design and/or field conditions necessitate a thicker walled pipe.

(2) Acrylonitrile-butadiene-styrene (ABS) sewer pipe and fittings conforming to the latest revision of ASTM Specification D2751 with solvent welded joints or compression-type rubber ring gasket joints conforming to the latest revision of ASTM Specifications D2235 and D3212, respectively, installed in accordance with the manufacturer's recommendations.

(3) Extra heavy cast iron soil pipe and fittings conforming to the latest revision of CISPI Specification HS-67 with compression-type rubber ring gasket joints, conforming to the latest revision of ASTM Specification C564, installed in accordance with the latest revision of the Illinois State Plumbing Code.

(j) The connection of the building sewer into the public sewer shall be made at the branch fitting, if such is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less and no properly located branch fitting is available, the owner or applicant shall, at his expense, install a wye branch fitting in the public sewer at the location specified and installation approved by the Superintendent.

(k) All building sewers shall be bedded on a layer of gravel or crushed stone, conforming to the latest revision of ASTM Specification D2321, to provide a minimum thickness of four (4) inches under the pipe and initial backfill of twelve (12) inches over the top of the pipe.

(l) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such drains shall be lifted by approved pumping devices and discharged to the building sewer.

(m) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer, building drain or sump pump which in turn is connected to a public sanitary sewer.
(n) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

(o) 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 property disturbed in the course of the work shall be restored in a manner satisfactory to the Village. All excavations shall be made in compliance with the provisions of this Code relating to excavations in streets. Prior to any excavation, the plumber or sewer contractor shall notify all public and private utility companies.

Sec. 23-46. 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 public sanitary sewer.

(b) Stormwater and all other unpolluted drainage shall be discharged to storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Superintendent 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 water or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage 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 sewerage works such as, but no limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood,
paunch manure, hair and fleshings, 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 to a public sanitary sewer the following described substances, materials, waters or wastes if the Superintendent determines that such waters or wastes, singly or by interaction with other wastes, can harm either the sewers, sewage treatment process or equipment; can cause an adverse effect on the receiving stream in violation of Chapter 3 of the Water Pollution Rules and Regulations, adopted by the Illinois Pollution Control Board pursuant to Section 13 of the Illinois Environmental Protection Act, or in violation of the effluent limitations of the NPDES permit; or can otherwise endanger life, limb, public property or constitute a nuisance. In making his determination as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of such waters or wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and maximum limits established by regulatory agencies. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Centigrade).

(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 (150) degrees Fahrenheit (zero (0) degrees and sixty-five (65) degrees Centigrade).

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Superintendent.

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

(5) Any industrial wastes containing substances exceeding the categorical pretreatment standards for a particular industry as defined in 40 CFR Chapter I, or the following maximum concentrations of pollutants, whichever is lowest:

<table>
<thead>
<tr>
<th>Maximum Concentration Pollutant (in milligrams per liter (mg/l))</th>
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<tbody>
<tr>
<td>Five-day BOD ........................................................................ 300.0</td>
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<td>Total suspended solids ..................................................... 350.0</td>
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<td>Substance</td>
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<td>Ammonia</td>
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<td>Cadmium</td>
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<td>Mercury</td>
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<td>Nickel</td>
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<td>Oil (hexane soluble)</td>
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<td>Phosphorous</td>
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<td>Selenium</td>
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<td>Silver</td>
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<td>Zinc</td>
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(6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.

(7) 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.

(8) 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 wastewater 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 sanitary sewers, which waters contain the substances or possess the characteristics enumerated in Section 23-46(c) and (d) and/or which are in violation of the standards for pretreatment provided in 40 CFR, Part 403- General Pretreatment Regulations For Existing and New Sources of Pollution, published in Federal Register Volume 53, No. 200, Monday, October 17, 1988, and any amendments thereto, or which in the judgment of the Village, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may reject the wastes; require pretreatment to an acceptable condition for discharge to the public sanitary sewer; require control over the quantities and rates of the discharge; and/or require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, or under the provisions of Section 23-46(k). If the Superintendent permits the pretreatment or equalization of wastewater flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable Codes, Ordinances and laws.

(f) Automotive grease, oil and sand interceptors shall be provided when the Village Administrator or his/her designee determines they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

Each person constructing or operating a facility within the Village, other than a private residence, which will be used for the manufacture, processing or preparation of food or food products, must install and use, at its own expense, a grease trap adequate to prevent a discharge of fats, oils and grease to the Village sewers in prohibited concentrations. Grease traps shall be specified by the State Plumbing Code and kept clean as required by the manufacturer’s written instructions and be inspected by a licensed State of Illinois plumbing inspector not less than once per year. The inspection report shall be forwarded to the Village Hall within five (5) working days after the inspection. A log of cleaning and inspections shall be kept on site.

1. **Grease Trap Inspection Fees.**

The annual fee for inspection of required grease traps is as follows:

- Fee per device on a premises ...................................................... $65.00
- Administrative Fee................................................................. $15.00
- Total Annual Inspection Fee per device................................. $80.00
2. **Bi-monthly payment of Inspection Fees.**

The annual inspection fees for a premises shall be included as part of the bi-monthly billing period for each grease trap. (Ord. No. 10-11, Sec. 1, 3-18-10; Ord. No. 18-01, Sec. 1, 1-4-18)

(g) Where pretreatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner or applicant at his expense.

(h) Each industrial user shall be required to install a control manhole and, when determined by the Superintendent to be necessary, the owner or applicant of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner or applicant at his expense and shall be maintained by him so as to be safe and accessible at all times.

(i) The owner or applicant of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests and analyses of waters and wastes to demonstrate compliance with this Article and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of laboratory analyses to be performed by the owner or applicant, shall be as determined by the Superintendent, 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 or applicant shall report the results of measurements and laboratory analyses to the Village at such times and in such manner as prescribed by the Superintendent. At such times as deemed necessary, the Village reserves the right to take measurements and samples for analysis. The owner or applicant shall bear the expense of all measurements, analyses and reporting required or collected by the Village.

(j) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association and USEPA *Guidelines Establishing Test Procedures for Analysis of Pollutants*, pursuant to 40 CFR Part 136, 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 sewerage 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 sample or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composite samples, whereas pH's are determined from periodic grab samples.)

(k) No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore by the industrial concern, provided such payments are in accordance with and in addition to the applicable rates specified in Section 23-139.

(l) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the USEPA Regional Waste Management Division Director, and State Hazardous Waste Authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch, or other). If the industrial user discharges more than ten (10) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 23-155(o) below.

(m) Dischargers are exempt from the requirements of paragraph (i) of this Section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(n) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the USEPA Regional Waste Management Waste Division Director, and State Hazardous Waste Authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
(o) In the case of any notification made under Section 23-46(l)(m) or (n), the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

**Sec. 23-47. Duty of owners/applicants to repair sewer lines; emergency repairs by Village.**

(a) All repairs on sewer lines from the public sanitary sewer main to the building shall be made by and at the expense of the owners of the premises served or the applicants for the service.

(b) The Village may, in the case of an emergency, repair any sewer line connected to the public sanitary sewer and if this is done, the cost of such repair work shall be repaid to the Village by the owner of the premises served or the applicant for the service within thirty (30) days after the Village issues an invoice for the costs.

(c) The costs of cleanup and repair for any backup in the public sanitary sewer caused by the owner of the premises served or the applicant for the service shall be borne by the owner and/or applicant. There shall be no reimbursement to the owner and/or applicant to cover the costs of clean up and/or repairs due to sewer backups unless said backup was the direct result of work done by Village personnel.

**Sec. 23-48. Protection of sewerage works from damage.**

No person shall maliciously, willfully or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewerage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and damaging public property.

**Sec. 23-49. Powers and authority of inspectors.**

(a) **Inspections:** The Superintendent and other duly authorized employees of the Village, the Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency may enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Article. The Superintendent or his 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.

(1) **Credentials:** The Superintendent and other duly authorized employees of the Village shall, upon request, disclose proper credentials of his/her respective office for the purpose of inspecting, observing, measuring, sampling and/or testing on the property in the performance of his/her duties under this Article.
(2) **Inspection Upon Warrant; Right of Entry:** Whenever the Superintendent or other duly authorized employees of the Village, after presentation of proper credentials and request for entry to inspect, observe, measure, sample and/or test, is refused access to the property by the owner or applicant or other person in charge subject to the provisions of this Article, the Superintendent is authorized to petition any court having competent jurisdiction, through the Village Attorney, for the issuance of a warrant or order authorizing the inspection, observation, measurement, sampling and/or testing of the property as is necessary for the enforcement of the provisions of this Article.

(b) The Superintendent and other duly authorized employees of the Village bearing proper credentials and identifications shall be permitted to enter all private properties through which the Village has an easement for the purposes of, but not limited to, inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewerage 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 easement pertaining to the private property involved.

**Sec. 23-50. Penalties.**

(a) Any person found to be violating any provision of this Article, except Section 23-48, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this Article.

(b) Any person who violates Section 23-48 or who shall continue to fail to comply with any provision of this Article, other than Section 23-48, beyond the time limit provided for in Section 23-50(a) shall, upon conviction, be fined one hundred ($100.00) dollars if the conviction is for the first violation by such person to occur within the previous twelve (12) month period. Such fine shall be two hundred fifty ($250.00) dollars if the conviction is for the second violation by such person within a twelve (12) month period and five hundred ($500.00) dollars if such person has violated a provision of this Article more than twice during the twelve (12) month period prior the conviction. Each day in which any violation shall continue shall be deemed a separate offense for which a fine may be imposed. (Ord. No. 96-08, Sec. 1, 2-15-96)

(c) Any person violating any of the provisions of this Article shall become liable to the Village by reason of such violation.

**Secs. 23-51 -- 23-110. Reserved.**
Sec. 23-111.  Connection permit required; Notice to Superintendent of Water and Sewers prior to connection and approval by the Village Board of Trustees.

No connection with a water main or sewer shall be made without a permit being issued and two (2) business days notice having been given to the Superintendent of Water and Sewers. No water line which has a diameter greater than two (2) inches shall be connected to a water main unless the connection has been approved by the Village's Board of Trustees.

Sec. 23-112.  Application for connection permit for commercial or industrial use; contents; accompanying data.

(a)  No permit for a water or sewer connection or service shall be issued or granted by the Village for an industrial or commercial use unless an application is first made to the Superintendent of Water and Sewers for such connection or services and unless the applicant first establishes that the applicant or his assigns will not discharge or permit to be discharged any water or effluent into the Village sewer system in violation of any Village Ordinance, State or Federal regulation, and that the quantity or quality of water or effluent sought to be discharged into the Village sewer system will not be beyond the existing Village sewage treatment capacity; however, the amount of wastewater from the LBBIP Sanitary Sewer System into the Village system shall be governed by the Intergovernmental Agreement for Wastewater Treatment Services. The application shall be made in writing and shall be subscribed to under oath by the user, if the applicant is not a corporation, or, if the applicant is a corporation, then by its president. The application shall contain the following information or items:

(1)  The business or corporate name and address of applicant.

(2)  The name and address of applicant's president, if the applicant is a corporation.

(3)  The name and address of the owner or owners, if the applicant is not a corporation.

(4)  The uses for which the water is intended.

(5)  A detailed flow chart, showing, in sequential order, the flow of all water proposed to be used by the applicant, from the point of its initial entry into the building or structure, through all of the commercial or industrial operations or processes it subsequently passes, to the point where it is finally discharged into the Village sewer. The flow chart shall also show the point or points in the operations or processes at which any chemicals or compounds are injected into the water or sewage flow and shall fully identify the substance so injected.

(6)  An estimate of the maximum number of gallons of water to be used by the applicant each day and the first use date.
(7) A descriptive list of any and all chemicals and compounds that are to be discharged into the sewer, and the maximum quantities to be used each day in the subject's commercial or industrial processes or operations.

(8) A statement as to whether or not the applicant proposes to install any water or effluent treatment facilities on the premises in conjunction with its operations or processes, and, if it does not, a statement of the reasons why it is not doing so. If the facilities are to be installed, then the applicant shall attach to the application herein, detailed plans and specifications of such facilities and shall state the date of effective operation of such installation.

(b) The applicant shall file new flow charts with the Superintendent whenever any change or alteration is made in its operations or processes which materially or substantially change the quality or quantity of the water or the effluent discharge into the sewer.

(c) The applicant shall obtain a Wastewater Discharge Permit in conjunction with the Connection Permit if said permit is required under the provisions of Section 23-155.

Sec. 23-113. **Permit not to be issued until water and sewer assessments are paid and other required agency approvals obtained.**

The Superintendent or other properly designated official shall not issue any permit required by this Article until (1) all outstanding water and sewer assessments and charges on the property are fully paid, including any fees and interest due to date and (2) any and all required approvals or permits are obtained from Federal, State or county agencies.

Sec. 23-114. **Superintendent to supervise connections.**

All connections shall be made under the supervision of the Superintendent or his duly authorized representative.

Sec. 23-115. **Reserved**

Sec. 23-116. **Work not to be covered prior to inspection.**

No connection made pursuant to this Article shall be covered until the materials and work have been inspected by the Superintendent.

Sec. 23-117. **Permit fees for property located within the corporate limits of the Village.**

The following fees shall be charged for permits to connect property located within the corporate limits of the Village to the Village's water and sewer system:
(a) **Single-family, attached and detached.** Permit fees for single family residences shall be based on the size of the water line as set forth below:

<table>
<thead>
<tr>
<th>Water Line Size</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 inch</td>
<td>$6,000</td>
</tr>
<tr>
<td>Greater than 1 inch, up to and including 1½ inches</td>
<td>$8,850</td>
</tr>
<tr>
<td>Over 1½ inches, up to and including 2 inches</td>
<td>$13,350</td>
</tr>
</tbody>
</table>

No water line connecting a single family attached or detached home to a Village water main shall have a diameter greater than two (2) inches. (Ord. No. 94-32, Sec. 1, 10-24-94, Ord. No. 03-04, Sec. 1, 2-20-03)

(b) **Multiple Family Residences.** The permit fee for multiple family residences shall be $6,000 per residential unit. The minimum required size of the water line for multiple family customers shall be as follows:

<table>
<thead>
<tr>
<th>Water Line Size</th>
<th>Maximum Multiple-Family Water Line Size</th>
<th>Units for Water Line Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 inch</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Greater than 1 inch, up to and including 1½ inches</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Greater than 1½ inches, up to and including 2 inches</td>
<td>11</td>
<td></td>
</tr>
</tbody>
</table>

The minimum water line size required where the water line will service more than eleven (11) multiple family units shall be established by the Village's Board of Trustees. (Ord. No. 03-04, Sec. 1, 2-20-03)

(c) **Commercial and Industrial Customers.** The permit fees for commercial and industrial customers shall be as follows:

<table>
<thead>
<tr>
<th>Water Line Size</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 inch</td>
<td>$7,250 or the amount calculated using the alternative formula set forth in Section 23-117(d) whichever is greater.</td>
</tr>
<tr>
<td>Greater than 1 inch, up to and including 1-1/2 inches</td>
<td>$9,000 or the amount calculated using the alternative formula set forth in Section 23-117(d) whichever is greater.</td>
</tr>
</tbody>
</table>
Over 1-1/2 inches, up to and including 2 inches, $15,000 or the amount calculated using the alternative formula set forth in Section 23-117(d) whichever is greater.

The permit fee for connection to a Village water main and the Village sewer system for commercial and industrial customers where the diameter of the water line is greater than two (2) inches shall be established by the Village's Board of Trustees. (Ord. No. 94-32, Sec. 1, 10-12-94; Ord. No. 93-21, Sec. 1, 12-8-93, Ord. No. 03-04, Sec. 1, 2-20-03, Ord. No. 05-02, Sec. 1, 2-17-05)

(d) Alternative Formula for Calculating Connection Fee for Commercial and Industrial Customers; Supplemental Connection Fee.

(1) Whenever a permit is requested to allow commercial or industrial use of a water line to connect to the Village’s water distribution system, the owner or developer of the building or structure that is to be connected shall provide the Village with an estimate of the population equivalent water usage which will occur when the building is fully occupied for its intended use. This estimate shall be prepared by a licensed architect or engineer and shall be submitted in writing to the Village’s Superintendent of Water and Sewer and to the Village’s Engineer. For purposes of this Ordinance one (1) population equivalent equals one hundred (100) gallons of water usage per day per person. The Village Engineer and the Village Superintendent of Water and Sewer must approve the accuracy of the calculation.

(2) The alternative connection fee shall be calculated by multiplying the approved estimate of the population equivalent by thirty-three (33%) percent of the current “1 commercial/industrial connection fee. (Ord. No. 03-04, Sec. 1, 2-20-03, Ord. No. 05-02, Sec. 2, 2-17-05)

(3) A supplemental connection fee shall be paid when a new commercial or industrial structure is constructed on property where (i) a structure already has been connected to the water distribution system, (ii) the new structure is intended to be utilized for a use different from a prior use of the property and (iii) such different use will require either (a) a larger water line or (b) will have a greater population equivalent water usage when such new structure is fully occupied for its intended use. The amount of the supplemental connection fee shall be the difference between the fee for the new structure that would have been imposed had the property not previously been connected to the water distribution system and the amount that would be due for the prior structure and use of the property under Section 23-117 (c) or Section 23-117(d)(1) or (2) whichever would have been applicable at the time the new structure is connected. (Ord. No. 07-01, Sec. 1, 1-18-07)
(e) There shall be a fee paid to the Village in the amount of two thousand five hundred ($2,500.00) dollars prior to a fire sprinkler system, or any other similar fire protection system being connected to the Village water system for the first time. This two thousand five hundred ($2,500.00) dollar fee shall be paid in addition to any other permit or connection fees which may be payable to the Village under another provision of this Section 23-117 or any other provision of this Code. This two thousand five hundred ($2,500.00) dollar fee shall be applicable to the connection of fire sprinkler systems and other similar fire protection systems located in both new and existing buildings and structures. (Ord. No. 03-04, Sec. 1, 2-20-03, Ord. No. 05-02, Sec. 2, 2-17-05; Ord. No. 17-13, Sec. 1, 6-1-17)

Sec. 23-118. Permit fees for either water or sewer connection only.

The permit fee for water connection only shall be, in the case of a single-family residence, attached or detached, four thousand two hundred fifty ($4,250.00) dollars. The permit fee for sewer connection only shall be in the case of single family residence, attached or detached, three thousand ($3,000.00) dollars. In the case of multi family, commercial or industrial customers, the permit fee for either a water or sewer connection only shall be established by the Board of Trustees. (Ord. No. 94-32, Sec. 2, 10-24-94; Ord. No. 03-04, Sec. 2, 2-20-03)

Sec. 23-119. Permit fee for individual user within the Lake Barrington Business and Industrial Park and the Damien Subdivision ("Industrial Park").

The sewer connection fee to be paid for each individual user within the Industrial Park who connects to the LBBIP Sanitary Sewer System shall be as set forth in the Intergovernmental Agreement.

Sec. 23-120. Reserved.

Sec. 23-121. Connection of property located outside the Village's corporate limits.

No property located outside the corporate limits of the Village of Fox River Grove shall be connected to either a Village water main or to a Village sewer unless the connection is first approved by the Village's Board of Trustees. The Village's Board of Trustees shall establish the permit fee for the connection of property located outside the Village's corporate limits to a Village water main and/or to a Village sewer at the time the connection is approved.

Sec. 23-122. Shutoff devices.

No tees, valves, or other shutoff devices shall be installed between the water main and meter, except for the Village's shutoff valve located in the public right-of-way, in what is commonly called the "buffalo box".

Secs. 23-123--133. Reserved.
ARTICLE V. METERS AND RATES

Sec. 23-134. Meter Usage.

(a) All residential water system connections shall install a meter with a dual check valve and expansion chamber and pay for service at the metered rate. All commercial and industrial water system connections shall install a meter with a proper backflow device as required by Section 23-190 herein, and pay for service at the metered rate.

(b) A single-family premise using sewer services only has the option of either installing a meter and paying for service at the metered rate or may receive such service and pay the flat rate hereinafter provided.

(c) Metered usage shall be read to the lowest even increment of one thousand (1,000) gallons.

(d) Commercial, industrial, institutional and other nonresidential sewer users who obtain any portion of their water service from other than public water supply sources shall install and maintain, at no expense to the Village, water meters of a type approved by the Superintendent.

(e) Wherever required by the Superintendent, sewage metering devices shall be installed and maintained, at no expense to the Village, when the volume of wastewater discharged to the public sewer cannot be otherwise determined by use of water meters.

(f) Metering devices shall not be removed without the consent of the Superintendent unless sewer use service is cancelled.

Sec. 23-135. Meter or application to be made prior to occupying premises.

Before any premises using Village water service is occupied, a water meter shall be installed therein as required by this Article or application shall be made for such water service at a flat rate of charge until such meter can be installed or no water shall be furnished to such premises.

Sec. 23-136. Installation and maintenance of meters.

The owner of the property to be served or the applicant for the service shall purchase the required meter from the Village at the price established by the Superintendent. Water meters shall be maintained by the Village, and shall be installed by the owner or applicant or his agent at his own cost in a location providing easy access for reading and testing. The meter and its installation shall be at the cost of the owner or applicant. Installations shall be under the supervision of the Superintendent of Water and Sewers. The installation and maintenance of the meters for the LBBIP Sanitary Sewer System shall be governed by the Intergovernmental Agreement.

Sec. 23-137. Type of meters.
Water meters, expansion chambers and dual check valves installed pursuant to this Article shall be of a type and size specified by the Superintendent.

Sec. 23-138. Billing periods for water usage; reading of water meters.

The Superintendent, subject to the provision of this Section, shall determine the billing period for each water or water and sewer user in the Village. The Superintendent shall cause each water meter used in the Village to be read and each premise in the Village to be billed every two (2) months. The billing periods and reading of water meters for the LBBIP Sanitary Sewer System shall be as set forth in the Intergovernmental Agreement. (Ord. No. 97-26, Sec. 1, 8-21-97)

Sec. 23-139 Rates established.

(a) The rates and charges for the use of and for the services supplied by the combined municipal waterworks and sewage system of the Village, based upon meter readings of the amount of water consumed in each two (2) month period on each premises located within the Village’s corporate limits, supplied with water, or water and sewage service by said system, shall include a basic charge and usage component. The basic charge for residential customers shall be as follows:

<table>
<thead>
<tr>
<th>Basic charge</th>
<th>Water Only</th>
<th>Water and Sewer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$22.90</td>
<td>$55.10</td>
</tr>
</tbody>
</table>

The basic charge for each non-residential customer located within the Village’s corporate limits receiving water service shall be based on each two hundred thousand (200,000) gallons or fraction thereof of actual water used during the prior one (1) year period and shall be calculated as provided in Section 23-139 (b).

The user charges for all customers located within the Village’s corporate limits shall be as follows:

<table>
<thead>
<tr>
<th>For each 1,000 gallons</th>
<th>Water Only</th>
<th>Water and Sewer</th>
</tr>
</thead>
<tbody>
<tr>
<td>or fraction thereof,</td>
<td>$3.36</td>
<td>$8.19</td>
</tr>
</tbody>
</table>

The rates and charges for the use of and for the services supplied by the combined municipal waterworks and sewage system of the Village, based upon meter readings of the amount of water consumed in each two (2) month period on premises and customers located outside the corporate limits of the Village which are supplied with water or water and sewer services by said system, shall be 1.5 times the basic charge and usage charge imposed on premises and customers located within the corporate limits of the Village. (Ord. 97-26, Sec. 2, 8-21-97, Ord. 2000-25, Sec. 1, 4-27-00, Ord. 01-06, Sec. 1, 3-15-01, Ord. 03-12, Sec. 1, 4-17-03, Ord. 04-11, Sec. 1, 4-15-04, Ord. 05-11, Sec. 1, 4-21-05, Ord. 06-14, Sec. 1, 4-20-06, Ord. 07-15, Sec. 1, 4-19-07, Ord. 08-05, Sec. 1, 4-17-08, Ord. 09-16, Sec. 1, 5-14-09; Ord. 10-12, Sec. 1, Chapter 23, Page 37
(b) In the case of all non-residential customers receiving water service, the amount of the basic charge to be paid as part of each bi-monthly payment that is due during the one (1) year period beginning as of May 1st of each year shall be calculated by multiplying the amount of the basic charge for residential users specified in Section 23-139(a) that is applicable to the type of service being provided to the customer by a number equal to each two hundred thousand (200,000) gallons or fraction thereof used by the customer during the one (1) year period that ended as of the last billing period that concluded prior to the previous April 1.

(c) For purposes of calculation of the basic charge for multi-family residences, each dwelling unit shall be considered as a separate premise. Each dwelling unit for multi-family residences or a single residence located in a structure containing non-residential uses shall be considered a separate premise. Each non-residential unit of a structure containing multi-family residences and non-residential uses shall be considered a separate premise unless there is a separate meter for the non-residential portion of the structure for the purpose of calculating a non-residential basic charge found in Section 23-139 (b). (Ord. N. 17-15, Sec. 1, 8-17-17)

(d) Rates and charges for the use of the Village sewer works and wastewater treatment facility in each two (2) month period for each single-family dwelling supplied with the Village sewage service only shall be seventy-five dollars and sixty-seven cents ($75.67).

(e) Rates and charges for the use of the Village sewer works and wastewater treatment facility for each factory, apartment building or multiple family dwelling, hospital, restaurant, motel, lodge, institutional user, place of business and all other users, except single family dwellings, supplied with the Village sewer treatment and disposal service only, shall be based upon meter readings of the amount of waste and water emitted from the premises in each two (2) month period, or fraction thereof, and shall include a basic charge and usage component, as follows:

<table>
<thead>
<tr>
<th>Charge</th>
<th>Basic Charge per Unit</th>
<th>Each 1,000 gallons or fraction thereof, per 1,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$63.61</td>
<td>$4.83</td>
</tr>
</tbody>
</table>

The number of units in the basic charge to be paid for premises which are not single family dwellings and which receive only sewage treatment and disposal service during the one (1) year period beginning as of May 1st of each year shall be calculated by multiplying the amount of the basic charge per unit specified above by a number equal to each two hundred thousand (200,000) gallons or fraction thereof of waste and water emitted, or of water used.
whichever is utilized to calculate the usage component, to the premises during the one (1)
year period that ended as of the last billing period that concluded prior to the previously April
1. (Ord. No. 01-06, Sec. 1, 3-15-2001, Ord. No. 2003-12, Sec. 1, 4-17-03, Ord. No. 2004-11,
Sec. 1, 4-15-04, Ord. No. 2005-11, Sec. 1, 4-21-05, Ord. No. 2006-14, Sec. 1, 4-20-06, Ord.
No. 07-15, Sec. 1, 4-19-07, Ord. No. 08-05, Sec. 1, 4-17-08, Ord. No. 09-16, Sec. 1, 5-14-09;
Ord. No. 10-12, Sec. 1, 3-18-10; Ord. No. 11-08, Sec. 1, 4-21-11; Ord. No. 12-14, Sec. 1, 5-
17-12; Ord. No. 13-07, Sec. 1, 4-18-13; Ord. No. 14-5, Sec., 4-17-14; Ord. No. 15-6, Sec. 1,
4-16-15; Ord. No. 16-09, Sec. 1, 4-21-16; Ord. No. 17-10, Sec. 1, 4-20-17; Ord. No. 18-06,
Sec. 1, 4-19-18; Ord. No. 19-05, Sec. 1, 4-18-19)

(f) A treatment service surcharge shall be levied to all sewer users whose wastewater exceeds
the normal concentrations of two hundred (200) mg/l of BOD, two hundred fifty (250) mg/l
of suspended solids, one hundred (100) mg/l of fats, oils and grease, or twenty (20) mg/l of
ammonia-nitrogen as determined by waste sampling which shall be performed as often as
deemed necessary by the Superintendent and shall be binding as the basis for computing the
surcharge. The surcharge rates shall be as follows:

(1) Fifty-nine cents ($0.59) per pound of BOD in excess of 0.17 pounds per one hundred
(100) gallons.

(2) Fifty-nine cents ($0.59) per pound of suspended solids in excess of 0.21 pounds per
one hundred (100) gallons.

(3) One dollar and eighteen cents ($1.18) per pound of fats, oils, and grease in excess of
0.08 pounds per one hundred (100) gallons.

(4) Five dollars and ninety cents ($5.90) per pound of ammonia-nitrogen in excess of
0.02 pounds per one hundred (100) gallons . (Ord. 08-11 Sec. 2, 6-19-08, Ord. No.
09-16, Sec. 1, 5-14-09)

(g) A fire sprinkler surcharge of twenty-seven dollars and fifty-one cents ($27.51) per month
shall be added to each bill for water service that is issued for premises on which a sprinkler
system designed to suppress fires is located. (Ord. No. 07-15, Sec. 1, 4-19-07)

(h) The sewer service user charge for the LBBIP Sanitary Sewer System shall be as set forth in
the Intergovernmental Agreement (Ord. No. 97-26, Sec. 2, 8-21-97, Ord. No. 2000-25, Sec.
1, 4-27-2000, Ord. No. 08-05, Sec. 1, 4-17-08)

Sec. 23-140. Joint and severable liability.

The owner and occupant of any premises and the user of either water or sewage service, or both
water and sewage service, shall be jointly and severally liable to pay for the service on said premises,
and the service is furnished to the premises by the Village only upon the condition that the owner of
the premises, occupant and user of the service, are jointly and severally liable therefor to the Village.

Sec. 23-141. When bills are to be rendered; due date; penalty for late payment.

Water and sewer bills shall be rendered at the end of each two (2) month period as established in this
Article and shall be payable within fifteen (15) days after the date of the original bill. If the bill is
not paid within the initial fifteen (15) day period, a penalty of ten (10%) percent of the amount of the
bill shall be added thereto and become due. If the bill is not paid within forty-five (45) days from the
date the bill was issued, the penalty shall be increased an additional ten (10%) percent of the original
bill. The sewer bills for the LBBIP sewer and water user charges shall be rendered and payable
pursuant to the provisions of the Intergovernmental Agreement. (Ord. No. 97-26, Sec. 3, 8-21-97,
Ord. No. 98-28, Sec. 1, 7-16-98; Ord. 10-07, Sec. 1, 2-18-10; Ord. 14-02, Sec. 1, 2-6-14)

Sec. 23-142. Delinquent bills; lien on premises; authority to file notice of lien.

In the event a water or sewer bill including any penalty then due is not paid within sixty (60) days
after the date of billing, such charges and penalty shall be deemed and are hereby declared to be
delinquent, and thereafter the Village shall file a statement of lien claim with the County Recorder of
Deeds. This statement of lien claim shall include the legal description of the property to which
service was provided, the amount unpaid including penalty, and a notice that the Village claims a
lien for the stated amount as well as for all water or sewer charges and penalties, subsequent to the
period for which the bill was rendered. Whenever the person whose water or sewer bill is delinquent
is not the owner of the property to which service was provided by the Village, and the Village has
previously received notice of this, notice of delinquency and lien shall be mailed to the owner of the
property if his address is known by the Village. The failure of the Village to record the lien with the
County Recorder of Deeds or to mail the notice of delinquency and lien to the owner of the property
or failure of the owner to receive such notice shall not affect right of the Village to foreclose the lien
for unpaid bills as mentioned in the foregoing Section.

Sec. 23-143. Foreclosure of lien for delinquent bills.

Property subject to a lien for unpaid water or sewer 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 initiate such proceedings
against any property for which the bill has remained unpaid ninety (90) days after it has been
rendered.

Sec. 23-144. Disconnection of service.

The Village may discontinue Water or Sewer services when the conditions in (a) or (b) exist.
(a) The water supply or sewer service may be shut off from any premises for which the water or sewer bill remains unpaid sixty (60) days after the issuance of the original bill for such service. In the event the Rental Property Utility Service Act, 765 ILCS 735/1 et. seq., which applies to buildings with 3 or more residential units, or any other statute governing a municipality’s shut-off of water is applicable, the relevant provisions of such statute shall be followed for the shut-off of water instead of the procedures set forth of this Section. If water and/or sewer service is discontinued, service shall not be reinstated until all past due bills and penalties due thereon are paid in full, together with the payment of a fee of eighty ($80.00) dollars to cover the cost of discontinuing and reinstating service during normal hours of 6:30 a.m. to 3:00 p.m. Monday through Friday. If the customer requests that service be reinstated during a time which is not part of the normal work hours an additional fee of eighty ($80.00) dollars will be charged to the customer’s account. If a bill is paid after notice is posted on the premises that water and/or sewer service to the premises will be shut off but prior to the service actually being shut off, a fee of twenty-five ($25.00) dollars shall be added to the bill to cover the cost of posting the notice and otherwise initiating shut off procedures. (Ord. No. 19-05, Sec. 2, 4-18-29)

(b) The Village reserves the right to shut off water service at once and keep it off as long as may be necessary by giving notice that is reasonable under the circumstances to affected users, for the purposes of making repairs, alterations or performing maintenance to the Village’s water system including the buffalo box, water meter and water service line. When an emergency occurs, notice posted on the Village’s website or an e-mail broadcast after the emergency event indentifying the affected area shall be reasonable notice. (Ord. No. 97-26, Sec. 4, 8-21-97, Ord. No. 98-28, Sec. 2, 7-16-98, Ord. No. 99-02, Sec. 1, 2-18-1999; Ord. No. 2002-37, Sec.1, 12-19-02; Ord. No. 13-01, Sec. 1, 1-17-13)

Secs. 23-145 – 23-149. Reserved.

ARTICLE VI. WASTEWATER PRETREATMENT REGULATIONS

Sec. 23-150. Purpose and policy.

Pursuant to the requirements of Title III of the Clean Water Act of 1977, as amended (33 U.S.C. Sec. 1251 et seq.) and regulations promulgated thereunder, and the Illinois Environmental Protection Act of 1970, as amended (415 ILCS 5/1 et seq.), the purpose of this Article is to establish wastewater pretreatment regulations to prevent the introduction of pollutants into the public sanitary sewer system which will interfere with the operation of the sewage treatment plant, including interference with its use or disposal of municipal sludge, or which will pass through the sewage treatment plant or otherwise be incompatible with such treatment works as required under applicable provisions of Article III, Section 46 of the Code of Ordinances. (Ord. No. 97-27, Sec. 16, 8-21-97)

Sec. 23-151. Incorporation of the National Categorical Treatment Standards.
The National Categorical Pretreatment Standards promulgated by the USEPA and set forth in 40 CFR, Chapter I, subchapter N, parts 405-471, three (3) copies of which have been on file in the office of Village Clerk for a period of not less than fifteen (15) days prior to the date of the adoption of this Article, shall be and hereby are incorporated by reference. If said National Categorical Pretreatment Standards for a particular industrial user are more stringent than the limitations otherwise imposed under this Article for sources in that category, the National Categorical Pretreatment Standards shall supersede the limitations and conditions otherwise imposed under this Article; and said standards shall be complied with by all industrial users subject to such National Categorical Pretreatment Standards. The Village shall notify all known effected users of the applicable reporting requirements under 40 CFR Section 403.12.

Sec. 23-152. Pretreatment.

All industrial users shall provide necessary wastewater pretreatment as required to comply with this Article and shall achieve compliance with all applicable pretreatment standards within the time limitations, as specified by appropriate statutes and regulations. The National Categorical Pretreatment Standards shall be added to this Article as amendments. Any facilities required to pre-treat wastewater to a level acceptable to the POTW shall be provided, properly operated and maintained at the user's expense. All industrial users shall obtain all necessary construction-operating permits from the IEPA. Such pretreatment facilities shall be under the control and direction of an IEPA certified wastewater treatment operator. Any subsequent significant changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the Village prior to the industrial user's initiation of the changes.

Sec. 23-153. Excessive discharge.

No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards (NCPS), when effective, or in any other pollutant-specific limitations developed by the Village.

Sec. 23-154. Containment.

(a) Each industrial user having the ability to cause interference with the POTW treatment plant or to violate the regulatory provisions of this Article shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this Article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense.

(b) All industrial users whose wastewater includes or could include compatible or incompatible pollutants in amounts great enough to cause interference with the POTW must have detailed plans on file with the Village, showing facilities and operating procedures to provide protection from accidental discharge. All industrial users shall complete construction of said
facilities by the compliance date required by the National Categorical Pretreatment Standards. No industrial user who begins contributing to or could contribute such pollutants to the POTW after the effective date of this Article shall be permitted to introduce such pollutants into the POTW, until accidental discharge facilities and procedures, as appropriate, have been approved by the Village and installed by the industrial user. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify its facility, as necessary to meet the requirements of this Article.

(c) In the case of an accidental or deliberate discharge of compatible or incompatible pollutants which may cause interference at the POTW or violate requirements of this Article, it shall be the responsibility of the industrial user to immediately telephone and notify the Superintendent of this incident. The notification shall include the name of caller, the location and time of discharge and the type of wastewater, concentration and volume.

(d) Within fifteen (15) days following such an accidental or deliberate discharge, the industrial user shall submit to the Village a detailed written report, describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Follow-up reports may be required by the Village as needed. Such report or reports shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such report relieve the user of any fines, civil penalties or other liability which may be imposed by the Village. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the Village, result in the revocation of the discharger's wastewater discharge permit.

(e) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss or failure of its treatment facility, until the facility is restored, or an alternative method of treatment is provided. This requirement includes the situation when, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(f) A notice in English and the language of common use shall be permanently posted on the industrial user's bulletin board or other prominent place, advising employees whom to call in the event of an accidental or illegal discharge. Employers shall ensure that all employees who are in a position to cause, discover or observe such discharge are advised of the emergency notification procedure.

Sec. 23-155. Wastewater discharge permit.

(a) When requested by the Superintendent, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Superintendent is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to
complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this Chapter.

(b) It shall be unlawful for any significant industrial user to discharge wastewater into the Village's POTW without first obtaining a wastewater discharge permit. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

(c) The Superintendent may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this Chapter.

(d) Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this Chapter and who wishes to continue such discharges in the future, shall within one hundred twenty (120) days after said date, apply for a wastewater discharge permit in accordance with Section 23-155(f) and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this Chapter except in accordance with a wastewater discharge permit issued by the Superintendent.

(e) Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least sixty (60) days prior to the date upon which any discharge will begin.

(f) In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information required by Section 23-112 and the additional information listed below:

(1) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.

(2) Number and type of employees, hours of operation, and proposed or actual hours of operation.

(3) Each product produced by type, amount, process or processes, and rate of production.

(4) Type and amount of raw materials processed (average and maximum per day).

(5) The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
(6) Time and duration of the discharge.

(7) A list of any environmental control wastewater discharge permits held by or for the facility.

(8) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(9) Identify the categorical pretreatment standards applicable to each regulated process.

(10) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the Village) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be collected and analyzed in accordance with procedures set out in Section 23-46.

(11) A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(12) Any other information as may be deemed necessary by the Superintendent to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

(g) All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information.
(h) The Superintendent will evaluate the data furnished by the industrial user and may require additional information. Within sixty (60) days of receipt of a complete wastewater discharge permit application, the Superintendent will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The Superintendent may deny any applications for a wastewater discharge permit.

(i) Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(j) Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

Wastewater discharge permits must contain the following conditions:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.
2. A statement that the wastewater discharge permit is nontransferable.
3. Effluent limits applicable to the user based on applicable standards in Federal, State, and local law.
4. Self monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
5. Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(k) Wastewater discharge permits may contain, but need not be limited to, the following:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
(2) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

(3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(4) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

(5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(8) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this Chapter and State and Federal laws, rules and regulations.

(l) Any person, including the industrial user, may petition the Village to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(4) If the Village fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.
(m) The Superintendent may modify the wastewater discharge permit for good cause including, but not limited to, the following:

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
2. To address significant alterations or additions to the industrial user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance.
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
4. Information indicating that the permitted discharge poses a threat to the Village's POTW, Village personnel, or the receiving waters.
5. Violation of any terms or conditions of the wastewater discharge permit.
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
8. To correct typographical or other errors in the wastewater discharge permit.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

(n) Wastewater discharge permits may not be reassigned or transferred to a new owner, operator or lessee. A new wastewater discharge permit must be requested by the new owner, operator or lessee.

(o) Each industrial user is required to notify the Superintendent of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change.

1. The Superintendent may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 23-155(f).
2. The Superintendent may issue a wastewater discharge permit or modify an existing wastewater discharge permit.
(3) No industrial user shall implement the planned changed condition(s) until and unless the Superintendent has responded to the industrial user's notice.

(4) For purposes of this requirement, flow increases of ten (10%) percent or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

Section 23-156. Inspection, sampling and record keeping.

(a) The Superintendent may inspect the facilities of all industrial users to ascertain whether the purposes of this Chapter are being met and if all requirements of this Chapter are being complied with. If persons or occupants of the premises on which a discharge source or treatment system is located or in which records are kept do not voluntarily allow the Superintendent or his representative ready access upon presentation of credentials at reasonable times to all parts of said premises for the purpose of inspecting, sampling, examining and photocopying records required to be kept by this Chapter and the performance of their other duties, then the Superintendent is authorized to petition any court having competent jurisdiction through the Village Attorney for the issuance of a search warrant which will allow such inspection, sampling, examination and photocopying and the performance of any of their other duties. If the Superintendent or his representative finds that it is necessary to set up on the industrial user's property devices that are necessary to conduct sampling, monitoring and metering operations, the Superintendent shall request permission from the industrial user to set up such devices. If the industrial user refuses to grant such permission, the Superintendent shall apply to the appropriate court through the Village Attorney for a warrant or order which will allow such devices to be set up on the industrial user's property.

(b) The industrial users and the Village shall maintain records of all information resulting from any monitoring activities required by this Article, and the records shall include:

(1) The date, exact place, method and time of sampling and the names of the persons taking the samples;

(2) The dates analyses were performed;

(3) Who performed the analyses;

(4) The analytical techniques/methods used; and

(5) The results of such analyses.

(c) The Village and the industrial users shall maintain such records for a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or operation of the
POTW pretreatment program or when requested by the regional administrator of the USEPA or the director of IEPA.

Sec. 23-157. Public notification of significant violations.

The Village shall annually publish in a newspaper, which has a general circulation within the Village, a list of the industrial users who committed significant violations of any pretreatment requirement or standard during the previous twelve (12) months.

Sec. 23-158. Compulsory compliance procedures.

(a) Notice of violation and compliance meeting. Should a violation of this Article by an industrial user occur, whether or not a significant industrial user, the Village shall notify the offending user, in writing, through a "notice of violation" as to the particulars of such violation or violations and set a time and place for a meeting (hereinafter called a "compliance meeting") to be attended by representatives of the Village and the industrial user. The purpose of such a meeting shall be to establish such procedures, investigations, studies and compliance measures as the Village deems necessary and desirable to control and prevent a violation of this Chapter. The industrial user shall cooperate fully with the Village in making such investigations and studies.

(b) Order

(1) Following the completion of any procedures, investigations or studies as described in Section 23-156(a) above, the Village may issue an order which may:

a. Require compliance with applicable pretreatment standards and requirements;

b. Control the discharge to the POTW to ensure compliance with applicable pretreatment standards and requirements;

c. Require the development of a compliance schedule for the installation of technology required to meet applicable pretreatment standards and requirements and the submission of all notices and self-monitoring reports as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including, but not limited to, the reports required by 40 CFR Section 403.12.

(2) If the Village has sufficient information at the time of the compliance meeting to determine necessary and desirable compliance measures, it may, at the time of the compliance meeting, issue an order directing and requiring the industrial user to take such action, including pretreatment, without further investigation or study.
(3) Failure to comply with the order of the Village shall be deemed a violation of this article and may be grounds for revocation of the industrial user's wastewater discharge permit and grounds for such other actions as may be authorized for a violation of this Article.

Sec. 23-159. Revocation of permit.

(a) Conditions for revocation. Any significant industrial user who violates this Article, an order issued pursuant to Section 23-158(b) of this Article, the Illinois Environmental Protection Act, or the Federal Act, or regulations promulgated under either Act, or any of the following is subject to having its wastewater discharge permit revoked in accordance with the procedures of this Section:

(1) Failure of an industrial user to fully and accurately report the wastewater constituents and characteristics of its wastewater discharge, as determined by the industrial user's or the Village's analysis;

(2) Failure of the industrial user to fully and accurately report significant changes in process activity which could affect its wastewater discharge or wastewater constituents and characteristics;

(3) Refusal of reasonable access to the industrial user's premises by Village representatives for the purpose of inspection or monitoring;

(4) Tampering with, disrupting or destroying POTW equipment;

(5) Failure to report an accidental discharge of a pollutant;

(6) Failure to report an upset of the industrial user's treatment facilities; or

(7) Violations of any condition of the wastewater discharge permit.

(b) Procedures for revocation.

(1) The Village may order any industrial user who causes or allows any action which is subject to revocation under Section 23-159(a) above to show cause before the Board of Trustees why its wastewater discharge permit should not be revoked. A notice shall be served on the industrial user, specifying the time and place of a hearing to be held by or on behalf of the Board of Trustees regarding the violation, the reasons why the action is to be taken, the proposed action and directing the industrial user to show cause why its wastewater discharge permit should not be revoked. The notice of the hearing shall be served personally or by registered or certified mail, return receipt
requested, at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

(2) The Board of Trustees may itself conduct the hearing and take the evidence or may designate any of its members or its attorney to:

a. Issue, in the name of the Board, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

b. Take the evidence;

c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board for action thereon.

(3) At any hearing held pursuant to this Article, testimony taken must be under oath and recorded stenographically or by tape recording. The transcript of said hearing will be made available to any member of the public or any party to the hearing upon payment of the usual copying charges therefor.

(4) After the Board of Trustees has reviewed the evidence, it may issue an order to the industrial user responsible for the discharge directing either: that the wastewater discharge permit be revoked and the service disconnected; or that following a specified time, the wastewater discharge permit shall be revoked and sewer service discontinued, unless adequate treatment facilities, devices or other related appurtenances have been installed and operated properly to comply with the wastewater discharge permit; or direct the user to cease the unauthorized discharge effective after a specified period of time; or that such other action as deemed necessary by the Board to abate the discharge done by the industrial user. Further orders and directives as are necessary may be issued.

(5) Following an order of revocation of its wastewater discharge permit, the industrial user shall cease discharging to the POTW in accordance with the terms of said order. Failure to do so shall be prima facie evidence of continuing harm to the POTW and provide grounds for the granting of injunctive relief or temporary restraining orders.

Sec. 23-160. Immediate disconnection of service.

(a) Conditions for immediate disconnection of service. Any industrial user is subject to immediate disconnection of service under either of the following conditions:
Whenever immediate disconnection is required to halt or prevent any discharge of pollutants to the POTW which reasonably appears to the Superintendent to present an imminent endangerment to the health or welfare of persons; or

Whenever the industrial user's wastewater discharge permit is revoked.

(b) Procedures for immediate disconnection. Notwithstanding Sections 23-158 and 23-159 of this Article, the Superintendent shall have the authority, after informal notice to the industrial user, to immediately and effectively halt or prevent any discharge of pollutants to the POTW that reasonably appears to present an imminent endangerment to the health or welfare of persons. When the Superintendent determines that such an emergency situation exists, he shall issue a verbal order (followed immediately by a written order) to the industrial user, stating the problem and requiring immediate cessation of the discharge. The Superintendent's actions may include the disconnection of wastewater collection service. The Superintendent shall obtain the concurrence of the Village Attorney before initiating action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between the industrial user and the POTW employees, telephone calls, letters, hand-delivered messages or notices posted at the industrial user's premises or point of discharge.

(c) Right to request hearing. Any industrial user which is disconnected pursuant to Section 23-160(a)(1) above shall have the right to request a hearing before the Board of Trustees of the Village, at which time the industrial user shall be given the opportunity to show cause as to why it should not be disconnected from the Village's wastewater collection system. Such hearings shall commence within seven (7) days after a written request for the hearing is received by the Village President. Such hearing shall be conducted in accordance with the procedures contained in Section 23-159(b) of this Article.

Sec. 23-161. Elimination of discharge; reinstatement.

Any industrial user notified of a disconnection of the wastewater service under Section 23-160 and/or revocation of its wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the industrial user to comply voluntarily with the disconnection or revocation order, the Village shall take such steps as deemed necessary, including immediate blockage or severance of the sewer connection, to prevent or minimize damage to the POTW system or danger to any person. If the Superintendent exercises his authority under Section 23-160(a)(1), the Superintendent shall reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge.

Sec. 23-162. Injunctive relief.

(a) The Village may institute a civil action for an injunction to restrain violations of this Article.
(b) The Village may, upon discovering an ongoing or potential discharge of pollutants to the POTW which reasonably appears to present an imminent danger to the health or welfare of persons, seek and obtain from the Circuit Court of McHenry or Lake County a temporary restraining order or preliminary injunction to halt or prohibit such discharge. Prior to the filing of such petition, the discharger shall be given an informal notice of the Village's intention to file such action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between discharger and the POTW employees, telephone calls, letters, hand-delivered messages or notices posted at the discharger's premises or point of discharge. Personal contact between the POTW personnel and the discharger shall be attempted but shall not be a condition precedent to the Village petitioning for obtaining a temporary restraining order.

Sec. 23-163. Additional remedies.

(a) In addition to remedies available to the Village set forth elsewhere in this Article, if the Village is fined by the State of Illinois or the USEPA for a violation of the POTW NPDES permit or a violation of water quality standards as the result of the discharge of pollutants, then the fine, including all Village legal, sampling, analytical testing costs and any other related costs, shall be charged to the responsible industrial user. Such charge shall be in addition to, and not in lieu of, any other remedies the Village may have under this Article, statutes and regulations, at law or in equity.

(b) If the discharge from any industrial user causes a deposit, obstruction or damage to any part of the POTW wastewater facility, the Village may cause the deposit or obstruction to be removed or cause the damage to be repaired. The cost for such work, including materials, labor and supervision, shall be borne by the person or industrial user causing such deposit, obstruction or damage.

(c) The remedies provided in this Article shall not be exclusive, and the Village may seek whatever other remedies are authorized by statute, at law or in equity, against any person or industrial user violating the provisions of this Article.

(d) In addition to any fine levied, the Village may, where the circumstances of the particular case so dictate, seek injunctive relief to prohibit the user from discharging into the sanitary sewer system or to provide such other affirmative relief as may be appropriate.

Sec. 23-164. Penalties and costs.

Any industrial user who is found to have violated an order of the Village or who has failed to comply with any provision of this Article and the orders, rules and regulations and wastewater discharge permits issued hereunder shall be fined in an amount not less than one hundred ($100.00) dollars nor more than one thousand ($1,000.00) dollars for each violation. For the purpose of this Section, each day in which any such violation shall occur shall be deemed a separate violation; and a separate
violation shall be deemed to have occurred for each constituent which has limitations listed in this Article found to exceed the limits established in this Article during any such day. In addition to the penalties provided herein, the Village may recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Article or the orders, rules, regulations and permits issued hereunder.

Sec. 23-165. Falsification.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article or wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Article, shall be subject to the penalties and costs provided in Section 23-164 and shall, in addition, be guilty of a misdemeanor and, upon conviction, be punished by a fine of not more than ten thousand ($10,000.00) dollars.

Sec. 23-166. Jurisdiction.

This Article shall apply to the Village and to persons outside the Village who are, by contract or agreement with the Village, users of the POTW.

Sec. 23-167. Right of revision.

The Village may from time to time amend, and/or supplement the rules and regulations of this Article. Any such amendments and/or supplemental rules and regulations which are promulgated after the effective date of this Chapter shall be incorporated and made a part of this Article as if fully set forth herein. In the event of a conflict between any of the rules and regulations contained in this Article and subsequent amendments and/or supplemental rules and regulations made hereto, the later amendments and/or supplemental rules and regulations shall prevail.

The Village reserves the right to establish more stringent limitations or requirements on discharges to the POTW by amendments to this Article.

Sec. 23-168 -- 23-172. Reserved.

ARTICLE VII. WASTE TREATMENT

Sec. 23-173. Discharge by wastewater hauler; permit required.

No waste, including, but not limited to septage and sludge, shall be transported or conveyed for treatment or disposed to the POTW's treatment plant by a waste hauler or by means other than the Village's sewer system unless the person transporting such waste has been issued a permit approved by the Village's Board of Trustees.
Sec. 23-174. Rates.

The following rates shall be charged for the treatment of waste that is transported or conveyed to the POTW treatment plant by means other than the Village's sewer system:

(1) Fifteen (.15) cents per gallon for domestic septage.
(2) Fifteen (.15) cents per gallon for sludge.

For the purposes of this Section, sludge shall be considered to be that waste where the percentage of solids exceeds two (2%) percent. (Ord. No. 94-04, Sec.1, 3-17-94)

Sec. 23-175. Penalty for late payment; interest.

Bills for waste treatment shall be issued monthly and shall be payable within thirty (30) days after the date of the original bill. If payment of the entire amount of the bill is not received by the Village on or before thirty (30) days after the date of the original bill, then interest at the rate of one and one-half (1½%) percent per month or any fraction thereof shall be added to the amount of such unpaid bill and become due. Such interest shall accrue from the thirtieth day after the date of the original bill and shall continue to accrue until all waste treatment bills more than thirty (30) days old are paid in full.

Secs. 23-176 -- 23-185. Reserved.

ARTICLE VIII. CROSS-CONNECTION CONTROLS

Sec. 23-186. Water system.

(a) The water system within the Village shall be considered as made up of two parts: the public water supply system and the consumer's water system.

(b) The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system up to the point where the consumer's water system begins.

(c) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.

(d) The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

(e) The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.
Sec. 23-187. Cross-connection prohibited.

(a) 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 public water supply enters the public water supply unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of Water and Sewers and the IEPA.

(b) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any arrangement or connection by which a pollutant or contaminant may enter the public water supply.

(c) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where cross-connection control devices or methods which meet the requirements of this Article and any applicable State law or regulation are installed, tested and maintained to insure proper operation on a continuing basis.

(d) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Village or the IEPA.

Sec. 23-188. Survey and investigations.

(a) It shall be the duty of the Superintendent of Water and Sewers to cause a survey to be made of properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. This survey shall be an inventory of water uses by service connection and is not intended to include a visual inspection of piping or plumbing systems. Surveys and investigations shall be made a matter of public record and shall be repeated at least every two (2) years, or as often as the Superintendent of Water and Sewers shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five (5) years.

(b) The Superintendent of Water and Sewers or a CCCDI may inspect the premises of all consumers to ascertain the presence or absence of cross-connections within the premises, to inspect and test cross-connection control devices within the premises and for the purposes of verifying information submitted pursuant to this article. If the owners or occupants of the premises do not voluntarily allow the Superintendent or a CCCDI ready access upon presentation of credentials at reasonable times to all parts of said premises for the purpose of inspecting, sampling, examining and photocopying records required to be kept by this Article and the performance of their other duties, then the Superintendent or the CCCDI is authorized to petition any court having competent jurisdiction, through the Village Attorney,
for the issuance of a warrant or order authorizing such inspection, sampling, examination and photocopying and the performance of any of their other duties. If the Superintendent or the CCCDI finds that it is necessary to conduct sampling and monitoring operations, the Superintendent shall request the permission from the consumer to set up such devices. If the consumer refuses to grant such permission, the Superintendent or CCCDI shall apply to the appropriate court, through the Village Attorney, for a warrant or order which will allow such devices to be set up on the premises.

(c) Water consumers which are commercial, institutional or industrial establishments shall conduct annual surveys of water use practices on the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public water supply system. All cross-connection control or other plumbing inspections must be conducted in accordance with 225 ILCS 320/3(1) as now or hereafter amended. (Ord. No. 97-27, Sec. 17, 8-21-97)

(d) The consumer shall prevent backflow into the public water system by ensuring that:

(1) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.

(2) Cross-connection control devices are installed in accordance with the manufacturer's instructions.

(3) Cross-connection control devices are inspected at least annually by a CCCDI. The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.

(4) All cross control devices are tested and records made and maintained as follows:

a. Each device shall be tested at least annually or more frequently if recommended by the manufacturer.

b. Records submitted to the Village shall be available for inspection by Village personnel and IEPA personnel in accordance with 415 ILCS 5/4(e) as now or hereafter amended. (Ord. No. 97-27-, Sec. 18, 8-21-97)

c. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type of date of repairs.

d. A maintenance log shall be maintained and include:

(i) date of each test;

(ii) name and number of person performing the test;
(iii) test results;
(iv) repairs and date completed; and
(v) service performed and date completed.

Sec. 23-189.  Where cross-control protection is required.

(a) An approved backflow device shall be installed on each service line to a consumer's water system serving premises where because of operations upon or the use of the premises there is an actual or potential hazard that a contaminant, pollutant or other substance which may affect the potability of the public water supply may flow from the service line directly or indirectly into the public water supply system.

(b) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

(1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent of Water and Sewers and the source is approved by the IEPA.

(2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent of Water and Sewers.

(3) Premises having internal cross-connections that are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.

(4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.

(5) Premises having a history of two (2) or more cross-connections being established or re-established within a ten (10) year period.

(c) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but necessarily limited to, the following types of facilities:

(1) Hospitals, mortuaries, clinics, nursing homes.

(2) Laboratories.
(3) Piers, docks, waterfront facilities.

(4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.

(5) Food or beverage processing plants.

(6) Chemical plants.

(7) Metal plating industries.

(8) Petroleum processing or storage plants.

(9) Car washes.

(10) Commercial or industrial establishments which process or manufacture materials that are considered to be contaminants or pollutants.

Sec. 23-190. Type of back flow prevention device required.

When a back flow prevention device is required, the type of device shall be as follows:

(1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.

(2) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water supply system may be contaminated with a pollutant, contaminant or other substance that could cause a system hazard or a health hazard.

(3) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water system may be contaminated or polluted with substances that could cause a hazard not dangerous to health.

(4) Where the public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire sprinkler systems connected to the public water supply when:

(a) the sprinkler system contains antifreeze;

(b) water is pumped into the system from another source; or

(c) there is a connection whereby another source can be connected to the sprinkler system.
(5) The type of protection required unless otherwise specified in this Section shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.

Sec. 23-191. Inspection and maintenance.

(a) It shall be the duty of the consumer at any premises on which a backflow prevention device required by this Article is installed to have the backflow device inspected, tested, maintained and repaired in accordance with the following schedule or as specified in the manufacturer's manual if the manual provides for more frequent inspections, testing or maintenance.

(1) Fixed proper air gap separations shall be inspected at the time of installation and at least annually thereafter.

(2) Double check valve assemblies shall be inspected and tested for tightness at time of installation.

(3) Reduced pressure principle backflow prevention devices shall be tested at least annually or more frequently if recommended by the manufacturer, and required service performed within five (5) days.

(b) Testing shall be performed by a person who has been approved by the IEPA as competent to service the device. Proof of approval shall be in writing.

(c) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(d) A maintenance log shall be maintained and include:

(1) date of each test or visual inspection;

(2) name and approval number of person performing the test or visual inspection;

(3) test results;

(4) repairs or servicing required;

(5) repairs and date completed; and

(6) servicing performed and date completed.

(e) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer within five (5) days.
days provided that if the device cannot be repaired or replaced within five (5) days because of unavailability of parts, materials or labor, it shall be repaired or replaced as soon thereafter as possible.

(f) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent of Water and Sewers.

Sec. 23-192. Booster pumps.

(a) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty (20) psi or less.

(b) It shall be the duty of the consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent of Water and Sewers at least once a year that the device is operable.

Sec. 23-193. Inspection fee.

(a) Annual Certification Fee. The annual fee for certification of required cross-connection control devices is as follows:

Fee per devise on a premises: ................................................$65.00
Administrative Fee.................................................................$15.00
Total Annual Certification Fee per device .........................$80.00

(b) Bi-monthly Payment of Certification Fees. The Annual Certification Fees for a premises shall be included as part of the bi-monthly billing period for each cross-connection control device certified. (Ord. No. 99-34, Sec. 1, 9-16-99, Ord. No. 08-07, Sec. 1, 5-15-08)

Sec. 23-194. Compliance required.

(a) Consumers must comply with this Article in order to continue to receive water service from the public water supply system.

(b) If the public water supply is contaminated or polluted by backsiphoned material or backflow, then if the contamination or pollution occurs through an improperly installed, maintained or repaired backflow prevention device, or because a backflow prevention device has been bypassed, then the consumer responsible shall, in addition to any fines or other amounts due, pay to the Village any and all costs incurred in removing the contaminant or pollutant from...
the public water supply system, including the cost of effecting compliance with and enforcing this Article.

Sec. 23-195. Disconnection of service.

(a) The premises of a consumer who violates a provision of this Article may be disconnected from the public water supply system as provided in this Section.

(b) Procedures for immediate disconnection:

(1) Any consumer is subject to having the consumer's premises immediately disconnected from the public water supply system whenever immediate disconnection is required to halt or prevent any pollutant or contaminant from flowing from the premises into the public water supply system which reasonably appears to the Superintendent of Water and Sewers to present a severe health hazard.

(2) The Superintendent of Water and Sewers shall have the authority, after informal notice to the consumer, to immediately and effectively halt or prevent any discharge of pollutants or contaminants to the public water supply system that reasonably appears to present a severe health hazard. When the Superintendent determines that such an emergency situation exists, he shall issue a verbal order (followed immediately by a written order) to the consumer, stating the problem and requiring immediate cessation of the discharge. The Superintendent's actions may include the disconnection of water service. The Superintendent shall obtain the concurrence of the Village Attorney before initiating the action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between the consumer and Village employees, telephone calls, letters, hand-delivered messages or notices posted at the user's premises or point of discharge.

(3) Right to request hearing. Any consumer which is disconnected pursuant to Section 23-195(b)(1) above shall have the right to request a hearing before the Village President, at which time the consumer shall be given the opportunity to show cause as to why it should not be disconnected from the public water supply system. Such hearings shall commence within seven (7) days after a written request for the hearing is received by the Village President. Such hearing shall be conducted in accordance with the procedures contained in Section 23-195(c) of this Article.

(c) Procedures for disconnection in non-emergency situations:

(1) The Superintendent of Water and Sewers may order any consumer who causes or allows any condition to occur which violates the provisions of this Article to show cause before the Village President why the premises where the condition occurred should not be disconnected from the public water supply system. A notice shall be served on the consumer specifying the time and place of a
hearing regarding the violation, the reasons why the action is to be taken, the proposed action and directing the consumer to show cause why the premises should not be disconnected. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

(2) The Village President may conduct the hearing and take the evidence or may designate the Village Attorney to:

(a) Issue notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

(b) Take the evidence;

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village President for action thereon.

(3) After the Village President has reviewed the evidence, he may issue an order to the consumer directing either: that the premises be disconnected from the public water supply system; or that following a specified time, the premises shall be disconnected and water service discontinued, unless the condition causing the violation is corrected.

(4) Following an order to disconnect, the Superintendent of Water and Sewers shall cause whatever action is needed to be taken in order to disconnect the consumer's premises from the public water supply system.

(c) Restoration of Water Service: If water service to premises is disconnected pursuant to this Section, water service shall not be restored to the premises until such time as the condition which caused the violation is corrected and a reconnection fee of twenty-five ($25.00) dollars is paid to the Village. (Ord. No. 92-33, Sec. 1,12-16-92)

ARTICLE IX. GROUNDWATER PROTECTION REGULATIONS – CHEMICAL SUBSTANCE CONTROLS

Sec. 23-200 Abbreviations and Definitions

(a) The following abbreviations, when used in this Article, shall have the designated meanings:

1. C.F.R. - Code of Federal Regulations

(b) Except as stated in this Article, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Article shall have the meanings hereinafter designated and shall be the same as those used in the Illinois Environmental Protection Act and the Illinois Groundwater Protection Act (415 ILCS 5/14 et seq.), as amended from time to time. Fully capitalized definitions are statutory, and if
there is any conflict between the definition set forth in this Article and the definition in the Illinois Environmental Protection Act or the Illinois Groundwater Protection Act, the statutory definition shall govern. Where there is a reference to a provision of the C.F.R. or any other state or federal statute or regulation, the reference shall include any subsequent amendment to such statute or regulation and to include any statute or regulation which is intended to replace or supercede the referenced statute or regulation.

1. Chemical Substance” means any “Extremely Hazardous Substance” listed in Appendix A of 40 C.F.R. Part 355; Any “Hazardous Substance” listed in 40 C.F.R. Section 302.4; any petroleum product including crude oil or any fraction thereof, and any of the following chemicals, metals and compounds:

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2. “Chemical Substance Storage Permit” means an authorization by the Village for a person to store, handle, use, or produce a chemical substance in excess of ten (10) pounds or five (5) gallons.
3. “Containment Device” means a device that is designed to contain a release, retain it for cleanup, and prevent released materials from penetrating into the ground.

4. “Facility” means the buildings and all real property contiguous thereto, and the equipment at a single location used for the conduct of business.

5. “Groundwater” means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.

6. “Occupant” means any person who leases or rents from an owner or who otherwise has the right to occupy a site, facility or unit or part of a site, facility or unit, or the land on which the site, facility or unit is located.

7. “Operator” means any person in control of or having responsibility for daily operation of a facility.

8. “Owner” means any person who owns a site, facility or unit or part of a site, facility or unit, or who owns the land on which the site, facility or unit is located. Where real property is subject to a leasehold, the term owner includes both the lessor and the lessee.

9. “Person” means any individual person, corporation, firm, association, joint venture, trust, partnership, unit of local government that is subject to the regulatory authority of the Village as exercised in this Article or other legal entity that is subject to the regulatory authority of the Village as exercised in this Article.

10. “Premises” means the site, facility or unit and the land or leasehold on which the site, facility or unit where a Chemical Substance has been or is being stored or where a Release of a Chemical Substance has occurred. If the release occurs from a vehicle on a public right of way, then the term “premises” as used in this Article shall mean the vehicle from which the release occurred.

11. “Release” means any spilling, leaking, emitting, discharging, escaping, leaching, discharging or disposing of a Chemical Substance into a containment device, into the air, into the groundwater, surface water, surface soils or subsurface soils, or into sanitary or storm sewers. Releases do not include: intentional withdrawals of Chemical Substances for the purpose of legitimate sale, use, or disposal; and discharges permitted under federal, state, or local law.

12. “Superintendent” means the Village of Fox River Grove Superintendent of Water and Sewer.

Sec. 23-201 Applicability and Administration.

(a) This Article applies to all persons who own or who occupy real property in the Village of Fox River Grove or real property which is provided with potable water by the Village of Fox River Grove. The owner(s) and occupant(s) of real property subject to this Article are jointly and severally responsible for complying with the applicable provisions of this Article. The failure of an owner or occupant of real property to comply with the requirements of this Article shall not be excused because of a lack of knowledge as to such requirements or their applicability.

(b) Except as otherwise provided in this Article, the Superintendent shall administer, implement and enforce the provisions of this Article. The Superintendent, the Superintendent’s designees, and any other person who is a peace officer shall have the authority to issue citations or sign complaints on behalf of the Village for the purpose of enforcing the provisions of this Article. Any powers granted to or duties imposed on the Superintendent by this Article may be delegated by the Superintendent to other employees, officers or agents of the Village.

Sec. 23-202 Release of Chemical Substances Prohibited.

It shall be unlawful for any person to intentionally or recklessly release, any Chemical Substance or combination of Chemical Substances in such a manner or at such a location where, unless remediated, there is a reasonable possibility that the Chemical Substance will come into contact with or be absorbed into groundwater or will enter into the Village’s potable water supply system.

Sec. 23-203 Reporting Requirements in the Event of a Release of a Chemical Substance.

(a) Whenever there is any release of a Chemical Substance or combination of Chemical Substances that exceeds more than ten (10) pounds in weight or five (5) gallons in volume in such a manner or at such a location where, unless remediated, there is a reasonable possibility that the Chemical Substance will come into contact with or be absorbed into groundwater or will enter into the Village’s potable water supply system, the owner and the occupant of the Premises where the release occurred shall immediately notify the Superintendent and provide the following information:

1. Any and all actions that have been and are intended to be taken to halt the release of the Chemical Substance.
2. An estimate of the quantity of the Chemical Substance released.
3. The methods that are to be used to clean up and otherwise remediate the Chemical Substance that was released.
(b) The notification provided for in Section 23-203(a) must be given even if the release would not constitute a violation of Section 23-202. The initial notification of a Chemical Substance release may be made by telephoning the Superintendent or the Village’s Police Department. If initial notification of a release is made by telephone or other oral communication, then a written notification of the release containing the information required under Section 23-203(a) must be made to the Superintendent no later than forty-eight (48) hours after the release occurred or was first discovered, whichever occurs last.

(c) It shall be unlawful for any person to fail to give the notification of a release of a Chemical Substance or combination of Chemical Substances as provided in this Section 23-203.

Sec. 23-204 Remediation of Releases.

(a) If a release occurs for which notification is required under Section 23-203, then the owner and occupant of the Premises where the release occurred, shall be required to submit a plan to the Village for the remediation of the release. Such plan must be submitted to the Village within the time period specified by the Superintendent, but no later than seven (7) days after the date on which the Release was first discovered to have occurred.

(b) Following the submission of the remediation plan provided for in Section 23-204(a), the Superintendent shall schedule a conference with the person(s) who submitted the remediation plan. The purpose of the conference shall be to discuss and establish the procedures, investigations, studies and compliance measures that the Village deems necessary in order to control and prevent any Chemical Substances from coming into contact with or being absorbed into groundwater or entering into the Village’s potable water supply system as a result of the release. Following the conference, the Superintendent shall issue a “Remediation Order” which sets forth in writing the steps which the owner and any occupants of the Premises on which the release occurred must take in order to remediate the release and the time periods within which such steps must be taken.

(c) It shall be unlawful for the owner or occupant of Premises on which a release has occurred to fail to comply with a Remediation Order.

(d) The owner and occupant of any Premises on which a release has occurred shall be jointly and severally liable to reimburse the Village for any costs and expenses which the Village may incur as the result of the release. Payment of any such costs and expenses must be made to the Village not more than forty-five (45) days after the date that the Village issues an invoice for the costs and expenses.

(e) If an owner or occupant fails to comply with a Remediation Order, or if it otherwise becomes reasonably necessary for the Village to remediate the effects of a release in order to prevent a Chemical Substance from coming into contact with or being absorbed into groundwater or will enter into the Village’s potable water supply system or to eliminate a Chemical Substance from the Village’s potable water supply system, the Village may take such action as it deems necessary in order to remediate the release and the time periods within which such steps must be taken.
Substance from the ground water or the Village’s potable water supply, then the Village may take whatever steps it determines in the reasonable exercise of its discretion are necessary to remediate. The owner and any occupants of the Premises on which the release of the Chemical Substance occurred and any other person who caused the release of the Chemical Substance or the contamination of the groundwater or the Village’s potable water supply with the Chemical Substance shall be jointly and severally liable to reimburse the Village for the cost of any such remediation work performed by or on behalf of the Village. Such reimbursement shall be made not less than forty-five (45) days after the Village issues an invoice for the cost of the remediation work.

Sec. 23-205 Chemical Substance Storage Permit Required.

(a) Except as provided in Section 23-205(b) and (c) it shall be unlawful for any person to store Chemical Substances which weigh more than ten (10) pounds or have a volume of more than five (5) gallons in any single container without first obtaining a Chemical Substance Storage Permit from the Superintendent.

(b) The permit requirements contained in Section 23-205(a) of this Article shall not apply to the following:

1. Fuel tanks that have been issued a license by the Illinois or United States Department of Transportation.

2. Fuel tanks and fluid reservoirs which are attached to motor vehicles licensed by the federal or a state government and which are used in the operation of such vehicles.

3. Fuel containers and fluid reservoirs that are attached to lawn or yard maintenance equipment and which are used in the operation of such equipment.

4. Fuel containers that are attached to or associated with water craft and which are used in the operation of the water craft.

(c) The permit requirements contained in Section 23-205 (a) of this Article do not apply to the owner or occupant of premises used for residential purposes with respect to Chemical Substances stored or maintained on the premises that are being stored by the owner or occupant of the premises for the owner’s or occupant’s own use, provided (I) that the Chemical Substances stored or maintained are not used or intended to be used in connection with a business and (ii) are intended to be used on the Premises where they are being stored.

Sec. 23-206 Applications for Chemical Substance Storage Permits.

(a) Persons required to obtain a Chemical Substance Storage Permit shall submit to the Superintendent a permit application containing the following information:
1. Description of activities, facilities, and processes on the premises to be covered by the permit, including a list of the Chemical Substances to be used or stored on the premises to be covered by the permit;

2. Number and type of employees, hours of operation;

3. Site plans, floor plans;

4. A Release Prevention, Containment and Control Plan as described in Section 23-207; and

5. Such other information as the Superintendent in the reasonable exercise of his discretion determines is required in order to be able to evaluate whether a Chemical Substance Storage Permit should be issued and what, if any conditions should be attached to the permit.

(b) If the Village provides a form for the application for a Chemical Substance Storage Permit, the application for a Chemical Substance Storage Permit must be submitted using the Village application form.

(c) Incomplete or inaccurate applications shall be returned to the applicant for correction prior to review and action by the Superintendent.

(d) All Chemical Substance Storage Permit applications must be signed by the owner or occupant of the premises where the Chemical Substances are to be stored or an authorized agent. Applications shall include the following certification statement:

“I certify that the information contained in the attached application for a Chemical Substance Storage Permit is, to the best of my knowledge and belief, true, accurate, and complete, and that I understand that the submission of false or inaccurate information is unlawful and will subject me to being fined.”

Sec. 23-207 Release Prevention, Containment and Control Plan

(a) Each application for a Chemical Substance Storage Permit shall be accompanied by a Release Prevention, Containment and Control Plan for the premises where the Chemical Substances are to be stored. The Release, Prevention, Containment and Control Plan shall include, at a minimum, the following components:

1. Emergency contact information;

2. Description of activities, facilities, and plant processes on the premises;
3. Description of stored Chemical Substances, locations, and quantities;

4. Description of Chemical Substance disposal practices;

5. Procedures for immediately notifying the Superintendent of any release as required by Section 23-203(a) of this Article; and

6. Procedures to prevent accidental releases and to eliminate or minimize adverse impacts from accidental releases. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of Chemical Substances, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing Chemical Substances, and/or measures and equipment for emergency response.

(b) The Release, Prevention, Containment and Control Plan shall also contain such additional information and components which the Superintendent determines in the reasonable exercise of his discretion, are necessary in order to provide a plan of action which will protect against Chemical Substances from coming into contact with or being absorbed into groundwater or entering into the Village’s potable water supply system and/or which will reduce the likelihood that an accidental release of Chemical Substances might occur.

(c) After the issuance of the initial permit allowing the storage of Chemical Substances on a premises, the Release, Prevention, Containment and Control Plan shall be updated not less than once every three (3) years. The updated Release, Prevention, Containment and Control Plan shall be submitted to the Superintendent, for the Superintendent’s review and approval. The Superintendent, may in the reasonable exercise of his discretion, require that a Release, Prevention, Containment and Control Plan for a premises be updated more frequently than once every three (3) years if he determines that the Release, Prevention, Containment and Control Plan needs to be updated in order to protect against Chemical Substances from coming into contact with or being absorbed into groundwater or entering into the Village’s potable water supply system and/or in order to reduce the likelihood that an accidental release of Chemical Substances might occur.

(d) There shall be no application fee for a Chemical Substance Storage Permit.

Sec. 23-208 Chemical Substance Storage Permit Issuance, Duration and Contents.

(a) The Superintendent shall review each Chemical Substance Storage Permit application in consultation with the Village Engineer and within forty-five (45) days of receipt of a complete permit application, the Superintendent shall issue a decision as to whether the Chemical Substance Storage Permit should be issued. The reasons the Superintendent may refuse to issue a Chemical Substance Storage Permit include, but are not limited to the following:
1. The permit application is incomplete or inaccurate.

2. The proposed Release, Prevention, Containment and Control Plan does not meet the requirements of Section 23-207 or will not provide adequate protection against Chemical Substances coming into contact with or being absorbed into groundwater or entering into the Village’s potable water supply system or does not adequately reduce the likelihood that an accidental release of Chemical Substances might occur.

3. The storage of the Chemical Substance for which permission to store is being sought will create an unacceptable risk to the public health if stored on the premises in the application in the manner described in the application.

If the Superintendent refuses to issue the Chemical Substance Storage Permit, he shall inform the applicant in writing of the reasons the Chemical Substance Storage Permit was not issued.

(b) The duration of a Chemical Substance Storage Permit shall be determined by the Superintendent, provided that no Chemical Substance Storage Permit shall have a duration of more than three (3) years from the effective date of the permit. The Superintendent may issue a Chemical Substance Storage Permit which has a duration of less than three (3) years if (1) the period of time that the Chemical Substance will be stored on the premises described in the permit application is to be less than three (3) years; or (2) the storage of the Chemical Substance presents a potential hazard which requires that the premises covered by the permit be inspected or that the Release Prevention, Containment and Control Plan for the premises covered by the permit be reviewed and updated more frequently than once every three (3) years.

(c) A Chemical Substance Storage Permit shall include those conditions which the Superintendent determines are reasonably necessary to protect against the release of the Chemical Substances covered by the permit. A Chemical Substance Storage Permit shall also include the following:

1. The expiration date of the permit.

2. A description of the premises for which the permit is being issued.

3. A statement that the permit is not transferable to a new permittee unless the transfer is approved as provided in Section 23-211.

4. A list of the Chemical Substances which the permit allows to be stored on the premises described in the permit.
5. A statement that any release of a Chemical Substance must be reported immediately as provided in Section 23-203.

6. A statement that the permit is conditioned upon compliance with the Release Prevention, Containment and Control Plan.

Sec. 23-209 Appeals of Decisions Relating to the Issuance of a Chemical Substance Storage Permit.

(a) If the Superintendent denies an application for a Chemical Substance Storage Permit, the applicant may file a written request for reconsideration of the decision by the Superintendent. The request for reconsideration shall state in detail the reasons why the applicant believes the decision denying the application for a Chemical Substance Storage Permit should be reconsidered and the permit should be issued. The request for reconsideration shall be filed with the Village Clerk.

(b) The Superintendent shall provide notice of the issuance of a Chemical Substance Storage Permit by posting a notice of the issuance of the permit in the building where the office of the Village Clerk is located and by publishing a notice in a newspaper which has a general circulation within the Village. Any person residing in the Village, any person who owns or occupies real property that is connected to the Village’s potable water supply system and the applicant shall be entitled to request in writing that the Superintendent reconsider the terms and conditions contained in a Chemical Substance Storage Permit by filing the request with the Village Clerk. Any request for reconsideration must state the conditions or terms in the permit which the person making the request wants to be modified. The request for reconsideration may also request that the permit not be issued or that additional conditions be included in the permit. Any request for reconsideration shall state in detail the reasons the request for reconsideration is being made.

(c) Any request for the reconsideration of the issuance or denial of a permit must be made not more than thirty (30) days after the date notice of the issuance of the permit is published in a newspaper of general circulation in the Village as provided in Section 23-209(b). If no request for reconsideration is filed with the Village Clerk within such thirty (30) day time period, the decision to issue the permit shall become final for purposes of judicial review.

(d) If a request for reconsideration of the issuance of a Chemical Substance Storage Permit is made by a person other than the applicant, then the Superintendent shall promptly notify the applicant by sending a copy of the request for reconsideration to the applicant along with a notice stating that the applicant has seven (7) days from the date of the notice to file a written response to the request for reconsideration with the Village Clerk.

(e) If the Superintendent fails to act on a request for reconsideration within thirty (30) days after the request for reconsideration is filed, then the request for reconsideration shall be
considered to have been denied, provided that the Superintendent may extend for a period not to exceed ninety (90) days the time within which the Superintendent will decide whether to grant or deny the petition for reconsideration. Any decision by the Superintendent to deny a request for reconsideration shall constitute a final decision for purposes of judicial review.

Sec. 23-210 Modification of Chemical Substance Storage Permits.

(a) The Superintendent may modify a Chemical Substance Storage Permit for any of the following reasons:

1. To incorporate any requirements resulting from a new or revised Federal, State or local law, ordinance, rule or regulation.

2. To take into account any technological developments.

3. To take into account any new information relating to the storage or potential dangers or hazards of the Chemical Substances allowed to be stored under the Chemical Substance Storage Permit.

4. To take into consideration and address any substantial alterations or additions to the operations or activities which occur on the premises covered by the Chemical Substance Storage Permit that have occurred since the date the permit was issued.

5. Because of a violation of this Ordinance or another applicable law, rule or regulation or because of a failure to comply with a term or condition contained in the Chemical Substance Storage Permit.

6. To correct typographical or other errors in the Chemical Substance Storage Permit or in the Release Prevention, Containment and Control Plan.

7. To correct misrepresentations or the failure to disclose information in the application for the Chemical Substance Storage Permit.

8. To reflect a transfer in the ownership or occupancy of the premises covered by the Chemical Substance Storage Permit, provided that the transfer has been approved as provided in Section 23-211.

9. To protect against Chemical Substances covered by the permit from coming into contact with or being absorbed into groundwater or entering into the Village’s potable water supply system and/or in order to reduce the likelihood that an accidental release of Chemical Substances might occur.

(b) If the Superintendent proposes to modify a Chemical Substance Storage Permit, the
Superintendent shall notify the permit holder of the modifications the Superintendent proposes to make to the permit and the reasons for the modifications. The permit holder shall be given not less than thirty (30) days to respond in writing to the Superintendent as to why the modifications should not be made as proposed and to otherwise comment on the proposed modifications.

(c) If a Chemical Substances Storage Permit is modified as provided in this Section 23-210, the Superintendent shall give notice of the modification in the same manner provided for giving public notice of the issuance of permits in Section 23-209(b). Any person who occupies property that is connected to the Village's potable water supply system and the person to whom the permit has been issued shall be entitled to request in writing that the Superintendent reconsider the terms and conditions contained in a Chemical Substance Storage Permit by filing the request with the Village Clerk as provided in Section 23-209(b). The procedures set forth in Section 23-209 applicable to the reconsideration of decisions to issue a Chemical Substance Storage Permit shall be applicable to requests for reconsideration of decisions to modify the conditions contained in a Chemical Substance Storage Permit.

**Sec. 23-211 Transfer and Assignment of Chemical Substance Storage Permits.**

(a) Chemical Substance Storage Permits are valid only for the premises described in the permit and for the permittee identified in the permit. Chemical Substance Storage Permits cannot be transferred or assigned without the prior written approval of the Superintendent. If the premises for which a Chemical Substance Storage Permit has been issued is sold or otherwise transferred to a new owner who will maintain the same operation in the same premises, whether or not the seller will continue to operate the equipment or the equipment is leased to another entity for its operation at the site of the original permittee, then the permit held by the seller and/or owner shall be reissued by the Village to the new owner and/or operator as a temporary permit; provided:

1. The new owner and/or operator notifies the Village thirty (30) calendar days in advance of the transaction, and

2. The new owner and/or operator confirms to the Village, within twenty-four (24) business hours of the transaction, of completion of the sale or execution of an operating contract, and

3. The new owner and/or operator immediately applies for a new permit in accordance with this Article.

(b) A temporary permit shall be valid for a period of not more than ninety (90) days.

**Sec. 23-212 Enforcement.**
(a) If an alleged violation of this Article occurs, the Superintendent shall send or otherwise cause a written “Notice of Violation” to be delivered to the person alleged to have committed the violation. The “Notice of Violation” shall describe the violation that is alleged to have occurred and shall set a time and place for a Compliance Meeting. The Compliance Meeting shall be attended by the Superintendent and other appropriate representatives of the Village, the person alleged to have committed the violation and any representatives or agents of the person alleged to have committed the violation, provided that the failure of the person alleged to have committed the violation and any of such person’s representatives failure or refusal to attend a scheduled Compliance Meeting shall not preclude the Compliance Meeting from occurring. The purpose of such a meeting shall be to establish the procedures, investigations, testing studies and compliance measures as the Village deems necessary and desirable to determine whether a violation occurred, to control and prevent any further violations of this Article and to remediate the adverse effects of any prior violations. During the Compliance Meeting the person alleged to have committed the violation shall be given the opportunity to present evidence and otherwise explain why such person is not responsible for the violation or should not be required to remediate the adverse effects of the violation.

(b) Following the completion of any procedures, testing, investigations or studies provided for as a result of the Compliance Meeting or at such other time as the Village deems appropriate following the Compliance Meeting, the Village may issue an order which may require the person alleged to have committed the violation to take certain steps as described in the order to prevent violations from occurring in the future and/or to remediate adverse effects resulting from the violation.

(c) A failure to timely comply an order issued in accordance with Section 23-212(b) shall make the person to whom the order is directed subject to fines and any other applicable penalties as provided for in this Code.

(d) The enforcement procedures provided for in this Sections 23-212(a) and 23-212(b) are not exclusive.

(e) If there is a violation of any provision of this Article, the Village shall be entitled to seek any remedy and to impose any penalty as may otherwise be authorized by state law, by this Code or by any other ordinance of the Village or which may otherwise be available to the Village in law or in equity, including but not limited to injunctive relief.

Sec. 23-213 Violations of State and Federal Water Quality Standards

If the Village is fined by the State of Illinois or the United State Environmental Protection Agency for a violation of water quality standards as the result of a release, then the Village shall, in addition to any other remedy which may be available, also be entitled to recover from any person or persons who caused the release or whose failure to comply with the requirements of this Article resulted in the occurrence of the release, the amount of any such fine as well as any costs incurred by the Village.
Village as a result of the violation of the water quality standards, including but not limited to all Village legal, sampling and analytical testing costs.

**Sec. 23-214  Revocation of Chemical Substances Storage Permit.**

(a) The Village President may revoke a Chemical Substance Storage Permit for good cause, including, but not limited to, the following reasons:

1. Failure to notify the Superintendent of substantial changes relating to the use or storage of Chemical Substances on the premises for which the permit was issued prior to the occurrence of the change;

2. Misrepresentation or failure to fully disclose all relevant facts in the Chemical Substance Storage Permit application;

3. Failure to pay fines;

4. Failure to meet compliance schedules;

5. Failure to provide advance notice of the transfer of business or operation ownership of a permitted facility; or

6. Violation of any standard or requirement, or any terms of the Chemical Substance Storage Permit or this Article.

(b) The Superintendent may order any person whose Chemical Substance Storage Permit is subject to revocation to show cause as to why the Chemical Substance Storage Permit should not be revoked. A notice shall be served on the offending person, specifying the time and place of a hearing to be held by the Village President at which the person to whom the Chemical Substance Storage Permit has been issued shall show cause as to why the Chemical Substance Storage Permit should not be revoked. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. The notice shall specify the reason or reasons as to why the Chemical Substance Storage Permit is subject to revocation.

(c) The Village President may conduct the hearing and take the evidence or may designate a hearing officer to conduct the hearing. The Village President or hearing officer shall have the authority to:

1. Issue, in the name of the Board, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
2. Take the evidence;

If the hearing is conducted by a hearing officer, the hearing officer shall transmit a report of the evidence and hearing, including transcripts and other evidence, together with the hearing officer’s recommendation to the Village President as to whether the Chemical Substance Storage Permit should be revoked.

(d) At any hearing held pursuant to this Article, testimony taken must be under oath and recorded stenographically or by tape recording. The transcript of said hearing shall be made available to any member of the public or any party to the hearing upon payment of the usual copying charges therefor. The hearing shall be an informal hearing and the rules of evidence applicable in courts of law shall not be applicable.

(e) After the Village President has reviewed the evidence, the Village President may issue an order to the offending person responsible for the violation of this Article directing either: that the Chemical Substance Storage Permit be revoked; or that following a specified time, the Chemical Substance Storage Permit shall be revoked, unless adequate progress towards compliance is accomplished; or direct the offending person to remove the Chemical Substances from the premises within a specified period of time; or that such other action as deemed necessary by the Village President to abate the improper Chemical Substance storage. Further orders and directives as are necessary may be issued.

(f) Notwithstanding any other provision of this Article, the Superintendent shall have the authority, after informal notice to the offending person, to immediately and effectively halt or prevent any release of Chemical Substances that reasonably appears to present an imminent danger to the Village’s potable water supply or to the health, safety or welfare of the public. When the Superintendent determines that such an emergency situation exists, he shall issue a verbal order (followed as soon thereafter as is reasonably possible by a written order) to the person responsible for creating the dangerous situation, stating the reason for the order and the actions which must be taken to eliminate the reason for the emergency situation. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between the responsible person and the Superintendent, telephone calls, letters, hand-delivered messages or notices posted at the responsible person’s premises.

(g) Any person who has their Chemical Substance Storage Permit revoked pursuant to this Section 23-214 shall have the right to request to make a presentation to the Board of Trustees of the Village, at which time the person shall be given the opportunity to explain why their permit should not be revoked. Following the presentation, the Board of Trustees may request that the Village President reconsider the decision to revoke the Chemical Substance Storage Permit.

Sec. 23-215 False Information or Statements.
It shall be unlawful for any person to knowingly make any false statement or certification in any application, record, report, plan or other document required to be filed with the Village under this Article, including, but not limited to, the application for a Chemical Substance Storage Permit or in any document filed with the Village or required to be maintained pursuant to this Article.

Sec. 23-216. Penalties and Liability for Costs.

Any person who is found to have violated any provision of this Article, shall upon conviction be fined not less than Two Hundred Fifty ($250.00) dollars or more than One Thousand ($1,000.00) dollars for each violation. Each day that violation of this Article continues shall constitute a separate violation. A separate violation shall be considered to have occurred for each Chemical Substance that is improperly stored or is released during any day. In addition to the penalties provided for in this Section and any other applicable penalty or sanction, the Village may recover the reasonable attorney’s fees, court costs, court reporter fees and any other litigation expenses it may incur in enforcing the provisions of this Article against any person who is found to have violated the provisions of this Article. (Ord. No. 05-06, Sec. 1, 3-17-05)

Sec. 23-217 to 2-224 Reserved.

ARTICLE X. DISCHARGES AND CONNECTIONS TO STORM WATER DRAINAGE SYSTEM

Sec. 23-225. Abbreviations and Definitions.

(a) The following abbreviations, when used in this Article, shall have the designated meanings:

1. CFR - Code of Federal Regulations
2. NPDES - National Pollution Discharge Elimination System

(b) Except as stated in this Article, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Article shall have the meanings hereinafter designated and shall be the same as those used in the Illinois Environmental Protection Act as amended from time to time. Where there is a reference to a provision of the CFR or any other state or Federal statute or regulation, the reference shall include any subsequent amendment to such statute or regulation and to include any statute or regulation which is intended to replace or supercede the referenced statute or regulation.

1. “Discharge” means any spilling, leaking, emitting, releasing, discharging, escaping, leaching, discharging or disposing of a pollutant into the Storm Water Drainage System. Discharges do not include releases or discharges permitted under Federal, state, or local law.

2. “Illegal Discharge” means any direct or indirect discharge to the Storm Water
Drainage System that is not composed entirely of Storm Water, except as follows:

(a) The following types of discharges shall not constitute an Illegal Discharge unless the discharge contains a Pollutant:

(i) water line flushing and other discharges from a potable water source;

(ii) discharges resulting solely from landscape irrigation or lawn or plant watering;

(iii) diverted stream flows

(iv) rising ground water

(v) ground water infiltration into the Storm Water Drainage System

(vi) pumped ground water

(vii) discharges from foundation or footing drains

(viii) discharges from crawl space pumps

(ix) discharges resulting from air conditioning condensations

(x) discharges from the non-commercial washing of vehicles

(xi) natural riparian habitat or wetland flows

(xii) discharges from swimming pools which contain less than one part per million of chlorine

(xiii) discharges resulting from firefighting activities

(xiv) discharges from other sources of water such as springs

(xx) rinse water from street cleaning or sweeping operations.

(b) Discharges specified in writing by the Superintendent or by a Federal, state or county environmental protection agency as being necessary to protect public health and safety.

(c) Dye testing of the Storm Water Drainage System provided that if such testing is being undertaken other than by the Village or by a contractor retained by or on behalf of the Village.
of the Village, the Superintendent must be notified not less than five (5) business days in advance.

(d) Any discharge permitted under an NPDES permit, waiver, or discharge order issued to the person making or responsible for the discharge, provided that there is full compliance with all requirements of the permit, waiver or order and all other applicable laws, and provided that the Superintendent has granted written approval for the discharge into the Storm Water Drainage System.

3. “Illicit Connection” means:

(a) Any drain, pipe, tile, conduit, or other means of conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the Storm Water Drainage System, including, but not limited to, any means of conveyance which allow sewage, processed wastewater or wash water to enter the Storm Water Drainage System and any connections to the Storm Water Drainage System from indoor drains and sinks, regardless of whether such connection had previously been allowed, permitted or approved by the Village.

And

(b) Any drain, pipe, tile, conduit or other means of conveyance connected from a commercial or industrial use to the Storm Water Drainage System which has not been documented in plans maps or equivalent records and approved by the Village.

4. “NPDES Permit” means a permit issued by the United States Environmental Protection Agency or the Illinois Environmental Protection Agency which authorizes the discharge of a pollutant into waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

5. “Occupant” means any person who holds a leasehold interest, is otherwise a tenant, is a licensee under a license which allows real estate or an improvement on real estate to be used or occupied or who otherwise occupies real estate or an improvement on real estate. A tenant is considered to an occupant for purposes of this Article.

6. “Owner” means any person who holds all or part of a fee interest in real estate or an improvement located on real estate, including buildings, apartments, and other structures.

7. “Person” means any individual person, corporation, firm, association, joint venture, trust, partnership, unit of local government that is subject to the regulatory authority
of the Village as exercised in this Article or other legal entity that is subject to the regulatory authority of the Village as exercised in this Article.

8. Pollutant” means any “Extremely Hazardous Substance” listed in Appendix A of 40 CFR Part 355; Any “Hazardous Substance” listed in 40 CFR Section 302.4; any petroleum product including crude oil or any fraction thereof, and any of the following chemicals, metals and compounds:

1,1,1-TRICHLOROETHANE (DBCP)
1,1,2-TRICHLOROETHANE DICHLOROMETHANE
1,1-DICHLOROETHYLENE DIELDRINDINOSEB
1,2,4-TRICHLOROBENZENE DIQUAT
1,2-DICHLOROETHANE ENDOTHALL
1,2-DICHLOROPROPANE ENDRIN
2,4,5-TP (SILVEX) ETHYL Benzene
2,4-D ETHYLENE DIBROMIDE
ALACHLOR (LASSO) FLUORIDE
ALDICARB HEPTACHLOR
ALDICARB SULFONE HEPTACHLOR EPOXIDE
ALDICARB SULFOXIDE HEXACHLOROBENZENE
ALDRIN HEXACHLORO-
ANTI FREEZE CYCLOPENTADIENE
ANTIMONY LEACHATE
ARSENIC MERCURY
ATRAZINE METHOXYCHLOR
BARIUM MINERAL OIL
BENZENE MONOCHLOROBENZENE
BENZO (A) PYRENE O-DICHLOROBENZENE
BERYLLIUM OXAMYL (VYDATE)
BHC-GAMMA (LINDANE) P-DICHLOROBENZENE
CADMIUM PENTACHLOROPHENOL
CARBOFURAN PICLORAM
CARBON TETRACHLORIDE POLYCHLORINATED
CHLORDANE BIPHENYLS (PCB)
CHROMIUM SELENIUM
CIS-1,2-DICHLOROETHYLENE SIMAZINE
CUTTING OILS STYRENE
CYANIDE TETRACHLOROETHYLENE
DALAPON THALLIUM
DI(2-ETHYLHEXYL) - ADIPATE TOLUENE
DI(2-ETHYLHEXYL) - TOXAPHENE
PHTHALATE TRANS-1,2-
DIBROMOCHLOROPROPANE DICHLOROETHYLENE
WATER AND SEWERS

TRI-CHLOROETHYLENEXYLENE

Pollutant also includes Wastewater, paints, varnishes and solvents; oil and other automotive fluids; human and animal wastes, yard waste, construction materials and waste, refuse, rubbish, garbage, sewage, dissolved and particulate metals, and fecal coliform and pathogens regardless of whether they contain any of the chemicals, metals and compounds listed above.

9. “Premises” means any lot or parcel of real estate or any part thereof, whether improved or unimproved. If there is a structure on land, the term “Premises” includes both the structure and the lot or parcel of real estate on which the structure is located.

10. “Storm Water” means any surface flow or run-off consisting entirely of water from any form of natural precipitation.

11. “Storm Water Drainage System” means the facilities owned and/or maintained by the Village which are used for the collection and conveyance of storm water. The Storm Water Drainage System consists of culverts, retention ponds and areas, detention ponds and areas, underground pipes, drains, drainage tile, ditches, and other appurtenant equipment and facilities.

12. “Storm Water Pollution Prevention Plan” means a document which describes the practices and activities which are to be implemented on the Premises identified in the document and the actions to be taken by the owner and/or occupant of the Premises to eliminate or reduce Illegal Discharges to the Storm Water Drainage System.


15. “Wastewater” means any water or other liquid, other than Storm Water discharged from Premises.

Sec. 23-226 Applicability and administration

(a) This Article applies to all persons who own or who occupy premises in the Village of Fox River Grove. The owner(s) and occupant(s) of premises subject to this Article are jointly and severally responsible for complying with the applicable provisions of this Article. The failure of an owner or occupant of premises to comply with the requirements of this Article shall not be excused because of a lack of knowledge as to such requirements or their applicability.

(b) Except as otherwise provided in this Article, the Superintendent shall administer, implement...
and enforce the provisions of this Article. The Superintendent, the Superintendent’s
designees, and any other person who is a peace officer shall have the authority to issue
citations or sign complaints on behalf of the Village for the purpose of enforcing the
provisions of this Article. Any powers granted to or duties imposed on the Superintendent by
this Article may be delegated by the Superintendent to other employees, officers or agents of
the Village.

Sec. 23-227 Illegal discharges and illicit connections prohibited

(a) It shall be unlawful for any person to intentionally or recklessly take any action, or
intentionally or recklessly fail to take any action, which results in the occurrence of an Illegal
Discharge.

(b) It shall be unlawful for any person to construct, install or otherwise make an illicit
connection. It shall be unlawful for any person, including, but not limited to the owner and
occupant of premises, to maintain an illicit connection.

Sec. 23-228 Blocking or inhibiting flow of water in storm water drainage system prohibited

(a) The owner and occupant of any premises on which any part of the Storm Water Drainage
System is located or which contains drains, culverts, ditches, retention and detention ponds,
underground pipes or other facilities designed to collect and convey storm water which are
tributary to the Storm Water Drainage System shall keep and maintain such facilities free of
trash, debris, excessive vegetation and any other obstacles that may pollute, contaminate or
retard the flow of water through such facilities.

(b) It shall be unlawful for any person to deposit trash, garbage, debris, landscape waste or any
other item into a drain, culvert, ditch, retention or detention pond, underground pipes or
other facility that is part of the Storm Water Drainage System or to take any other action that
results in the creation of an obstacle which inhibits the flow of water in any drain, culvert,
ditch, retention or detention pond, underground pipes or other facility that is part of the
Storm Water Drainage System.

Sec. 23-229 Reporting requirements in the event of an illegal discharge of a pollutant

(a) Whenever an illegal discharge of a pollutant occurs, the owner and the occupant of the
premises from where the discharge originated shall immediately notify the Superintendent
and provide the following information:

1. Any and all actions that have been and are intended to be taken to halt the illegal
discharge of the Pollutant.

2. An estimate of the quantity of the pollutant discharged.
3. The methods that are to be used to clean up and otherwise re-mediate the pollutant that was discharged.

(b) The initial notification of an illegal discharge of a pollutant may be made by telephoning the Superintendent or the Village’s Police Department. If initial notification of an illegal discharge of a pollutant is made by telephone, then a written notification of the discharge containing the information required under Section 23-229(a) must be made to the Superintendent no later than forty-eight (48) hours after the discharge occurred or was first discovered, whichever occurs last.

(c) It shall be unlawful for any persons to fail to give the notification of an illegal discharge of a pollutant as provided in this Section 23-229.

Sec. 23-230 Remediation of illegal discharges of pollutants.

(a) If an illegal discharge of a pollutant occurs for which notification is required under Section 23-229, then the owner and occupant of the premises from which the discharge originated shall be required to submit a plan to the Village for the remediation of the discharge.

(b) Following the submission of the remediation plan provided for in Section 23-230(a), the Superintendent shall schedule a conference with the person(s) who submitted the remediation plan. The purpose of the conference shall be to discuss and establish the procedures, investigations, studies and compliance measures that the Village deems necessary in order to control and prevent any pollutant from coming into contact with or being absorbed into groundwater entering into the Village’s potable water supply system, from flowing into the Fox River or watercourses that are tributary to the Fox River or from otherwise endangering the public health or safety as a result of the illegal discharge. Following the conference, the Superintendent shall issue a “remediation order” which sets forth in writing the steps which the owner and occupant of the premises on which the illegal discharge originated must take in order to re-mediate the illegal discharge and the time periods within which such steps must be taken.

(c) It shall be unlawful for the owner or occupant of premises on which the illegal discharge of a pollutant has occurred to fail to comply with a remediation order.

(d) The owner and occupant of premises from which an illegal discharge of a pollutant has occurred shall be jointly and severally liable to reimburse the Village for any costs and expenses which the Village may incur as the result of the illegal discharge. Payment of any such costs and expenses must be made to the Village not more than forty-five (45) days after the date that the Village issues an invoice for the costs and expenses.

(e) If an owner or occupant fails to comply with a remediation order, or if it otherwise becomes reasonably necessary for the Village to re-mediate the effects of the illegal discharge of a pollutant...
pollutant in order to prevent a pollutant from coming into contact with or being absorbed into
groundwater, entering into the Village’s potable water supply system, flowing into the Fox
River or a watercourse that is tributary to the Fox River, or otherwise endangering the public
health or safety, then the Village may take whatever steps it determines in the reasonable
exercise of its discretion are necessary to re-mediate. The owner and any occupant of the
premises on which the illegal discharge of the pollutant occurred and any other person who
may have caused the illegal discharge of the pollutant shall be jointly and severally liable to
reimburse the Village for the cost of any such remediation work performed by or on behalf of
the Village. Such reimbursement shall be made not less than forty-five (45) days after the
Village issues an invoice for the cost of the remediation work.

Sec. 23-231 Storm water pollution prevention plan

(a) The owner and occupant of any premises where an industrial or commercial activity occurs
and where the illegal discharge of a pollutant has originated at any time during the prior ten
(10) years or for which an NPDES permit has been issued shall be required to develop and
implement a Storm Water Pollution Prevention Plan. The Storm Water Pollution Prevention
Plan shall include, at a minimum, the following components:

1. Emergency contact information;
2. Description of activities, facilities, and any plant processes on the premises;
3. Description of any stored pollutants and their locations, and quantities;
4. Description of pollutant disposal practices;
5. Procedures for immediately notifying the Superintendent of any illegal discharge of a
pollutant in accordance with Sec. 23-229(a) of this Article; and
6. Procedures to prevent adverse impacts from accidental discharges of pollutants into
the Storm Water Drainage System. Such procedures include, but are not limited to,
inspection and maintenance of storage areas, handling and transfer of pollutants,
loading and unloading operations, control of storm water runoff from the premises,
worker training, building of containment structures or equipment, measures for
containing pollutants, and/or measures and equipment for emergency response.

(b) The Storm Water Pollution Prevention Plan shall also contain such additional information
and components which the Superintendent determines in the reasonable exercise of his
discretion, is necessary in order to provide a plan of action which will protect against illegal
discharges of pollutants from occurring and/or which will reduce the likelihood that an
accidental discharge of a pollutant into the Storm Water Drainage System might occur.
A Storm Water Pollution Prevention Plan shall be updated not less than once every three (3) years. The updated Storm Water Pollution Prevention Plan shall be submitted to the Superintendent, for the Superintendent’s review and approval. The Superintendent, may in the reasonable exercise of his discretion, require that a Storm Water Pollution Prevention Plan for a premises be updated more frequently than once every three (3) years if he determines that the Storm Water Pollution Prevention Plan needs to be updated in order to protect against any pollutant from coming into contact with or being absorbed into groundwater, entering into the Village’s potable water supply system, flowing into the Fox River or a watercourse that is tributary to the Fox River, or otherwise endangering the public health or safety as a result of the illegal discharge and/or in order to reduce the likelihood that an illegal discharge of a pollutant might occur.

Sec. 23-232 Enforcement.

(a) If an alleged violation of this Article occurs, the Superintendent shall send or otherwise cause a written “Notice of Violation” to be delivered to the person alleged to have committed the violation. The "Notice of Violation" shall describe the violation that is alleged to have occurred and shall set a time and place for a compliance meeting. The compliance meeting shall be attended by the Superintendent and other appropriate representatives of the Village, the person alleged to have committed the violation and any representatives or agents of the person alleged to have committed the violation. The purpose of such a meeting shall be to establish the procedures, investigations, testing studies and compliance measures as the Village deems necessary and desirable to control and prevent any further violations of this Article and to re-mediate the adverse effects of any prior violations. During the compliance meeting the person alleged to have committed the violation shall be given the opportunity to present evidence and otherwise explain why such person is not responsible for the violation or should not be required to re-mediate the adverse effects of the violation.

(b) Following the completion of any procedures, testing, investigations or studies provided for as a result of the compliance meeting or at such other time as the Village deems appropriate following the compliance meeting, the Village may issue an order which may require the person alleged to have committed the violation or who is responsible for the violation to take certain steps as described in the order to prevent violations from occurring in the future and/or to re-mediate adverse effects resulting from the violation.

(c) A failure to timely comply with an order issued in accordance with Section 23-232(b) shall make the person to whom the order is directed subject to fines and any other applicable penalties as provided for in this Code.

(d) The enforcement procedures provided for in this Sections 23-232(a) and 23-232(b) are not exclusive.

(e) If there is a violation of any provision of this Article, the Village shall be entitled to seek any remedy and to impose any penalty as may otherwise be authorized by state law, by this Code.
or by any other Ordinance of the Village or which may otherwise be available to the Village in law or in equity, including but not limited to injunctive relief.

(f) If as a result of the illegal discharge of a pollutant, a pollutant has or it is imminent that a pollutant will (i) come into contact with or be absorbed into groundwater, (ii) enter into the Village’s potable water supply system, (iii) flow into the Fox River or a watercourse that is tributary to the Fox River or (iv) otherwise endanger the public health or safety, then the Superintendent may without prior notice, if it is impracticable to give prior notice, disconnect, or cause to be disconnected, from the Storm Water Drainage System the premises where the illegal discharge originated and any other premises which may need to be disconnected in order to prevent, eliminate or reduce the danger to the public health or safety resulting from the illegal discharge. If such disconnection occurs, then the Superintendent, shall as soon as practicable, notify the owners and occupants of all premises that have been disconnected regarding the disconnection and shall inform the owners and occupants of what steps must be taken in order for the premises to be re-connected to the Storm Water Drainage System. If the Superintendent disconnects or orders the disconnection of premises from the Storm Water Drainage System as provided in this Section 23-232(f), the owner and any occupant of the premises on which the illegal discharge of the pollutant occurred and any other person who may have caused the illegal discharge of the pollutant shall be liable to reimburse the Village for any costs incurred by or on behalf of the Village as a result of the illegal discharge, including, but not limited to the cost of disconnecting or causing the disconnection of premises from the Storm Water Drainage System. Such reimbursement shall be made not less than forty-five (45) days after the Village issues an invoice for the costs the Village incurred.

Sec. 23-233 Violations of State and Federal water quality standards

If the Village is fined by the State of Illinois or the United State Environmental Protection Agency for a violation of water quality standards as the result of the illegal discharge of a pollutant, then the Village shall, in addition to any other remedy which may be available, also be entitled to recover from any person who caused the illegal discharge, including but not limited to the owner and occupant of the premises where the illegal discharge originated, or from any person whose failure to comply with the requirements of this Article resulted in the occurrence of the illegal discharge, the amount of any such fine as well as any costs incurred by the Village as a result of the violation of the water quality standards, including but not limited to all Village legal, sampling and analytical testing costs.

Sec. 23-234 Compliance with NPDES storm water discharge permit required

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with the NPDES permit may be required in a form acceptable to the Superintendent prior to allowing discharges to be made into the Storm Water Drainage System that originate from the activity or the premises for which the
NPDES permit was issued.

**Sec. 23-235 False information or statements**

It shall be unlawful for any person to knowingly make any false statement or certification in any application, record, report, plan or other document required to be filed with the Village under this Article.

**Sec. 23-236. Penalties and liability for costs**

Any person who is found to have violated any provision of this Article, shall upon conviction be fined not less than two hundred fifty ($250.00) dollars or more than one thousand ($1,000.00) dollars for each violation. Each day that violation of this Article continues shall constitute a separate violation. A separate violation shall be considered to have occurred for each illegal discharge of a pollutant during any day. In addition to the penalties provided for in this Section and any other applicable penalty or sanction, the Village may recover the reasonable attorney’s fees, court costs, court reporter fees and any other litigation expenses it may incur in enforcing the provisions of this Article against any person who is found to have violated the provisions of this Article. (Ord. No. 05-35, Sec. 1, 11-17-05)